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## Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Merciful God, how precious is Your steadfast love. We take refuge in the shadow of Your wings. We thank You that You are present not only in green pastures and beside the still waters but in the valley of the shadow of death. Give us the wisdom to know You are near in sunshine and in storms.

Prepare our lawmakers to face the challenges of today with an awareness of Your willingness to lead and guide them. Remind them that You never give up Your pursuit of our hearts, and that Your love follows us into the darkest night of the soul.

Lord, let Your goodness and mercy follow us throughout the days of our earthly pilgrimage, until we dwell in Your house forever.

We pray this in Your wonderful 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.

### TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

### Pending:

Inhofe amendment No. 605, to provide a complete substitute.

Dorgan amendment No. 652 (to amendment No. 605), to provide for the conduct of an investigation to determine whether market manipulation is contributing to higher gasoline prices.

Inhofe (for Ensign) amendment No. 636 (to amendment No. 605), to authorize the State of Nevada to continue construction of the U.S.-95 Project in Las Vegas, Nevada.

Allen/Ensign amendment No. 611 (to amendment No. 605), to modify the eligibility requirements for States to receive a grant under section 405 of title 49, United States Code.

Schumer amendment No. 674 (to amendment No. 605), to increase the transit pass and van pooling benefit to \$200.

Sessions modified amendment No. 646 (to amendment No. 605), to reduce funding for certain programs.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today we return to the consideration of the highway bill. The managers are here to work through the remaining amendments this afternoon, and we will have votes on at least one amendment at 5:30, or sometime around 5:30. The specific time we will state shortly but at around 5:30 today. We have an agreement for finishing this bill tomorrow. Under the agreement, Senators may offer amendments today from the limited list we agreed to last week. We do hope most of these amendments will not require votes. There are a few remaining amendments that will need rollcall votes prior to passage. I once again thank the managers for their hard work, and I look forward to finishing the bill tomorrow so we can get it to conference as soon as possible.

### LEBANON

Mr. President, in my leader remarks for the past week, I have come to the Senate floor to briefly comment on a recent trip to the Middle East. Over the April recess I had the privilege of traveling to Israel, the West Bank, Jordan, Egypt, and Lebanon. In each of these stops, I met with officials and community leaders. I also made a special point of meeting with opposition leaders as well.

With each conversation, I learned more about the challenges facing this complicated part of the world. I became convinced that despite the deep differences that divide them, each party is committed to and wants peace and prosperity. Each side knows that dialog is the only way forward.

Nowhere has this been on more astonishing display than in Lebanon. As we all witnessed, following the assassination of former Prime Minister Rafik Hariri in February, hundreds of thousands of Lebanese citizens took to the streets to peacefully protest foreign occupation and interference. The images on television were remarkable. Central Beirut was awash in this sea of flags of red, green, and white. Proudly defiant citizens passed out roses to the soldiers who had been sent in to contain them.

It was a triumphant moment for the Lebanese people and a turning point in their country's history. Our delegation had the opportunity to walk through Martyr Square, as that square is called, where, on March 14, there were hundreds of thousands of people who came forth to express the will of the people.

Syrian military and intelligence personnel had been stationed in Lebanon for decades and had consistently denied the Lebanese people the sovereignty and territorial integrity deserved by all independent nations. In addition, heavily armed militias, such as the Deborah terrorist group, have operated with virtual impunity in Lebanon and

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



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have been allowed to pursue their radical agenda.

The last few months have been times of turmoil and opportunity for the Lebanese people. For the first time in decades, the Lebanese people are free of the interference of the Syrian military.

However, it is still not clear that Syria is fully complying with the United Nations Security Council Resolution 1559. Resolution 1559 calls for the withdrawal of all foreign forces and intelligence personnel, and the disarming of armed militias. Although Syria claims to have removed all of its intelligence personnel from Lebanon, this has not been confirmed. And groups such as Deborah refuse to disarm.

Resolution 1559 also calls for free and fair elections. Our first meeting in Beirut was with members of the opposition. They represented parties and religious sects—Christian, Druze, and Muslim. These leaders were well versed in the requirements for a successfully functioning democracy. In particular, they discussed the need to restore accountability, to restore transparency, to secure an independent judiciary, and to rebuild their economy so all Lebanese people have a stake in the future. Their commitment to freedom, the rule of law, and democratic governance was truly inspiring. They are intensely aware of the importance of this historic opportunity to secure a truly free democracy, and they were all united in holding elections on time in late May. While I am hopeful, it remains to be seen how their unity will hold once that new government is formed.

We then met with the Prime Minister, Prime Minister Najib Mikati. I was greatly encouraged when he echoed many of the concerns that had been expressed earlier in the day by leaders of the opposition. He spoke of the need for an independent judiciary and respect for Lebanese sovereignty. I agreed with his assessment that economic reform required a strong private sector that is truly globally competitive.

He also expressed confidence that Syria had withdrawn all of its intelligence agents and that the Lebanese people would soon see the benefits of freedom from foreign occupation.

The Prime Minister also echoed the assurances of Parliamentary Speaker Nabih Berri that free and fair elections would take place as scheduled.

Finally, I had the opportunity to visit with participants in a program called AMIDEAST. This program was established by our State Department shortly after 9/11, seeking to rebuild a better understanding of the United States by selecting young Lebanese students to attend American schools and live with host families for a year. I had the opportunity to meet with two students who will soon be in Tennessee.

President Bush has rightly emphasized the importance of public diplomacy in our efforts to spread freedom and democracy. My interactions with the participants of AMIDEAST con-

firmed my belief that more such programs are needed throughout the region. We need to make a more concerted effort to reach out to the people of the Middle East, especially the young, and demonstrate to them that they can achieve their hopes and aspirations for peace and freedom.

My visit to Lebanon and the determination exhibited by the Lebanese people in the past few months have been truly inspiring. I hope my Senate colleagues will join me in continuing to support the Lebanese people as they strive to achieve their dream of a free and prosperous Lebanon.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

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

WISHING SENATOR PAUL SARBANES WELL

Mr. REID. Mr. President, I would first like to say we have just received word that PAUL SARBANES has been taken to the hospital. He was attending the funeral of Chairman Rodino in New Jersey. We hope that for him and Chris everything works out fine. But I think everyone who is part of the Senate family should give their thoughts and prayers to PAUL SARBANES, a wonderful human being. I am confident he will be OK, but he is at a hospital now in New Jersey.

JUDICIAL NOMINATIONS AND THE NUCLEAR OPTION

Mr. President, the majority leader stated the Senate will turn to the subject of judicial nominations this week. We are ready for that. We stand united against an outrageous abuse of power that would pack the courts with out-of-the-mainstream judges.

The time has come for those Senators of the majority to decide where they stand, whether they will abide by the rules of the Senate or break the rules for the first time in 217 years—217 years—of American history. Will they support the checks and balances established by the Founding Fathers or vote to give the President unaccountable power to pick lifetime judges?

I am confident and hopeful there will be six Republican Senators who will be profiles of courage. I have had Senators come to me, even today, Republican Senators, in personal conversations, telephone conversations, today and over the weeks, who have said: We know you are right. We know you are right. But we can't vote with you.

Boy, I will tell you, that is—I told my staff today, these conversations have been some of the biggest disappointments I have ever had in my political life. To have people say they know they are breaking the rules, but they want to—I don't know all the reasons—maybe so the President likes them or they think he likes them. I don't know all the reasons. It is hard for me to intellectually understand, emotionally understand how a Senator could say they know we are right but

they are willing to break the rules to change the rules. I believe there must be at least six out there who are willing to stand up and be, I repeat, profiles in courage.

While we are ready to debate this issue, I am deeply pained we need to do so. The Senate in which I have spent the last 20 years of my life is a body in which the rules are sacrosanct. We may choose to amend the rules by a two-thirds vote. We may enter into unanimous consent agreements to waive the rules. But never before in the history of the Senate has a partisan majority sought to break the rules in order to achieve momentary political advantage.

We know that the Parliamentarian has said—and it is a nonpartisan office—this is the wrong way to go forward. I have had conversations with the Parliamentarians myself. So I repeat, never in the history of the Senate has a partisan majority sought to break the rules in order to achieve momentary political advantage, because that is what it would be. If this happens, it will be a short-term win for my colleagues on the other side of the aisle but a long-term loss for the Senate and for the American people.

I have worked so hard, Mr. President—I am not boasting about how hard; we have all worked hard, but I have spent the majority of my time in the last month on this issue. I have said privately and publicly this is the most important issue I have ever worked on in my 40 years in public service.

In an effort to avoid this confrontation and preserve constitutional checks and balances, I have made every effort to be reasonable—every effort. Here on the floor, I offered last Monday an up-or-down vote on Thomas Griffith, a controversial nominee to the DC Circuit. Last Thursday, I offered to have an up-or-down vote on three nominees to the Sixth Circuit, two of whom were filibustered last year.

These are not judges we would choose, but we know the difference between opposing bad nominees and blocking acceptable ones. In making what I thought were good-faith offers, I asked the majority: Do you want to confirm judges or do you want to provoke a fight? Regrettably, all of my proposals have been rejected—all of my proposals. There were certainly more than these, and I am not going to go through the proposals I made privately. I have only talked about those I have made separate from these offers.

I wrote to the majority leader last week and suggested two ways to break the impasse. First, I made clear my previous offer to allow an up-or-down vote on one of the most controversial nominees remaining on the table.

Second, I suggested we consider changing the rules in accordance with the rules—not too unique; if you want to change the rules, follow the rules—if the majority leader were to put his

proposal in the form of a Senate resolution and allow it to be referred to the Rules Committee.

I have spoken to Senator DODD. In fact, he was here last week to speak on this matter, but because of what was going on in the Chamber he was unable to do that. Senator DODD said he would do everything in his power as ranking member to expedite this consideration.

Neither of these good-faith suggestions have been accepted, and I guess it is clear why, I am sad to say. Republicans in the Senate demand to have it all. A 95-percent confirmation rate is not good enough. Votes on some of the most controversial nominees isn't good enough. They are prepared to do whatever it takes to achieve total victory.

Meanwhile, the White House appears to be pulling strings.

At a meeting I had in the White House, I asked the President: Mr. President, you could avoid so much controversy in the Senate. We could move forward on your agenda so much easier if you would intervene on this so-called nuclear option and help us resolve it.

He said to me: I have nothing to do with that. That is all up to you—not me but the Senate leaders—I am staying out of this.

Well, within hours after that, deputy White House Chief of Staff Carl Rove was quoted as discouraging any middle ground, all or nothing. Then Vice President CHENEY gave a speech in which he said: All or nothing. On Friday, the Washington Times—and this is really interesting for those of us who love the Senate. On Friday, the Washington Times reported that White House Press Secretary Scott McClellan “flatly rejected any talk of compromise that would confirm only some of the President’s blocked nominees.” The White House is telling the Senate how to operate? The Press Secretary of the President is telling the Senate what to do and not to do? The White House, through their Press Secretary, flatly rejects an offer of compromise. What has this body come to?

It is disturbing that the White House is playing an aggressive role to discourage compromise. Every high school student in America learns about checks and balances. The Senate advice and consent role is one of the most important checks on Executive power. The White House should not be lobbying to change Senate rules in a way that would hand dangerous new powers to the President over two separate branches—the Congress and the judiciary.

Of course, the President would like the power to name anyone he wants to lifetime seats on the Supreme Court and other Federal courts, but that is not how America works. The Constitution doesn’t give him that power, and we should not cede that power to the executive branch.

As the majority leader admitted with Senator BYRD last week, there is no constitutional right to an up-or-down

vote on judicial nominees. If there were, more than 60 of President Clinton’s nominees had their rights violated. In fact, the Senate has rejected hundreds of judicial nominations over the years. Legal scholars say 20 percent of those selected for the Supreme Court have not gone forward. Prior to 1917, there was no way to stop the filibuster, and lots of judges simply didn’t come forward. So we have rejected hundreds of judicial nominations over the years, some by an up-or-down vote, some by filibuster, and some by simple inaction. In each case the Senate was acting within its authority under the advice and consent clause of the Constitution.

My friend, Senator FRIST, says he wants a fairness rule, but a rule allowing the President to ram extreme judges through the Senate is unfair to the American people. Meanwhile, we need to get back to the people’s business and put people over partisanship. We were sent here to govern, and right now we are not doing that. Gas prices are up, families have lost health insurance, pension plans are unstable, to say the least, and the situation in Iraq is grave. The Senate, literally, is fiddling while Rome is burning.

Mr. President, I am going to continue to talk to the majority leader. I am going to talk and talk and talk as much as I can to try to resolve this issue. I know there are other efforts at compromise under consideration. But unless cooler heads prevail, this confrontation will be upon us later this week. If it comes to that vote, Democrats and responsible Republicans—if it comes to that vote, Democrats in the Senate and responsible Republicans in the Senate will vote to preserve checks and balances and preserve the principle that the Senate rules must not be broken.

Mr. President, the eyes of the Nation are upon us. There have been few moments of truth like this one in the history of this great institution. The American people will see whether the Senate passes this historic test.

Would the Chair announce what the business is before the Senate?

The PRESIDENT pro tempore. The pending business is H.R. 3.

Mr. REID. There is no time for morning business this morning; is that true?

The PRESIDENT pro tempore. There has been none requested.

Mr. INHOFE. Mr. President, we are at the point now where I believe we are going to hear from a number of Members who have submitted amendments and some who simply want to talk about the bill, some who want to talk about the formulas. We have had some requests for time. It is my understanding that we are going to have our vote at 5:30. It does mean we have limited time between now and then. Let me just make a comment or two about this and then ask—

Mr. REID. Would the Senator yield for a unanimous consent request?

Mr. INHOFE. Of course.

Mr. REID. Mr. President, I ask unanimous consent that amendments numbered 638, 690, and 723 be removed from the list of first-degree amendments to H.R. 3.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 619 TO AMENDMENT NO. 605

Mr. REID. On behalf of Senator LAUTENBERG, I call up amendment No. 619.

The PRESIDENT pro tempore. Without objection, the pending amendment is laid aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LAUTENBERG, proposes an amendment numbered 619.

The amendment is as follows:

(Purpose: To increase penalties for individuals who operate motor vehicles while intoxicated or under the influence of alcohol under aggravated circumstances)

Strike section 1403 and insert the following:

**SEC. 1403. INCREASED PENALTIES FOR HIGHER-RISK DRIVERS DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.**

(a) IN GENERAL.—Section 164 of title 23, United States Code, is amended to read as follows:

**“§ 164. Increased penalties for higher-risk drivers driving while intoxicated or driving under the influence**

**“(a) DEFINITIONS.—In this section:**

**“(1) BLOOD ALCOHOL CONCENTRATION.—**The term ‘blood alcohol concentration’ means grams of alcohol per 100 milliliters of blood or the equivalent grams of alcohol per 210 liters of breath.

**“(2) DRIVING WHILE INTOXICATED; DRIVING UNDER THE INFLUENCE.—**The terms ‘driving while intoxicated’ and ‘driving under the influence’ mean driving or being in actual physical control of a motor vehicle while having a blood alcohol concentration above the permitted limit as established by each State.

**“(3) HIGHER-RISK IMPAIRED DRIVER LAW.—**

**“(A) IN GENERAL.—**The term ‘higher-risk impaired driver law’ means a State law that provides, as a minimum penalty, that—

**“(i) an individual described in subparagraph (B) shall—**

**“(I) receive a driver’s license suspension;**

**“(II)(aa) have the motor vehicle driven at the time of arrest impounded or immobilized for not less than 45 days; and**

**“(bb) for the remainder of the license suspension period, be required to install a certified alcohol ignition interlock device on the vehicle;**

**“(III)(aa) be subject to an assessment by a certified substance abuse official of the State that assesses the degree of abuse of alcohol by the individual; and**

**“(bb) be assigned to a treatment program or impaired driving education program, as determined by the assessment; and**

**“(IV) be imprisoned for not less than 10 days, or have an electronic monitoring device for not less than 100 days; and**

**“(ii) an individual who is convicted of driving while intoxicated or driving under the influence with a blood alcohol concentration level of 0.15 percent or greater shall—**

**“(I) receive a driver’s license suspension; and**

**“(II)(aa) be subject to an assessment by a certified substance abuse official of the State that assesses the degree of abuse of alcohol by the individual; and**

“(bb) be assigned to a treatment program or impaired driving education program, as determined by the assessment.

“(B) COVERED INDIVIDUALS.—An individual referred to in subparagraph (A)(i) is an individual who—

“(i) is convicted of a second or subsequent offense for driving while intoxicated or driving under the influence within a period of 10 consecutive years;

“(ii) is convicted of a driving-while-suspended offense, if the suspension was the result of a conviction for driving under the influence; or

“(iii) refuses a blood alcohol concentration test while under arrest or investigation for involvement in a fatal or serious injury crash.

“(4) LICENSE SUSPENSION.—The term ‘license suspension’ means, for a period of not less than 1 year—

“(A) the suspension of all driving privileges of an individual for the duration of the suspension period; or

“(B) a combination of suspension of all driving privileges of an individual for the first 45 days of the suspension period, followed by reinstatement of limited driving privileges requiring the individual to operate only motor vehicles equipped with an ignition interlock system or other device approved by the Secretary during the remainder of the suspension period.

“(5) MOTOR VEHICLE.—

“(A) IN GENERAL.—The term ‘motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways.

“(B) EXCLUSIONS.—The term ‘motor vehicle’ does not include—

“(i) a vehicle operated solely on a rail line; or

“(ii) a commercial vehicle.

“(b) TRANSFER OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), on October 1, 2008, and each October 1 thereafter, if a State has not enacted or is not enforcing a higher-risk impaired driver law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used in accordance with section 402(a)(3) only to carry out impaired driving programs.

“(2) NATIONWIDE TRAFFIC SAFETY CAMPAIGNS.—The Secretary shall—

“(A) reserve 25 percent of the funds that would otherwise be transferred to States for a fiscal year under paragraph (1); and

“(B) use the reserved funds to make law enforcement grants, in connection with nationwide traffic safety campaigns, to be used in accordance with section 402(a)(3).”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 164 and inserting the following:

“164. Increased penalties for higher-risk drivers driving while intoxicated or driving under the influence.”.

Mr. INHOFE, Mr. President, as I was saying, we do have a lot of people who want to be heard on this bill. I believe I have said several times this could very well be the most significant vote we will have this year. It is a vote that we actually had last year. Senator JEFFORDS and I worked for 3 years on this bill, along with Senator BOND and Senator BAUCUS. The four of us have been shepherding this bill. Now it looks as if we are very close to getting a bill.

Last year, our bill was funded at \$318 billion. It was passed on to conference, and we lacked one signature of getting a conference report, so it did not happen. As a result, we are operating on our sixth extension. I know the occupant of the chair understands the significance of this. It means all the reforms we have in here, streamlining reforms, will not be a reality if we are not able to pass a bill, if we have to operate on a seventh extension. It means we are not going to have any help for the donee States. We will not have any help for the sparsely populated States. We are not going to be able to have the commission that is going to look into new ways of funding highways. We started off back in the Eisenhower administration. Since he started the national highways program, we have been funding them essentially the same way ever since, but this bill appoints a commission that is going to be creative and do a lot better job than we have done before.

The formula—you always find someone objecting to the formula. It takes into consideration about 10 different things: size of the State, density of the State, the donor status of the State—things that are very significant in order to be totally equitable. One of the factors is the highway fatalities in the State on a per capita basis. That has to tell you something. If one of the States has a lot more fatalities on the highway, it means they have greater needs. My State of Oklahoma has terrible bridges. We are ranked dead last. We were tied with the State of Missouri, but I think we are now last. We want to correct that. We want this bill. It is very important that we have this bill. We are going to have our vote tomorrow, and we want to hear from anyone down here.

I ask Senator JEFFORDS, did you want to make any comments at this time?

Mr. JEFFORDS. No.

Mr. INHOFE. I don't see Senator BAUCUS. I ask Senator BOND, do you want to make any comments?

Mr. BOND. No.

Mr. INHOFE. Senator THOMAS.

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

Mr. THOMAS. I will not take long. I know there is lots for us to do, but I wanted to come over to the floor and express my support for the movement and the passage of the highway bill. I, first of all, wish to thank the chairman and the ranking member for the work they have done. Having been on that committee in years past, I know how difficult a task it is and what a great job they have done.

We have been now some 5 or 6 years waiting to do what we really need to do, clearly need to do. All of us have highway problems. All of us have need for an infrastructure. It is certainly one of the things that creates more jobs than almost anything we could possibly have. And the transportation system is something we clearly need

for the future. So I guess I am a little disappointed that it has taken as long as it has for us to move forward. But now we do have an opportunity to do that, and certainly it is the time to do it. This bill has been reviewed by almost everybody in the place. We don't need to spend a lot more time talking about it. Certainly, there will be some amendments. However, the House has passed a similar bill. I think we should stick to the highway funding as it was set up in the budget, frankly, but that is an issue that will be resolved in time.

So I just hope we can pass it here. I think these decisions as to how the money is used should be made in the States, and we do not want a bunch of decisions made here as to the details of transportation.

I will not take more time, but I do want to say that it is discouraging and frustrating for us to take this long to move forward. We have so many things out there we need to be doing. The Energy bill is just as important as this, perhaps even more. We have laid it aside and continue to wait. We need to be looking at the future both in the highway bill and energy as to where we are going to be in 10 or 15 years and make some policy decisions with respect thereto.

One of the real problems, of course, with highway funding is that all, practically all of the work that is done on highways is done by contracting with our various State departments that handle highways. When you do contracting, you have to have knowledge of the time ahead as to what your financing is going to be because contracting is done in the future.

So I hope we can get on with this bill. I think we need to be talking about budgets. That is one of the things that is very important to us. Energy is very important to us. I think we need to get over this idea of stalling.

I noticed the minority leader has said we are talking about breaking the rules. We are not breaking the rules. We are going to change the rules so that we can move forward. I think it is time to stop the chatter about that as well and move on to something that we can do.

So we need a bill. Extensions are no longer acceptable. Our State DOTs cannot wait long periods of time. Our construction time in Wyoming, for example, is very short during the summer.

So, Mr. President, I again thank the managers of this bill for moving forward. Let's get it done.

I thank the Chair.

Mr. INHOFE. Mr. President, I thank the Senator from Wyoming for an excellent point, and that point is we are on our sixth extension now. Some extensions are 30-day extensions, some of them are 6-month extensions, and you can't expect the contracting community out there to be able to plan in an efficient way to spend the money to build the highways, to build the

bridges, or repair the highways if they can't plan in advance. This would give us 5 more years on a 6-year authorization. It is absolutely imperative.

I say to my colleagues that we are now operating on the bill, so whoever seeks recognition can get recognition as he or she desires.

The PRESIDENT pro tempore. Who yields time?

Mr. INHOFE. I don't believe we are yielding time.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

Mr. INHOFE. Reserving the right to object, I don't want to object, but we have a short period of time until we have to go to the highway bill vote. We have a long list of people who want to speak on the highway bill. What I would ask of the Senator from Hawaii is that instead of his speaking for 15 minutes, he go ahead and start, and if anyone wants to seek recognition on the highway bill, they could do so.

The PRESIDENT pro tempore. Does the Senator withdraw his request?

Mr. AKAKA. Mr. President, I will not ask for time. I ask unanimous consent to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1037 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we have several requests to speak prior to 4 o'clock and then more prior to 5:30 on the highway bill which is the regular order. So far, those speakers who want to speak in morning business have been kind enough to say that they would not mind being interrupted, if necessary, if someone came down to talk about the highway bill. I appreciate that and remind my colleagues that we don't have a lot of time between now and the vote at 5:30.

The PRESIDING OFFICER (Mr. BURR). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I intend to introduce a bill and speak about it briefly. I will do that with the proviso that if someone comes and wishes to speak about their amendment on the highway bill, I will be happy to relinquish the floor.

Is the Senator from Iowa wishing to speak on an amendment?

Mr. INHOFE. The Senator from Iowa, chairman of the Finance Committee, has a title under this bill. If you don't mind, I am sure there will be time.

Mr. DORGAN. I am happy to defer. I know this highway bill is important to get passed as soon as possible. I am happy to yield the floor and perhaps, following the Senator from Iowa, if there is an opportunity, I will make my statement.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it should be quite obvious from America's increasing dependence on foreign sources of oil that it has now reached a very critical threshold which calls for immediate action. This bill before us is part of our immediate action, as it has some things in it to increase our availability of domestic supplies of energy. Global oil prices and supplies remain beyond our reach, just as surely as our own demand here at home will remain constant. Abroad, oil prices and supplies are at best in a state of flux, very unpredictable. At worst, you could say that things are beyond our control.

Our obvious goal in a lot of our energy legislation—some of it is part of this bill and part of the debate we had 2 years ago on the highway bill—is to get some of this under our control by having less dependence upon foreign sources of oil.

In China, for instance, the competition for oil is unprecedented. So determined is China to protect itself and its burgeoning growth against global uncertainty, they have recently secured supplies from both Canada and Venezuela and are actively seeking oil from producers upon whom the United States has traditionally relied. Some experts suggest that we have now reached our global supply limits, perhaps even that we have exceeded them.

If they are correct—and of course we hope they are not—we face more shortages and rising prices. The answer to these very real and vexing questions about the global security of supply and price for America's oil demands are far beyond this Senator and indeed even beyond this legislation before the Senate.

However, I believe, with this amendment as part of the managers' package, we will go a long way toward reducing our domestic dependence upon oil dedicated to our transportation sector. We are gulping vast amounts of imported oil in an increasingly futile attempt to quench our thirsty addiction to petroleum. Today, our transportation sector accounts for two-thirds of the total United States demand. This forces us to import a whopping 60 percent of our petroleum needs.

I remember a time when we thought it was inconceivable America would ever exceed even 50-percent reliance upon foreign oil. Yet, we have, and then we exceeded even that, until here we are today at more than 60 percent. What can we do now to alleviate the problem? How can we do so here at home?

The President pointed something out when he spoke last week about the pressing needs to develop and implement comprehensive national energy policy, and I think it bears repeating if only through paraphrasing. President Bush indicated that technology would provide our Nation with the means to reduce our demand for petroleum-based fuel, thus reducing the high price of

gasoline. The President also stressed we must embrace domestic alternative fuels as a critical midstep on the pathway toward hydrogen, which may well prove to be our ultimate fix. But the simple fact remains that a sustainable, affordable hydrogen program is still decades away. Transitioning America away from our entrenched dependency on foreign petroleum fuels to cleaner, cheaper domestic alternatives is occurring right now here at home. We should not be oblivious to it. I agree with the President that these domestic alternatives need to be embraced and encouraged. To that end, therefore, as chairman of the Finance Committee, I have developed a proposal entitled the "Volumetric Excise Tax Credit for Alternative Fuels." It would be just like VEETC for ethanol and biodiesel that we passed last year, only extended to alternative fuels. This proposal would help significantly accomplish that goal of being less dependent upon foreign sources of energy.

The VEETC proposal would provide for the expansion and modification of the Volumetric Excise Tax Credit for Alternative Fuels. Our proposal will expand last year's excise tax formula, as it relates to ethanol, to include an excise tax credit for all domestic alternative fuels which would displace imported petroleum. This is how it would work. Some fuels, such as natural gas, presently pay a partially reduced rate of excise tax into the highway trust fund.

However, because these motor vehicles exact the same amount of damage to our roads and highways, my amendment would have them pay an increased rate of Federal excise tax into the highway trust fund. With this mechanism, the President's objective of displacing as much imported oil as possible is met. As importantly, the increased excise tax payments would go a long way toward increasing revenue into the highway trust fund for the near term and well into the foreseeable future.

This is not a new concept. Congress passed, and the President signed into law, a similar provision last year providing the same treatment for ethanol and biodiesel. In an effort to further encourage other domestic alternative fuels, this new VEETC amendment that we will be taking up which enjoys broad bipartisan support, it constitutes a simple expansion on the part of the framers to include other alternative fuels which displace imported petroleum-based fuels. Adoption of the VEETC for alternative fuels would constitute a win-win. It puts more money into the highway trust fund, while at the same time promoting domestic sources of motor fuel.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, again, I seek permission to speak as in morning business. I will relinquish the floor if somebody wishes to speak about the highway bill.

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

#### PIRACY AND COUNTERFEITING BY CHINA

Mr. DORGAN. Mr. President, I am introducing some legislation today, along with Senator LINDSEY GRAHAM from South Carolina to construct. It deals with the issue of piracy or counterfeiting of goods by China. It relates to the substantial loss of U.S. jobs, and \$200 billion in harm to the U.S. economy as a result of the piracy and counterfeiting that is going on in China.

What is our Government's reaction to this problem? Our government's reaction to date can be characterized as somewhere between looking worried, a deep frown, or thumb-sucking. Essentially, it is doing nothing to stand up for this country's economic interests.

Let me describe the problem. The U.S. Trade Representative has concluded that: "China has not resolved critical deficiencies in intellectual property rights protection and enforcement and, as a result, infringements remain at epidemic levels."

In short, the Chinese are cheating, counterfeiting American goods and robbing jobs from our country. Chinese fake goods coming into the United States grew 47 percent last year. The Chinese government is not doing anything about it. Investigations of counterfeiting in China, as you see, have taken a nosedive. The vast majority of products in the United States that are counterfeits or pirated are Chinese; 67 percent of the counterfeit products in this country are Chinese counterfeit products.

The question is, What are we going to do about it? Senator LINDSEY GRAHAM and I are offering a sense of the Senate resolution—and we will ask the Senate to vote on it at some point—calling for the immediate launch of a WTO case against China for gross violation of U.S. intellectual property rights.

On April 29, last month, the U.S. Trade Representative released a report finding that China had broken its promises to crack down on this piracy and counterfeiting. They have done nothing. They promised the moon, and they have done nothing. The question is, Will this country stand up for its own economic interests?

Mr. President, let me give you specific case that I think is interesting. Time magazine wrote recently about a new car produced by Chery, an automobile company in China—that's right, not Chevy, but Chery the Chery Automobile Company.

A Chinese firm called the Chery Automobile Company has stolen production-line blueprints for a new GM car called the Chevrolet Spark. The Chery Automobile Company is going to be producing that car, which they call the QQ, and they plan to sell five models, including an SUV, in the United States. Chery has teamed up with the man who brought the Subaru to America in the 1960s. Their plan is to import up to a quarter of a million Cherys starting in 2007.

GM is now in court. General Motors filed an action alleging that their production-line blueprints were stolen.

But it is not just that. It is so many different products. Take a look at the products that all of us know—films, publishing, software, electric equipment, automotive parts, on and on—have been counterfeited and pirated. It means American lost jobs and a higher trade deficit to the tune, we are told, of \$200 billion in piracy and counterfeiting.

Now, given that we had specific promises by China that they would begin to crack down on this with respect to their entrance into the World Trade Organization, and the fact we know they have done nothing—our own U.S. Trade Ambassador says they have done nothing, that it is "epidemic"—when will this country take action?

Winston Churchill once told a story of being taken to a carnival by his parents. He was speaking to his adversary in the House of Commons, and he told the story about seeing the sideshow's big canvas sign that says, "Come Inside and See the Boneless Wonder," a man apparently born without bones. Winston Churchill said he was with his parents that day; his parents thought it was too traumatic to take a young boy into a carnival sideshow to see the boneless wonder. He never got to see it until that day on the floor of the House of Commons. When he addressed his adversary, he said, "Finally, I see a boneless wonder."

Boneless wonder is a good way to describe, in my judgment, those involved in trade policy in this country, who fail to stand up for this country's economic interests, who don't have the backbone to stand up and say it is in our country's interests, in the interest of our jobs, to take action against those who pirate or counterfeit American intellectual property. I have talked often on the Senate floor about trade with China and Japan and Korea and with Europe. There has been a lack of spine on many fronts. In this case, I am speaking specifically about counterfeiting and piracy by the Chinese, with whom we have the largest trade deficit in history.

Now we see that the USTR says it is in epidemic proportions—piracy and counterfeiting—and yet nothing is being done. The question is, Will we do something? Will we finally have the nerve to say we want a WTO case to be commenced against the Chinese?

This is a sense of the Senate resolution asking that the USTR commence a WTO case against the Chinese. Again, it is not me who says that the Chinese have cheated. The U.S. Trade Representative said himself that: "China has not resolved of the critical deficiencies in intellectual property rights protection and enforcement and, as a result, infringements remain at epidemic levels."

That amounts to massive wholesale stealing going on. It affects this country in a very detrimental way. Will we

begin to finally take action? I have mentioned before that part of our trade problem is due to the incompetence of our trade negotiators. There is no other way to describe it. In the bilateral trade negotiation that occurred with China about 5 years ago, our negotiators agreed that China would impose 25-percent tariff on any American cars we tried to sell in China, and we would impose only a 2.5-percent tariff on Chinese cars coming into this country. That is fundamentally incompetent. I don't have any idea who would have agreed to that, but it obviously pulls the rug out from our country's interests.

Now, we hear that General Motors has filed an action against Chery Automobile Company in China for producing a car called the QQ, which General Motors says was stolen from the production blueprints of General Motors for one of their vehicles. And cars like these are headed to our market soon, where the floodgates are wide open.

It all comes around. Incompetent negotiators on our side, piracy and counterfeiting on their side, and unwillingness on our side to stand up for this country's economic interests; and meanwhile we watch the exodus of American jobs and the sapping of our economic strength because of trade rules, trade agreements, and the lack of enforcement that represents a basic unfairness to the producers and workers in this country.

So the question remains: When will our Government stand up for American workers? When will our Government stand up for American producers? I am talking about unfair trade, and about a Chinese Government that does nothing about it. It is past the time—long past—when our country should expect action. The citizens of our country deserve a Government that does better for them in demanding fair trade.

So my colleague and I will introduce the resolution today. It is a sense of the Senate resolution that calls for a WTO case to be filed by our Trade Ambassador against China for gross violations of U.S. intellectual property rights.

There are so many examples of piracy and counterfeiting that I will not begin to chronicle them, but I will say this: I know that many U.S. companies that are victimized by counterfeiting do complain mightily, but they are also very nervous about an action being filed against this kind of stealing and cheating. It is time for them to decide whether they are interested in solving the problem or just complaining about it. If they are interested in just complaining about being victims, then they are going to ultimately be happy if the trade ambassador continues to do nothing. But in my judgment, it is a disservice to our country's interests at a time when we have the highest trade deficits in history, at a time when we are trying to hang on to American jobs, trying to stem the flow



of American jobs outside of our country that are moving abroad in wholesale numbers. It is a disservice to our country's interests for us not to stand up when we see unfair trade and take action against it.

That is why Senator LINDSEY GRAHAM and I have submitted this resolution today. That is why I hope in the coming days and weeks we will be able to have an opportunity for the Senate to express itself. Does the Senate believe we ought to have our trade ambassador file an action with the WTO, or does it not believe that? Does it believe this is a serious problem, or does it think it is simply an annoyance?

I hope most Senators will agree with Senator GRAHAM and myself that this is a very serious problem and one that deserves an opportunity to be corrected.

Mr. President, let me now take a moment to congratulate Senator INHOFE and Senator JEFFORDS for their work on the highway bill. This is business that has been around the Senate for over 2 years. Most all of us wished—and I know no one more than the chairman and ranking member—we had passed a highway bill a long while ago, but it has taken some effort to get the kind of highway bill to the floor of the Senate that they have been able to get here.

I very much appreciate their leadership. Is this bill perfect? No, but it is an awfully good bill. Tomorrow, hopefully, when we finally pass this legislation and get to conference, my hope is the conference will have the wisdom to accept the Senate bill. There is a very big difference between the Senate bill and the House bill. My thoughts go with the chairman and ranking member and the conferees as they go to conference because this is a very important piece of legislation, and I compliment them.

Finally, all the papers warned us this will be some momentous week with respect to the so-called nuclear option and other issues. Just as I think all of us feel good about talking about a highway bill which is important and which strengthens this country, I think all of us would much prefer to be on the floor of the Senate talking about jobs, health care, energy, and about all the other issues that are so important. My hope is at the end of this week, we will get back to those issues as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from North Dakota for his comments on the highway bill. It is very significant. It probably could very well be the most significant bill we will be voting on this year.

If I can get the attention of the Senator from North Dakota, I have had occasion to give four 1-hour China speeches on the floor of this Senate in response to the 2004 report to the Congress on the China Economic and Security Commission. I do not know wheth-

er the Senator from North Dakota has read that yet, but I am going to call that up with a resolution to implement the recommendations.

This is far more serious than even some of the issues the Senator from North Dakota mentioned in his excellent comments. If we look at how China is now using up the resources we are depending upon, if we go to any of the countries in Africa, such as Nigeria and the coast of Guinea where they have huge reserves, we find the Chinese are building huge stadiums, coliseums, and roads, and paying for it themselves to get the corner on those markets we will be dependent upon at some time. They are dealing with countries such as Iran and exchanging nuclear technology.

I have been deeply concerned about the Chinese, not just in what they have been able to do in terms of their nuclear capabilities, but also their conventional capabilities. It was in 1998 that GEN John Jumper came forth and said something that startled a lot of people, but we knew it all the time, and that is the Russians are now making a strike vehicle, an SU-30, that is better than our strike vehicles, the F-15 and F-16. And then we find out China has purchased, in one purchase, 240 of these vehicles. Their buildup of conventional forces and what they are doing economically to this country is very disturbing to me. It has to be addressed.

I hope the Senator from North Dakota will join us in trying to implement the recommendations of this 2004 study—it was 4 years in the making—of the security and economic problems we are facing today as a result of the Chinese buildup.

Mr. DORGAN. Mr. President, if the Senator will yield for a question. I agree with what Senator INHOFE has described with respect to the Chinese, and I think he would agree neither of us is attempting to paint the Chinese as an adversary. Our intention is to make China a long-term friend of our country, but for that to happen, the Chinese need to do the right thing on trade and security issues.

I have described today with respect to piracy and counterfeiting some very troubling issues, and Senator INHOFE knows and I know and others know there are some very serious and very troubling issues with respect to international security. That is the movement of critical materials and technology to the wrong parts of the world, the purchase of that technology by the Chinese.

Our intention and our hope is to work with the Chinese. But I think a country cannot sit back and say, whatever happens happens, whatever you are doing, that is fine. You have to stand up to things you find troubling. People take advantage of you if you let them take advantage of you. The same thing is true of countries, whether it is trade or international security. We have a responsibility to speak out with

respect to issues, whether it be the Chinese or others, when we think they are an affront to our economic interests and our long-term national interests.

I appreciate the comments of Senator INHOFE.

Mr. INHOFE. Mr. President, first, this Commission worked 4 years. They studied it from a security and economic standpoint. It was bipartisan and had every expert one can think of on the Commission. They came out with some very strong recommendations. I would hope the Senator from North Dakota and the Senator from South Carolina might want to expand what they are doing after reading the recommendations. Maybe we can join forces at a later date and have a resolution recommending the adoption of the recommendations of this Commission.

Mr. President, again, we are on the highway bill. Senator JEFFORDS, the ranking member of the EPW Committee, and I worked so well together on this. I have to say before he makes his comments, there are a lot of provisions in this bill that he likes better than I like, and there are provisions I like better than he likes. That is what it is, that is how we got to where we are today. It has been a great working relationship, and I anticipate we are going to be successful in getting this bill passed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator for his kind words. We are making progress. I know we are going to come out with a good bill. I look forward to working with him.

Today we begin the third week of debate on this very important legislation. The bill before us, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005, better known as the highway bill, is important to the Nation.

Too many Americans are sitting in traffic. The Texas Transportation Institute, which ranks U.S. cities on the severity of their congestion, tells us in a recently released report that the average commuter in Atlanta sits in traffic for 67 hours each year; Washington, DC, for 69 hours; San Francisco, 72 hours; in Los Angeles, the average commuter sits in traffic for an astounding 93 hours each year. That is almost 4 days each year wasted while sitting behind the wheel in traffic.

I would hope we could move away from our reliance on cars and make better use of public transit, but the reality is the number of cars on the roads increases each year.

The bill before us will help cities in all of our States reduce congestion by adding additional travel lanes, by building overpasses at busy intersections, and using the best technology available to keep our traffic moving.

We need this bill to make our roads safer. More than 42,000 Americans will die in traffic accidents this year. The bill before us will help States make

dangerous intersections and curves safer by putting up better warning signs, by building guardrails, and by building center median dividers.

This bill will make our roads safer by helping States build wider shoulders for disabled vehicles, by building rumble strips to slow down traffic, and by building fences to discourage jay-walkers. This bill will save lives.

Once again, I thank the chairman, Senator INHOFE, Senator BOND, and Senator BAUCUS for all their efforts in moving this bill forward. And while I am glad we expect to pass this bill tomorrow through the Senate, I remind all of my Senate colleagues we still have a lot of work to do ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Vermont brought up a very interesting point when he said this bill will save lives. We have a whole safety core in this bill. This was done in the Commerce Committee's portion of the bill. That is why when we have a very complicated formula, one of the factors in the formula is the fatality rate on a per-capita basis of the States because that is one indicator that there is a problem with surface transportation and a problem that can be corrected with this bill.

We had called this bill the SAFETEA bill because it has the safety provisions that will save lives. I can speak for my State of Oklahoma and many others that more than half the States are above this average in terms of fatalities. We need to do something about this. We cannot do it if we extend it.

I do not think people realize that if we do not pass this bill by tomorrow and get it to conference and back from conference prior to the termination of this sixth extension—and that is May 31—then we will have to get another extension. If we get another extension, we will be doing the same thing we have done over the last 2 years with extensions, and that is continue it as it was under the 7-year-old TEA-21. There have been a lot of changes since then.

All those Senators representing donor States, such as my State of Oklahoma—I can remember when Oklahoma would only get back 75 percent of what they sent in, and now we have made improvements. The bill passed 7 years ago, TEA-21, brought up the minimum to 90.5 percent. If we had passed the bill we had last year at a higher funding level, that would have been 95 percent.

In other words, every donor State or every State would get back 95 percent of what they sent in. That would be better than the 90.5 today. At this reduced funded level, it will be about 92 percent.

The point is this: If we do not pass a bill, it is not going to happen. We are not going to have any relief for the donor States. The safety core program Senator JEFFORDS talked about—he is right, it is a life-or-death issue. If we

do not pass this bill, people are going to die. People are going to die because we don't have any safety provisions in the extension so none of those would be adopted.

We have streamlining provisions. I think we all hear stories about how some of our antiquated rules, regulations, and statutes have made it almost impossible to get roads built and have made them cost something close to 15 percent more. We have streamlining provisions and reviews of this process in the bill, but if we don't pass the bill we will be operating under an extension, and that is not going to happen.

I mentioned earlier today this all started with President Eisenhower, actually Major Eisenhower, back in World War II when he realized he was unable to move troops and equipment around the United States to prosecute World War II as well as he should have been able to. So when he became President, he decided to have this National Highway System and we passed this bill. We have been operating the same way since then, almost 50 years now, raising money to pay for our infrastructure in America the same as we did 50 years ago.

We have done two things. First, we are giving the States the ability to be creative. I know a lot of people think no decision is a good decision if it is made in Washington. I have learned, after having been in State government and mayor of a city, that the closer you get to the people, the better the decision is and the more accurate it is. We recognize this. We allow the States not just to do things in general but also to come up with creative funding mechanisms, where they exercise the maximum of the private sector involvement in order to get these problems resolved.

In this bill we hope to pass, we even have a national commission to explore how to fund transportation in the future. This is something that will not happen if it is an extension. So we need to have this. That is why it is important.

We have the Safe Routes to School provision. I could probably name 20 different provisions of this very large bill, but this is one that several Members had a great passion for. I know several Members in the other body, as well as Senator JEFFORDS, were concerned about the Safe Routes to School provision. This is something that will save young people's lives, but if we do not do it and instead operate under an extension, we will not have that provision in there.

Anyone who has been in business and who has watched and waited, knows what you have to go through to get contracts, how you plan the financing, and that when you get the labor pool and your resources, in order to get the very most from them, you have to plan years in advance. The problem with the extension is it could be a 2-month extension or a 1-month extension or it

could be 6 months. They are out there trying to address serious problems such as we have in Oklahoma with our bridges.

By the way, we have had several losses of life in my State of Oklahoma—two in the fairly recent past—due to bridges crumbling and killing people. So we need to correct this problem. We cannot do it unless we pass the bill.

A lot of the States are complaining right now, the border States—California, Arizona, Florida, Texas—about the fact that, because of NAFTA, a lot of excess traffic is going through their States. We want to do something about that and we are doing it. We have a borders provision in this bill that gives them some of that relief. We will not be able to do that if we do not pass the bill. It is not going to work with an extension.

Right now we have chokepoints such as the canals we have in Oklahoma. People do not realize they are navigable. I remember many years ago when I was in the State senate, in order to try to get the point across to people that we have a navigable channel that goes all the way to my hometown of Tulsa, OK, or Catoosa, and in order to show this we managed to take a World War II submarine, the USS *Batfish*, from Texas, in the boneyard, and moved it all the way to Oklahoma, and it is sitting in Muskogee to tell that story.

The point is, if we have channel traffic activity, we have railroads, we have air, and we have surface, this provides chokepoints. We address the chokepoints as a major part of this bill.

The last and maybe most important thing is we have firewalls. When a person goes to the pump and pays Federal excise taxes when they buy a gallon of fuel, that person expects that money will go to improving highways and go to transportation. That is a no-brainer. That is what is supposed to happen. That is what we told the people is going to happen. But that is not what is happening. The insatiable appetite of members of an elected body to spend somebody else's money is something we have to deal with on a regular basis. So we have a trust fund and people pay money into the trust fund, but every time they have a chance to steal money out of the trust fund, they do.

What the Finance Committee tried to do, and I applaud them, they have put this together so they cannot do this that easily. For example, someone was complaining about the way this finance package is working. They said we have this program where we have hybrid cars so we give them financial advantages to encourage them so we can look out for the environment and save money on fuel and not aggravate the already existing energy shortage problem we have in America.

What do they do? They give them that money. But they take it out of the trust fund. It has nothing to do with



that. This is environmental policy, economic policy, but it is paid for by the trust fund. This is wrong.

In 1998, when President Clinton was President, he had a balanced budget amendment. He was going to balance the budget. But a lot of that money, \$8 billion, was out of the trust fund to go toward the deficit. At that time I voted against it. All my conservative friends said, You want to do something about the deficit, don't you? But I said, Not on the back of the highway trust fund.

The point I want to make is there have been raids on the trust fund, and not just the highway trust fund but others. In this legislation we hope to pass tomorrow, we have firewalls built in so they can no longer raid the highway trust fund. If there is no other reason to pass this bill, this would be enough of a reason.

There will have been some complaints concerning our approach. There are two different basic approaches that one might take, putting together something such as the allocation of money that goes to the States. One is used in the other body. I served 8 years on the Transportation Committee in the House of Representatives. I know how that works over there. Frankly, it is more on projects than anything else. Not that there is anything wrong with that, except it would seem to me, and it seems to the majority of people in this body, better if you allocate on formula an amount of money then that goes back to the States and those States determine how to use it. In the State of Oklahoma we have eight transport districts, eight transportation commissioners. They sit down in a room. Certainly they know more about the needs in Oklahoma than we know here in Washington, DC. So we allocate the money in accordance with a lot of factors.

We have low-income States as a factor. If you are in a State such as Wyoming or Montana that has a low population density, yet you have to have roads to get across it, that is a consideration. If you have a high fatality rate, as we mentioned before, that is a consideration. We want to consider the number of interstate lane miles they have, the age of those, the traffic on those—all these things are factors that are in a formula. It might be politically a lot smarter to line up 60 Senators and say this is what we are going to do in your States and forget about all the rest of them and just do projects. We could do them. It is perfectly legal. We elected not to do that. We elected to do it the hard way with a complicated formula, and by the way, that is one nobody likes and that is probably a pretty good indication it is a pretty good formula. There are things I don't like. There are areas where I don't believe Oklahoma is being treated fairly. I am sure every one of the 100 Senators in this body can say the same thing.

We are still waiting now. We will be having a vote. We are 2 hours away

from the vote. So we will wait for those to come down.

AMENDMENT NO. 706 TO AMENDMENT NO. 605

On behalf of Senator SNOWE, I ask unanimous consent to set aside the pending amendment and call up amendment 706.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Ms. SNOWE, proposes an amendment numbered 706 to amendment No. 605.

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

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

The amendment is as follows:

(Purpose: To specify which portions of Interstate Routes 95, 195, 295, and 395 in the State of Maine are subject to certain vehicle weight limitations)

On page 410, between lines 7 and 8, insert the following:

**SEC. 18. VEHICLE WEIGHT LIMITATIONS IN MAINE.**

Section 127(a) of title 23, United States Code, is amended in the last sentence by striking "respect to that portion" and all that follows through "New Hampshire State line," and inserting "respect to Interstate Routes 95, 195, 295, and 395 in the State of Maine,".

Mr. INHOFE. Mr. President, I observe Senator SNOWE is en route and unless someone else wants to gain access to the floor, 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. WYDEN. 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. WYDEN. I ask unanimous consent to speak for 10 minutes.

Mr. INHOFE. Let me reserve the right to object and ask the Senator if he would amend his unanimous consent to speak for up to 10 minutes as in morning business. However, if a Member comes with an amendment—since the cutoff is 25 minutes away—the Senator agrees not to speak for more than a couple of minutes.

Mr. WYDEN. I very much appreciate the work of the Senators from Vermont and Oklahoma, and if we have a Senator, I will wrap up within a couple minutes of time at that point.

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

**DISCLOSURE OF CEO PENSION FUNDS**

Mr. WYDEN. Mr. President, this is a time when millions of our families are walking on an economic tightrope. I will talk for a couple of minutes about the double standard that applies with respect to the pension rights of our workers. When we look at what is happening today in America with the workers—for example, at United Airlines, we saw it at Enron, as well—the pensions of our workers are in a free

fall, but the pensions of the executives, the CEOs, are safe and secure in a tidy lockbox. I don't think that is right.

As a member of the Senate Finance Committee, I will do everything I can to change it. I have been trying to figure out exactly how much money the CEO of any major company is receiving in this country in his or her pension package. This is a very difficult exercise. It is sort of like trying to find a needle in multiple haystacks.

To begin the effort to try to figure out what these executives are paid, I was first instructed to call the Department of Labor to obtain a copy of a company's annual report of employee benefit plans. This is what is called the form 5500. After I did that, I was told to contact the U.S. Securities and Exchange Commission to get hold of the company's 10(k) filing for the year in question.

Armed with these two documents, you then have to figure out the amount of unfunded liability for all of the groups the company pays, and then subtract that number from a line item in the 10(k) form. Even when you go this route, what you have is, at best, a rough estimate that requires a background in pension legislation, an intimate knowledge of SEC requirements, and a degree in calculus.

It seems to me that American workers, at a time when they are seeing their pensions shellacked—we saw it at Enron in Oregon where we had workers who used to have close to \$1 million, and their private pension funds now have \$3,000 or \$4,000. They deserve better than to have to try to figure out, through a bevy of forms and stock options, deferred accounts, years of service calculations, equations—one form of paper after another—they deserve better than to try to have to sort all that out to see what the executives are making in their pensions while they are seeing their pensions evaporate in front of their eyes.

Senator KENNEDY has done very good work in terms of trying to sort this out so as to determine when a company tries to unload their responsibilities at a time of crisis.

The Senate Finance Committee, on a bipartisan basis, should do more. What the Senate ought to be doing at a time when we are seeing our workers suffer and their pensions disappear, the Senate ought to make sure that shareholders and the public can find out exactly and conveniently what these executives will be getting upon their retirement.

I am proposing a bit of sunshine come into these executive pension lockboxes. Let's do for the workers whose pensions are being offered up for the CEOs, a bit of justice. Let's also do it for taxpayers because with every company that the Pension Benefit Guaranty Corporation steps in to rescue, the agency's deficit grows. From an estimated \$23 billion today, it is anticipated to grow to an expected \$40 billion with the takeover of additional airlines.

We are seeing our workers sacrifice. The question is, What are they sacrificing for? Apparently, on the basis of the news in the last couple of weeks, some of these workers are sacrificing in order to fund the retirement packages for the CEOs. That is not my view of making tough decisions together. That is not my view of coming together and dealing with a tough problem in an equitable way. It is a double standard.

If you ask the average person on the street if they knew, for example, that the worker was going to be at risk with their pensions while the enormous pension of the CEO was protected, those workers wouldn't have any idea that was the case. They would say the same rules apply to everyone.

We are seeing they don't. Look particularly at the pension arrangement for the CEO at United. Three months before United Airlines filed for bankruptcy in 2002, the company placed \$4.5 million in a special bankruptcy protected trust for the CEO. So right now we are seeing the workers of United Airlines face the devastation of their pensions literally disappearing. They look at this double standard. The people at the top do not have to sweat it. That is not right. We ought to have one set of pension rules for everyone in this country. It ought to be based on disclosure and transparency.

As a member of the Senate Finance Committee I am going to do everything I can in this session, on a bipartisan basis, to get this passed.

I yield the floor.

Mr. JEFFORDS. Mr. President, I commend the Senator for his excellent statement. I offer to work with the Senator to see if we can bring about some action to take care of those problems.

I yield the floor.

Mr. INHOFE. 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. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent, since we are right to the 4 o'clock deadline, that the managers' amendment proposed by myself and the ranking member be introduced at a time after 4 o'clock.

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

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, there are many people to thank in what has been a long 3-year process.

First, Chairman INHOFE. It has been an honor and a privilege to work with the Senator from Oklahoma. He has always been fair and considerate, and I enjoy our friendship. We have a couple

weeks, possibly months, more to go to get this bill done. I look forward to working with him.

Senator BOND also has been wonderful to work with. He brings spirit, enthusiasm to all his work, and a lot of humor, and I appreciate our close working relationship. He is a good friend.

Senator BAUCUS, my colleague on this side, is a very close friend and has been a great addition to the team and this process. The Senator from Montana is a true legislator. He knows how to get things done. Without him, I don't think we would be as far as we are here today. It is an honor to work with such an intelligent and fair-minded Senator.

There are many staff to acknowledge, also. I have always told my staff director, Ken Connolly, that in order to succeed in his job, he needed to hire a strong team and to hire staff smarter than me and him. Well, in this case, it wasn't difficult. Anyway, let me run through a few staff members who have helped the cause of moving this bill.

Senator INHOFE's staff: Ruth VanMark, Andrew Wheeler, James O'Keefe, Nathan Richmond, Angie Giancarlo, Greg Murrill, John Shanahan, Marty Hall, and others; Senator BOND's staff: Ellen Stein, John Stoodly, Heideh Shahmoradi; Senator BAUCUS's staff: Kathy Ruffalo returned to the Senate just this past spring to help us complete this legislation. She has been a fantastic addition to that team.

On my staff, there are many people to thank, including JoEllen Darcy, Catharine Ransome, Margaret Wetherald, Chris Miller, and MaryFrancis Repko.

However, there are four key people who need to be acknowledged and thanked for bringing this bill to us today. Malia Somerville has been the glue that kept our team together; Alison Taylor, the best chief counsel of any committee in either body of Congress; J.C. Sandberg, the only staffer who really knows what is in the bill, and the hardest worker in the Senate; and Ken Connolly, my staff director, who has built such a good team. To him I owe a great deal for the work that has been done.

All of these staff members, I am sure, are looking forward to final passage tomorrow. They are even more eager, I am sure, to go to conference.

Mr. President, I yield the floor.

Mr. INHOFE. Mr. President, I also am going to thank staff. This was not easy. We have endured 3 years now. Ruth VanMark has been with me 18 years and has all of the background in the other body in the Transportation Committee. They will all be glad to get a good night's sleep at some time. We go from here into conference.

I suggest that we be aware that our 4 o'clock deadline has passed now. We have exempted the managers' amendment so it can be done at a later time. We are now down from 173 amendments

to 7, so we have 7 to be voted on between now and tomorrow. At the conclusion of that, we will then vote on final passage and send it to conference. I hope leadership is working on both sides of the aisle to appointing conferees and that we can get it to conference and get it back.

I keep responding that I believe we can do this within the May 31 deadline and avoid an extension. We can show that things can happen in an expeditious way in the Senate, whether people believe it or not. If we get this passed tomorrow, we would have time to do it, if we are committed to making it a reality.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas, Mrs. HUTCHISON, is recognized.

Mrs. HUTCHISON. Mr. President, earlier this week, I offered an amendment, which was passed unanimously, to eliminate the ability to toll existing interstate highways. I did this because I believe in using our tax dollars that we collect to support the Federal interstate highway program. But we ought to do it fairly.

The majority of the highway system was designed in the 1950s to meet the needs of the westward expansion of a rapidly growing nation. Today, we face different needs. For example, new areas of population growth, especially along the southern tier, require new infrastructure, and also with the trade coming from NAFTA, we are seeing an even more increasing load that adds to the transportation burdens of our border regions.

Strong trade partnerships with Mexico and Canada have provided great benefits for us, but the resulting traffic is damaging the highway network in my State and others, such as Arizona and Michigan.

Most of the goods in our economy ride on our Nation's highways. In large part, over the past 50 years, the Federal highway aid program has assisted the States in producing one of the world's finest highway networks.

To meet our needs, Congress must reauthorize surface transportation programs this year. States are responsible for converting the resources this legislation provides into infrastructure that allows traffic to move efficiently, and we want and need to undertake that construction.

My major concern with the Federal highway program is that Texas has been a donor State for 50 years, contributing billions to other States to enable them to build their highway network. As a strong adherent of a National Transportation Safety Board system, I understand that large States, such as Texas, should assist smaller and rural States with their transportation needs because we all profit from the comprehensive highway network. What concerns me is the level of support Texas has been forced to provide to other States.

In the late 1980s and early 1990s, Texas and other donor States received

as little as 76-percent rate of return on what our taxpayers send to Washington. With the 1998 bill, TEA-21, Texas's rate of return rose to 90.5 percent in the formula program.

This program produced real dollars. From 1994 to 2003, Texas contributed \$20 billion to the highway trust fund and received \$18 billion in return. If not for other donor State Senators, such as the chairman of the committee, the Senator from Oklahoma, and improving the rate of return, Texas would have received only \$15.8 billion. The additional \$2.4 billion has been critical for us to meet our transportation needs. However, Texas has still given \$2 billion to other States over this period.

States such as Texas, California, Arizona, Colorado, and Michigan are contributing more and more, and we are the States that need the most new infrastructure to handle the greatest population growth. In addition, most of the donor States are border States with unique needs resulting from trade.

Texas has more than 300,000 highway miles, the most of any State in our Nation. Texas highways are almost 10 percent of the national total. Eighty percent of NAFTA traffic travels through my home State of Texas. But while the entire Nation benefits from the resulting commerce, Texas bears the brunt of maintenance and upkeep on our highways.

In 2003, more than 4 million trucks, hauling 18 billion pounds of cargo, entered from Mexico through 24 commercial border-crossing facilities. More than 3 million of those trucks, or 68 percent, entered through Texas. In addition, 90 million personal vehicles from Mexico also travel through the southwest border States.

The donor States are the fastest growing States in America and are most responsible for the growth in the highway trust fund. Ironically, the formula in this bill offers the least relief to the States where cities are developing most rapidly.

In 1998, Texas accounted for 7 percent of the highway trust fund receipts. In 2004, it rose to 9 percent, and during this bill, it may top 10 percent. In other words, we are paying a larger and larger share.

The formula in the bill reported out of committee created a floor guaranteeing every State at least 110 percent of the total cash it received under TEA-21. To limit costs, no State may receive more than a certain percentage, 130 percent in year 1, of the TEA-21.

So even if a State's contribution to the trust fund grows in excess of 130 percent, it hits the ceiling and it hits pretty fast on growing States such as Texas, capping our funding.

Using cash as the measuring stick rather than the percentage a State contributes to the trust fund ignores whether a State is growing or shrinking, and it ignores whether it is giving more to the fund or less. This methodology hurts our growing States, and it

helps the donee States which are contributing less to the trust fund.

For example, Pennsylvania's share of contributions during TEA-21 was 4.1 percent, but it is expected to contribute just 3.9 percent of the trust fund during SAFETEA. It does not make sense to guarantee an increase in cash when a State is contributing less.

The formula in the pending substitute is made worse. Not only does it increase spending for the bill by \$11 billion, it increases the floor to 115 percent. So Pennsylvania is now guaranteed to receive 15 percent more cash than it received from Washington in 1998, even though it is contributing a smaller proportion of the trust fund. Superdonor States, such as Texas, move up to an average return of only 91.3 percent.

While this is an improvement, it is not enough. The committee tells me I should like this legislation because while total spending grows 30 percent, Texas will see a 37-percent dollar increase compared to 6 years ago. However, Texas's increase has little to do with the formula and instead is the result of Texas buying more gas and paying more taxes into the highway trust fund.

It is fair, if a State's contribution is growing faster than the average, that it should receive higher than the average in return. This bill does not give Texas the resources to adequately expand our infrastructure at the rate the traffic is growing on the NAFTA corridor of Mexico and around our fast-growing cities. If Texas received all of the money that we contribute to the fund, this disparity would be reduced.

I believe the ability to pay for highway project needs with their own contribution exists for most States, with very few exceptions, particularly in the West, and funding increases should be based on growth and need rather than tradition.

I am not suggesting that we cut off aid to other States altogether, but I do think we can reduce this disparity in the current donor-donee system. It has been too large for too long and unfairly limits the ability of States to benefit from their tax dollars.

We all want the Federal highway system to be good throughout our Nation, and that may require some donor status, but donating almost 10 cents of every dollar is not necessary, and it is not fair.

I recognize the needs of donee States vary widely, but we have never before created this special class of donor State to carry the heavier load, and I hope we will not do it when this bill is finished.

At a minimum, we should all receive at least 92 percent in year 1 rather than having to wait until the final year to get to that level.

I have worked with the chairman for a long time trying to come up with a formula that would help mitigate the border States' particular needs because we are border corridors and most of us

are growing States. I have come up with a lot of alternatives. None of them have been acceptable to the chairman and the ranking member of the committee.

It is my hope that as this bill goes out of the Senate, which it will, we will be able to work in conference for some more fair allocation that is based on a State's needs, a State's taxing, and a State's efforts. It is only fair that the States that are growing, that are putting more money into the highway trust fund should get some bonus for doing that to help them with the needs they have.

I think we have gone in the wrong direction, and I certainly hope we will come much closer to a fair allocation. I am not saying there should be 100 percent, but 91.3 percent is a mighty price for Texans to pay when it is growing at such a fast rate and has the most highway miles of any State in our Nation.

I look forward to working with the chairman and the ranking member as this bill does sail out of here. I cannot possibly support it in this current configuration. I still hold out hope that if we can come up to the 92-cent level, we would be in a much better position to feel good about this legislation, helping all of our States instead of just the donee States. And I hope the door will still be open to helping all of the States feel good about this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the senior Senator from Texas for her comments. I know the depth of her interest and the passion she has for doing everything she can for her State.

I have said several times on the floor of the Senate how difficult it is to come up with formula approaches. It is difficult. It is a tough thing to do. There are so many factors that go into it, such as the interstate lane miles, miles traveled, principal arteries, cost to repair and replace deficient highway bridges, weight nonattainment maintenance areas, low-population States, donor States, donee States, fast-growing States. Again, it would have been so much easier to do it the way it has been done before and the way we have done it, actually, in the other body just by making a political list, and when we get to the 60 votes saying: All right, that is it, the other 40 of you guys, it is your problem.

We try not to do that. There is not one State represented in this Senate that cannot complain about some parts of the formula. We have tried hard. When we passed the bill out of committee, starting in 2005 through 2009 in Texas, 90.5 percent was all the way to 2009, and then it was 92 percent. Now in 2006, 2007, 2008 at 91 percent and going to 92 percent.

Of course, the Senator is right that Texas is a very large State, so it represents very large amounts of money. But it is a half percent more in each of those 3 years of 2006, 2007, 2008. We have

tried to do it. We tried to work with each one of the States.

As I say, I know her depth of interest. We spent many hours trying to work out variances.

The problem we always have is nothing happens in a vacuum. If we take care of a problem in Texas, then that aggravates a problem in Pennsylvania.

So formulas are tough. They are tough to deal with politically. They are tough to deal with rationally. I think we have tried to do the very best we can. With that, I am glad to yield the floor.

Mrs. HUTCHISON. Mr. President, if the Senator will yield, I do understand exactly what has happened to the bill. I do understand the difficulty. The Senator is responsible for getting the number of votes he has to have to get the bill out of the Senate, and my colleague has those votes.

I do hope, in conference, he will look at the border corridor issue which, when the bill came out of committee, was above the line, outside the formula, and did give some of the help to these fast-growing border States that have the NAFTA traffic coming in directly, which then fans out to the rest of the country where it is dissipated. I hope my colleague will take that into account.

I was the one who authored the border corridor idea. It really did help when it was, as we discussed, above the line. I just hope, as you do fix particular problems for other States—whether they be pass-through States or other types of designations—you will look at the border corridor issue, which would help both northern corridor States such as Michigan and southern border States such as California, Arizona, and Texas. It is still going to make us very big donor States, but it would mitigate it, to a great extent, because that is where our biggest problem is. We have three border corridors and two of them are clogged completely, all the way through Texas. That is not helpful to anyone.

I don't want to toll a highway that is already in place. We have spoken on that. But I think we need to try to look at that issue in conference—if you can do something that would mitigate that particular problem.

Mr. INHOFE. It is a very reasonable request the Senator from Texas is making. I observe we talked about this "above the line/below the line." We plowed this furrow several times. However, when you get in conference, there are things that can be done. I can assure the Senator the State of Texas will be well represented in conference. I am sure we will hear proposals, and there will be some give and take in all areas.

Of course, we will be dealing with another whole body over there, so it is hard to predict what will come out. But we will try to get to it expeditiously and see that Texas—as I say, they will be well represented. I think we all understand that.

We are now waiting. We are, as I said before, down to about seven amendments. There could be a germaneness problem with some of them. Some of them could be worked out. My guess is, other than the managers' amendment, which Senator JEFFORDS and I will be propounding, there are probably, realistically, maybe four votes that we will be having. That is my guess what it will be. We have announced already we are going to have one tonight at 5:30, which is just an hour and 6 minutes from now.

After that, we invite Senators to stay here and debate their amendments. I think we probably will not have votes until tomorrow morning. We can debate these amendments. I think by that time there may be as many as three or four amendments that would be appropriate for us to debate. Then we can get on to the final passage.

As it is right now, we have plenty of time tonight. We have another hour and 5 minutes before the vote. I am sure Senator JEFFORDS joins me in making this request: Members who are authors of these amendments, they know who they are, come down. We are open for business. Come down and debate your amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President I will briefly talk about a provision in the Commerce title of the highway bill. We have the Commerce title, Banking, Finance, and EPW title. Section 7370 creates a hazardous material cooperative research program. It authorizes \$2 million a year for each year, including 2006 through 2009, for hazardous material transport research projects on topics that are "not adequately addressed by existing Federal private sector research programs."

The section goes on to require that at least one of the studies "provide an assessment of the need and feasibility of substituting less lethal substances than toxic inhalation hazards in the manufacturing process."

I oppose the provision and hope it can be removed in conference. I will be actively opposing it in conference to see it is removed. There is no such language in the House portion.

The concept at the heart of this provision is called inherently safer technology and it is not about transportation but a longstanding wish of some of the environmental extremist communities. The EPW has spent the last 4 years working on the issue of chemical security and this issue of FIST has arisen several times in the context of the security debate. The idea of inherently safer technology predates September 11. It was around long before

the tragedy of September 11. It has never been about security. It has never been about transportation. It is a concept that dates back more than a decade when the extremist environmental community—Greenpeace and others—was seeking bans on chlorine, the chemical used to purify our Nation's water. After September 11 they decided to play upon the fears of the Nation and repackage FIST as a solution to potential security problems. Now they seek to repackage it again as a transportation issue, which it is not.

This issue is not about security. It is not about transportation. It is about trying to find a research justification for giving the Federal Government authority to mandate that a private company change its manufacturing process or the chemicals they use. The study's parameters reveal this intent when it states "substituting less lethal substances than toxic inhalation hazards in the manufacturing process."

There are entire books written about the subject of FIST by various groups, including current efforts by the Center for Chemical Process Safety and the American Institute of Chemical Engineers to update their 1996 "gold book" on the subject. These are chemical process experts. The Federal Government is not.

I do not believe mandatory FIST is good for our Nation's security. Besides that, it is not a transportation issue. If it is something you want to debate in the Senate as a freestanding bill, do it that way, but do not sneak around behind and throw little a part into this bill through the Commerce title that has nothing to do with transportation.

I mention this and anything else we find in the bill that perhaps we have overlooked that has nothing to do with transportation, we will make every effort to make sure it gets out when it is in conference.

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. SCHUMER. 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. SCHUMER. Mr. President, I will speak on another subject, but as per an agreement with the Senator from Oklahoma, should someone else come to the Senate floor and wish to speak on the subject of the bill at hand, I will yield the floor.

#### NUCLEAR OPTION

Mr. President, I will change the subject to the subject on everyone's mind other than the transportation bill, probably more on our minds than just about anything else, and that is the upcoming nuclear option. Right now, we are on the precipice of a constitutional crisis. We are about to step into the abyss. I want to talk for a few minutes why we are on that precipice and why we are looking into the abyss.

Let me first ask a fundamental question: What is the crisis that calls for the undoing of two centuries of tradition? What is the crisis that requires such an unprecedented parliamentary sleight of hand? What is the crisis that calls for a response that is so controversial and extreme that Senator LOTT coined the term "nuclear option" to describe it?

Is it that President Bush has had the terrible misfortune of having only 95 percent of his judicial nominees confirmed? That is, 208 out of 218? It can't be that. Every President should have the luck of George Bush and have so many nominees confirmed to the bench. I might also add, in part because of this high confirmation rate, court vacancies at the end of last session were at their lowest rate in 14 years. So it can't be either vacancies on the bench or overwhelming rejection of the President's nominees because neither is the fact.

Is it that the Constitution, as my strict constructionist friends across the aisle like to argue, requires an up-or-down vote on every judicial nominee? Is that the crisis? No, Senator FRIST acknowledged as much last week when he conceded, after a question from Senator BYRD, that there was no such language in the Constitution.

In fact, it is a great irony that those on the other side of the aisle who are seeking this nuclear option in the name of strict construction are being activists, as they call it, because they are expanding the Constitution, reading in their own views in the Constitution when the very words do not exist.

It is my understanding that is what the Constitution-in-exile school holds; that is, what the strict constructive school of Justice Scalia holds. If the words are not in the Constitution, you do not read them in.

Is the word "filibuster" in the Constitution? No. Are the words "majority vote," "up-or-down vote" in the Constitution? Absolutely not. That is not the crisis, either.

Let me ask again, Why are we on the brink of destroying what is good in the Senate and destroying whatever is left of good will in the Senate? Is it that the public, in high dudgeon, is demanding this radical rule change? Are Republican Senators merely doing their jobs as legislators, responding to a generalized public calling for the abolition of the filibuster? Clearly not.

It is not the American people at large who are demanding detonation of the nuclear option. Indeed, in poll after poll, first, people say they do not know what it is when asked, and then when it is described to them, the people have made clear they believe the filibuster is an important check and balance to be preserved, not vaporized. Most recently, for instance, according to a Time magazine poll, the American people are against the nuclear option 59 to 28.

Nor is it rank-and-file Republicans who are clamoring for an end to filibus-

ters on judges. A Wall Street Journal poll showed 41 percent of Republicans support giving the Democrats the right to keep the filibuster going. They, like most Americans, are wondering, and rightly so, why we are talking more about the nuclear option in the Senate than about nuclear proliferation in North Korea.

Nor is it the business establishment—clearly, usually, a conservative constituency—that is calling for a change in the rules. To the contrary, the business community wants the Senate to get busy addressing important issues they believe will get the economy back on track. The Chamber of Commerce and many other business groups have either publicly or privately stated their opposition to invoking the nuclear option.

Is it the "gray heads" of the conservative movement who are calling for this? No. By and large, elder statesmen from the conservative movement are not demanding this radical move. Many, including such leading figures as George Will and Ken Starr, have criticized the nuclear option and urge restraint—so have Senators Armstrong and McClure, hardly beacons of a liberal influence in this country or in the Senate.

So if there is no constitutional requirement, and there is no vacancy disaster, and there is no public clamoring for the extinguishing of the minority rights to filibuster, why are we here? Why are we on the edge of the abyss? Why are we—at least the majority—being motivated to plunge this Senate, this city, and this country into a constitutional crisis, into an end of what is ever left of comity in the Senate, which is the body that has at least some comity left?

Well, let me tell you why I fear we are here. We are here, I fear, because the nuclear option is being pushed largely by the radioactive rhetoric of a small band of radicals who hold in their hands the political fortunes of the President and a minority of sitting Senators who would be President. The once conservative Republican Party has, I believe, been hijacked by activist, radical, rightwing ideologues who are exerting too much influence over Senators.

These ideologues have taken to intimidating and even threatening the independent judiciary. They have, among other things, compared judges to the KKK and claimed that the independent judiciary is worse than al-Qaida. Unfortunately, these extreme groups are exerting disproportionate influence on certain Senators from the other side who—because of pure political pressure—are proceeding at pace with the nuclear option.

There is, to be sure, much irony and hypocrisy in this dance. It is particularly perverse that many of my colleagues purport to preserve the principle of majority rule by doing the bidding of a distinct, but politically powerful, minority.

Mr. VITTER. Will the Senator yield?

Mr. SCHUMER. I would like to finish my remarks, and then I would be happy to yield to my colleague.

Mr. VITTER. OK, but I say to the Senator, I understood you had been given the floor until someone came to the floor to speak on the highway bill. About how much longer?

Mr. SCHUMER. I probably will need no more than 5 minutes, if that is OK with my colleague.

Mr. VITTER. OK, that will be fine.

Mr. SCHUMER. I thank the Senator. I appreciate that very much.

It seems the only conservatives who are strongly in favor of the nuclear option—who are pushing it—are some Senators who might wish to run for President.

Now, to hear the tirades of those demanding the nuclear option is spine tingling.

Conservative activist James Dobson compared the nine Supreme Court Justices to the Ku Klux Klan's men in robes.

Pat Robertson said the threat posed by judges was "more serious than a few bearded terrorists who fly into buildings."

Conservative lawyer-author Edwin Vieira said Justice Kennedy should be impeached and invoked Joseph Stalin's murderous slogan, which he said worked very well for him:

[W]henver he ran into difficulty: "no man, no problem."

Do we hear any denunciation of this inflammatory rhetoric? No. Denunciations of heinous characterizations of independent judges? No.

Instead, Senators—some maybe with Presidential ambitions—are kowtowing to these extremists. When the Democratic Party kowtowed to extremists on the left, we paid the price. It is a lesson I think we have learned. It is a lesson that ought to be learned by my colleagues on the other side.

Now, let's try to examine the record. And this is the No. 1 point I want to make. Look what conservatives are saying, conservatives not running for President or running for office, but people whose conservative credentials go unchallenged. These are not moderates. These are not liberals. They are true conservatives, and a chorus of their voices is speaking out against the nuclear option.

True conservatives, independent thinkers who are not under pressure from the likes of Tony Perkins and Pat Robertson and others, have eloquently made the case against the nuclear option. These conservatives have two things in common: They were strongly in favor of George Bush for President, and they are strongly against the nuclear option.

Here are some of the names. Many leading conservative commentators and thinkers are against it, such as George Will and Kenneth Starr. Many former Republican Senators are against it, such as Senator Armstrong, Senator McClure, Senator Wallop, Senator Simpson. Many editorial boards

that endorsed George Bush for President are against it—the Dallas Morning News.

I recognize that in these polarized times maybe the words of a Democratic Senator from New York will have little sway across the aisle, but what about the words of some icons and leaders of the conservative movement?

I urge my colleagues who have not yet made up their minds and been committed to the nuclear option to heed these words. Most of those who have not made up their minds are far more moderate than the voices that we listened to here, but they should be listened to in this instance. It is rare that you get so many conservatives—not in office, not under the thumb of these extreme, small-numbered groups—but rarely do you get such a chorus.

Here are the arguments of the conservatives. The conservatives understand that destroying an important tradition of the Senate is not conservative. Conservatism has a long tradition in American politics. I agree with some of its tenets and disagree with many others. But true advocates and students of that tradition recognize better than anyone the violence that the nuclear option does to conservative principles.

Ken Starr said in one leading magazine:

It may prove to have the kind of long-term boomerang effect, damage on the institution of the Senate, that thoughtful Senators may come to regret.

How about former Senator Armstrong? He said this:

Having served in the majority and in the minority, I know that it's worthwhile to have the minority empowered. As a conservative, I think there is value to having a constraint on the majority.

Let me repeat that: "As a conservative, I think there is value to having a constraint on the majority."

Jim McClure and Malcolm Wallop:

It is disheartening to think that those entrusted with the Senate's history and future would consider damaging it in this manner.

Second, these conservatives realize that the Constitution, even in expansive reading, let alone strict constructionism, does not support the nuclear option.

In advocating for the nuclear option, Republicans in the Senate have abandoned conservative principles for convenient propaganda. In doing so, however, they are committing a level of intellectual hypocrisy that we have not seen since Bush v. Gore. To make sure that strict constructionist judges are placed on the bench, the nuclear advocates are reading the Constitution so broadly and elastically that it would make the most activist judge cringe. Do not take my word for it.

Mr. President, I know my colleague is getting ready to speak, and I am almost finished. I appreciate his indulgence.

Here is what George Will said:

Some conservatives say the Constitution's framers "knew what supermajorities they

wanted"—the Constitution requires various supermajorities, for ratifying treaties, impeachment convictions, etc.; therefore, other supermajority rules are unconstitutional.

These are the words of George Will, not CHUCK SCHUMER.

But it stands conservatism on its head to argue that what the Constitution does not mandate is not permitted.

Some conservatives say there is a "constitutional right" to have an up-or-down vote on nominees. But in whom does this right inhere: The nominees, the President? This is a perverse contention, coming from conservatives eager to confirm judges who will stop the promiscuous discovery by courts of spurious constitutional rights.

That is George Will, not CHUCK SCHUMER.

Here is what Stephen Moore, founder of the arch conservative Club for Growth says:

Eviscerating the Constitution would violate the spirit of the Constitution and endanger our rights as individuals against excessive governmental power.

These conservatives also understand that no party lasts forever in the majority and the nuclear option may come back to haunt Republicans. For short-term political gain, Republican Senators are willing to trash a tradition that will hurt themselves in the long run.

Former Senator Simpson recognizes this:

[T]here isn't a question in my mind that when the Republicans go out of power and they, they're looking for protection of minority rights, they're going to be alarmed and saddened.

Finally, the conservatives also understand that once triggered, there will be no stopping the continued erosion of the filibuster. The legislative filibuster is also at great risk. Listen to former Senators McClure and Wallop:

It is naive to think what is done to the judicial filibuster will not be done to its legislative counterpart, whether by a majority leader named Reid, or Clinton, or Kennedy.

Here is David Hoppe, former chief of staff to Senator LOTT:

That's the problem with the nuclear option, because it will not stop there. The next step when somebody needs it will be to get rid of the filibuster on legislative issues.

In conclusion, we are here. We are at a defining moment in the world's greatest deliberative body. Now, this week, in the next few weeks, will enough of my colleagues across the aisle act with courage and conviction? Will enough of them resist the extremist entreaties of a tiny but vocal minority who only want their way 100 percent of the time, not 99, not 98, not 97? Will enough of them pay heed to the arguments made by independent conservatives of their own party, whether it is George Will or Bill Armstrong or Ken Starr or so many of the others I mentioned?

Time is running out. Time is running out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, now that time has run out, I am excited to be

here to talk about the highway bill, important work of the American people that we must get done this week. I am here to stand in strong support of H.R. 3, the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005.

Last year, I traveled Louisiana extensively, campaigning all around the State. I heard concerns expressed in every part of the State about the importance of making sure that we in Louisiana get our fair share of Federal highway funding. In the past, Louisiana was a donor State, which means our State's taxpayers contributed more in gas tax revenue than they got back from the Treasury in highway moneys. As one of the newest members of the Environment and Public Works Committee, I worked hard this year to ensure that we try to change this unfair state of affairs. So Louisiana's rate of return will substantially increase under the bill before us from about 90.5 cents for every dollar that we send in Louisiana taxpayer money to the Federal Government to 95 cents on the dollar. That is a huge jump. It is still not a dollar—we need to go further—but it is a dramatic improvement.

This increase will provide my State with \$2.9 billion over the next 5 years, funding that is critical to ensure that work continues on one of my State's major corridors, I-49, as well as many other Louisiana highway projects.

Providing additional funding for I-49 has been a goal of mine since my days in the House of Representatives. Upon assuming my seat in the Senate this January, I have continued to fight for those additional I-49 dollars. That is why I initiated a letter in February to Chairman INHOFE and Ranking Member JEFFORDS calling for them to support a significant level of funding for the corridor improvement program in the highway reauthorization bill. That letter was cosigned by five colleagues.

As a member of the committee that produced that bill, I am also pleased that we were able to agree on language that would redress a serious transportation and safety issue for my State. You see, Louisiana is the 22nd most populous State, yet it ranks third in the Nation in the number of collisions at highway-railroad crossings and fifth in the Nation in the number of railroad fatalities.

Along the 3,000 miles of tracks in Louisiana are over 6,000 rail crossings, more than any other State except Illinois. So the bill we crafted would provide \$178 million for the elimination of hazards and the installation of protective devices at railroad highway crossings.

I wanted to take this opportunity to thank my colleagues, in particular those on the Environment and Public Works Committee, for agreeing to the inclusion in the highway bill of three significant amendments that I offered. I thank Chairman INHOFE for his work on behalf of these amendments.

One of the amendments would ensure that emergency evacuation routes are



emphasized as a program priority under the Multistate Corridor Program. The second amendment I authored would channel additional dollars to hurricane evacuation routes under the Federal Infrastructure Performance and Maintenance Program. And the third will help local officials complete much faster, and at much lower cost locally, a highway project connecting the parishes of Houma and Thibodaux, LA. The inclusion of these amendments in the managers' amendment will greatly benefit Louisiana and other coastal States across the country that experience frequent hurricanes.

As noted in the Times Picayune and other Louisiana newspapers, the 2004 evacuation of Louisiana due to Hurricane Ivan was disturbingly slow and marked by traffic gridlock. Traffic was backed up for 26 hours in Baton Rouge and 14 hours in New Orleans, while nearly 4,500 cars per hour were crossing the Mississippi River on I-10 at the peak of evacuation. Two of my amendments will provide additional funding for evacuation routes such as I-49, La. 1, and La. 3127 during hurricanes or other emergencies. Providing Federal resources to upgrade and maintain evacuation routes throughout the State will certainly help avoid the astounding gridlock and danger that occurred during the evacuation of Hurricane Ivan.

The third amendment I offered will expand the scope of an existing Federal highway project without increasing the cost-share burden on the local community and State. Without my amendment, the areas of Houma and Thibodaux, LA, would have had to come up with as much as \$5 million more money. This transportation project will establish a new north-south evacuation route that is vitally important to residents of Houma and Thibodaux and all of those areas in southeast Louisiana.

I thank, again, the full EPW Committee, the chairman, Mr. INHOFE, the ranking member, Mr. JEFFORDS, the subcommittee chairman and the subcommittee ranking member and all of the staff who have assisted on this bill, particularly Andrew Wheeler and Ruth Van Mark. I call on my colleagues to support the chairman and ranking member in their efforts to shepherd this bill through the Senate and through important conference committee negotiations.

Congress has been extending funding for Federal aid to highway programs six times. The current extension is set to expire on May 31 this year, a little over 2 weeks away. We need to pass this bill. Then we need to quickly go to conference with the House and resolve our differences with the other Chamber before that important May 31 deadline.

That is when the current extension expires and funding for Federal aid to highway programs will run out. I know that is a tall order, but all of our States' transportation needs, our Na-

tion's transportation needs cannot wait any longer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, the Senator from Louisiana is being modest because he has had a great deal of influence on the amendments. A critical problem in Louisiana is beach erosion. He has persuaded our committee, in an articulate way, to become much more aggressive in solving that problem. We are a much better committee because of him. I thank him for his hard work on the committee.

It is my understanding the senior Senator from Massachusetts wishes to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

#### JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, first, I commend my friend and colleague from New York, Senator SCHUMER. I was listening to him when he mentioned some of our former colleagues, all with whom I have served. He mentioned Senator Armstrong, and he also mentioned Senator McClure, and Senator Simpson, who was a good friend. I served with him on the Judiciary Committee. He mentioned Senator Durenberger. An excellent article was written by Senator Mathias last week. He mentioned Senator Wallop, and the list goes on. They are seven or eight members of the Senate who served in recent times and have a very good sense of the institution's importance, the importance of the powers of this institution and the relationship to the executive. They have a very keen awareness of the advice and consent role and understand this is a balance that both have responsibilities to fulfill. I think very deeply that Members of the Senate who have strong views on these nominees should not be muzzled, silenced, and they should not be gagged.

The point I might have missed from my friend from New York is the re-statement that 96 percent of this President's nominees have been approved. That is always something that causes constant amazement, I find, from people who call my office in Massachusetts inquiring about my position. They find out that 96 percent of the President's nominees have been approved and they wonder what this battle is all about. Then when you tell them this was not a battle the Members of the Senate were interested in, that it was as a result of the President sending back to the Senate those who have previously been rejected and indicated that they were going to add other individuals as well, such as the current general counsel of the Defense Department, Mr. Haynes, who was the architect of the whole torture and emasculation of the Geneva Conventions—these are individuals who are far outside of the mainstream of judicial thinking. I have had the chance to address many of these issues in the mark-

ups of the Judiciary Committee in recent times, particularly with regard to Mr. PRYOR, who is from the State of Alabama.

I took great pride in working with my colleague and friend from Iowa on the Americans with Disabilities Act. We spent a good deal of time negotiating that legislation. We had strong, bipartisan support at the very end. And then to read Bill Pryor's assessment of what that act said and his interpretation of it is completely antithetical to what the legislation was about, the language that was clear and explicit, and what the sense of the intent and the supporters of that legislation were about. The list goes on. So we welcome this debate.

I agree with the Senator from New York that this is a monumental decision. We are talking about changing the rules of the game in the middle of the game. Americans may not understand completely all of the parliamentary maneuvers here that are available in the Senate, but they understand when you have an agreed set of rules, you don't change them in the middle of the game, and I think they also understand that when Members have strong views and believe nominees who are going to have lifetime appointments to the Supreme Court—not 3½ years, such as this President has in the remainder of his term, but a lifetime commitment—those who have strong views ought to be able to speak to those views and have a right to be heard.

#### AMENDMENT NO. 674

Mr. KENNEDY. Mr. President, on another matter, I rise in strong support of Senator SCHUMER's amendment to raise the amount employers can give workers tax free for mass transit commuter costs from the current \$105 a month to \$200 a month.

In the face of high fuel costs and constant urban congestion, more commuters using mass transit makes increasingly good sense, and the tax benefit is an effective way to encourage it.

The current benefit of \$105 a month is too low to cover most mass transit costs in major metropolitan areas, and it is counter-productive that current law provides a benefit almost twice that size for parking—\$200 a month.

I have here a diagram that indicates the commuter fees for the different parts coming into Boston. Even from this distance, you can look at them. For Fitchburg, \$198; \$181 for Lowell; \$191 for Gloucester; and the list goes on. From the South Shore, \$198; from Stoughton, \$149; and \$198 from Worcester.

This amendment is good transportation policy and good environmental policy too. It is an energy policy that makes sense as workers see more and more of their paychecks go up in smoke at the gas pump. It is an energy policy that I hope we can all support.

In Massachusetts, the change will help nearly 200,000 commuters who purchase monthly T-passes to commute by bus, subway or commuter rail to work.

By increasing the commuter tax break to parity with the parking benefit—\$200 a month—the amendment will cover the cost of every monthly T-pass sold in Massachusetts.

The highest monthly T-pass cost from Worcester, Middleborough/Lakeville or Fitchburg is \$198, and would be covered in full, as would fares from Gloucester and Haverhill.

Commuters could have the full \$181 cost of commuting from Lawrence or Lowell covered or the \$149 cost from Brockton.

By raising the cap to \$200, the amendment will also encourage more new employers to participate in the program. They will be able to give an affordable benefit of much greater value to their employees.

And as more employers come into the program, we can cut down on gridlock in Boston and other urban areas across the country.

In Boston, gridlock cost the average commuter 51 extra hours a year. Congestion nationwide costs \$63 billion a year in wasted productivity and energy.

The amendment means more moms and dads will have more time to spend with their children, instead of being stuck in traffic. And more employees will get to work on time, meaning higher productivity.

We cannot afford to waste fuel like this anymore. Our dependence on foreign oil is a national crisis. The amendment will help save some of the 2.3 billion gallons of gas a year now being lost to unnecessary congestion. This amendment will mean clearer air in our cities and less wear and tear on our roads.

In so many ways, this is a smart amendment and a fair amendment, and I urge our colleagues to support it.

I yield the floor.

Mr. INHOFE. Mr. President, I would like to give a progress report. We are down to four or five amendments now. Many of them have been agreed to or have been withdrawn. We don't have anyone at this moment who is going to ask for a vote tonight. We had previously scheduled a vote at 5:30. We did not anticipate at that time that we would be getting the cooperation we are getting from the Members who have worked things out. So I announce on behalf of the leadership that we will not be having the vote at 5:30 tonight.

Let me make a couple of comments. I know anxieties are high concerning the so-called nuclear option, or what we call the constitutional option. I hesitate to take up time. If anybody comes to talk about the highway bill, we will stop and talk about the highway bill.

If you stop and realize what we really want, what we have been asking for is a vote. People are entitled to have a vote on the floor of this Senate. They are nominees. You may not like the nominees of the President for the circuit court positions, but certainly these people at least deserve an up-or-down vote.

It is kind of interesting to see how the minority has changed its mind from just a short period ago.

Senator BIDEN on March 19, 1997, said:

But I also respectfully suggest that everyone who is nominated ought to have a shot, to have a hearing and to have a shot to be heard on the floor and have a vote on the floor . . . It is totally appropriate for Republicans to reject every single nominee if they want to. That is within their right. But it is not, I will respectfully request, Madam President, appropriate not to have hearings on them, not to bring them to the floor and not to allow a vote . . .

Senator BOXER on May 14, 1997, said:

According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor.

Senator DASCHLE on October 5, 1999, said:

I find it simply baffling that a Senator would vote against even voting on a judicial nomination . . . We have a constitutional outlet for antipathy against a judicial nominee—a vote against that nominee.

Senator DURBIN on September 28, 1998, said:

I think that responsibility requires us to act in a timely fashion on nominees sent before us. The reason I oppose cloture is I would like to see that the Senate shall also be held to the responsibility of acting in a timely fashion. If, after 150 days languishing in a committee there is no report on an individual, the name should come to the floor. If, after 150 days languishing on the Executive Calendar that name has not been called for a vote, it should be. Vote the person up or down. They are qualified or they are not.

Senator FEINSTEIN on September 16, 1999, said:

A nominee is entitled to a vote. Vote them up; vote them down . . . What this does to a [nominee's] life is, it leaves them in limbo . . . It is our job to confirm these judges. If we don't like them, we can vote against them. That is the honest thing to do. If there are things in their background, in their abilities that don't pass muster, vote no.

On October 4, 1999, she said:

Our institutional integrity requires an up-or-down vote.

And on May 19, 1997, Senator FEINSTEIN said:

Mr. President, the time has come to act on these nominations. I'm not asking for a rubber stamp; let's hold hearings on those nominees who haven't had them, and vote on all of them, up or down, yes or no.

Senator KENNEDY on January 28, 1998, said:

The Constitution is clear that only individuals acceptable to both the President and the Senate should be confirmed. The President and the Senate do not always agree. But we should resolve these disagreements by voting on these nominees—yes or no.

And on February 3, 1998:

We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues don't like them, vote against them. But give them a vote.

Senator KOHL on August 21, 1999, said:

[T]here are many other deserving nominees out there. Let's not play favorites. These

nominees, who have to put their lives on hold waiting for us to act, deserve an 'up or down' vote.

Senator LAUTENBERG on June 21, 1995, said:

Talking about the fairness of the system and how it is equitable for a minority to restrict the majority view, why can we not have a straight up-or-down vote on this without threats of filibuster? When it was Robert Bork or John Tower or Clarence Thomas, even though there was strong opposition, many Senators opposed them. The fact is that the votes were held here, up or down.

Senator LEAHY on June 21, 1995, said:

When President Bush nominated Clarence Thomas to the U.S. Supreme Court, I was the first member of the Senate to declare my opposition to his nomination. I did not believe that Clarence Thomas was qualified to serve on the Court. Even with strong reservations, I felt that Judge Thomas deserved an up-or-down vote.

On October 14, 1997:

I cannot recall a judicial nomination being successfully filibustered. I do recall earlier this year when the Republican Chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination.

October 22, 1997:

I hope we might reach a point where we as a Senate will accept our responsibility and vote people up or vote them down. Bring the names here. If we want to vote against them, vote against them.

June 18, 1998:

If we want to vote against somebody, vote against them. I respect that. State your reasons. I respect that. But don't hold up a qualified judicial nominee . . . I have stated over and over again on this floor . . . that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty. If we don't like somebody the President nominates, vote him or her down.

September 16, 1999:

I . . . do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41 . . . [D]uring the Republican administrations I rarely ever voted against a nomination by either President Reagan or President Bush. There were a couple I did. I also took the floor on occasion filibusters to hold them up and believe that we should have a vote up or down.

Again on September 16, 1999:

I do not want to get having to invoke cloture on judicial nominations. I think it is a bad precedent.

October 1, 1999:

Nominees deserve to be treated with dignity and dispatch, not delayed for 2 and 3 years. We are talking about people going to the Federal judiciary, a third independent branch of Government. They are entitled to dignity and respect. They are not entitled atomically for us to vote aye, but they are entitled to a vote, aye or nay.

October 3, 1999:

When we hold a nominee up by not allowing them a vote and not taking any action one way or the other, we are . . . doing a terrible disservice to the man or woman to whom we do this.

March 7, 2000:

The Chief Justice of the United States Supreme Court said: "The Senate is surely

under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down." Which is exactly what I would like.

October 11, 2000:

I have said on the floor, although we are different parties, I have agreed with Gov. George Bush, who has said that in the Senate a nominee ought to get a [floor] vote, up or down, within 60 days.

Senator LEVIN on June 21, 1995, said:

The President is entitled to his nominee, if a majority of the Senate consent.

Senator LINCOLN at a press conference on September 14, 2000, said:

If we want people to respect their government again, then government must act respectably. It's my hope that we'll take the necessary steps to give these men and these women especially the up or down vote that they deserve.

Senator REID on March 7, 2000, said:

Once they get out of committee, let's bring them here and vote up or down on them. . . . I think anybody who has to wait 4 years deserves an up-or-down vote.

. . . If there is a Senator who believes there is a problem with any judge, whether it is the one we are going to vote on at 5 o'clock or the two we are going to vote on tomorrow, or Thursday, they have every right to come to talk at whatever length they want. But with Judge Paez, it has been 4 years. There has been ample opportunity to talk about this man. He has bipartisan support.

On June 9, 2001, in an interview on Evans, Novak, Hunt, and Shields said:

[W]e should have up or down votes in the committee and on the floor.

Senator SCHUMER on March 7, 2000, said:

The basic issue of holding up judgeships is the issue before us, not the qualifications of judges, which we can always debate. The problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and we are charged with voting on the nominees.

. . . I also plead with my colleagues to move judges with alacrity—vote them up or down. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo.

These are people who are now saying they do not want to have a vote on these nominees. We have nominees who have been waiting not for weeks or months but for years. I believe some of these Senators who before had a philosophy that everyone is entitled to a vote ought to turn around and give the current nominees a vote. I have a great deal of respect for these people, except I would like to have them express some level of consistency.

The issue has become a bit clouded and confusing. When one talks about the various polls, I suggest that one can word a question to get almost any kind of answer one wants. When it gets down to the facts, the Constitution says the President nominates and the Senate is either to confirm or not con-

firm. It does not say anything about a mandatory supermajority. It just says confirmed. That is a simple majority, Mr. President.

Again, I invite Members to come to the Chamber. We are going to keep the floor open. There will not be any votes tonight on the amendments. We are down to about four amendments, although they should be debated tonight if at all possible. We need to get the debates behind us so we will be prepared to vote tomorrow morning.

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

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

#### INACCURATE PRESS REPORTS

Mr. INHOFE. Mr. President, while we are waiting for Members to come down to the Senate floor to offer their amendments, to talk about their amendments, and be prepared for votes tomorrow morning, I will share with you that we have had a lot of erroneous reports concerning what is going on in Iraq and in other sensitive areas of the world. Quite frankly, I believe the greatest disservice that has been done to our troops in Iraq has been by the press, by the press not giving an accurate accounting as to what is really happening there.

I am a member of the Senate Armed Services Committee, and as such I have taken on the responsibility of spending time in Iraq, Afghanistan, Africa, and different places where terrorism may come due to the squeeze in the Middle East. But as far as Iraq is concerned, I will share a couple of experiences.

One was a couple days after the January 30 election. So many people in the media were trying to say the election is not going to come off on January 30, it is not going to happen; democracy is not going to prevail there; they are not going to be able to make the deadlines; they are not going to be able to handle the elections and they are not capable of doing it on their own; they do not have the security because they would have to provide all the security for the elections. Yet a few days after that, you might remember, of the three elements over there, the Sunnis were the ones—not the Shiites or the Kurds—but the Sunnis were the ones wanting to obstruct the elections—the most anti-American of all the groups. Yet the day after the election, the two primary Sunni leaders stood and said publicly that they were surprised it went the way it did. They wanted to be in on this. They wanted to participate. We know subsequent to that they have.

I remember testimonials by different people who had participated in that election. One was a lady who said she could not read the ballot because of the tears in her eyes. She couldn't see the ballot.

Another person told me through a translator that she was in there to vote, and it occurred to her at the time they were voting that this was not just the first time in 35 years of a bloody regime of Saddam Hussein, but it was the first time in 7,000 years that they had an opportunity for self-determination.

It is a huge thing happening over there. Who would ever have dreamed at any time in the last 35 years that they would actually be participating in a free election?

Now we have seen what has happened since then. Sure, the terrorists over there who do not want this to happen are out there and they are killing as many of the Iraqis as possible to try to obstruct this new freedom that is coming their way.

The last time I was there, I decided it would be a good idea to spend time in the Sunni triangle. That is where most of the hostilities are. It was the Sunnis who were the ones holding out last, the ones who were supporting Saddam Hussein. I recall going to Falluja, just a matter of a few weeks ago, and in Falluja there was a general whose name was Mahdi. He was the general, the commanding officer of the brigade. He was the brigade commander for Saddam Hussein. He hated Americans and he had the background to demonstrate how deeply that hatred went, the murders and all these things going on.

Yet that general, after we moved the Marines into Falluja and they started going door to door, and they were embedded with the Iraqis, this general was so impressed with the Marines that he made a statement. When they rotated the Marines out and said the Marines were going to have to go into a rotation, they had become so close working and fighting together that when they all got together before the Marines left, he said they all cried. There was a general looking at me saying: We cried because we didn't want the Marines to leave. He renamed the security forces of Falluja the Iraqi Marines. He named them after us.

While we were there in Tikrit, the home of Saddam Hussein, there was an explosion. It was at a place they called a police station, but it was a training area where they were training Iraqis for the security forces. It killed 10 immediately and seriously injured 30 more so they could not be trained. The families of these 40 individuals who were either killed or were severely injured offered up another member of each of their families to substitute for the one who was killed or the one who was injured. It was the type of sacrifice you would never dream possible a few years before—a few days before, really.

I remember going all over the Sunni triangle in a Blackhawk helicopter, 100 feet off the ground. That is the only safe way to get there. There are terrorists who have SAMs, surface-to-air missiles, although some pretty crude.

Many American families who have sent care packages to the troops over there—candy, cookies, these different

things—what they have done with these is repackage them and, as we were going over the Sunni triangle and looked down at these small villages, all the kids were out there and we threw them candy and things like that, and they were waving American flags and cheering. This is not the picture you get from the media.

I applaud the job our guys and gals have done over there, our troops. Of course, many have lost their lives, but people don't stop to realize how many more lives would have been lost if we had not been involved in that area, offering that kind of freedom.

Now we see a lot of terrorists are going into other areas. One of the good things I would announce that is going on right now is down in Africa we are now in the process of assisting Africans in forming five African brigades, and these African brigades, we will put them in a position to help them train themselves so when something like this erupts down there it will not be the Americans who have to do it.

I just wanted to take this time to applaud our troops for the great job they are doing. I really believe, as great a disservice as the press has provided, that the people of America know better. They are showing they do know better.

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

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

AMENDMENT NO. 761 TO AMENDMENT NO. 605

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be laid aside for the consideration of the managers' amendment.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. JEFFORDS, proposes an amendment numbered 761.

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

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

(The amendment is printed in today's RECORD under "Text of amendments.")

Mr. INHOFE. Mr. President, I ask for adoption of the amendment.

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

The amendment (No. 761) was agreed to.

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

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business.

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

TRIBUTE TO DETECTIVE DONALD YOUNG

Mr. SALAZAR. Mr. President, it is with tremendous sadness that I rise today to commemorate the life and work of Detective Donald "Donnie" Young of the Denver Police Department.

In the early morning hours of Sunday, May 8, Detective Young tragically lost his life while working off-duty as a security guard at a private party in Denver. Today, I join the people of Denver and my home State of Colorado in mourning the loss of a dedicated public servant, and a devoted husband and father.

Detective Young is remembered by his family, friends, and colleagues as a man who was always willing to help others in need, whether by hopping out of his truck on a broken foot to help a stranded driver out of a snowdrift, lightening the mood with his unique sense of humor, or working overtime to help protect women from the threat of domestic violence. Donnie never failed to embody the selflessness and compassion so common among his 850,000 brothers and sisters serving as law enforcement officers in this country today.

It will come as no surprise to those men and women and anyone familiar with their line of work that Donnie was also exceedingly modest; it is consequently left to the rest of us to give the many awards and honors he received over the course of his 12-year career in law enforcement the attention they deserve. In recognition of the bravery and dedication he displayed on countless occasions, Detective Young received three of the Denver Police Department's four most prestigious awards, including the medal of honor for his role in the 1994 rescue of two kidnapping victims.

Yesterday, more than 20,000 people gathered in our Nation's capital to formally honor and remember Detective Young and other law enforcement officers recently injured or slain in the line of duty. This day was marked in part by a Senate resolution I had the privilege of cosponsoring that recognizes May 15, 2005, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled while working to protect the public. Having served as Attorney General for the State of Colorado, I know firsthand the sacrifices our men and women in law enforcement make on a daily basis, and I am deeply proud to have had the honor of serving in the same family as Detective Young and others like him.

Today, I join my former brothers and sisters in the law enforcement community—in Colorado and across the Nation—in grieving the loss of a passionate and capable public servant, Detective Donald "Donnie" Young.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 652

Mr. INHOFE. Mr. President, I ask for the regular order with respect to the Dorgan amendment, No. 652.

The PRESIDING OFFICER. The amendment is now pending.

Mr. INHOFE. Mr. President, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

AMENDMENTS NOS. 636 AND 674 WITHDRAWN

Mr. INHOFE. Mr. President, I ask unanimous consent the Ensign amendment No. 636 and the Schumer amendment No. 674 be withdrawn.

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

Mr. WYDEN. Mr. President, I am very pleased to report that the Senate transportation bill not only continues but also greatly expands a program I authored in the TEA-21 law to promote smart growth initiatives. When TEA-21 became law in 1998, this pilot program was the first Federal program ever created to provide incentives to help States and local governments pursue smart growth policies.

The good news is that the Senate transportation bill recognizes the value of this groundbreaking program by providing a substantial funding increase.

The original smart growth pilot program I authored, the Transportation and Community and System Preservation Program, TCSP, provided \$25 million per year to investigate and address the relationships between transportation projects, communities and the environment. Under the SAFETEA bill now before the Senate, funding for this program would nearly double to about \$47 million per year.

The not so good news is that 7 years after Congress enacted the TCSP program it remains the only Federal program to provide incentives for smart growth. In the last 7 years, the problems of urban sprawl have only gotten worse. Clearly more needs to be done.

Sprawl development not only hurts our citizens where they live and breathe, it also hits them in their wallets. A number of studies have come out that show the costs of sprawling growth are significantly higher than more compact, managed growth patterns. These studies show that taxpayers can save billions of dollars in public facility construction and operation and maintenance costs by opting for growth management.

Because of the major impacts federally funded transportation projects can have, there is an appropriate role for the Federal Government in ensuring these projects and the development they spawn are both economically and environmentally sound.

That role should not be to embroil the Federal Government in land use decisions that have historically been State and local issues. We do not want Federal zoning.

Instead, the proper role for the Federal Government is to create incentives to encourage and build on the State and local efforts to address transportation and growth that are already underway. I am very pleased that the Senate SAFETEA bill extends and expands the TCSP program to help local communities grow in environmentally sustainable ways by creating incentives for smart growth management.

The additional funding for TCSP in the Senate transportation bill is a good start. But if we are going to improve both our Nation's infrastructure and our quality of life, we need to do more at the Federal level to provide incentives to support smart growth policies.

My home State of Oregon leads the Nation in developing innovative approaches to manage our growth and to tie transportation policies in to growth management. Our statewide land conservation and development program requires each municipality to establish an urban growth boundary to define both the areas where growth and development should occur and those areas that should be protected from development. This system keeps agricultural and forest lands in productive use and preserves "green corridors" for hiking, biking and other recreational uses that are located in or close to urban areas. Our transportation planning and construction efforts reinforce these policies by not only avoiding developing in environmentally sensitive areas but also by helping make the areas where we want development to occur more accessible.

Oregon recognizes that it is not enough to tell people where they can not build. For our system to work, we have to make it easier to develop the areas where we want growth to occur. And we do not just give lip service to this principle. We actually put our money where our mouth is to make sure the development we want occurs.

These policies make the State of Oregon, Metro, the city of Portland, and other localities in our State ideal candidates to apply for funding under the Transportation and Community and System Preservation Program.

I greatly appreciate the support of Chairman INHOFE, Chairman BOND and Senators JEFFORDS and BAUCUS in working with me to increase funding substantially for this important program in the bill. Thanks to their efforts the bill now before the Senate will enable State and local smart growth policies to merge more smoothly with our transportation policies.

As Congress considers other Federal infrastructure programs, I will be looking for ways to build on the success of TCSP. The TCSP model can also be adapted for water, sewer and other federally funded infrastructure to help save taxpayers money and support

State and local governments smart growth efforts. By following that approach, Congress can provide our citizens with both better infrastructure and better quality of life.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### ADDITIONAL STATEMENTS

##### RECOGNITION OF COL. KENT MURPHY

• Mr. ALLARD. Mr. President, I would like to bring to the Senate's attention the retirement of a distinguished member of our military, Col. Kent Murphy, who is retiring this year after a distinguished 25-year career in the Air Force.

Colonel Murphy started his career at the U.S. Air Force Academy, graduating in 1980. From there, he went on to the Uniformed Services University of the Health Sciences, USUHS, and became a doctor in the Air Force Medical Corps. Dr. Murphy served in varying assignments in the United States and overseas while in the Air Force. He has held surgical positions ranging from a F-16 flight surgeon to a staff surgeon in the Air Force Academy Hospital's Department of Otolaryngology, where he later became department head. He has been an adjunct assistant professor at USUHS and the senior otolaryngology malpractice consultant for the Office of the Air Force Surgeon General. Certainly, such a career serving his country as a doctor in the Air Force would be laudable in its own right, but Colonel Murphy went far beyond that.

In 1997, Colonel Murphy founded the Center of Excellence for Medical Multimedia at the U.S. Air Force Academy. There, Colonel Murphy pioneered the concept of information therapy throughout the Air Force Medical Service. He developed high-tech programs, using the Internet, video and CD/DVD ROM, that are the cornerstone of Air Force efforts to educate service members, dependents and retirees about important medical conditions such as pregnancy, hypertension and diabetes. Additionally, he served as the chairman of the Prorenata Health Media Foundation to help create access

to these innovative programs for underserved populations across the Nation. In August of 2003, he was awarded the Frank Brown Berry Prize by US Medicine magazine—the highest honor in Federal Healthcare. Colonel Murphy is the only Air Force physician to have won this prestigious honor and the youngest recipient to date.

I am proud to call Colonel Murphy a friend and thank him today for his service to the Air Force and our country. I would be remiss however if I did not also thank his loyal wife Cindy. As anyone who has been around the military will attest, a good military spouse is vital to the success of the servicemember. As Colonel and Mrs. Murphy head out now into civilian practice, I know that they will continue to make lasting contributions to all Americans.●

##### THE RECOGNITION OF DETECTIVE DONALD R. "DONNIE" YOUNG

• Mr. ALLARD. Mr. President, I rise to honor all law enforcement officers who protect our families and communities against crime during National Police Week 2005. Also, I ask to pay special tribute to Detective Donald R. Young of Denver, CO, and others officers like him who have given their lives in service.

Communities readily rely on law enforcement officers to answer the call in times of great need. These men and women serve to enforce not only our laws, but to defend the weakest and most vulnerable among us. I think it is suitable that we salute and recognize these dedicated heroes with a National Police Week.

Detective Donald R. "Donnie" Young was shot and killed in Denver, CO, on May 8, 2005. He was working off duty at the time, providing security detail at a baptismal event. Detective Young was a 12-year veteran of the Denver Police Department. He leaves behind a wife and two young daughters.

Along with Detective Donald R. Young, I ask that we pay homage to all our fallen heroes. Law enforcement officers knowingly put themselves in harms way every day. It is important to take this time to remember their service. We must acknowledge their efforts as some of the bravest among us and share our gratitude for their sacrifice with their families.

I rise to humbly pay my respect to law enforcement officers everywhere and honor the legacy that fallen officers leave behind.●

##### RECOGNIZING KAHUKU HIGH SCHOOL "WE THE PEOPLE" TEAM

• Mr. AKAKA. Mr. President, it gives me great pleasure and pride to announce that students from Kahuku High School, on the Island of Oahu, honorably represented Hawaii at the national finals of "We the People: The Citizen and the Constitution." These Hawaii students joined more than 1,200

students from across the country to visit Washington, DC, and take part in national competition during the first week of May. These bright students showcased their exemplary knowledge of the U.S. Constitution, and did my State proud against competition from other States. I applaud the achievement of the Kahuku students for placing in the Top 10 of National Finalists out of the 51 schools participating.

The "We the People" program is administered by the Center for Civic Education and is an extensive educational program developed specifically to educate young people about the Constitution and Bill of Rights. The 3-day competition is modeled after hearings in the U.S. Congress and provides students with the opportunity to demonstrate their knowledge before a panel of adult judges while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by questions designed to probe the students' depth of understanding and ability to apply their constitutional knowledge.

I recognize the following 23 Kahuku students who proudly represented the State of Hawaii: Genevieve Allen, Yesenia Arevalo, Amanda Baize, Bonnie Cameron, Meri Ching, Dannah Christensen, Krystle Corpuz, Oliver Howells, Lorna Kekua, Jokke Kokkonen, Jacquelyn Lautaha, William Law, Catalina Markowitz, Ajri McArthur, Sara Mirels, Brad Rasmussen, Ashley Rillamas, Lizette Sauque, Noelle Spring, Shirley Tagayuna, Joseph Trisolini, and Morgan Wright. I especially thank their teacher, Ms. Sandra Cashman, for once again seizing this opportunity to educate students about the significance of the American institutions of constitutional democracy. The mere fact that Kahuku students competed here for 11 of the last 12 "We the People" competitions is a testament to Ms. Cashman's skills as a civics education teacher.

As a former Kahuku High School teacher, I take pride in these students who rose to the challenges presented in this competition, and gave impressive performances. I know that it is because of school and parental support, dedication, and commitment that these students were empowered and encouraged to excel in this arena. These students have no doubt made everyone in their school, their families, and their friends proud of what they achieved. We should all recognize that they are learning and advocating the fundamental ideas that identify us as a people and bind us together as a nation. The zeal and diligence these students showed in their understanding of Government ought to serve as a symbol for all citizens to pursue.●

#### EXCELLENCE IN NURSING

● Mr. AKAKA. Mr. President, today I celebrate the hard work and dedication of all nurses that serve the veterans of

our great Nation. In particular, I congratulate the recipients of the Secretary's Award for Excellence in Nursing and Advancement of Nursing Programs. These recipients were nominated for dedication to their profession and for outstanding service to our veterans and to the Department of Veterans Affairs, VA. The honor bestowed on these individuals is greatly deserved.

The 2005 Nursing Award Recipients for Excellence in Nursing include: Marthe Moseley, Kim Pyatt, Ferris Jones, and John Cheng. The recipients of the 2005 Award for the Advancement of Nursing Programs are Timothy B. Williams and Rebecca Newsom Williams. All these individuals have demonstrated high level of achievement and dedication through their service with VA.

Marthe Moseley, PhD, RN, CCRN, CCNS, is an award recipient from the South Texas Veterans Health Care System. Dr. Moseley coordinates and evaluates integrated programs that demonstrate clinical excellence in the field of orientation, competency development and implementation. She has been a key consultant to entities such as the National Dialysis Conference; Brook Army Medical Center; and Wilford Hall Medical Center, Air Force. Dr. Moseley has been a leader in improving the quality and effectiveness of care for critically ill patients.

Kim Pyatt, RN, BSN, of the Louis Stokes Cleveland VA Medical Center, has been an outstanding and positive nurse for the past 5 years. She served as a staff nurse and a night charge nurse in the Nursing Home Care Unit, NHCU, before being selected as the Geriatrics and Extended Care Wound coordinator in 2002. Ms. Pyatt has a great passion for veterans and for providing excellent nursing care in the NHCU.

Ferris Jones, LPN, works in the Puget Sound Health Care System with the Mental Health Service in the Homeless Care Line, Domiciliary Care Program, and also through a residential program that treats veterans for post traumatic stress disorder. His strong medical background, training in the U.S. Army, and experience in mental health have worked together to set a standard of excellence. He has contributed to quality of care through evaluations of procedures for the Domiciliary Care Program and the development of an educational orientation video for those newly admitted to the program.

John Cheng, from the Northport VA Medical Center, has been a nursing assistant in Extended Care since 1998. Mr. Cheng as continued to provide top quality, as well as encouragement, to his veteran patients. Mr. Cheng recently spent a great deal of time with a young traumatic brain injury patient who had been admitted to the NCHU. During this time, Mr. Cheng demonstrated compassion and selfless dedication to treating patients. He did the

little things that are necessary during a time of extended treatment, such as developing a relationship with this young patient. Mr. Cheng is also dedicated to professional growth. He is the only employee to graduate from the VA-sponsored Licensed Practical Nurse, LPN, program and is now working on achieving his registered nurse degree.

Timothy B. Williams is the director of the VA Puget Sound Health Care System. Mr. Williams has worked closely with nursing and physician leadership to implement innovative strategies to optimally deliver patient care, in spite of limited resources. He has continuously sought opportunities to ensure nurse support and to encourage professional development of nursing at all levels. Mr. Williams has also been an effective supporter of VA efforts to recruit and retain nursing staff.

Rebecca Newsom Williams, RN, MPH, is the associate director for Patient/Nursing Services for the VA Eastern Colorado Health Care System. In her role, Ms. Williams directs the integration of all nursing related activities throughout the VA Eastern Colorado Health Care System, in collaboration with the executive leadership team. Ms. Williams has demonstrated excellence in her leadership by recognizing the need for combined research and clinical practices.

As you can see, these phenomenal nurses deserve to be applauded for their accomplishments. Through their commitment and compassion to our Nation's heroes, they themselves also become heroes to our veterans.

As ranking member of the Committee on Veterans' Affairs, I again congratulate these distinguished award recipients. They demonstrate the need and importance of excellence at every level of care giving, for every patient. In this time of critical need for nurses, it is imperative that we thank these nurses who have chosen to serve in the VA health care system for their diligence and dedication.●

#### HIGH TECHNOLOGY ENTREPRENEURSHIP HONORED

● Mr. CRAPO. Mr. President, Idaho's small businesses make up over 95 percent of total businesses in the State. New companies launch their products and services every day. These businesses are the lifeblood of Idaho's economy and their existence indicates the overwhelming entrepreneurship that abides in our communities large and small. A unique public-private partnership between the Idaho National Lab, Boise State University, and the Idaho Department of Commerce and Labor is helping these vital organs of Idaho's economy grow and function to their best potential. The Small Business Administration recently recognized this effort, giving Idaho TechConnect a national "Best Practices" award at an economic development conference here in Washington.



Idaho TechConnect has been instrumental in providing small high tech business entrepreneurs with development assistance, and facilities and services to assess the progress and direction of their business expansion. The partnerships with industry and higher education provide these ventures with inspiration, innovation, outside experience and consultation from those in academia as well as the established and thriving high tech industry in Idaho.

Sharing resources, whether intellectual or tangible, provides outcomes that are productive and long lasting. The people and organizations involved with Idaho TechConnect are to be commended on their commitment to our State's economy and by extension, communities and families. This tremendous honor by SBA is most certainly well deserved.●

#### LARAMIE HIGH SCHOOL AND THE CAPITOL HILL CHALLENGE

● Mr. ENZI. Mr. President, I rise today to recognize the efforts of Natasha Olsonawski, a teacher at Laramie High School in Laramie, WY, along with Traci Gardner and Cassandra Shotkoski, both Laramie High School seniors graduating this month. All three participated in the Capitol Hill Challenge, a nationwide stock market game to test participants' knowledge of our financial markets and ability to save and invest wisely. I am proud to say that the team from Laramie High School finished seventh in this national competition, and first among Western states.

Under the direction of Mrs. Olsonawski, Traci and Cassandra studied financial statements and newspaper articles to create a winning investment strategy. More importantly, they gained valuable experience about personal finance that will be useful throughout their lives. As an accountant, I understand the importance of knowing how to balance a checkbook, establish a good credit record, and achieve a secure financial future. It is encouraging to know that our nation's young people are learning these skills too, and using them in their daily lives.

I congratulate the team from Laramie for their hard work. I also wish Traci and Cassandra good luck in their future endeavors.●

#### IN RECOGNITION OF SOUTH LAUREL BOYS BASKETBALL TEAM

● Mr. BUNNING. Mr. President, today I honor the Laurel High School's Boys Basketball Team for winning the Kentucky High School Athletic Association State Championship on March 19, 2005. As you may know, winning a State high school championship is no small feat. A great number of teams have to be defeated before any team even gets into the playoff. Once in the playoff that team is able to prove deci-

sively whether or not they are the champions.

I am proud to say that South Laurel High School's Boys Basketball Team proved themselves the champions. This accomplishment took hard work, focus, patience, and team spirit. It is important that all our young people learn these qualities. And I would like to point out that in winning the State championship, they have not only attained a trophy, but more importantly, they have developed characteristics that will always be of help to them later on.

Winning a State championship is a great athletic achievement. I want the boys of this team to be proud of themselves, as I am proud of them. They have done well. I extend my heartfelt congratulations to the Boys Basketball Team of South Laurel High School, and I encourage them to keep up the good work.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGE FROM THE HOUSE

At 3:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. LEACH of Iowa, Co-Chairman, Mr. DREIER of California, Mr. WOLF of Virginia, Mr. PITTS of Pennsylvania, and Mr. ADERHOLT of Alabama.

#### 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-2142. A communication from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notification of Registered Vessels of Their Assignments for the A Season Atka Mackerel Fishery in Harvest Limit Area (HLA) 542 and/or 543 of the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Manage-

ment Area (BSAI)" received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2143. A communication from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Atka Mackerel with Gears Other than Jig in the Eastern Aleutian District (Area 541) and the Bering Sea Subarea of the BSAI Management Area and Announcement of the Opening and Closure Dates of the First and Second Directed Fisheries Within the Harvest Limit Area in Statistical Areas 542 and 543" received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2144. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Commercial Run-Around Gillnet Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone" received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2145. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments; Corrections" received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2146. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closing Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2147. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibiting Directed Fishing for Pacific Cod by Catcher/Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2148. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Pacific Cod from Vessels Using Jig Gear to Catcher Vessels Less than 60 Feet (18.3 meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2149. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, received on May 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2150. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, received on May 4, 2005; to the

Committee on Commerce, Science, and Transportation.

EC-2151. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "STB Ex Parte No. 542 (Sub-No. 12) Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2005 Update" (STB Ex Parte No. 542 (Sub-No. 12)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2152. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revised Contact Information, Nomenclature Change and Correction of Citation Error" (RIN0694-AD48) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2153. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Country Scope of the License Requirements that Apply to Chemical/Biological (CB) Equipment and Related Technology; Amendments to CB-Related End-User/End-Use and U.S. Person Controls" (RIN0694-AD37) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2154. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Federal Trade Commission Publication Incorporating Model Forms and Procedures for Identity Theft Victims" (RIN3084-AA94) received on May 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2155. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules Implementing the CAN-SPAM Act of 2003" (RIN3084-AA96) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2156. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Part 305—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule') (Clothes Washer Ranges)" (RIN3084-AA74) received on May 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2157. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Washington, KS" ((RIN2120-AA66) (2005-0096)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2158. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Harper, KS" ((RIN2120-AA66) (2005-0095)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2159. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace;

Harrisburg, PA" ((RIN2120-AA66) (2005-0098)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2160. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Harrisburg, PA" ((RIN2120-AA66) (2005-0097)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2161. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Burns, OR" ((RIN2120-AA66) (2005-0094)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2162. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Blanding, UT" ((RIN2120-AA66) (2005-0093)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2163. 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 747-200F and 200C Series Airplanes" ((RIN2120-AA64) (2005-0206)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2164. 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) (2005-0205)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2165. 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 (14); Amdt. No. 454" ((RIN2120-AA63) (2005-0003)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2166. 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 (83); Amdt. No. 3180" ((RIN2120-AA65) (2005-0012)) received on May 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2167. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Elizabeth River-Eastern Branch, Norfolk, VA [CGD05-04-209]" (RIN1625-AA09) received on May 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2168. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia [CGD05-05-031]" (RIN1625-AA09) received on May 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2169. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regu-

lation for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [CGD05-05-023]" (RIN1625-AA08) received on May 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2170. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; National Maritime Week Tugboat Races, Seattle, WA [CGD13-05-004]" (RIN1625-AA08) received on May 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2171. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Chicago Sanitary and Ship Canal, Chicago, IL [CGD09-05-009]" (RIN1625-AA00) received on May 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2172. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 4 regulations): [COTP Mobile-05-007], [COTP Mobile-04-057], [COTP San Juan-05-002], [CGD13-05-013]" (RIN1625-AA87) received on May 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2173. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303; to the Committee on Banking, Housing, and Urban Affairs.

EC-2174. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-2175. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2004; to the Committee on Energy and Natural Resources.

EC-2176. A communication from the Assistant Secretary, Land and Minerals Management, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-124-FOR) received on May 11, 2005; to the Committee on Energy and Natural Resources.

EC-2177. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-2178. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$100,000,000 or more to New Zealand, Israel, and Canada; to the Committee on Foreign Relations.

EC-2179. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Department's report relative to corrosion prevention control and mitigation efforts and planned improvements; to the Committee on Armed Services.

EC-2180. A communication from the General Counsel of the Department of Defense, transmitting, the report of proposed legislation relative to the National Defense Authorization Bill for Fiscal Year 2006; to the Committee on Armed Services.

EC-2181. A communication from the Director, Defense Finance and Accounting Service, transmitting, pursuant to law, a report relative to an A-76 competition of the Marine Corps accounting function; to the Committee on Armed Services.

EC-2182. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-2183. A communication from the Assistant Secretary for Financial Markets, Department of the Treasury, transmitting, a draft bill relative to the U.S. Agriculture Department (USDA) Cushion of Credit Payments Program received on May 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2184. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethyl Ether; Exemption from the Requirement of a Tolerance" (FRL No. 7711-4) received on May 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2185. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pinene Polymers; Exemption from the Requirement of a Tolerance" (FRL No. 7710-3) received on May 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2186. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Red Cabbage Colot; Exemption from the Requirement of a Tolerance" (FRL No. 7711-7) received on May 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2187. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing" ((RIN2060-AM10) (FRL No. 7911-6)) received on May 11, 2005; to the Committee on Environment and Public Works.

EC-2188. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries" ((RIN2060-AM85) (FRL No. 7911-8)) received on May 11, 2005; to the Committee on Environment and Public Works.

EC-2189. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing" ((RIN2060-AM72) (FRL No. 7911-1)) received on May 11, 2005; to the Committee on Environment and Public Works.

EC-2190. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"National Emission Standards for Pharmaceuticals Production" ((RIN2060-AM52) (FRL No. 7911-3)) received on May 11, 2005; to the Committee on Environment and Public Works.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 147. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. No. 109-68).

## 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. SALAZAR (for himself, Mr. CONRAD, and Mr. JOHNSON):

S. 1036. A bill to provide assistance for rural school districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA:

S. 1037. A bill to require disclosure of financial relationships between brokers and mutual fund companies, and of certain brokerage commissions paid by mutual fund companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LUGAR:

S. 1038. A bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 1039. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of depreciation of refinery property; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1040. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN:

S. 1041. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. GRAHAM):

S. Res. 142. A resolution expressing the sense of the Senate that the United States Trade Representative should bring a case before the World Trade Organization regarding the violations of intellectual property rights by the People's Republic of China; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 143. A resolution to authorize the Senate Legal Counsel to appear in legal proceedings in the name of the Permanent Sub-

committee on Investigations in connection with its investigation into the United Nations' "Oil-For-Food" Programme; considered and agreed to.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. LEVIN, Mr. KENNEDY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Mr. BIDEN, Mr. JEFFORDS, Mr. DODD, Mr. LAUTENBERG, Mr. REED, Mr. WYDEN, Mr. PRYOR, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. AKAKA):

S. Con. Res. 33. A resolution expressing the sense of the Congress regarding the policy of the United States at the 57th Annual Meeting of the International Whaling Commission; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 32

At the request of Mr. DAYTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 32, a bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extend active duty, and for other purposes.

S. 117

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 117, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 132

At the request of Mr. SMITH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 304

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 337

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 365

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 365, a bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes.

S. 398

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 398, a bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs.

S. 418

At the request of Mr. ENZI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 484

At the request of Mr. WARNER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 515

At the request of Mr. BYRD, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 515, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

S. 628

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 628, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 633

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

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 642

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 711

At the request of Mr. AKAKA, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 711, a bill to amend the Methane Hydrate Research and Development Act of 2000 to reauthorize that Act and to promote the research, identification, assessment, exploration, and development of methane hydrate resources.

S. 756

At the request of Mr. BENNETT, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 770

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 787

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 787, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 894

At the request of Mr. ENZI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 935

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 935, a bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure.

S. 956

At the request of Mr. GRASSLEY, the names of the Senator from South Da-

kota (Mr. THUNE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 956, a bill to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 991

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 991, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to limit the availability of benefits under an employer's nonqualified deferred compensation plans in the event that any of the employer's defined benefit pension plans are subjected to a distress or PBGC termination in connection with bankruptcy reorganization or a conversion to a cash balance plan, to provide appropriate funding restrictions in connection with the maintenance of nonqualified deferred compensation plans, and to provide for appropriate disclosure with respect to nonqualified deferred compensation plans.

S. 1013

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1013, a bill to improve the allocation of grants through the Department of Homeland Security, and for other purposes.

S. 1018

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1018, a bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes.

At the request of Mr. WARNER, his name was added as a cosponsor of S. 1018, *supra*.

S.J. RES. 18

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. CHAMBLISS), the

Senator from Mississippi (Mr. COCHRAN), the Senator from Ohio (Mr. DEWINE), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. KYL), the Senator from Indiana (Mr. LUGAR), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Oregon (Mr. SMITH) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S.J. Res. 18, *supra*.

S. CON. RES. 19

At the request of Mr. CHAMBLISS, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. Con. Res. 19, a concurrent resolution expressing the sense of the Congress regarding the importance of life insurance and recognizing and supporting National Life Insurance Awareness Month.

S. RES. 140

At the request of Mr. MARTINEZ, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 140, a resolution expressing support for the historic meeting in Havana of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, as well as to all those courageous individuals who continue to advance liberty and democracy for the Cuban people.

AMENDMENT NO. 648

At the request of Mr. VOINOVICH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 648 intended to be proposed to H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

AMENDMENT NO. 652

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 652 proposed to H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

AMENDMENT NO. 654

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 654 intended to be proposed to H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1037. A bill to require disclosure of financial relationships between brokers and mutual fund companies, and of cer-

tain brokerage commissions paid by mutual fund companies; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Mutual Fund Transparency Act of 2005. Mutual funds are vital investment vehicles for middle-income Americans that offer diversification and professional money management. Mutual funds are what average investors rely on for retirement, savings for children's college education, or other financial goals and dreams.

I was outraged by the widespread abuses in the industry. Ordinary investors were being harmed due to the greed of brokers, mutual fund companies, and institutional and large investors. That is why I introduced the Mutual Fund Transparency Act in November 2003 with my colleagues Senator Fitzgerald and Senator LIEBERMAN.

I want to thank the Chairman of the Securities and Exchange Commission, SEC, William Donaldson, for his courageous leadership. Chairman Donaldson has demonstrated a commitment to bring about reforms that better protect investors. I applaud the SEC's enforcement and regulatory efforts in addressing weaknesses and abuses in the mutual fund industry.

The SEC has adopted several reforms that mirror provisions found in my original Mutual Fund Transparency Act. In July 2004, the SEC adopted reforms requiring mutual funds, with certain exemptive rules, to have an independent chairman and ensure that 75 percent of their board members are independent.

Although the SEC has undertaken a number of impressive reforms, I have chosen to reintroduce a modified version of my original bill to further strengthen the independence of boards, make investors more aware of the true costs of their mutual funds, and prevent several key reforms from being rolled back. It is also important to legislatively address areas where the SEC needs additional statutory authority. Legislation is needed to ensure that the increased independence rule applied universally among mutual funds.

My bill includes a number of provisions intended to strengthen mutual fund boards. It will require that mutual fund boards have independent chairmen and that 75 percent of their directors be independent. My bill strengthens the definition of who is considered an independent director and requires independent directors to be approved by shareholders. These steps are necessary to strengthen the ability of mutual fund boards to detect and prevent abuses of investor trust.

My bill will also increase the transparency of the complex financial relationships between brokers and mutual funds in ways that are both meaningful and easy to understand for investors. Shelf-space payments and revenue-sharing agreements between mutual fund companies and brokers present

conflicts of interest that must be addressed. Brokers have conflicts of interest, some of which are unavoidable, but these need to be disclosed to investors. Without such disclosure, investors cannot make informed financial decisions. Investors may believe that brokers are recommending funds based on the expectation for solid returns or low volatility, when the broker's recommendation may be influenced by hidden payments. This legislation will require brokers to disclose in writing the amount of compensation the broker will receive due to the transaction, instead of simply providing a prospectus. Currently, the prospectus fails to include the detailed relevant information that investors need to make informed decisions.

The SEC has requested comments on a proposal to require a confirmation notice, as well as increased point-of-sale disclosures, to provide investors with more information about broker conflicts in mutual fund transactions. The SEC is reviewing comments on its proposal, and studying other possibilities. I have included a point-of-sale disclosure requirement in my legislation that was absent in the prior bill. In my bill, investors would have to be provided with the amount of differential payments and average fees for comparable transactions. My legislation also requires that confirmation notices be provided for mutual fund transactions, which will include how their broker was compensated.

To further increase the transparency of the actual costs of the fund, brokerage commissions must be counted as an expense in filings with the SEC and included in the calculation of the expense ratio. Consumers often compare the expense ratios of funds when making investment decisions. However, the expense ratios fail to take into account the cost of commissions in the purchase and sale of securities. Therefore, investors are not provided with a complete and accurate idea of the expenses involved with owning that fund. Currently, brokerage commissions are disclosed to the SEC, but not to individual investors. Right now, brokerage commissions are only disclosed to the investor upon request. My bill puts teeth into brokerage commission disclosure provisions and ensures that commissions will be included in a document that investors have access to and can utilize.

The inclusion of brokerage commissions in the expense ratio creates a powerful incentive to reduce the use of soft dollars. Soft dollars can be used to lower expenses, since most purchases using soft dollars do not count as expenses and are not calculated into the expense ratio. There have been calls for the prohibition of soft dollars. This is a recommendation that needs to be further examined. My bill provides an alternative, which is an incentive for funds to limit the use of soft dollars by identifying them as expenses. If commissions are disclosed in this manner,

the use of soft dollars will be reflected in the higher commission fees and overall expenses. This makes it easier for investors to see the true cost of the fund and compare the expense ratios of funds.

Some may argue that this approach gives an incomplete picture and fails to account for spreads, market impact, and opportunity costs. However, the SEC has the authority to address the issue further if it can determine an effective way to quantify these additional factors. My bill does not impose additional reporting requirements that would be burdensome to brokers. It merely uses what is already reported and presents this information in a manner meaningful to investors.

Another important provision in my bill requires the SEC to conduct a study to assess financial literacy among mutual fund investors. This study is necessary because any additional disclosure requirements for mutual funds will not truly work unless investors are given the tools they need to make smart investment decisions.

Mr. President, my legislation will ensure that mutual fund boards are independent and that investors are provided with more relevant and meaningful disclosures from which they can make better informed choices. I look forward to continue working with my colleagues and the SEC to better protect investors.

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

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

S. 1037

*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 "Mutual Fund Transparency Act of 2005".

#### SEC. 2. DISCLOSURE OF FINANCIAL RELATIONSHIPS BETWEEN BROKERS AND MUTUAL FUND COMPANIES.

(a) IN GENERAL.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

"(13) CONFIRMATION OF TRANSACTIONS FOR MUTUAL FUNDS.—

"(A) IN GENERAL.—Each broker shall disclose in writing to customers that purchase the shares of an open-end company registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8)—

"(i) the amount of any compensation received or to be received by the broker in connection with such transaction from any sources; and

"(ii) such other information as the Commission determines appropriate.

"(B) REVENUE SHARING.—The term 'compensation' under subparagraph (A) shall include any direct or indirect payment made by an investment adviser (or any affiliate of an investment adviser) to a broker or dealer for the purpose of promoting the sales of securities of an open-end company.

"(C) TIMING OF DISCLOSURE.—The disclosure required under subparagraph (A) shall be made to a customer not later than as of the date of the completion of the transaction.

"(D) LIMITATION.—The disclosures required under subparagraph (A) may not be made exclusively in—

"(i) a registration statement or prospectus of an open-end company; or

"(ii) any other filing of an open-end company with the Commission.

"(E) COMMISSION AUTHORITY.—

"(i) IN GENERAL.—The Commission shall promulgate such final rules as are necessary to carry out this paragraph not later than 1 year after the date of enactment of the Mutual Fund Transparency Act of 2005.

"(ii) FORM OF DISCLOSURE.—Disclosures under this paragraph shall be in such form as the Commission, by rule, shall require.

"(F) DEFINITION.—In this paragraph, the term 'open-end company' has the same meaning as in section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a-5)."

(b) DISCLOSURE OF BROKERAGE COMMISSIONS.—Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a-29) is amended by adding at the end the following:

"(k) DISCLOSURE OF BROKERAGE COMMISSIONS.—The Commission, by rule, shall require that brokerage commissions as an aggregate dollar amount and percentage of assets paid by an open-end company be included in any disclosure of the amount of fees and expenses that may be payable by the holder of the securities of such company for purposes of—

"(1) the registration statement of that open-end company; and

"(2) any other filing of that open-end company with the Commission, including the calculation of expense ratios."

#### SEC. 3. MUTUAL FUND GOVERNANCE.

(a) INDEPENDENT FUND BOARDS.—Section 10(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-10(a)) is amended—

(1) by striking "shall have" and inserting the following: "shall—

"(1) have";

(2) by striking "60 per centum" and inserting "25 percent";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(2) have as chairman of its board of directors an interested person of such registered company; or

"(3) have as a member of its board of directors any person that is an interested person of such registered investment company—

"(A) who has served without being approved or elected by the shareholders of such registered investment company at least once every 5 years; and

"(B) unless such director has been found, on an annual basis, by a majority of the directors who are not interested persons, after reasonable inquiry by such directors, not to have any material business or familial relationship with the registered investment company, a significant service provider to the company, or any entity controlling, controlled by, or under common control with such service provider, that is likely to impair the independence of the director."

(b) ACTION BY INDEPENDENT DIRECTORS.—Section 10 of the Investment Company Act of 1940 (15 U.S.C. 80a-10) is amended by adding at the end the following:

"(i) ACTION BY BOARD OF DIRECTORS.—No action taken by the board of directors of a registered investment company may require the vote of a director who is an interested person of such registered investment company.

"(j) INDEPENDENT COMMITTEE.—

"(1) IN GENERAL.—The members of the board of directors of a registered investment company who are not interested persons of such registered investment company shall establish a committee comprised solely of

such members, which committee shall be responsible for—

"(A) selecting persons to be nominated for election to the board of directors; and

"(B) adopting qualification standards for the nomination of directors.

"(2) DISCLOSURE.—The standards developed under paragraph (1)(B) shall be disclosed in the registration statement of the registered investment company."

(c) DEFINITION OF INTERESTED PERSON.—Section 2(a)(19) of the Investment Company Act of 1940 (15 U.S.C. 80a-2) is amended—

(1) in subparagraph (A)—

(A) in clause (iv), by striking "two" and inserting "5"; and

(B) by striking clause (vii) and inserting the following:

"(vii) any natural person who has served as an officer or director, or as an employee within the preceding 10 fiscal years, of an investment adviser or principal underwriter to such registered investment company, or of any entity controlling, controlled by, or under common control with such investment adviser or principal underwriter;

"(viii) any natural person who has served as an officer or director, or as an employee within the preceding 10 fiscal years, of any entity that has within the preceding 5 fiscal years acted as a significant service provider to such registered investment company, or of any entity controlling, controlled by, or under the common control with such service provider;

"(ix) any natural person who is a member of a class of persons that the Commission, by rule or regulation, determines is unlikely to exercise an appropriate degree of independence as a result of—

"(I) a material business relationship with the investment company or an affiliated person of such investment company;

"(II) a close familial relationship with any natural person who is an affiliated person of such investment company; or

"(III) any other reason determined by the Commission."

(2) in subparagraph (B)—

(A) in clause (iv), by striking "two" and inserting "5"; and

(B) by striking clause (vii) and inserting the following:

"(vii) any natural person who is a member of a class of persons that the Commission, by rule or regulation, determines is unlikely to exercise an appropriate degree of independence as a result of—

"(I) a material business relationship with such investment adviser or principal underwriter or affiliated person of such investment adviser or principal underwriter;

"(II) a close familial relationship with any natural person who is an affiliated person of such investment adviser or principal underwriter; or

"(III) any other reason as determined by the Commission."

(d) DEFINITION OF SIGNIFICANT SERVICE PROVIDER.—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following:

"(53) SIGNIFICANT SERVICE PROVIDER.—

"(A) IN GENERAL.—Not later than 270 days after the date of enactment of the Mutual Fund Transparency Act of 2005, the Securities and Exchange Commission shall issue final rules defining the term 'significant service provider'.

"(B) REQUIREMENTS.—The definition developed under paragraph (1) shall include, at a minimum, the investment adviser and principal underwriter of a registered investment company for purposes of paragraph (19)."



**SEC. 4. FINANCIAL LITERACY AMONG MUTUAL FUND INVESTORS STUDY.**

(a) IN GENERAL.—The Securities and Exchange Commission shall conduct a study to identify—

(1) the existing level of financial literacy among investors that purchase shares of open-end companies, as that term is defined under section 5 of the Investment Company Act of 1940, that are registered under section 8 of that Act;

(2) the most useful and understandable relevant information that investors need to make sound financial decisions prior to purchasing such shares;

(3) methods to increase the transparency of expenses and potential conflicts of interest in transactions involving the shares of open-end companies;

(4) the existing private and public efforts to educate investors; and

(5) a strategy to increase the financial literacy of investors that results in a positive change in investor behavior.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall submit a report on the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

**SEC. 5. STUDY REGARDING MUTUAL FUND ADVERTISING.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on mutual fund advertising to identify—

(1) existing and proposed regulatory requirements for open-end investment company advertisements;

(2) current marketing practices for the sale of open-end investment company shares, including the use of unsustainable past performance data, funds that have merged, and incubator funds;

(3) the impact of such advertising on consumers;

(4) recommendations to improve investor protections in mutual fund advertising and additional information necessary to ensure that investors can make informed financial decisions when purchasing shares.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the results of the study conducted under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the United States Senate; and

(2) the Committee on Financial Services of the House of Representatives.

**SEC. 6. POINT-OF-SALE DISCLOSURE.**

(a) IN GENERAL.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)), as amended by section 2, is amended by adding at the end the following:

“(14) BROKER DISCLOSURES IN MUTUAL FUND TRANSACTIONS.—

“(A) IN GENERAL.—Each broker shall disclose in writing to each person that purchases the shares of an investment company registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8)—

“(i) the source and amount, in dollars and as a percentage of assets, of any compensation received or to be received by the broker in connection with such transaction from any sources;

“(ii) the amount, in dollars and as a percentage of assets, of compensation received in connection with transactions in shares of other investment company shares offered by the broker, if materially different from the amount under (i);

“(iii) comparative information that shows the average amount received by brokers in

connection with comparable transactions, as determined by the Commission; and

“(iv) such other information as the Commission determines appropriate.

“(B) REVENUE SHARING.—The term ‘compensation’ under subparagraph (A) shall include any direct or indirect payment made by an investment adviser (or any affiliate of an investment adviser) to a broker or dealer for the purpose of promoting the sales of securities of a registered investment company.

“(C) TIMING OF DISCLOSURE.—The disclosures required under subparagraph (A) shall be made to permit the person purchasing the shares to evaluate such disclosures before deciding to engage in the transaction.

“(D) LIMITATION.—The disclosures required under subparagraph (A) may not be made exclusively in—

“(i) a registration statement or prospectus of a registered investment company; or

“(ii) any other filing of a registered investment company with the Commission.

“(E) COMMISSION AUTHORITY.—The Commission shall promulgate such final rules as are necessary to carry out this paragraph not later than 1 year after the date of enactment of the Mutual Fund Transparency Act of 2005.”

(b) NATIONAL SECURITIES ASSOCIATION REQUIREMENTS.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by adding at the end the following:

“(n) NATIONAL SECURITIES ASSOCIATION REQUIREMENTS.—Each national securities association registered pursuant to this section shall issue such rules as necessary not later than 1 year after the date of enactment of the Mutual Fund Transparency Act of 2005 to require that a broker that provides individualized investment advice to a person shall—

“(1) have a fiduciary duty to that person;

“(2) act solely in the best interests of that person; and

“(3) fully disclose all potential conflicts of interest and other information that is material to the relationship to that person prior to the time that the investment advice is first provided to the person and at least annually thereafter.”

Mr. AKAKA. Mr. President, I ask unanimous consent that a letter in support of my legislation from Fund Democracy, the Consumer Federation of America, Consumer Action, and Consumers Union, as well as a letter of support from AARP, be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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

MAY 16, 2005.

Hon. DANIEL K. AKAKA,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR AKAKA: We are writing to express our enthusiastic support for your Mutual Fund Transparency Act of 2005. Your bill will benefit fund shareholders in three significant respects. First, it will strengthen the independence of fund board to help ensure that the gross abuses of trust committed by fund managers in connection with the recent mutual fund scandal will not be repeated. Second, the bill will require that fund shareholders be provided with full and understandable disclosure of brokers' fees and conflicts of interest, and that when brokers provide individualized investment advice they will be held to the same fiduciary standards to which all other investment advisers are held. Third, the bill will promote competition through increased price transparency, and thereby improve services and

reduce costs for the almost 100 million Americans who have entrusted their financial security to mutual funds.

**FUND GOVERNANCE**

The mutual scandal that erupted in September 2003 and continues to be litigated to this day revealed “a serious breakdown in management controls in more than just a few mutual fund complexes.” As noted by the Securities and Exchange Commission:

“The breakdown in fund management and compliance controls evidenced by our enforcement cases raises troubling questions about the ability of many fund boards, as presently constituted, to effectively oversee the management of funds. The failure of a board to play its proper role can result, in addition to serious compliance breakdowns, in excessive fees and brokerage commissions, less than forthright disclosure, mispricing of securities, and inferior investment performance.”

The Act directly addresses the governance weaknesses revealed by the scandal by strengthening the independence of fund directors. It plugs loopholes that have allowed former executives of fund managers and other fund service providers, among others, to qualify as “independent” directors when their independence is clearly compromised by their former positions. The Act also ensures that the board's agenda will be set by an independent chairman, and not by the CEO of the fund's manager, as is common practice, and that independent directors will control board matters and the evaluation of independent nominees. The Act's requirement that independent directors seek shareholder approval at least every 5 years will enhance the accountability of independent directors to the shareholders whose interests they are supposed to serve.

Although the SEC recently adopted rules requiring independent fund chairmen and a 75% independent board, these rules will not prevent fund managers from terminating independent chairmen or reducing independent representation on the board to the statutory minimum of 40%. The SEC's rules apply only when the funds choose to rely on certain exemptive rules. If there is a conflict between the fund's independent directors and the fund manager, the fund manager can simply stop relying on the rules and seek to install its own executives in a majority of board positions. This is precisely what Don Yacktman did when the independent directors of his funds opposed him, and it will undoubtedly be repeated the next time that there is a similar confrontation. More importantly, independent directors know from the Yacktman experience that the protection given them by the SEC is limited, and they therefore will be less likely to stand up for shareholders than if—as you have proposed—the SEC's requirements were codified.

**FIDUCIARY DUTIES AND FULL DISCLOSURE FOR ALL INVESTMENT ADVISERS**

Recent regulatory investigations and enforcement actions have uncovered persistent and widespread sales abuses by brokers. Regulators have found that brokers have systematically overcharged investors for commissions, routinely made improper recommendations of B shares, accepted undisclosed directed brokerage payments in return for distribution services, and received revenue sharing payments that create incentives to favor funds that pay the highest compensation rather than funds that are the best investment option for their clients.

Last fall, the Commission promised that it would address the problems that have so long plagued brokers' sales practices, but the Commission's efforts have fallen far short of the mark. Its recent proposals fail to require full disclosure of brokers' compensation,

much less the disclosure of information that would enable investors to fully evaluate their brokers' conflicts of interests. The new disclosure requirements that you have proposed will ensure that brokers' conflicts of interest will be fully transparent to investors. Investors will be able to view the amount the broker is being paid for the fund being recommended compared with the (often lesser) amount the broker would receive for selling a different fund, which cannot help but direct investors' attention to the conflict of interest created by differential compensation structures. We especially applaud your proposal to ensure that all broker compensation, including revenue sharing payments, is disclosed in the point-of-sale document, which ensures that disclosure rules will not create an incentive for brokers to favor revenue sharing as a means of avoiding disclosure.

Remarkably, in the wake of a longstanding pattern of brokers' sales abuses, the Commission has recently repealed Congress's narrow exemption from advisory regulation for brokers who provide only "solely incidental" advice. The Commission's strained interpretation of "solely incidental" advice to include any advice provided "in connection with and reasonably related to a broker's brokerage services"<sup>3</sup> has effectively stripped advisory clients of the protections of an entire statutory regime solely on the ground that the investment advice happens to be provided by a broker. The Commission's position flatly contradicts the text and purpose of the Investment Advisers Act, which, as the Supreme Court has stated: "reflects a congressional recognition 'of the delicate fiduciary nature of an investment advisory relationship,' as well as a congressional intent to eliminate, or at least to expose, all conflicts of interest which might incline an investment adviser—consciously or unconsciously—to render advice which was not disinterested."

Your proposal restores crucial components of Congress's carefully constructed regulatory scheme for the distinct and complementary regulation of brokerage and advisory services. It properly recognizes that a "fiduciary, which Congress recognized the investment adviser to be," is also what consumers expect an investment adviser to be, as is generally the case when professional services are provided on a personalized basis. The Act also recognizes the importance of "expos[ing] all conflicts of interest which might incline an investment adviser—consciously or unconsciously—to render advice which was not disinterested" by requiring full disclosure of such conflicts of interests and other material information at the time that the prospective client is deciding whether to enter into the relationship.

#### FEE DISCLOSURE AND PRICE COMPETITION

Your fee disclosure provisions will do double duty, by addressing conflicts of interest and brokers' sales abuses while also promoting competition, thereby improving services and driving down expenses. Requiring brokers to disclose the amount of differential payments and average fees for comparable transactions will provide the kind of price transparency that is a necessary predicate for price competition and the efficient operation of free markets. In addition, the requirement that funds disclose the amount of commissions they pay will ensure that the fund expense ratio includes all of the costs of the fund's operations and enable investors to make more informed investment decisions. The best regulator of fees is the market, but the market cannot operate efficiently when brokers and funds are permitted to hide the actual cost of the services they provide.

#### FINANCIAL LITERACY AND FUND ADVERTISEMENTS

Finally, we strongly agree that there is a need to further study of financial literacy, including especially information that fund investors need to make informed investment decisions and methods to increase the transparency of fees and potential conflicts of interest. Your proposed study of mutual fund advertisements is also timely, as the regulation of fund ads continues to permit misleading touting of out sized short-term performance and other abuses.

Mutual funds are Americans' most important lifeline to retirement security. The regulation of mutual funds, however, has not kept pace with their enormous growth. We applaud your continuing efforts to enhance investor protection, promote vigorous market competition and create wealth for America's mutual fund investors through effective disclosure and truly independent board oversight.

Respectfully submitted,

MERCER BULLARD,  
Founder and President,  
Fund Democracy, Inc.

BARBARA ROPER,  
Director of Investor Protection,  
Consumer Federation of America.

KEN MCELLOWNEY,  
Executive Director,  
Consumer Action.

SALLY GREENBERG,  
Senior Counsel,  
Consumers Union.

AARP,  
E STREET, NW,  
Washington, DC, May 13, 2005.

Hon. DANIEL K. AKAKA,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR AKAKA: AARP supports your continuing efforts to expand investor awareness of mutual fund costs, to promote fund competition by making those costs transparent and comparable, and to improve the independent oversight and governance functions of fund boards of directors. Building on legislation that you introduced in November of 2003, which AARP supported, we are also pleased to support the updated and upgraded legislation that you are introducing today, the "Mutual Fund Transparency Act of 2005."

We believe that there exists a growing need for legislative action that clarifies, reinforces, strengthens, and secures the corrective rule-making efforts undertaken by the U.S. Securities and Exchange Commission (SEC) that were—in part—stimulated by your earlier legislative proposal. We look forward to working with you on these issues that are critical to the economic security of millions of Americans—particularly those of or near retirement age. If you have any questions, please do not hesitate to call me, or have your staff call Roy Green of our Federal Affairs Department.

Sincerely,

DAVID CERTNER,  
Director, Federal Affairs.

By Mr. HATCH:

S. 1039. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of depreciation of refinery property; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Gas Price Reduction through Increased Refining Capacity Act of 2005, S. 1039.

This bill provides tax incentives to encourage increases in oil refining capacity in the United States. By increasing domestic refining capacity, we will increase supply of refined oil products, thus decreasing the price of gasoline at the pump.

This bill is the second in a package of three bills I am proposing to promote long-term solutions to our Nation's energy needs.

Our nation needs clean, affordable sources of energy, and we should increase our energy security by focusing on those sources of energy that can be developed domestically.

Two weeks ago I introduced the CLEAR ACT, which provides market solutions to promote breakthroughs in the use of alternative fuels and technologies in our transportation sector.

The third bill, which I will introduce in the near future, will focus on increasing U.S. energy independence through the development of our nation's gigantic, untapped oil shale and tar sands reserves.

Both Republicans and Democrats recognize that increasing our domestic supplies of crude oil is not an effective solution unless we can increase our capacity to refine it. This is the genesis of the Gas Price Reduction Through Increased Refining Capacity Act.

Refining capacity in the United States cannot keep up with demand. In fact, there has not been a new refinery built in the United States since the 1976.

But that is only part of the story.

The fact is that the economics of refining are so tough that we have actually lost about 200 refineries since the last one was built. So now, our powerful Nation is down to only 149 over-worked refineries.

Technological improvements at existing refineries have brought some increase to capacity, but these increases have fallen far short of demand. As a result, we now meet the gap in demand by importing more and more oil products that have already been refined, which makes us all the more dependent on foreign suppliers.

Every day, I hear from Utahns who are burdened by rapidly rising gas prices. Let me quote from just a portion of a letter from one of my constituents, Richard Decker of West Jordan, Utah:

"I am interested in knowing the progress or status of planning to protect Americans from the continually rising oil prices . . . I am just a normal guy with a tiny family. Given salaries, inflation, lack of fuel efficient automobiles at a decent price, I worry if I and others will be able to make a decent life here—not just in Utah but in America. Personally, I wish I had the option of a hydrogen-powered vehicle that would completely rid us of the dependence on foreign oil imports.

However, this isn't likely soon, so can we work on the gas prices? Do you have any suggestions? . . . Keep up the good work. Best Regards, Richard Decker"

My answer to Richard is that we hear him, and we are trying to respond.

We have a serious problem.

It is easy to point a finger at the energy companies for high gas prices, but the reality is that government rules and regulations combined with a complete lack of a national energy policy and unfriendly tax rules have kept our refining capacity far short of our need. There are no silver bullets that will bring price relief immediately, but we can act now to start meeting this need.

Last year, Secretary of Energy Spencer Abraham asked the National Petroleum Council to make recommendations to improve our oil supply and to increase our nation's oil refining capacity. Among the Council's recommendations was a call to adjust the depreciation schedule for new refining equipment from 10 years to five years to make refineries consistent with other manufacturers in the U.S.

I believe that the 10-year depreciation schedule is unwarranted, and that it has contributed to a hostile economic environment for refineries. Leveling the playing field on depreciation is long overdue, and the Gas Price Reduction Act would accomplish that goal.

But it is also important that we see this new refining capacity as soon as possible. So, I have added a provision in my bill aimed at pushing refining companies to act quickly to increase capacity. For refiners that can commit to starting construction on new refining equipment before 2007 and have new facilities built by 2011, the bill would allow a complete write-off for their new equipment in the first year. This is a powerful incentive, and I believe it will capture the attention of decision-makers in the refining industry.

Again, the goal of the Gas Price Reduction Act is to get results as soon as possible, and I believe my legislation will make a difference. This bill will not bring immediate relief at the pump. But it will begin to put the brakes on escalating prices in the next few years and increase our nation's control over our energy future.

There are other good reasons to support this bill.

As part of my three-pronged approach to meeting our Nation's energy needs, it is in accord with the President's energy plan.

It does not provide a windfall to oil companies but puts refineries on an equal footing with other industries in the manufacturing sector, which already have a five-year depreciation.

It is important to note that S. 1039 does nothing to weaken our strong environmental laws and regulations; rather, it would lead to cleaner technologies as refineries upgrade equipment.

This bill is also an essential part of our strategy to increase domestic production. When we begin to realize the potential of our vast oil shale and tar sands reserves we will need domestic refining capacity to handle any increase in domestic crude oil production.

Finally, I must point out that, in the long run, this bill will not have any cost, since refineries are allowed to change the timing of the depreciation of their equipment, but not the amount.

I urge my colleagues in the Senate to join me in this important effort to increase our refining capacity, lower gas prices for our citizens, and provide for our Nation's security through increased energy independence.

By Mrs. FEINSTEIN:

S. 1040. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Credit Card Minimum Payment Notification Act.

Today, 144 million Americans utilize credit cards and charge more debt on those cards than ever before. In 1990, Americans charged \$338 billion on credit cards. By 2003, that number had risen to \$1.5 trillion.

Many Americans now own multiple credit cards. In 2003, 841 million bank-issued credit cards were in circulation in the U.S. That number becomes nearly 1.4 billion credit cards, when cards issued by stores and oil companies are factored in. That's an average of 5 credit cards per person.

The proliferation of credit cards can be traced, in part, to a dramatic increase in credit card solicitation. In 1993, credit card companies sent 1.52 billion solicitations to American homes; in 2001, they sent over 5 billion.

As one would expect, the increase in credit cards has also yielded an increase in credit card debt. Individuals get 6, 7, or 8 different credit cards, pay only the minimum payment required, and many end up drowning in debt. That happens in case after case.

Since 1990, the debt that Americans carry on credit cards has more than tripled, going from about \$238 billion in 1990 to \$755 billion in 2004.

As a result, the average American household now has about \$7,300 of credit card debt.

As has been discussed much in this Congress, the number of personal bankruptcies has doubled since 1990. Many of these personal bankruptcies are people who utilize credit cards. These cards are enormously attractive. However, these individual credit card holders receive no information on the impact of compounding interest. They pay just the minimum payment. They pay it for 1 year, 2 years—they make additional purchases, they get another card, and another, and another.

Unfortunately, these individuals making the minimum payment are witnessing the ugly side of the "Miracle of Compound Interest." After 2 or 3 years, many find that the interest on the debt is such that they can never repay these cards, and do not know what to do about it.

Statistics vary about the number of individuals who make only the min-

imum payments. One study determined that 35 million pay only the minimum on their credit cards. In a recent poll, 40 percent of respondents said that they pay the minimum or slightly more. What is certain is that many Americans pay only the minimum, and that paying only the minimum has harsh financial consequences.

I suspect that most people would be surprised to know how much interest can pile up when paying the minimum. Take the average household, with \$7,300 of credit card debt, and the average credit card interest rate, which in April, before the most recent Federal Reserve Board increase of the prime rate, was 16.75 percent. If only the 2 percent minimum payment is made, it will take them 44 years and \$23,373.90 to pay off the card. And that is if the family doesn't spend another cent on their credit cards—an unlikely assumption. In other words, the family will need to pay over \$16,000 in interest to repay just \$7,300 of principal.

For individuals or families with more than average debt, the pitfalls are even greater. \$20,000 of credit card debt at the average 16.75 percent interest rate will take 58 years and \$65,415.28 to pay off if only the minimum payments are made.

And 16.25 is percent only the average interest rate. The prime rate, despite recent increases, remains relatively low—at 6 percent. However, interest rates around 20 percent are not uncommon. In fact, among the 10 banks that are the largest issuers of credit cards, the top interest rates on credit cards are between 23 and 31 percent—and that does not factor in various penalties and fees. When penalty interest rates are factored in, the highest rates are 41 percent. In 1990, the highest interest rate—even with penalties, was 22 percent, a little more than half of what they are today.

Even if we assume only a 20 percent interest rate, a family that has the average debt of \$7,300 at a 20 percent interest rate and makes the minimum payments will need an incredible 76 years and \$41,884 to pay off that initial \$7,300 of debt. That's \$34,584 in interest payments—more than 4 times the original debt. And these examples are far from extreme.

Moreover, these are not merely statistics, but are reflective of very real situations for many people. On March 6, the Washington Post ran a headline story on its front page, entitled "Credit Card Penalties, Fees Bury Debtors." I would recommend this article to my colleagues, because it illustrates part of the problem—that credit card companies, aggressively marketing their products, end up charging outrageous interest and fees to their customers. I ask unanimous consent that the article be included in the RECORD. The article highlighted the following stories:

Ohio resident, Ruth Owens tried for 6 years to pay off a \$1,900 balance on her

Discover card, sending the credit company a total of \$3,492 in monthly payments from 1997 to 2003. Yet her balance grew to \$5,564.28.

Virginia resident Josephine McCarthy's Provident Visa bill increased to \$5,357 in 2 years, even though McCarthy has used the card for only \$218.16 in purchases and has made monthly payments totaling \$3,058.

Special-education teacher Fatemeh Hosseini, from my state of California, worked a second job to keep up with the \$2,000 in monthly payments she collectively sent to five banks to try to pay \$25,000 in credit card debt. Even though she had not used the cards to buy anything more, her debt had nearly doubled to \$49,574 by the time she filed for bankruptcy last June.

Unfortunately, these stories are not unique.

Part of the problem goes back to changes made in the credit card industry. For a long time, most banks required their customers to pay 5 percent of their credit card balance every month. That was before Andrew Kahr, a credit card industry consultant, got involved. Mr. Kahr realized that if customers were able to pay less, they would borrow more, and he convinced his clients that they should reduce the minimum payment to just 2 percent.

The PBS program "Frontline", ran a program in November of last year titled "The Secret History of the Credit Card" that examined the rapid growth of the credit card industry and included an interview with Mr. Kahr.

Mr. Kahr's innovation has been a windfall for the credit card industry. If consumers are paying a lower percentage of their balance as the minimum payment, the credit card companies will make more money over time. In fact, many in the industry refer to individuals who pay their credit card bills in full as "deadbeats", because they are less profitable than individuals who carry large balances, who are known as "revolvers."

And Mr. Kahr's own research showed that just making the minimum payment eased consumers' anxiety about carrying large amounts of credit card debt—they believe they are still being financially prudent.

The bill I am proposing speaks directly to those types of consumers. There will always be people who cannot afford to pay more than their minimum payments. But, there are also a large number of consumers who can afford to pay more but feel comfortable paying the minimum payment because they don't realize the consequences of doing so.

Now I am certainly not trying to demonize credit cards or the credit card industry. Credit cards are an important part of everyday life. However, I do think that people should understand the dangers of paying only their monthly minimums. In this way individuals will be able to act responsibly.

It's not necessarily that people don't understand the basics of interest. Most

of us just don't realize how fast it compounds or how important it is to do the math to find out what it means to pay a minimum requirement.

The bottom line is that for many consumers, the 2 percent minimum payment is a financial trap.

The Credit Card Minimum Payment Notification Act is designed to ensure that people are not caught in this trap through lack of information. The bill tracks the language of the amendment originally proposed to the Bankruptcy bill that was co-sponsored by Senator KYL, Senator BROWNBACK, and myself.

Let me tell you exactly what this bill would do. It would require credit card companies to add two items to each consumer's monthly credit card statement: 1. A notice warning credit card holders that making only the minimum payment each month will increase the interest they pay and the amount of time it takes to repay their debt; and 2. Examples of the amount of time and money required to repay a credit card debt if only minimum payments are made; OR if the consumer makes only minimum payments for six consecutive months, the amount of time and money required to repay the individual's specific credit card debt, under the terms of their credit card agreement.

The bill would also require that a toll free number be included on statements that consumers can call to get an estimate of the time and money required to repay their balance, if only minimum payments are made.

And, if the consumer makes only minimum payments for six consecutive months, they will receive a toll free number to an accredited credit counseling service.

The disclosure requirements in this bill would only apply if the consumer has a minimum payment that is less than 10 percent of the debt on the credit card, or if their balance is greater than \$500. Otherwise, none of these disclosures would be required on their statement.

The language of this bill comes from a California law, the "California Credit Card Payment Warning Act," passed in 2001. Unfortunately, in 2002, this California law was struck down in U.S. District Court as being preempted by the 1968 Truth in Lending Act. The Truth in Lending Act was enacted in part because Congress found that, "The informed use of credit results from an awareness of the cost of thereof by consumers." Consequently, this bill would amend the Truth in Lending Act, and would also further its core purpose.

These disclosures allow consumers to know exactly what it means for them to carry a balance and only make minimum payments, so they can make informed decisions on credit card use and repayment.

The disclosure required by this bill is straightforward how much it will cost to pay off the debt if only minimum payments are made, and how long it will take to do it. As for expense, my

staff tells me that on the website Cardweb.com, there is a free interest calculator that does these calculations in under a second. Moreover, I am told that banks make these calculations internally to determine credit risk. The expense would be minimal.

Percentage rates and balances are constantly changing and each month, the credit card companies are able to assess the minimum payment, late fees, over-the-limit fees and finance charges for millions of accounts.

If the credit card companies can put in their bills what the minimum monthly payment is, they can certainly figure out how to disclose to their customers how much it might cost them if they stick to that minimum payment.

The credit card industry is the most profitable sector of banking, and last year it made \$30 billion in profits. MBNA's profits alone last year were one-and-a-half times that of McDonald's. Citibank was more profitable than Microsoft and Walmart. I don't think they should have any trouble implementing the requirements of this bill.

I believe that this is extraordinarily important and that it will minimize bankruptcies. With companies charging very substantial interest rates, they have an obligation to let the credit card holder know what those minimum payments really mean. I have people close to me I have watched, with 6 or 7 credit cards, and it is impossible for them, over the next 10 or 15 years, to pay off the debt if they continue making just minimum payments.

We now have a bankruptcy bill that has passed into law. I continue to believe that a bill requiring a limited but meaningful disclosure by credit card companies is a necessary accompaniment. I think you will have people who are more cautious, which I believe is good for the bankruptcy courts in terms of reducing their caseloads, and also good for American consumers.

The credit card debt problem facing our Nation is significant. I believe that this bill is an important step in providing individuals with the information needed to act responsibly, and it does so with a minimal burden on the industry.

I urge my colleagues to support this legislation.

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

[From the Washington Post, Mar. 6, 2005]

CREDIT CARD PENALTIES, FEES BURY DEBTORS; SENATE NEARS ACTION ON BANKRUPTCY CURBS

(By Kathleen Day and Caroline E. Mayer)

For more than two years, special-education teacher Fatemeh Hosseini worked a second job to keep up with the \$2,000 in monthly payments she collectively sent to five banks to try to pay \$25,000 in credit card debt.

Even though she had not used the cards to buy anything more, her debt had nearly doubled to \$49,574 by the time the Sunnyvale,

Calif., resident filed for bankruptcy last June. That is because Hosseini's payments sometimes were tardy, triggering late fees ranging from \$25 to \$50 and doubling interest rates to nearly 30 percent. When the additional costs pushed her balance over her credit limit, the credit card companies added more penalties.

"I was really trying hard to make minimum payments," said Hosseini, whose financial problems began in the late 1990s when her husband left her and their three children. "All of my salary was going to the credit card companies, but there was no change in the balances because of that interest and those penalties."

Punitive charges—penalty fees and sharply higher interest rates after a payment is late—compound the problems of many financially strapped consumers, sometimes making it impossible for them to dig their way out of debt and pushing them into bankruptcy.

The Senate is to vote as soon as this week on a bill that would make it harder for individuals to wipe out debt through bankruptcy. The Senate last week voted down several amendments intended to curb excessive fees and other practices that critics of the industry say are abusive. House leaders say they will act soon after that, and President Bush has said he supports the bill.

Bankruptcy experts say that too often, by the time an individual has filed for bankruptcy or is hauled into court by creditors, he or she has repaid an amount equal to their original credit card debt plus double-digit interest, but still owes hundreds or thousands of dollars because of penalties.

"How is it that the person who wants to do right ends up so worse off?" Cleveland Municipal Judge Robert J. Triozzi said last fall when he ruled against Discover in the company's breach-of-contract suit against another struggling credit cardholder, Ruth M. Owens.

Owens tried for six years to payoff a \$1,900 balance on her Discover card, sending the credit company a total of \$3,492 in monthly payments from 1997 to 2003. Yet her balance grew to \$5,564.28, even though, like Hosseini, she never used the card to buy anything more. Of that total, over-limit penalty fees alone were \$1,158.

Triozzi denied Discover's claim, calling its attempt to collect more money from Owens "unconscionable."

The bankruptcy measure now being debated in Congress has been sought for nearly eight years by the credit card industry. Twice in that time, versions of it have passed both the House and Senate. Once, President Bill Clinton refused to sign it, saying it was unfair, and once the House reversed its vote after Democrats attached an amendment that would prevent individuals such as antiabortion protesters from using bankruptcy as a shield against court-imposed fines.

Credit card companies and most congressional Republicans say current law needs to be changed to prevent abuse and make more people repay at least part of their debt. Consumer-advocacy groups and many Democrats say people who seek bankruptcy protection do so mostly because they have fallen on hard times through illness, divorce or job loss. They also argue that current law has strong provisions that judges can use to weed out those who abuse the system.

Opponents also argue that the legislation is unfair because it ignores loopholes that would allow rich debtors to shield millions of dollars during bankruptcy through expensive homes and complex trusts, while ignoring the need for more disclosure to cardholders about rates and fees and curbs on what they say is irresponsible behavior by the credit

card industry. The Republican majority, along with a few Democrats, has voted down dozens of proposed amendments to the bill, including one that would make it easier for the elderly to protect their homes in bankruptcy and another that would require credit card companies to tell customers how much extra interest they would pay over time by making only minimum payments.

No one knows how many consumers get caught in the spiral of "negative amortization," which is what regulators call it when a consumer makes payments but balances continue to grow because of penalty costs. The problem is widespread enough to worry federal bank regulators, who say nearly all major credit card issuers engage in the practice.

Two years ago regulators adopted a policy that will require credit card companies to set monthly minimum payments high enough to cover penalties and interest and lower some of the customer's original debt, known as principal, so that if a consumer makes no new charges and makes monthly minimum payments, his or her balance will begin to decline.

Banks agreed to the new rules after, in the words of one top federal regulator, "some arm-twisting." But bank executives persuaded regulators to allow the higher minimum payments to be phased in over several years, through 2006, arguing that many customers are so much in debt that even slight increases too soon could push many into financial disaster.

Credit card companies declined to comment on specific cases or customers for this article, but banking industry officials, speaking generally, said there is a good reason for the fees they charge.

"It's to encourage people to pay their bills the way they said they would in their contract, to encourage good financial management," said Nessa Feddis, senior federal counsel for the American Bankers Association. "There has to be some onus on the cardholder, some responsibility to manage their finances."

High fees "may be extreme cases, but they are not the trend, not the norm," Feddis said.

"Banks are pretty flexible," she said. "If you are a good customer and have an occasional mishap, they'll waive the fees, because there's so much competition and it's too easy to go someplace else." Banks are also willing to work out settlements with people in financial difficulty, she said, because "there are still a lot of options even for people who've been in trouble."

Many bankruptcy lawyers disagree. James S.K. "Ike" Shulman, Hosseini's lawyer, said credit card companies hounded her and did not live up to several promises to work with her to cut mounting fees.

Regulators say it is appropriate for lenders to charge higher-risk debtors a higher interest rate, but that negative amortization and other practices go too far, posing risks to the banking system by threatening borrowers' ability to repay their debts and by being unfair to individuals.

U.S. Bankruptcy Judge David H. Adams of Norfolk, who is also the president of the National Conference of Bankruptcy Judges, said many debtors who get in over their heads "are spending money, buying things they shouldn't be buying." Even so, he said, "once you add all these fees on, the amount of principal being paid is negligible. The fees and interest and other charges are so high, they may never be able to pay it off."

Judges say there is little they can do by the time cases get to bankruptcy court. Under the law, "the credit card company is legally entitled to collect every dollar without a distinction" whether the balance is

from fees, interest or principal, said retired U.S. bankruptcy judge Ronald Barliant, who presided in Chicago. The only question for the courts is whether the debt is accurate, judges and lawyers say.

John Rao, staff attorney of the National Consumer Law Center, one of many consumer groups fighting the bankruptcy bill, says the plight consumers face was illustrated last year in a bankruptcy case filed in Northern Virginia.

Manassas resident Josephine McCarthy's Provident Visa bill increased to \$5,357 from \$4,888 in two years, even though McCarthy has used the card for only \$218.16 in purchases and has made monthly payments totaling \$3,058. Those payments, noted U.S. Bankruptcy Judge Stephen S. Mitchell in Alexandria, all went to "pay finance charges (at a whopping 29.99%), late charges, over-limit fees, bad check fees and phone payment fees." Mitchell allowed the claim "because the debtor admitted owing it." McCarthy, through her lawyer, declined to be interviewed.

Alan Elias, a Provident Financial Corp. spokesman, said: "When consumers sign up for a credit card, they should understand that it's a loan, no different than their mortgage payment or their car payment, and it needs to be repaid. And just like a mortgage payment and a car payment, if you are late you are assessed a fee." The 29.99 percent interest rate, he said, is the default rate charged to consumers "who don't meet their obligation to pay their bills on time" and is clearly disclosed on account applications.

Feddis, of the banker's association, said the nature of debt means that interest will often end up being more than the original principal. "Anytime you have a loan that's going to extend for any period of time, the interest is going to accumulate. Look at a 30-year mortgage. The interest is much, much more than the principal."

Samuel J. Gerdano, executive director of the American Bankruptcy Institute, a non-partisan research group, said that focusing on late fees is "refusing to look at the elephant in the room, and that's the massive levels of consumer debt which is not being paid. People are living right up to the edge," failing to save so when they lose a second job or overtime, face medical expense or their family breaks up, they have no money to cope.

"Late fees aren't the cause of debt," he said.

Credit card use continues to grow, with an average of 6.3 bank credit cards and 6.3 store credit cards for every household, according to Cardweb.com Inc., which monitors the industry. Fifteen years ago, the averages were 3.4 bank credit cards and 4.1 retail credit cards per household.

Despite, or perhaps because of, the large increase in cards, there is a "fee feeding frenzy," among credit card issuers, said Robert McKinley, Cardweb's president and chief executive. "The whole mentality has really changed over the last several years," with the industry imposing fees and increasing interest rates if a single payment is late.

Penalty interest rates usually are about 30 percent, with some as high as 40 percent, while late fees now often are \$39 a month, and over-limit fees, about \$35, McKinley said. "If you drag that out for a year, it could be very damaging," he said. "Late and over-limit fees alone can easily rack up \$900 in fees, and a 30 percent interest rate on a \$3,000 balance can add another \$1,000, so you could go from \$2,000 to \$5,000 in just one year if you fail to make payments."

According to R.K. Hammer Investment Bankers, a California credit card consulting firm, banks collected \$14.8 billion in penalty fees last year, or 10.9 percent of revenue, up

from \$10.7 billion, or 9 percent of revenue, in 2002, the first year the firm began to track penalty fees.

The way the fees are now imposed, "people would be better off if they stopped paying" once they get in over their heads, said T. Bentley Leonard, a North Carolina bankruptcy attorney. Once you stop paying, creditors write off the debt and sell it to a debt collector. "They may harass you, but your balance doesn't keep rising. That's the irony."

By Mrs. FEINSTEIN:

S. 1041. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am offering today private relief legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals living in San Bruno, CA.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their four United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

In the seventeen years that the Plascencias have been here, they have worked to adjust their status through the appropriate legal channels, only to have their efforts thwarted by inattentive legal counsel.

Repeatedly, the Plascencia's lawyer refused to return their calls or otherwise communicate with them in any way, thereby leaving them in the dark. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them. Because of the poor representation they received, Mr. and Mrs. Plascencia only became aware that they had been ordered to leave the country fifteen days prior to their deportation. Although the family was stunned and devastated by this discovery, they acted quickly to fire their attorney for gross incompetence, secure competent counsel, and file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

For several reasons, it would be tragic for this family to be removed from the United States.

First, since arriving in the United States in 1988, Mr. and Mrs. Plascencia have proven themselves to be a responsible and civic-minded couple who share our American values of hard work, dedication to family and devotion to community.

Second, Mr. Plascencia has been gainfully employed at Vince's Shellfish for the past 13 years, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market's entire packing operation and several employees. The President of Vince's Shellfish, in one of the several dozen letters I have received in support of Mr. Plascencia, referred to him as "a valuable and respected em-

ployee" who "handles himself in a very professional manner" and serves as "a role model" to other employees. Others who have written to me praising Mr. Plascencia's job performance have referred to him as "gifted," "trusted," "honest" and "reliable."

Third, like her husband, Mrs. Plascencia has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, Mrs. Plascencia went to school, earned her high school equivalency degree, improved her skills and became a medical assistant.

For four years, Mrs. Plascencia was working in Kaiser Permanente's Oncology Department, where she attended to cancer patients. Her colleagues, many of whom have written to me in support of her, commend her "unending enthusiasm" and have described her work as "responsible," "efficient," and "compassionate." In fact, Kaiser Permanente's Director of Internal Medicine, Nurse Rose Carino, wrote to say that Mrs. Plascencia is "an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly." Nurse Carino went on to write that Mrs. Plascencia is "an excellent employee and role model for her colleagues. She works in a very demanding unit, Oncology, and is valued and depended on by the physicians she works with." The physicians themselves confirm this. For example, Dr. Laurie Weisberg, the Chief of Oncology at Kaiser Permanente, writes that Mrs. Plascencia "is truly an asset to our unit and is one of the main reasons that it functions effectively."

Together, Mr. and Mrs. Plascencia have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits and they each have begun saving for retirement. They want to send their children to college and give them an even better life.

This private relief bill is important because it would preserve these achievements and ensure that Mr. and Mrs. Plascencia will be able to make substantive contributions to the community in the future. It is important, also, because of the positive impact it will have on the couple's children, each of whom is a United States citizen and each of whom is well on their way to becoming productive members of the Bay Area community.

Christina, 13, is the Plascencia's oldest child, and an honor student with a 3.0 grade-point average at Parkside Intermediate School in San Bruno.

Erika, 9, and Alfredo, Jr., 7, are enrolled at Belle Air Elementary, where they have worked hard at their studies and received praise and good grades

from their teachers. In fact, last year, the principal of Erika's school recognized her as the "Most Artistic" student in her class. Recently, Erika's teacher, Mrs. Nascon, remarked on a report card, "Erika is a bright spot in my classroom."

The Plascencia's youngest child is 2-year-old Daisy.

Removing Mr. and Mrs. Plascencia from the United States would be most tragic for their children. Children who were born in the United States and who through no fault of their own have been thrust into a situation that has the potential to alter their lives dramatically.

It would be especially tragic for the Plascencia's older children—Christina, Erika and Alfredo—to have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends and their home. They would leave everything that is familiar to them. Their parents would find themselves in Mexico without a job and without a house. The children would have to acclimate to a different culture, language and way of life.

The only other option would be for Mr. and Mrs. Plascencia to leave their children here with relatives. This separation is a choice which no parents should have to make.

Many of the words I have used to describe Mr. and Mrs. Plascencia are not my own. They are the words of the Americans who live and work with the Plascencias day in and day out and who find them to embody the American spirit. I have sponsored this private relief bill, and ask my colleagues to support it, because I believe that this is a spirit that we must nurture wherever we can find it. Forcing the Plascencias to leave the United States would extinguish that spirit.

I ask unanimous consent that the text of the private relief bill and the numerous letters of support my office has received from members of the San Bruno community be the printed in the RECORD.

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

S. 1041

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

**SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCENCIA LOPEZ AND MARIA DEL REFUGIO PLASCENCIA.**

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alfredo Plascencia Lopez and Maria Del Refugio Plascencia enter the United States before the filing deadline specified in subsection (c),



Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez and Maria Del Refugio Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of that Act.

VINCE'S SHELLFISH CO., INC.,  
San Bruno, CA, January 12, 2005.

Sen. DIANNE FEINSTEIN,  
U.S. Senate, San Francisco, CA.

DEAR SENATOR DIANNE FEINSTEIN: I am writing on behalf of Maria and Alfredo Plascencia from San Bruno, California. Alfredo has worked for me at Vince's Shellfish Co. Inc. for the past 13 years. Alfredo is well respected here at Vines. Alfredo is a very reliable, dependable individual who has worked his way up and is now a foreman who is in charge of our packing department. Alfredo is responsible for 10 employees at this time.

On a personal basis, Alfredo is a fine father. He is trying desperately to keep his family together. It has been a 15-year struggle for Mr. and Mrs. Plascencia to create a better life in America for their four U.S. born children. If Mr. and Mrs. Plascencia were to face deportation it would be devastating for his four children.

At this time I support the private bill that is to be presented before the Senate at the end of this month. The Plascencia family will greatly benefit from its passing.

Sincerely,

CHRISTOPHER N. SVEDISC,  
President.

THE PERMANENTE  
MEDICAL GROUP, INC.,

South San Francisco, CA, January 13, 2005.  
Re Alfredo Plascencia Lopez and Maria del Refugio Plascencia

Sen. DIANNE FEINSTEIN,  
San Francisco, CA.

DEAR SENATOR: We are writing to you in representation of the Oncology department staff at Kaiser Permanente So. San Francisco. We are shocked to hear the events regarding Maria and Alfredo's United States residency status and we are convinced that it could not be due to any omissions on their part. We have the pleasure and good fortune of working with Maria for over four years and she has always distinguished herself for her intelligence, and good judgment. She is truly an asset to our unit and is one of the main reasons that it functions effectively and to the betterment of our patients. This letter is a plea to ask you to reconsider the deportation of this young couple. Their four children, who are all United States citizens, do not need to suffer this ordeal, which seems to be a horrible nightmare. They deserve to stay in America, as these are the

kind of citizens that we should welcome with open arms. Maria and Alfredo save and spend their money wisely. They have been able to save enough to buy a home for their family in our community. We can't even imagine their loss, as well as ours, if Maria and Alfredo are required to leave the United States. They both love our country and they support it with their heart and soul.

Maria seems to have an unending energy and enthusiasm volunteering numerous hours at her church, the community, as well as working full time in a fast paced medical environment, caring for her four children and attending college to continue her education to become a registered nurse. Maria and Alfredo are raising four exceptional children who are excelling in school and extracurricular activities. It would cause an immeasurable hardship on these children if their parents are not allowed to stay in the United States. Therefore, we ask you please allow them to stay so that their children can continue with their education and their lives. The effect on their children would be emotionally and mentally severe and it would seem unfair to all to allow this situation to happen to people who deserve to be in this country.

We will like for our plea to be heard by the members of the Senate and for them to consider the acceptance of the private bill on behalf of this family. Please consider the high regard that Maria and Alfredo have earned with their fellow workers when making the determination regarding of their residency status.

Sincerely,

Laurie Weisberg, M.D. Chief of Oncology,  
Edmond Schmulbach, M.D. Oncology Specialist,  
William Huang, M.D. Oncology Specialist,  
Kelly Sutter, RNNP Oncology,  
Jodie L. Beyer, pharm. D. Oncology pharmacist,  
Cynthia Galicia, RN Oncology Infusion Dept.,  
Clarita Difuntorum, RN, Oncology Infusion Dept.,  
Gail Walker, RN Oncology Infusion Dept.,  
Fran Luna, RN Oncology Infusion Dept.,  
Marita Tumaneng, RN Oncology Infusion Dept.,  
Barbara Modica, MA Oncology Dept.,  
Jenifer Ogolin, MA Oncology Dept.,  
Kathie Ankers, MA Gastroenterology Dept.,  
and Tracy Thurman, MA Gastroenterology Dept.

SAN BRUNO PARK SCHOOL DISTRICT,  
BELLE AIR SCHOOL,

San Bruno, CA, January 14, 2005.

DEAR SENATOR FEINSTEIN: I am writing in behalf of the Plascencia Family. I have known this family for over ten years as the Principal of Belle Air Elementary School. I have the utmost respect for the parents and their family values. The children are wonderful. They are well taken care of and are well adjusted. I am so worried that if they are separated from their parents the affect of the separation will cause reprievable damage to their well being. I have personally counseled the children during the drama of the possible deportment of their parents. I saw the deep sadness and worry that the stress caused. I know that parents wanted a better life for their children and have worked very hard to actualize that. To take the parents and or move this family would be tragic. There are so many undeserving people who will stay in the United States that should leave and be sent back to their countries. But this family is not one. They are a picture of the American dream. They work hard, support their family, church and community. Their children have grown to be proud American citizens. The oldest daughter Christy is an honor student and a cheerleader at Parkside Middle School and a graduate of Belle Air. Christy's brother and sis-

ter, Alfredo and Erica, are both on our school's student council. They too, are very bright students.

Please do not let an injustice of deportment happen to this family. Please assist them and keep them a family unit. We have so many children hurt and scared already in the world. Please do not add these children and this family to the numbers. This family and these children are what help keep American values and traditions alive. I came from an immigrant family and have made it my mission to give back to others by working in education and that is why I am personally writing this letter because I know what family, hard work, and love can do to produce productive adults and citizens.

Please find it in your heart, to help this family.

If you need to speak with me personally feel free to contact me.

Sincerely,

ANGELA M. ADDIEGO,  
Belle Air School, Principal.

MENSAJEROS DE CRISTO, COMUNIDAD  
DE ORACIÓN Y EVANGELIZACIÓN,  
ALL SOULS PARISH,

San Francisco, CA, January 13, 2005.

Sen. DIANNE FEINSTEIN,  
San Francisco, CA.

This letter represents the community and is in regards to the situation of Maria and Alfredo Plascencia. We would like to make you aware of a few facts and information that may have possible bearing on Mr. and Mrs. Plascencia's situation.

They have both been productive and valued members, of long standing, of our community and in our church.

Maria and Alfredo have been active members of All Souls Parish since 1997. Where they are currently serving as counselor of Mensajeros de Cristo. They have shown high moral standard through the years.

They are well thought of and respected by the congregation.

Please take this information into consideration when evaluating their status of Stay-ing in this country.

Should you need any additional information, please do not hesitate to contact us.

Sincerely,

HUGO LARA,  
Mensajeros de Cristo, Coordinador.

JANUARY 13, 2005.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

This letter is just to let you know that, I know Maria and Alfredo Plascencia since March 1999. When he joined the Charismatic Renewal of the Archdioceses of San Francisco, though the prayer group Mensajeros de Cristo from the parish of All Souls in South San Francisco.

Maria and Alfredo are people with great moral principles, good citizens, and good examples of their community. They are very active members of the above prayer group.

If you have any questions or concerns please feel free to contact me.

Sincerely yours,

ISABEL TOVAR,  
Hispanic Director, Charismatic Renewal,  
Archdioceses of San Francisco.

CITY OF SAN BRUNO,  
January 12, 2005.

Senator DIANNE FEINSTEIN,  
San Francisco, CA.

HON. SENATOR FEINSTEIN: We are writing to you regarding, Alfredo and Maria Plascencia, citizens of the City of San Bruno, who are about to be deported in the very near future.

Mr. and Mrs. Plascencia, in the sixteen years they have resided in this country and

raised their children, have proven to be hard working and law-abiding people trying to provide a better place for their family. While we are certainly aware of the laws of this country we believe that this is a time when we should do everything possible to allow legal residency so this family can stay in this country.

We urge you to afford the Plascencia family whatever consideration possible.

Sincerely yours,

LARRY FRANZELA,  
*Mayor.*

JIM RUANE,  
*Vice Mayor.*

CHRIS PALLAS,  
*Councilmember.*

IRENE O'CONNELL,  
*Councilmember.*

KEN IBARRA,  
*Councilmember.*

ST. BRUNO'S CHURCH,  
*San Bruno, CA, January 13, 2005.*

Sen. DIANE FEINSTEIN,  
*U.S. Senate,*  
*Washington, DC.*

The purpose of this letter is to present my observations on Alfredo Placencia Lopez and Maria Placencia's character and work ethic. I first came to know them in our Church when they came to worship on a Sunday. This happened around January 1998.

And so far, the last 7 years both Alfredo and Maria have been two of our outstanding parishioners at St. Bruno's Church. They come to Sunday Mass and worship, and have been involved in many ministries and services here in our Church at St. Bruno's. Alfredo has been especially a minister of hospitality, always welcoming people to church and participation in the life of the community, helping to provide a spirit of acceptance and concern among our people and providing bread and refreshments for some gatherings. Alfredo has also reached out to the homeless for whom we have a shelter in our Parish and especially providing them with food. Maria has been especially involved as a teacher, faithfully giving to our children the fundamentals of our Faith, of the Gospel and of a Christian moral life. She has founded a Children's Choir and leads them with our Special Music for Sunday worship. They have four children all of whom have been baptized at St. Bruno's Church and come to our School of Religion and our Church.

Alfredo and Maria have been most generous with their time, their talents and their money, sharing all these with the members of our Church Community. They have also frequently donated food to the Church and to the Pastor. I have found them to be really good Christian people, most generous, considerate, kind, honest and reliable. If they would have to leave the United States, it will be most difficult for them and for their children who have been growing in a Christian environment and are doing so well; it would be a tremendous loss. We too here in our Church would find it difficult without them. For they are a great asset to this country and to our Church and to many people.

We appreciate whatever you can do for them to help them get their legal papers of residence in the United States.

Thank you very much.

Sincerely yours,

RENÉ GOMEZ,  
*Pastor of St. Bruno's Church.*

SAN BRUNO, CA,  
*January 13, 2005.*

Re Alfredo Placencia Lopez and/or Maria Del Refugio Placencia.

TO WHOM IT MAY CONCERN: My name is Elisa Alvarez. Alfredo and Maria Placencia

and Family are my neighbors and friends, I have known them since 1999. They live on 3rd Ave. and I live on 4th. Since I have known them I saw that they are a very close and spiritual family. I enjoyed their company because they have been a great example of how a close family they are and how spiritual they are. They are great parents and they love and are very close with the rest of their family. They always go every where together as a family, you never see them without each other. They always get together with the rest of their relatives they are very close family. They invited me one night to a prayer group and even offered to pick me up and take me and bring me home when I was going through some hard times. This experience was so moving, and it help me and my whole life changed from that day on. I have became very spiritual thanks to the Alfredo and Maria. I met them at St. Bruno's Church. They always do voluntary work at the church they both do so much for our parish and are always willing to help anyone who needs it.

If Alfredo and Maria are separated from their children and family it will be very hard for their children to be with out their parents or I know if they all go to Mexico it will be very hard for this family to survive there. I hope you can help them by not separating this family, they are hard workers and I'm sure they would never be a burden for this country. This is a very nice young family, you don't see families like this one these days. I hope everything can be done so Alfredo and Maria can get their permanent residency and their lives can get back to normal and they don't have to suffer from this bad roller coaster.

Thank you for your attention to this letter.

Sincerely,

ELISA ALVAREZ.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES TRADE REPRESENTATIVE SHOULD BRING A CASE BEFORE THE WORLD TRADE ORGANIZATION REGARDING THE VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS BY THE PEOPLE'S REPUBLIC OF CHINA

Mr. DORGAN (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 142

Whereas at the Joint Commission on Commerce and Trade (JCCT) meeting in April 2004, the People's Republic of China committed to undertake a significant reduction of infringements on intellectual property rights;

Whereas on April 29, 2005, the United States Trade Representative concluded that, "China has not resolved critical deficiencies in (intellectual property rights) protection and enforcement and, as a result, infringements remain at epidemic levels";

Whereas the United States Trade Representative found that "China's inadequate intellectual property rights enforcement is resulting in infringement levels at 90 percent or above for virtually every form of intellectual property,";

Whereas United States Trade Representative further concluded that "there has not been a significant reduction in (intellectual

property rights) infringements throughout China," notwithstanding China's commitment in April 2004 to achieve such a reduction;

Whereas, according to the United States Chamber of Commerce, China's violations of intellectual property rights are costing United States industry an estimated \$200,000,000,000 per year; and

Whereas the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (described in section 101(d)(15) of the Uruguay Round Agreements Act) is intended to provide a mechanism for the enforcement of intellectual property rights: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States Trade Representative should immediately initiate a case against the People's Republic of China through the World Trade Organization dispute settlement process.

SENATE RESOLUTION 143—TO AUTHORIZE THE SENATE LEGAL COUNSEL TO APPEAR IN LEGAL PROCEEDINGS IN THE NAME OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS IN CONNECTION WITH ITS INVESTIGATION INTO THE UNITED NATIONS' "OIL-FOR-FOOD" PROGRAMME

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Whereas, the Permanent Subcommittee on Investigations is conducting an inquiry into the United Nations' "Oil-for-Food" Programme;

Whereas, the Subcommittee has need to obtain access to evidence from an individual formerly associated with the Independent Inquiry Committee, a committee formed by the United Nations to investigate claims relating to the Programme;

Whereas, in the course of the Subcommittee's efforts to obtain access to such evidence, legal issues may arise requiring the Subcommittee to appear in the courts of the United States;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288l(a), the Senate may direct its Counsel to appear as amicus curiae or to intervene in the name of a subcommittee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized, when directed by the Permanent Subcommittee on Investigations, or by the Chairman and Ranking Minority Member, acting jointly, to appear in the name of the Subcommittee as amicus curiae, intervenor, applicant or respondent in United Nations v. Robert Parton or any related action or proceeding.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE POLICY OF THE UNITED STATES AT THE 57TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

Ms. SNOWE (for herself, Ms. CANTWELL, Mr. LEVIN, Mr. KENNEDY, Mr.

MCCAIN, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Mr. BIDEN, Mr. JEFFORDS, Mr. DODD, Mr. LAUTENBERG, Mr. REED, Mr. WYDEN, Mr. PRYOR, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. AKAKA) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 33

Whereas whales have very low reproductive rates, making many whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 a significant number of the nations of the world adopted the International Convention for the Regulation of Whaling, which established the International Whaling Commission to provide for the proper conservation of whale stocks;

Whereas in 2003 the Commission established a Conservation Committee, open to all members of the Commission, for the purpose of facilitating efficient and effective coordination and development of conservation recommendations and activities, which are fully consistent with the conservation objectives stated in the 1946 Convention;

Whereas the Commission adopted a moratorium on commercial whaling in 1982 in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the commercial whaling industry;

Whereas the rights of indigenous people to whale for subsistence purposes has been specifically recognized under the 1946 Convention;

Whereas the Commission has designated the Indian Ocean and part of the ocean around Antarctica as whale sanctuaries to further enhance the recovery of whale stocks;

Whereas many nations of the world have designated waters under their jurisdiction as whale sanctuaries where commercial whaling is prohibited, and additional regional whale sanctuaries have been proposed by nations that are members of the Commission;

Whereas two member nations that lodged objections to the Commission's moratorium on commercial whaling when it was adopted continue to hold such objections, a third member nation asserted a reservation to the moratorium on rejoining the Commission, and one member nation is currently conducting commercial whaling operations in spite of the moratorium and the protests of other nations;

Whereas the Commission has adopted several resolutions at recent meetings asking member nations to halt commercial whaling activities conducted under reservation to the moratorium and to refrain from issuing special permits for research involving the killing of whales;

Whereas one member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas one member nation has recently begun to conduct unnecessary lethal scientific whaling in the Atlantic;

Whereas whale meat and blubber is being sold commercially from whales killed pursuant to such unnecessary lethal scientific whaling, further undermining the moratorium on commercial whaling;

Whereas the Commission's Scientific Committee has repeatedly expressed serious concerns about the scientific need for such le-

thal research and recognizes the importance of demonstrating and expanding the use of non-lethal scientific research methods;

Whereas more than 8,700 whales have been killed in lethal scientific whaling programs since the adoption of the commercial whaling moratorium and the lethal take of whales under scientific permits has increased both in quantity and species, with species now including minke, Bryde's, sei, and sperm whales, and media reports indicate a new plan may be offered that could expand such whaling to fin and humpback whales;

Whereas engaging in commercial whaling under reservation and lethal scientific whaling undermines the conservation program of the Commission;

Whereas discussions are taking place within the Commission on a Revised Management Scheme (RMS) that would regulate any possible future commercial whaling;

Whereas any decision to lift the moratorium against commercial whaling must be taken independently from negotiations and adoption of an RMS;

Whereas any RMS must include or be conditioned on the concurrent adoption of provisions similar to those in other international agreements related to fisheries and marine mammals, including transparent and neutral observer mechanisms, and effective compliance and dispute settlement mechanisms;

Whereas to be effective, if an RMS is adopted, any future commercial whaling must take place pursuant to the RMS, and no reservations allowing commercial whaling outside of the RMS should be permitted; and

Whereas any decision to lift the moratorium against commercial whaling must be conditioned on the immediate cessation of lethal scientific whaling: Now, therefore, be it

*Resolved, by the Senate (the House of Representatives concurring) That it is the sense of the Congress that—*

(1) at the 57th Annual Meeting of the International Whaling Commission the United States should—

(A) remain firmly opposed to commercial whaling and any linking of adoption of a Revised Management Scheme (RMS) to the lifting of the commercial whaling moratorium;

(B) initiate and support efforts to ensure that all activities conducted under reservations to the Commission's moratorium or sanctuaries are ceased;

(C) seek to ensure that any RMS includes, or is conditioned on the concurrent adoption of provisions similar to those in other international agreements related to fisheries and marine mammals, including transparent and neutral observer mechanisms, and effective compliance and dispute settlement mechanisms;

(D) insist that any future commercial whaling must take place pursuant to the RMS, that no reservations allowing commercial whaling outside of the RMS should be permitted, and that lethal scientific whaling must immediately cease upon the commencement of any commercial whaling;

(E) uphold the rights of indigenous people to whale for subsistence purposes, and firmly reject any attempts to compromise such rights or to equate commercial whaling with such rights;

(F) initiate or support efforts to end the lethal taking of whales for scientific purposes, seek support for expanding the use of non-lethal research methods, and seek to end the sale of whale meat and blubber from whales killed for unnecessary lethal scientific research;

(G) support proposals for the permanent protection of whale populations through the establishment of whale sanctuaries and

other zones of protection in which commercial whaling is prohibited;

(H) support efforts to expand data collection on whale populations, monitor and reduce whale bycatch and other incidental impacts, and otherwise expand whale conservation efforts;

(I) support the adoption of an active program of work by the Conservation Committee to address the full range of threats to whales, and otherwise expand whale conservation efforts;

(J) call upon the Contracting Parties to the Convention to submit to the Commission for discussion within the Conservation Committee national approaches, including laws, regulations and other initiatives, that further the conservation of cetaceans; and

(2) the United States should make full use of all appropriate diplomatic mechanisms, Federal law, relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in paragraph (1).

Ms. CANTWELL. Mr. President, as ranking member of the Subcommittee on Fisheries and Coast Guard of the Committee on Commerce, Science and Transportation, I am pleased to join the chair of the Subcommittee, Senator SNOWE, in submitting a resolution regarding the policy of the United States at the upcoming 57th Annual Meeting of the International Whaling Commission (IWC). I wish to also thank my colleagues Mr. MCCAIN, Mr. KENNEDY, Mr. AKAKA, Mr. REED, Ms. COLLINS, Mr. DODD, Mr. LEVIN, Mr. BIDEN, Ms. BOXER, Mr. LAUTENBERG, Ms. FEINSTEIN, Mr. PRYOR, Mr. KERRY, Mr. JEFFORDS, Mr. WYDEN, and Mr. LIEBERMAN for co-sponsoring as well.

Recognizing that whales are highly migratory and therefore require international cooperation for their preservation, the IWC was formed in 1946 under the International Convention for the Regulation of Whaling. In 1982, due to the severe impacts of whaling on the populations of large whale species, the IWC adopted an indefinite moratorium on all commercial whaling.

Despite the IWC moratorium on commercial whaling, significant whaling has continued. In particular, Japan and Iceland have been using a provision in the Convention—which allows countries to issue themselves permits for “scientific whaling”—to kill whales in the name of science, and later sell the meat commercially. More than 8700 whales have been killed in lethal scientific whaling programs since the adoption of the commercial whaling moratorium, and press reports indicate that a new plan may be offered that would expand such whaling to fin and humpback whales. The IWC Scientific Committee has repeatedly stated that such lethal takes are not necessary for scientific research.

In this resolution we call on the U.S. delegation to remain firmly opposed to commercial whaling. We urge the U.S. to initiate or support efforts to oppose the unnecessary lethal taking of whales for scientific purposes and to seek to end the sale of meat and blubber from whales killed for scientific research in order to remove this perverse incentive.

This resolution comes at a time when discussions are underway in the IWC to establish a framework, or "revised management scheme" for any future commercial whaling, should it ever occur. The resolution calls for the U.S. delegation to the IWC to insist that any RMS negotiations remain separate from discussions on whether to lift the moratorium on commercial whaling, and that any such RMS include provisions on accountability, transparency, and compliance that are part of all effective international agreements. It further calls on the U.S. delegation to insist, as part of the RMS language, that lethal scientific whaling immediately cease upon the commencement of any commercial whaling. The resolution also firmly recognizes the rights of indigenous people to whale for subsistence purposes, and calls on the U.S. delegation to firmly reject any attempts to compromise such rights or to equate commercial whaling with such rights.

In order to ensure future abundance and health of whale populations, we call on the U.S. to support the work of the Conservation Committee, and to otherwise expand whale conservation efforts. The resolution calls for the U.S. delegation to support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited. Finally, the resolution directs the U.S. to make full use of all appropriate mechanisms to change the behavior of other nations which are undermining the protection of these magnificent creatures.

I would like to again thank chairwoman SNOWE for collaborating with me on this important effort, and I look forward to working with my colleagues on this issue.

Ms. SNOWE. Mr. President, I rise today to submit a resolution that is both timely and vital to the future of the world's large whale populations. In little more than a month, representatives from around the world will gather in South Korea for the 57th annual meeting of the International Whaling Commission. These representatives will consider proposals to weaken or lift the moratorium on commercial whaling and expand whaling operations around the globe. It is more critical than ever that the United States remains firmly opposed to any proposals to resume commercial whaling and maintain its leadership role in shaping global whale conservation policies through the Commission.

The Commission's early attempts to regulate commercial whaling did not stop the precipitous decline of whale populations around the world. This management failure exposed a dramatic lack of knowledge and understanding of whales and their environment. In response to dwindling whale populations, the Commission declared a global moratorium on commercial

whaling in 1982. The United States was a leader in the efforts to establish this moratorium, and in the intervening decades we have continued our outspoken opposition to commercial whaling.

My colleagues and I are submitting this resolution to give needed support to the U.S. negotiators as they strive to preserve vital whale conservation measures through the International Whaling Commission. Pro-whaling countries have made clear, through numerous media outlets, that they plan to work to lift the moratorium at this year's meeting, a move that threatens to undo years of international efforts to recover whale populations. As a Nation we must stand firmly against lifting of the moratorium and the resumption of commercial whaling. But we cannot stop there. As we continue our international efforts for effective, global whale conservation we must work to close loopholes in, and end abuses of, Commission regulations. This resolution calls for the closing of a scientific whaling loophole that some countries are exploiting to allow whaling, not just in the open ocean, but in designated whale sanctuaries. Lethal scientific whaling is an outdated concept that serves no useful purpose; even the Commission's own Scientific Committee has called for the cessation of this practice. In addition to the scientific whaling provision, some countries choose to take reservations to the moratorium under which they continue to expand commercial whaling activities year after year. These unilateral actions weaken the Commission and undermine international whale conservation efforts; therefore, they must be brought to an end.

We must consider the future as we strive to ensure the sustainability of the world's whale populations. At this year's meeting, the Commission may address the critical issue of a Revised Management Scheme, or RMS, to govern whale conservation in future years. As we consider possible management systems, it is imperative that we build any RMS on a solid foundation of scientific knowledge and sustainability. If our Nation is to support any RMS, we must ensure that it addresses the need for additional research and ensure that all whaling outside the scheme ceases immediately. Any RMS that we are party to must also include provisions that we find in other international fisheries agreements, such as transparency in decision making, objective observers, and effective compliance mechanisms.

I thank my colleagues who have already signed on as co-sponsors of this resolution for their continuing commitment to marine conservation: Senators CANTWELL, LEVIN, KENNEDY, MCCAIN, LIEBERMAN, KERRY, COLLINS, BIDEN, JEFFORDS, DODD, LAUTENBERG, REED, WYDEN, BOXER, FEINSTEIN, PRYOR, and AKAKA. Their dedication to

responsible protection and management of our whale populations helps ensure the healthy functioning of marine ecosystems for generations to come.

Whales constitute a vital component of the world's marine ecosystems. Whales are some of the largest and most intelligent mammals on Earth, and conserving them requires us to uphold strong international agreements and an unwavering commitment to science-based management. Supporting whale conservation is more critical now than ever, and I urge my colleagues to support swift passage of this resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 761. Mr. INHOFE (for himself and Mr. JEFFORDS) proposed an amendment to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 761.** Mr. INHOFE (for himself and Mr. JEFFORDS) proposed an amendment to amendment SA 605 proposed by Mr. INHOFE to the bill H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; as follows:

On page 29, line 1, strike "Control and" and insert "Inventory, control, and".

On page 35, strike lines 15 through 21 and insert the following:

(C) PARK ROADS AND PARKWAYS.—

(i) IN GENERAL.—For park roads and parkways under section 204 of that title—

(I) \$320,000,000 for fiscal year 2005; and

(II) \$330,000,000 for each of fiscal years 2006 through 2009.

(ii) MINIMUM ALLOCATION TO CERTAIN STATES.—A State more than 50 percent of the acreage of which is within the National Park System shall receive not less than 3 percent of any funds appropriated under this subparagraph, to be used for park transportation projects.

(iii) MODIFICATION OF AUTHORIZATION.—Any amount authorized to be appropriated under section 2001(a)(1)(A) to carry out surface transportation research shall be reduced by—

(I) for fiscal year 2005, \$29,025,031; and

(II) for each of fiscal years 2006 through 2009, \$29,638,742.

On page 140, strike lines 11 through 18, and insert the following:

"(10)(A) Recommending federally-assisted projects to implement or accommodate the use of a device capable of—

"(i) automatically capturing images of, measuring the speed of, and relating to, multiple vehicles in multiple lanes simultaneously; and

"(ii) correlating measured speeds to capture images of specific identified vehicles traveling in excess of posted speed limits in road work zones and construction areas.

"(B) Recommending appropriate measures to protect public security and privacy, including—

"(i) notice to drivers of the use of the devices described in subparagraph (A); and

“(ii) with respect to the information generated by the devices described in subparagraph (A)—

“(I) limitations on the number of, and authorization process relating to, individuals that may access the information;

“(II) limitations on the use, disclosure, and retention of the information; and

“(III) any measures necessary to ensure that the information is accessed only by an individual that is authorized to access the information.

“(11) Ensuring that any recommendation made under any of paragraphs (7) through (10) provides for an exemption for applicability to a State, with respect to a project or class of projects—

“(A) to the extent that a State notifies the Secretary in writing that safety is not expected to be adversely affected by non-application of the recommendation to the project or class of projects; or

“(B) in any case in which the State has in effect a law that prohibits a project or class of projects (including a device or activity to be installed or carried out under such a project).”.

On page 143, after the matter following line 25, add the following:

**SEC. 14. PRESIDENTIAL COMMISSION ON ALCOHOL-IMPAIRED DRIVING.**

(a) FINDINGS.—Congress finds that—

(1) there has been considerable progress over the past 25 years in reducing the number and rate of alcohol-related highway fatalities;

(2) the National Highway Traffic Safety Administration projects that fatalities in alcohol-related crashes declined in 2004 for the second year in a row;

(3) in spite of this progress, an estimated 16,654 Americans died in 2004, in alcohol-related crashes;

(4) these fatalities comprise 39 percent of the annual total of highway fatalities;

(5) about 250,000 are injured each year in alcohol-related crashes;

(6) the past 2 years of decreasing alcohol-related fatalities follows a 3-year increase;

(7) drunk driving is the Nation's most frequently committed violent crime;

(8) the annual cost of alcohol-related crashes is over \$100,000,000,000, including \$9,000,000,000 in costs to employers;

(9) a Presidential Commission on Drunk Driving in 1982 and 1983 helped to lead to substantial progress on this issue; and

(10) these facts point to the need to renew the national commitment to preventing these deaths and injuries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in an effort to further change the culture of alcohol impaired driving on our Nation's highways, the President should consider establishing a Presidential Commission on Alcohol-Impaired Driving—

(1) comprised of—

(A) representatives of State and local governments, including state legislators;

(B) law enforcement;

(C) traffic safety experts, including researchers;

(D) victims of alcohol-related crashes;

(E) affected industries, including the alcohol, insurance, and auto industries;

(F) the business community;

(G) labor;

(H) the medical community;

(I) public health; and

(J) Members of Congress; and

(2) that not later than September 30, 2006, would—

(A) conduct a full examination of alcohol-impaired driving issues; and

(B) make recommendations for a broad range of policy and program changes that would serve to further reduce the level of deaths and injuries caused by drunk driving.

**SEC. 14. SENSE OF THE SENATE IN SUPPORT OF INCREASED PUBLIC AWARENESS OF BLOOD ALCOHOL CONCENTRATION LEVELS AND THE DANGERS OF DRINKING AND DRIVING.**

(a) FINDINGS.—The Senate finds that—

(1) in 2003—

(A) 17,013 Americans died in alcohol-related traffic crashes;

(B) 40 percent of the persons killed in traffic crashes died in alcohol-related crashes; and

(C) drivers with blood alcohol concentration levels over 0.15 were involved in 58 percent of alcohol-related traffic fatalities;

(2) research shows that 77 percent of Americans think they have received enough information about drinking and driving and the way in which alcohol affects individual blood alcohol concentration levels; and

(3) only 28 percent of the American public can correctly identify the legal limit of blood alcohol concentration of the State in which they reside.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the National Highway Traffic Safety Administration should work with State and local governments and independent organizations to increase public awareness of—

(1) State legal limits on blood alcohol concentration levels; and

(2) the dangers of drinking and driving.

**SEC. 14. GRANT PROGRAM FOR COMMERCIAL DRIVER TRAINING.**

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making grants to commercial driver training schools and programs for the purpose of providing financial assistance to entry level drivers of commercial vehicles (as defined in section 31301 of title 49, United States Code).

(b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent.

(c) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the purpose of carrying out this section \$5,000,000 for each of the fiscal years 2006 through 2009.

On page 296, strike lines 13 through 18 and insert the following:

**SEC. 1621. FEDERAL PROCUREMENT OF RECYCLED COOLANT.**

On page 297, between lines 9 and 10, insert the following:

**SEC. 1622. CONSERVE BY BICYCLING PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term “program” means the Conserve by Bicycling Program established by subsection (b).

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department of Transportation a program to be known as the “Conserve by Bicycling Program”.

(c) PROJECTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall establish not more than 10 pilot projects that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) REQUIREMENTS.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) COST SHARING.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

**(d) ENERGY AND BICYCLING RESEARCH STUDY.—**

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) COMPONENTS.—The study shall—

(A) document the results or progress of the pilot projects under subsection (b);

(B) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(C) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(D) include a cost-benefit analysis of bicycle infrastructure investments; and

(E) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

On page 318, strike lines 13 through 23 and insert the following:

**SEC. 1803. REVISION OF REGULATIONS.**

Section 112(b)(3) of title 23, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by striking subparagraph (C) and inserting the following:

“(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter (including intermodal projects) for which the Secretary has approved the use of design-build contracting under criteria specified in regulations promulgated by the Secretary.

“(D) REGULATORY PROCESS.—Not later than 90 days after the date of enactment of the Safe, Affordable, Flexible, and Efficient Transportation Equity Act of 2005, the Secretary shall promulgate revised regulations under section 1307(c) of the Transportation Equity Act for 21st Century (23 U.S.C. 112 note; 112 Stat. 230) that—

“(i) do not preclude State transportation departments or local transportation agencies from—

“(I) issuing requests for proposals;

“(II) proceeding with awards of design-build contracts; or

“(III) issuing notices to proceed with preliminary design work under design-build contracts; prior to compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332);

“(ii) require that the State transportation department or local transportation agency receive concurrence from the Secretary before carrying out an activity under clause (i); and

“(iii) preclude the design-build contractor from proceeding with final design or construction of any permanent improvement

prior to completion of the process under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)."

On page 352, line 5, strike "and".

On page 352, line 9, strike the period at the end and insert "; and".

On page 352, between lines 9 and 10, insert the following:

"(iii) not less than 40 percent of the amount made available under subparagraph (B) for the fiscal year for the seismic retrofit of bridges for multilane, suspension bridges that—

"(I) were open to traffic prior to 1940; and

"(II) are located in high-seismic zones.".

On page 357, line 5, strike "and".

On page 357, line 8, strike the period at the end and insert "; and".

On page 357, between lines 8 and 9, insert the following:

"(3) support the planning, development, and construction of high priority corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032).

On page 357, strike lines 12 through 14 and insert the following:

"(c) ELIGIBLE ACTIVITIES.—The Secretary shall make allocations under this program for—

"(1) multistate highway and multimodal planning studies and construction; and

"(2) coordinated planning, development, and construction of high priority corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032).

On page 404, line 11, strike "and transit".

On page 410, between lines 7 and 8, insert the following:

#### SEC. 1830. US-95 PROJECT, LAS VEGAS, NEVADA.

Unless an agreement is reached between the Federal Highway Administration, the State of Nevada, and the Sierra Club, the State of Nevada may continue to completion construction of the project entitled "US-95 Project in Las Vegas, Nevada", as approved by the Federal Highway Administration on November 18, 1999, and selected in the record of decision dated January 28, 2000, on June 30, 2005.

On page 418, line 16, before the semicolon, insert ", including alternative materials used in highway drainage applications".

Beginning on page 557, strike line 5 and all that follows through page 564, line 13, and insert the following:

#### TITLE III—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE AND BUDGET OFFSETS

##### SEC. 3101. SENSE OF THE SENATE ON OVERALL FEDERAL BUDGET.

It is the sense of the Senate that—

(1) comprehensive statutory budget enforcement measures, the jurisdiction of which lies with the Senate Budget Committee and Senate Governmental Affairs Committee, should—

(A) be enacted this year; and

(B) address all areas of the Federal budget, including discretionary spending, direct spending, and revenues; and

(2) special allocations for transportation should be included in that context.

##### SEC. 3102. DISCRETIONARY SPENDING CATEGORIES.

(a) DEFINITIONS.—

(1) HIGHWAY CATEGORY.—Section 250(c)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4)(B)) is amended—

(A) by striking "Transportation Equity Act for the 21st Century" and inserting "Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005"; and

(B) by adding at the end the following:

"(v) 69-8158-0-7-401 (Motor Carrier Safety Grants).

"(vi) 69-8159-0-7-401 (Motor Carrier Safety Operations and Programs)."

(2) MASS TRANSIT CATEGORY.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4)) is amended by striking subparagraph (C) and inserting the following:

"(C) MASS TRANSIT CATEGORY.—The term 'mass transit category' means the following budget accounts, or portions of the accounts, that are subject to the obligation limitations on contract authority provided in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 or for which appropriations are provided in accordance with authorizations contained in that Act:

"(i) 69-1120-0-1-401 (Administrative Expenses).

"(ii) 69-1134-0-1-401 (Capital Investment Grants).

"(iii) 69-8191-0-7-401 (Discretionary Grants).

"(iv) 69-1129-0-1-401 (Formula Grants).

"(v) 69-8303-0-7-401 (Formula Grants and Research).

"(vi) 69-1127-0-1-401 (Interstate Transfer Grants—Transit).

"(vii) 69-1125-0-1-401 (Job Access and Reverse Commute).

"(viii) 69-1122-0-1-401 (Miscellaneous Expired Accounts).

"(ix) 69-1139-0-1-401 (Major Capital Investment Grants).

"(x) 69-1121-0-1-401 (Research, Training and Human Resources).

"(xi) 69-8350-0-7-401 (Trust Fund Share of Expenses).

"(xii) 69-1137-0-1-401 (Transit Planning and Research).

"(xiii) 69-1136-0-1-401 (University Transportation Research).

"(xiv) 69-1128-0-1-401 (Washington Metropolitan Area Transit Authority)."

(b) HIGHWAY FUNDING REVENUE ALIGNMENT.—Section 251(b)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(1)(B)) is amended—

(1) in clause (i)—

(A) by inserting "for each of fiscal years 2006 through 2009" after "submits the budget";

(B) by inserting "the obligation limitation and outlay limit for" after "adjustments to"; and

(C) by striking "provided in clause (ii)(I)(cc)." and inserting the following: "follows:

"(I) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in clause (iii), plus any amount previously calculated under clauses (i)(II) and (ii) for that year.

"(II) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of highway receipts in clause (iii) for that year.

"(III) OMB shall—

"(aa) take the sum of the amounts calculated under subclauses (I) and (II) and add that amount to the obligation limitation set forth in section 3103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the highway category for the budget year, and calculate the outlay change resulting from that change in obligations relative to that amount for the budget year and each outyear using current estimates; and

"(bb) after making the calculation under item (aa), adjust the obligation limitation set forth in section 3103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the budget year by adding the amount calculated under subclauses (I) and (II).";

(2) by striking clause (ii) and inserting the following:

"(ii) When the President submits the supplementary budget estimates for each of fiscal years 2006 through 2009 under section 1106 of title 31, United States Code, OMB's Mid-Session Review shall include adjustments to the obligation limitation and outlay limit for the highway category for the budget year and each outyear as follows:

"(I) OMB shall take the most recent estimate of highway receipts for the current year (based on OMB's Mid-Session Review) and subtract the estimated level of highway receipts in clause (iii) plus any amount previously calculated and included in the President's Budget under clause (i)(II) for that year.

"(II) OMB shall—

"(aa) take the amount calculated under subclause (I) and add that amount to the amount of obligations set forth in section 3103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the highway category for the budget year, and calculate the outlay change resulting from that change in obligations relative to that amount for the budget year and each outyear using current estimates; and

"(bb) after making the calculation under item (aa), adjust the amount of obligations set forth in section 3103 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 for the budget year by adding the amount calculated under subclause (I)."; and

(3) by adding at the end the following:

"(iii) The estimated level of highway receipts for the purpose of this subparagraph are—

"(I) for fiscal year 2005, \$34,163,000,000;

"(II) for fiscal year 2006, \$36,972,000,000;

"(III) for fiscal year 2007, \$38,241,000,000;

"(IV) for fiscal year 2008, \$39,432,000,000; and

"(V) for fiscal year 2009, \$40,557,000,000.

"(iv) In this subparagraph, the term "highway receipts" means the governmental receipts and interest credited to the highway account of the Highway Trust Fund."

(c) CONTINUATION OF SEPARATE SPENDING CATEGORIES.—For the purpose of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), the discretionary spending limits for the highway category and the mass transit category shall be—

(1) for fiscal year 2005—

(A) \$33,657,000,000 for the highway category; and

(B) \$6,844,000,000 for the mass transit category;

(2) for fiscal year 2006—

(A) \$37,086,000,000 for the highway category; and

(B) \$5,989,000,000 for the mass transit category;

(3) for fiscal year 2007—

(A) \$40,192,000,000 for the highway category; and

(B) \$7,493,000,000 for the mass transit category;

(4) for fiscal year 2008—

(A) \$41,831,000,000 for the highway category; and

(B) \$8,479,000,000 for the mass transit category; and

(5) for fiscal year 2009—

(A) \$42,883,000,000 for the highway category; and

(B) \$9,131,000,000 for the mass transit category.

(d) ADDITIONAL ADJUSTMENTS.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(1)) is amended—

(1) in subparagraph (C)—

(A) in clause (i), by striking "fiscal years 2000, 2001, 2002, or 2003," and inserting "each of fiscal years 2006, 2007, 2008, and 2009,"; and



(B) in clause (ii), by striking “2002 and 2003” and inserting “2008 and 2009”; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) by striking “1999” and inserting “2005”; and

(ii) by striking “2000 through 2003” and inserting “2006 through 2009”; and

(iii) by striking “section 3103 of the Transportation Equity Act for the 21st Century” and inserting “section 6102 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005”; and

(B) in clause (ii), by striking “2000, 2001, 2002, or 2003” and inserting “2006, 2007, 2008, and 2009”.

#### SEC. 3103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purpose of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), the level of obligation limitations for the highway category is—

- (1) for fiscal year 2005, \$35,154,000,000;
- (2) for fiscal year 2006, \$40,110,000,000;
- (3) for fiscal year 2007, \$40,564,000,000;
- (4) for fiscal year 2008, \$42,544,000,000; and
- (5) for fiscal year 2009, \$43,281,000,000.

(b) MASS TRANSIT CATEGORY.—For the purpose of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)), the level of obligation limitations for the mass transit category is—

- (1) for fiscal year 2005, \$7,609,000,000;
- (2) for fiscal year 2006, \$8,902,000,000;
- (3) for fiscal year 2007, \$9,367,000,000;
- (4) for fiscal year 2008, \$10,171,000,000; and
- (5) for fiscal year 2009, \$10,502,000,000.

For the purpose of this subsection, the term “obligation limitations” means the sum of budget authority and obligation limitations.

On page 566, strike lines 2 and 3 and insert the following:

“(C) blast furnace slag aggregate;

“(D) silica fume; and

“(E) any other waste material or byprod-

On page 582, after line 25, add the following:

#### SEC. 5204. VOLUMETRIC EXCISE TAX CREDIT FOR ALTERNATIVE FUELS.

(a) IMPOSITION OF TAX.—

(1) IN GENERAL.—Section 4081(a)(2)(A) (relating to rates of tax), as amended by section 5611 of this Act, is amended—

(A) by striking “and” at the end of clause (ii),

(B) by striking the period at the end of clause (iii), and

(C) by adding at the end the following new clauses:

“(iv) in the case of P Series Fuels, 18.3 cents per gallon,

“(v) in the case of compressed natural gas and hydrogen, 18.3 cents per energy equivalent of a gallon of gasoline, and

“(vi) in the case of liquefied natural gas, any liquid fuel (other than ethanol and methanol) derived from coal (including peat), and liquid hydrocarbons derived from biomass (as defined in section 29(c)(3)), 24.3 cents per gallon.”.

(2) TREATMENT OF ALTERNATIVE FUEL AS TAXABLE FUEL.—

(A) IN GENERAL.—Section 4083(a)(1) (defining taxable fuel) is amended—

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

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

(iii) by adding at the end the following new subparagraph:

“(D) alternative fuel.”.

(B) DEFINITION.—Section 4083(a) is amended by adding at the end the following new paragraph:

“(4) ALTERNATIVE FUEL.—The term ‘alternative fuel’ means—

“(A) compressed or liquefied natural gas,

“(B) P Series Fuels (as defined by the Secretary of Energy under section 13211(2) of title 42, United States Code,

“(C) hydrogen,

“(D) any liquid fuel (other than ethanol and methanol) derived from coal (including peat), and

“(E) liquid hydrocarbons derived from biomass (as defined in section 29(c)(3)).”.

(3) CONFORMING AMENDMENT.—Section 4041(a), as amended by section 5101 of this Act, is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) SPECIAL MOTOR FUELS.—

“(A) IN GENERAL.—There is hereby imposed a tax on any alternative fuel (other than gas oil or fuel oil) and liquefied petroleum gas—

“(i) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

“(ii) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such fuel under clause (i).

“(B) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—No tax shall be imposed by this paragraph on the sale or use of any alternative fuel or liquefied petroleum gas if tax was imposed on such alternative fuel or liquefied petroleum gas under section 4081 and the tax thereon was not credited or refunded.

“(C) RATE OF TAX.—Except as otherwise provided, the rate of the tax imposed by this paragraph shall be the rate of tax specified in clause (iv), (v), or (vi) of section 4081(a)(2)(A) on the alternative fuel which is in effect at the time of such sale or use. In the case of liquefied petroleum gas, the rate of the tax imposed by this paragraph shall be 13.6 cents per gallon (3.2 cents per gallon in the case of any sale or use after September 30, 2011).

“(D) BUS USES.—No tax shall be imposed by this paragraph on any sale for use, or use, described in subparagraph (B) or (C) of section 6427(b)(2) (relating to school bus and intracity transportation).”.

(b) CREDIT FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—

(1) IN GENERAL.—Section 6426(a) (relating to allowance of credits) is amended by striking “plus” at the end of paragraph (1), by striking the period at the end of paragraph (2) and by adding at the end the following new paragraphs:

“(3) the alternative fuel credit, plus

“(4) the alternative fuel mixture credit.”.

(2) ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426 (relating to credit for alcohol fuel and biodiesel mixtures) is amended by redesignating subsections (d) and (e) as subsections (f) and (g) and by inserting after subsection (c) the following new subsection:

“(d) ALTERNATIVE FUEL CREDIT.—

“(1) IN GENERAL.—For purposes of this section, the alternative fuel credit is the product of 50 cents and the number of gallons of an alternative fuel or gasoline gallon equivalents of a nonliquid alternative fuel sold by the taxpayer for use as a motor fuel in a highway vehicle.

“(2) ALTERNATIVE FUEL.—For purposes of this section, the term ‘alternative fuel’—

“(A) has the meaning given such term by subparagraphs (A), (B), (C), and (E) of section 4083(a)(4),

“(B) includes any liquid fuel derived from coal (including peat) through the Fischer-Tropsch process, and

“(C) does not include ethanol, methanol, or biodiesel.

“(3) GASOLINE GALLON EQUIVALENT.—For purposes of this subsection, the term ‘gasoline gallon equivalent’ means, with respect to any nonliquid alternative fuel, the amount of such fuel having a Btu content of 124,800 (higher heating value).

“(4) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after September 30, 2009.

“(e) ALTERNATIVE FUEL MIXTURE CREDIT.—

“(1) IN GENERAL.—For purposes of this section, the alternative fuel mixture credit is the product of 50 cents and the number of gallons of alternative fuel used by the taxpayer in producing any alternative fuel mixture for sale or use in a trade or business of the taxpayer.

“(2) ALTERNATIVE FUEL MIXTURE.—For purposes of this section, the term ‘alternative fuel mixture’ means a mixture of alternative fuel and taxable fuel (as defined in subparagraph (A), (B), or (C) of section 4083(a)(1)) which—

“(A) is sold by the taxpayer producing such mixture to any person for use as fuel in a highway vehicle, or

“(B) is used as a fuel in a highway vehicle by the taxpayer producing such mixture.

“(3) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after September 30, 2009.”.

(3) CONFORMING AMENDMENTS.—

(A) The section heading for section 6426 is amended by striking “ALCOHOL FUEL AND BIODIESEL” and inserting “CERTAIN ALTERNATIVE FUEL”.

(B) The table of sections for subchapter B of chapter 65 is amended by striking “alcohol fuel and biodiesel” in the item relating to section 6426 and inserting “certain alternative fuel”.

(C) Section 6427(a) is amended by striking “paragraph (2) or (3) of section 4041(a) or section 4041(c)” and inserting “section 4041(a)(2) or 4041(c)”.

(D) Section 6427(e) is amended—

(i) by inserting “or the alternative fuel mixture credit” after “biodiesel mixture credit” in paragraph (1),

(ii) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) ALTERNATIVE FUEL.—If any person produces an alternative fuel described in section 6426 in such person’s trade or business, the Secretary shall pay (without interest) to such person an amount equal to the alternative fuel credit with respect to such fuel.”.

(iii) by striking “under paragraph (1) with respect to any mixture” in paragraph (3) (as redesignated by clause (ii)) and inserting “under paragraph (1) or (2) with respect to any mixture or alternative fuel”.

(iv) by striking “and” at the end of paragraph (4)(A) (as redesignated by clause (iii)),

(v) by striking the period at the end of paragraph (4)(B) (as so redesignated),

(vi) by adding at the end of paragraph (4) (as so redesignated) the following new subparagraph:

“(C) any alternative fuel or alternative fuel mixture (as defined in section 6426 (d)(2) or (e)(3)) sold or used after September 30, 2009.”.

(vii) by striking “OR BIODIESEL USED TO PRODUCE ALCOHOL FUEL AND BIODIESEL MIXTURES” in the heading and inserting “, BIODIESEL, OR ALTERNATIVE FUEL”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after September 30, 2006.

On page 583, line 14, insert “received on or after October 1, 2005, and before October 1, 2011,” after “taxes”.

On page 585, strike lines 12 and 13, and insert the following:

graphs (1) and (2) and inserting “TRUST FUND”.

On page 585, line 21, strike “Sports” and insert “Sport”.

On page 628, strike line 23, and insert the following:

and inserting “\$155 (in the case of any calendar year after 2009, the dollar amount specified in subparagraph (B) for such year)”, and

On page 630, line 7, insert “shall propose options for implementing exemptions for classes of vehicles whose nonpropulsive fuel use exceeds 50 percent,” after “taxes.”.

On page 631, line 7, insert “, except that the Secretary shall report and take action under subsection (a)(1) not later than July 1, 2006” before the period at the end.

Beginning on page 2, line 8, of Modified Amendment No. 670, strike all through page 3, line 9, and insert the following:

“(b) LIMITATION.—The credit allowed under subsection (a) with respect to any alternative fuel vehicle refueling property shall not exceed—

“(1) \$30,000 in the case of a property of a character subject to an allowance for depreciation, and

“(2) \$1,000 in any other case.

“(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘qualified alternative fuel vehicle refueling property’ has the meaning given to such term by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol, natural gas, compressed natural gas, liquefied natural gas, and hydrogen.

“(2) RESIDENTIAL PROPERTY.—In the case of any property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, paragraph (1) of section 179A(d) shall not apply.

On page 635, before line 4, insert the following:

#### SEC. 5310. DIESEL FUEL TAX EVASION REPORT.

Not later than 360 days after the date of the enactment of this Act, the Commissioner of the Internal Revenue shall report to the Committees on Finance and Environment and Public Works of the Senate and the Committees on Ways and Means and Transportation and Infrastructure of the House of Representatives on the availability of new technologies that can be employed to enhance collections of the excise tax on diesel fuel and the plans of the Internal Revenue Service to employ such technologies.

On page 698, between lines 13 and 14, insert the following:

#### SEC. 5516. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

“(2) EXPENSES TREATED AS COMPENSATION.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer’s return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).”.

(b) PERSONS NOT EMPLOYEES.—Paragraph (9) of section 274(e) is amended by striking “to the extent that the expenses are includible in the gross income” and inserting “to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses incurred after the date of the enactment of this Act.

#### SEC. 5517. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking “\$750” and inserting “\$1,250”, and

(2) by striking “\$15” and inserting “\$25”.

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

#### SEC. 5518. ELIMINATION OF DOUBLE DEDUCTION ON MINING EXPLORATION AND DEVELOPMENT COSTS UNDER THE MINIMUM TAX.

(a) IN GENERAL.—Section 57(a)(1) (relating to depletion) is amended by striking “for the taxable year” and inserting “for the taxable year and determined without regard to so much of the basis as is attributable to mining exploration and development costs described in section 616 or 617 for which a deduction is allowable for any taxable year under this part.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

On page 722, line 2, insert “for use as a fuel” after “liquid”.

On page 722, line 5, insert “for use as a fuel” after “liquid”.

On page 722, line 15, insert “AS A FUEL” after “USED”.

On page 944, after line 21, add the following:

#### SEC. 6044. COMMUTER RAIL.

(a) IN GENERAL.—The Federal Transit Administration shall approve final design for the project authorized under section 3030(c)(1)(A)(xlv) of the Federal Transit Act of 1998 and section 1214(g) of the Transportation Equity Act for the 21st Century (16 U.S.C. 668dd note) in the absence of an access agreement with the owner of the railroad right of way.

(b) TIMELY RESOLUTION OF ISSUES.—The Secretary shall timely resolve any issues delaying the completion of the project authorized under section 1214(g) of the Transportation Equity Act for the 21st Century (16 U.S.C. 668dd note) and section 3030(c)(1)(A)(xlv) of the Federal Transit Act of 1998.

On page 1021, between lines 5 and 6, insert the following:

#### SEC. 7130. CERTIFICATION OF VEHICLE EMISSION PERFORMANCE STANDARDS.

(a) REGISTRATION OF MOTOR CARRIERS.—Section 13902(a)(1) of title 49, United States Code (as amended by section 7117(b)), is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) a requirement that a motor carrier certify that, beginning on January 1, 2007, any vehicle operated by the motor carrier will comply with the heavy duty vehicle and engine emissions performance standards and related regulations established by the Administrator of the Environmental Protection Agency under section 202(a)(3) of the Clean Air Act (42 U.S.C. 7521(a)(3));”.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall make recommendations to Congress on methods of ensuring that trucks built before January 1, 2007, that are operating in the United States comply with any emissions performance standard under the Clean Air Act (42 U.S.C. 7401 et seq.) that was applicable to the truck on the date on which the engine of the truck was manufactured.

On page 1069, after line 10, add the following:

#### SEC. 7155. SCHOOL BUS ENDORSEMENT KNOWLEDGE TEST REQUIREMENT.

The Secretary shall recognize any driver who passes a test approved by the Federal

Motor Carrier Safety Administration as meeting the knowledge test requirement for a school bus endorsement under section 383.123 of title 49, Code of Federal Regulations.

On page 1091, line 17, strike “\$1,000,000,000” and insert “\$1,000,000”.

On page 1111, line 17, strike “or” after the semicolon and insert “and”.

On page 1224, strike lines 6 through 10 and insert the following:

#### SEC. 7402. DEFINITIONS; APPLICATION OF PROVISIONS.

(a) TERMS USED IN THIS CHAPTER.—In this chapter, the terms “carrier”, “household goods”, “motor carrier”, “Secretary”, and “transportation” have the meaning given such terms in section 13102 of title 49, United States Code.

(b) “HOUSEHOLD GOODS MOTOR CARRIER” IN PART B OF SUBTITLE IV OF TITLE 49.—Section 13102 is amended by redesignating paragraphs (12) through (24) as paragraphs (13) through (25) and by inserting after paragraph (11) the following:

“(12) HOUSEHOLD GOODS MOTOR CARRIER.—

“(A) IN GENERAL.—The term ‘household goods motor carrier’ means a motor carrier described in subparagraph (B) that, in the ordinary course of its business of providing transportation of household goods, offers some or all of the following additional services:

“(i) Binding and nonbinding estimates.

“(ii) Inventorying.

“(iii) Protective packing and unpacking of individual items at personal residences.

“(iv) Loading and unloading at personal residences.

“(B) REGISTRATION REQUIREMENT.—A motor carrier is described in this subparagraph if its operations require it to register as a household goods motor carrier under—

“(i) section 13902 of this title; and

“(ii) regulations prescribed by the Secretary consistent with Federal agency determinations and decisions that were in effect on the date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005.

“(C) LIMITED SERVICE EXCLUSION.—The term ‘household goods motor carrier’ does not include a motor carrier solely because it provides transportation of household goods entirely packed in, and unpacked from, 1 or more containers or trailers by the individual shipper.”.

(c) APPLICATION OF CERTAIN PROVISIONS OF LAW.—The provisions of title 49, United States Code, or of this chapter, relating to the transportation of household goods apply only to a household goods motor carrier (as defined in section 13102(12) of title 49, United States Code).

On page 1234, beginning with line 8, strike through line 6 on page 1235 and insert the following:

“(b) NOTICE AND CONSENT.—

“(1) IN GENERAL.—The State shall serve written notice to the Secretary or the Board, as the case may be, of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action.

“(2) CONDITIONS.—The Secretary or the Board—

“(A) shall review the initiation of the action by the State if—

“(i) the carrier or broker (as such terms are defined in section 13102 of this title) is not registered with the Department of Transportation;

“(ii) the license of a carrier or broker for failure to file proof of required bodily injury or cargo liability insurance is pending, or the license has been revoked for any other reason by the Department of Transportation;

“(iii) the carrier is not rated or has received a conditional or unsatisfactory safety rating by the Department of Transportation; or

“(iv) the carrier or broker has been licensed with the Department of Transportation for less than 5 years; and

“(B) may review if the carrier or broker fails to meet criteria developed by the Secretary that are consistent with this section.

“(3) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure of any criteria developed by the Secretary under paragraph (2)(B).

“(5) 60-DAY DEADLINE.—The Secretary or the Board shall be considered to have consented to any such action if the Secretary or the Board has taken no action with respect to the notice within 60 calendar days after the date on which the Secretary or the Board received notice under paragraph (1).

“(c) AUTHORITY TO INTERVENE.—

“(1) IN GENERAL.—Upon receiving the notice required by subsection (b), the Secretary or Board may intervene in such civil action and upon intervening—

“(A) be heard on all matters arising in such civil action;

“(B) file petitions for appeal of a decision in such civil action; and

“(C) be substituted, upon the filing of a motion with the court, for the State as *parens patriae* in the action.

“(2) SUBSTITUTION.—If the Secretary or the Board files a motion under paragraph (1)(C), the court shall—

“(A) grant the motion without further hearing or procedure;

“(B) substitute the Secretary or the Board, as appropriate, for the State as plaintiff; and

“(C) if requested by the Secretary or the Board, dismiss the State as a party to the action.

“(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall—

“(1) convey a right to initiate or maintain a class action lawsuit in the enforcement of a Federal law or regulation; or

“(2) prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

On page 1247, beginning on line 23, strike “For fiscal years 2006 through 2020,” and insert “For fiscal years 2005 through 2019.”

On page 1249, beginning on line 7, strike “For a fiscal year after fiscal year 2005,” and insert “For fiscal year 2005 and each subsequent fiscal year.”

On page 1249, beginning on line 24, strike “for a fiscal year after fiscal year 2005,” and insert “for fiscal year 2005 and each subsequent fiscal year.”

On page 1252, beginning on line 18, strike “For each fiscal year after fiscal year 2005,” and insert “For fiscal year 2005 and each subsequent fiscal year.”

On page 1281, between lines 2 and 3, insert the following:

**SEC. 76. FEDERAL SCHOOL BUS DRIVER QUALIFICATIONS.**

The effective date of section 383.123 of volume 49, Code of Federal Regulations (as in

effect on the date of enactment of this Act), shall be September 30, 2006.

Beginning on page 1281, strike line 3 and all that follows through page 1291, line 19.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. McCain. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 18, 2005, at 9:30 a.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on Taking Lands into Trust.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

### COMMITTEE ON INDIAN AFFAIRS

Mr. McCain. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 25, 2005, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

## FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Saxby Chambliss:									
Switzerland .....	Franc .....		615.00						615.00
France .....	Euro .....		364.00						364.00
Total .....			979.00						979.00

SAXBY CHAMBLISS,  
Chairman, Committee on Agriculture, Nutrition and Forestry, Apr. 4, 2005.

### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scott B. Gudes:									
Venezuela .....	Dollar .....		400.00						400.00
Costa Rica .....	Dollar .....		400.00						400.00
United States .....	Dollar .....				2,035.00				2,035.00
Rebecca M. Davies:									
Spain .....	Euros .....		738.75						738.75
United Kingdom .....	Pound .....		1,223.75						1,223.75
United States .....	Dollar .....				5,496.40				5,496.40
Tim Rieser:									
Nepal .....	Dollar .....		150.00				60.00		210.00
Sri Lanka .....	Dollar .....		240.00				90.00		330.00
United States .....	Dollar .....				4,327.00				4,327.00
Total .....			3,152.50		11,858.40		150.00		15,160.90

THAD COCHRAN,  
Chairman, Committee on Appropriations, Apr. 14, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas P. Hawkins:									
Philippines .....	Peso .....		732.00						732.00
Indonesia .....	Rupiah .....		532.00						532.00
Singapore .....	Dollar .....		444.15						444.15
Cambodia .....	Riel .....		406.00						406.00
Hong Kong .....	Dollar .....		822.00						822.00
United States .....	Dollar .....				6,657.74				6,657.74
Pakistan .....	Rupee .....		313.00						313.00
Afghanistan .....	Afghani .....		270.00						270.00
Italy .....	Lira .....		1,530.00		860.00				2,390.00
Paul C. Grove:									
Pakistan .....	Rupee .....		313.00						313.00
Afghanistan .....	Afghani .....		270.00						270.00
Italy .....	Lira .....		1,530.00		860.00				2,390.00
Mark Lippert:									
Philippines .....	Peso .....		732.00						732.00
Indonesia .....	Rupiah .....		532.00						532.00
Singapore .....	Dollar .....		444.15						444.15
Cambodia .....	Riel .....		406.00						406.00
Hong Kong .....	Dollar .....		822.00						822.00
United States .....	Dollar .....				7,015.92				7,015.92
Senator Sam Brownback:									
Sri Lanka .....	Rupee .....		669.00						669.00
India .....	Rupee .....		368.00						368.00
United States .....	Dollar .....				7,640.38				7,640.38
Landon Fulmer:									
Sri Lanka .....	Rupee .....		824.00						824.00
India .....	Rupee .....		590.00						590.00
United States .....	Dollar .....				7,873.16				7,873.16
Dennis Ward:									
Qatar .....	Dollar .....		148.00						148.00
United Arab Emirates .....	Dirham .....		503.25						503.25
Kuwait .....	Dollar .....		788.00						788.00
United States .....	Dollar .....				6,544.05				6,544.05
Sean Knowles:									
Qatar .....	Dollar .....		148.00						148.00
United Arab Emirates .....	Dirham .....		503.25						503.25
Kuwait .....	Dollar .....		788.00						788.00
United States .....	Dollar .....				6,514.05				6,514.05
Italy .....	Euro .....		743.00						743.00
United States .....	Dollar .....				7,419.37				7,419.37
Barry G. Wright:									
Qatar .....	Dollar .....		148.00						148.00
United Arab Emirates .....	Dirham .....		503.25						503.25
Kuwait .....	Dollar .....		788.00						788.00
United States .....	Dollar .....				6,660.05				6,660.05
Christiana Evans:									
Qatar .....	Dollar .....		148.00						148.00
United Arab Emirates .....	Dirham .....		503.25						503.25
Kuwait .....	Dollar .....		788.00						788.00
United States .....	Dollar .....				6,454.05		45.00		6,499.05
Senator Christopher Bond:									
Singapore .....	Dollar .....		538.00						538.00
Malaysia .....	Ringgit .....		358.00						358.00
Indonesia .....	Rupiah .....		532.00						532.00
United States .....	Dollar .....				6,658.00				6,658.00
John R. Bartling:									
Singapore .....	Dollar .....		538.00						538.00
Malaysia .....	Ringgit .....		358.00						358.00
Indonesia .....	Rupiah .....		532.00						532.00
United States .....	Dollar .....				6,658.00				6,658.00
Jason Ian Eaton:									
Singapore .....	Dollar .....		538.00						538.00
Malaysia .....	Ringgit .....		358.00						358.00
Indonesia .....	Rupiah .....		532.00						532.00
United States .....	Dollar .....				6,616.00				6,616.00
Senator Patrick Leahy:									
Switzerland .....	Franc .....		615.00						615.00
France .....	Euro .....		364.00						364.00
Senator Wayne Allard:									
Marshall Islands .....	Dollar .....		150.00						150.00
Jayson Roehl:									
Marshall Islands .....	Dollar .....		150.00						150.00
Paul Carliner:									
New Zealand .....	Dollar .....		900.00						900.00
United States .....	Dollar .....				8,570.00				8,570.00
Total .....			25,512.30		93,000.77		45.00		118,558.07

THAD COCHRAN,  
Chairman, Committee on Appropriations, Apr. 20, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER  
AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lynn F. Rusten:									
United States .....	Dollar .....				5,944.70				5,944.70
Russia .....	Dollar .....		1,340.00						1,340.00
Madelyn R. Creedon:									
United States .....	Dollar .....				5,839.00				5,839.00
Russia .....	Dollar .....		1,487.00						1,487.00
Senator Jeff Sessions:									
Qatar .....	Rial .....		100.00						100.00
Kuwait .....	Dinar .....		930.00						930.00
United States .....	Dollar .....				5,914.89				5,914.89
Arch Galloway II:									
Qatar .....	Rial .....		90.00						90.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kuwait .....	Dinar .....		940.00						940.00
United States .....	Dollar .....				5,914.89				5,914.89
Ambrose R. Hock:									
Qatar .....	Rial .....		46.00						46.00
Kuwait .....	Dinar .....		981.00						981.00
United States .....	Dollar .....				5,914.89				5,914.89
William C. Greenwalt:									
United States .....	Dollar .....				6,087.33				6,087.33
United Kingdom .....	Pound .....		1,149.60		134.47				1,284.07
Peter K. Levine:									
United States .....	Dollar .....				6,087.33				6,087.33
United Kingdom .....	Pound .....		1,136.34		134.47		32.30		1,303.01
Senator Jack Reed:									
United States .....	Dollar .....				10,862.50				10,862.50
Qatar .....	Dollar .....						7.00		7.00
Kuwait .....	Dollar .....		263.00				7.00		270.00
Elizabeth King:									
United States .....	Dollar .....				10,967.50				10,967.50
Qatar .....	Dollar .....		128.54						128.54
Kuwait .....	Dollar .....		249.00				8.00		257.00
Lucian L. Niemeyer:									
United States .....	Dollar .....				6,454.00				6,454.00
Qatar .....	Dollar .....		8.00						8.00
Afghanistan .....	Dollar .....		10.50						10.50
United Arab Emirates .....	Dollar .....		52.18						52.18
Kuwait .....	Dollar .....		655.00						655.00
Michael J. McCord:									
United States .....	Dollar .....				6,454.00				6,454.00
Qatar .....	Dollar .....		13.00						13.00
United Arab Emirates .....	Dollar .....		38.00						38.00
Kuwait .....	Dollar .....		646.00						646.00
Senator James M. Inhofe:									
Germany .....	Euro .....		373.88				15.15		389.03
John Bonsell:									
Germany .....	Euro .....		201.12				10.10		211.12
Ryan Thompson:									
Germany .....	Euro .....		148.50				10.00		158.50
Senator John McCain:									
Switzerland .....	Franc .....		102.21						102.21
Richard H. Fontaine:									
Switzerland .....	Franc .....		585.00						585.00
Senator Lindsey O. Graham:									
Kuwait .....	Dollar .....		810.00				233.00		1,043.00
Pakistan .....	Rupee .....		179.00				207.75		386.75
Afghanistan .....	Dollar .....						90.00		90.00
Tunisia .....	Dinar .....		84.00				142.50		226.50
Senator Hillary Rodham Clinton:									
Kuwait .....	Dollar .....		1,139.00						1,139.00
Pakistan .....	Rupee .....		419.75						419.75
Huma Abedin:									
Kuwait .....	Dollar .....		899.50						899.50
Pakistan .....	Rupee .....		240.75						240.75
Richard H. Fontaine:									
Kuwait .....	Dollar .....		1,180.00						1,180.00
Pakistan .....	Rupee .....		228.50						228.50
Afghanistan .....	Dollar .....		100.00						100.00
Tunisia .....	Dinar .....		251.50						251.50
Senator Susan M. Collins:									
Kuwait .....	Dollar .....		1,043.00						1,043.00
Pakistan .....	Rupee .....		239.75						239.75
Afghanistan .....	Dollar .....		90.00						90.00
Tunisia .....	Dinar .....		282.50						282.50
Senator John McCain:									
Kuwait .....	Dollar .....		998.00						998.00
Pakistan .....	Rupee .....		279.00						279.00
Afghanistan .....	Dollar .....		90.00						90.00
Tunisia .....	Dinar .....		260.00						260.00
Senator Joseph Lieberman:									
Germany .....	Dollar .....		581.50						581.50
Frederick M. Downey:									
Germany .....	Dollar .....		781.50						781.50
Andrew Shapiro:									
Germany .....	Dollar .....		153.00						153.00
United States .....	Dollar .....				5,797.26				5,797.26
Richard H. Fontaine:									
Germany .....	Dollar .....		250.00						250.00
Senator Jeff Sessions:									
Marshall Islands .....	Dollar .....		75.00						75.00
Arch Galloway II:									
Marshall Islands .....	Dollar .....		140.00						140.00
Robert M. Soofer:									
Marshall Islands .....	Dollar .....		117.00						117.00
Senator John Cornyn:									
Marshall Islands .....	Dollar .....		150.00						150.00
Russell J. Thomasson:									
Marshall Islands .....	Dollar .....		110.00						110.00
Senator John Thune:									
Germany .....	Euro .....		352.32						352.32
Matthew Zabel:									
Germany .....	Euro .....		352.32						352.32
Total .....			23,422.22		82,507.23		891.14		106,820.59

JOHN W. WARNER,  
Chairman, Committee on Armed Services, Apr. 15, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charles W. Alsop:									
Colombia .....	Peso .....		469.00				65.00		534.00
Ecuador .....	Dollar .....		43.00				40.00		83.00
Paraguay .....	Guarani .....		113.25				20.00		133.25
Brazil .....	Real .....		114.00				35.00		149.00
United States .....	Dollar .....				4,698.27				4,698.27
Evelyn N. Farkas:									
United States .....	Dollar .....				4,698.27				4,698.27
Colombia .....	Peso .....		520.00						520.00
Ecuador .....	Dollar .....		43.00						43.00
Paraguay .....	Guarani .....		105.70						105.70
Brazil .....	Real .....		114.00						114.00
Senator Carl Levin:									
Kuwait .....	Dollar .....		688.00						688.00
Belgium .....	Euro .....		521.70						521.70
United Kingdom .....	Pound .....		135.00						135.00
Total .....			2,866.65		9,396.54		160.00		12,423.19

JOHN W. WARNER,  
Chairman, Committee on Armed Services, Apr. 12, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Switzerland .....	Franc .....		618.00						618.00
France .....	Euro .....		364.00						364.00
Kathleen L. Casey:									
Switzerland .....	Franc .....		618.00						618.00
France .....	Euro .....		364.00						364.00
Louis Tucker:									
Switzerland .....	Franc .....		618.00						618.00
France .....	Euro .....		364.00						364.00
Walter E. Fischer:									
United States .....	Dollar .....				7,722.00				7,722.00
United Arab Emirates .....	Dirham .....		404.00						404.00
Bahrain .....	Dinar .....		298.00						298.00
Saudi Arabia .....	Riyal .....		76.00						76.00
Israel .....	Shekel .....		1,017.00						1,017.00
John V. O'Hara:									
United States .....	Dollar .....				7,722.00				7,722.00
United Arab Emirates .....	Dirham .....		404.00						404.00
Bahrain .....	Dinar .....		263.00						263.00
Saudi Arabia .....	Riyal .....		73.00						73.00
Israel .....	Shekel .....		817.00						817.00
Steven R. Kroll:									
United States .....	Dollar .....				7,722.00				7,722.00
United Arab Emirates .....	Dirham .....		404.00						404.00
Bahrain .....	Dinar .....		313.00						313.00
Saudi Arabia .....	Riyal .....		185.00						185.00
Steven R. Kroll:									
Israel .....	Shekel .....		1,017.00						1,017.00
Robin Landauer:									
United States .....	Dollar .....				5,507.00				5,507.00
China .....	Dollar .....				382.00				382.00
China .....	Yuan .....		894.00						894.00
Theodore Dahlstrom:									
United States .....	Dollar .....				6,422.00				6,422.00
China .....	Dollar .....				382.00				382.00
China .....	Yuan .....		894.00						894.00
Bryan N. Corbett:									
United States .....	Dollar .....				6,627.00				6,627.00
United Kingdom .....	Pound .....		964.00						964.00
France .....	Euro .....		924.00						924.00
Belgium .....	Euro .....		790.00						790.00
Mark F. Oesterle:									
United States .....	Dollar .....				6,627.00				6,627.00
United Kingdom .....	Pound .....		964.00						964.00
France .....	Euro .....		924.00						924.00
Belgium .....	Euro .....		790.00						790.00
Steven Patterson:									
United States .....	Dollar .....				6,627.00				6,627.00
United Kingdom .....	Pound .....		964.00						964.00
France .....	Euro .....		924.00						924.00
Belgium .....	Euro .....		790.00						790.00
Maurice Perkins:									
United States .....	Dollar .....				6,627.00				6,627.00
United Kingdom .....	Pound .....		964.00						964.00
France .....	Euro .....		924.00						924.00
Belgium .....	Euro .....		790.00						790.00
Dean V. Shahinian:									
United States .....	Dollar .....				6,627.00				6,627.00
United Kingdom .....	Pound .....		964.00						964.00
France .....	Euro .....		924.00						924.00
Belgium .....	Euro .....		790.00						790.00
Total .....			23,395.00		68,994.00				92,389.00

RICHARD C. SHELBY,  
Chairman, Committee on Banking, Housing, and Urban Affairs,  
Apr. 20, 2005.



May 16, 2005

## CONGRESSIONAL RECORD—SENATE

S5241

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Susan G. Keenom:									
Switzerland .....	Franc .....		615.00						615.00
France .....	Euro .....		364.00						364.00
Jean Toal Eisen:									
New Zealand .....	Dollar .....		591.30						591.30
United States .....					1,900.60				1,900.60
Floyd DesChamps:									
New Zealand .....	Dollar .....		840.00						840.00
United States .....	Dollar .....				8,382.77				8,382.77
Chris Socha:									
Kuwait .....	Dinar .....		491.00						491.00
Germany .....	Euro .....		16.44						16.44
Wesley Denton:									
Kuwait .....	Dinar .....		490.59						490.59
Germany .....	Euro .....		16.44						16.44
Senator Jim DeMint:									
Kuwait .....	Dinar .....		491.00				30.30		521.30
Germany .....	Euro .....		41.61				13.09		54.70
Matthew Paxton:									
Belgium .....	Euro .....		1,316.94						1,316.94
United States .....	Dollar .....				5,906.87				5,906.87
Total .....			5,274.32		16,190.24		43.39		21,507.95

TED STEVENS,  
Chairman, Committee on Commerce, Science, and Transportation,  
Apr. 20, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
India .....	Rupee .....		2,256.07						2,256.07
United States .....	Dollar .....				6,394.81				6,394.81
Robert Simon:									
India .....	Rupee .....		2,608.94						2,608.94
United States .....	Dollar .....				6,394.81				6,394.81
Stephen D. Ward:									
India .....	Rupee .....		2,555.57						2,555.57
United States .....	Dollar .....				6,394.81				6,394.81
Allen Stayman:									
Micronesia/Marshall .....	Dollar .....		1,431.79						1,431.79
United States .....	Dollar .....				4,599.60				4,599.60
Joshua Johnson:									
Micronesia/Marshall .....	Dollar .....		1,665.78						1,665.78
United States .....	Dollar .....				7,440.50				7,440.50
Colin T. Hayes:									
Canada .....	Dollar .....		615.00						615.00
United States .....	Dollar .....				872.32				872.32
Clint Williamson:									
Canada .....	Dollar .....		570.00						570.00
United States .....	Dollar .....				872.32				872.32
Total .....			11,703.15		32,969.17				44,672.32

PETE V. DOMENICI,  
Chairman, Committee on Energy and Natural Resources, Apr. 18, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Gordon Smith:									
Switzerland .....	Franc .....		615.00						615.00
France .....	Euro .....		364.00						364.00
Robert F. Epplin:									
Switzerland .....	Franc .....		1,083.00						1,083.00
France .....	Euro .....		364.00						364.00
Paul Matulic:									
Switzerland .....	Franc .....		615.00						615.00
France .....	Euro .....		364.00						364.00
Robert F. Epplin:									
Jordan .....	Dinar .....		508.00						508.00
Egypt .....	Pound .....		867.00						867.00
United Arab Emirates .....	Dirham .....		991.70						991.70
Senator Gordon Smith:									
Jordan .....	Dinar .....		508.00						508.00
Egypt .....	Pound .....		867.00						867.00
United Arab Emirates .....	Dirham .....		991.70						991.70
Total .....			8,138.40						8,138.40

CHARLES E. GRASSLEY,  
Chairman, Committee on Finance, Oct. 14, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator George Allen:									
Jordan .....	Dinar .....		254.00						254.00
Israel .....	Shekel .....		339.00						339.00
United States .....	Dollar .....				6,067.76				6,067.76
Senator Joseph Biden:									
Switzerland .....	Franc .....		615.00						615.00
France .....	Euro .....		364.00						364.00
Senator Lincoln Chafee:									
Venezuela .....	Bolivar .....		266.03						266.03
Paraguay .....	Guarani .....		295.10			793.89			1,088.99
Argentina .....	Peso .....		300.01						300.01
Peru .....	Neuvo Sol .....		574.00						574.00
Ecuador .....	Dollar .....		130.27			725.41			855.68
Senator Christopher Dodd:									
Venezuela .....	Bolivar .....		283.00						283.00
Paraguay .....	Guarani .....		375.00			793.89			1,168.89
Argentina .....	Peso .....		308.00						308.00
Peru .....	Neuvo Sol .....		773.00						773.00
Ecuador .....	Dollar .....		235.80			725.41			961.21
Senator Christopher Dodd:									
Switzerland .....	Franc .....		510.00						510.00
United States .....	Dollar .....				2,141.19				2,141.19
Senator Russell Feingold:									
Algeria .....	Dinar .....		205.00						205.00
Chad .....	Franc .....		148.00						148.00
Mali .....	Franc .....		301.00						301.00
United States .....	Dollar .....				7,096.88				7,096.88
Senator Russell Feingold:									
Kuwait .....	Dinar .....		1,060.50						1,060.50
Pakistan .....	Rupee .....		238.75			534.12			772.87
Afghanistan .....	Afghani .....		34.00						34.00
Tunisia .....	Dinar .....		191.50						191.50
Senator John Kerry:									
Jordan .....	Dinar .....		548.00						548.00
Kuwait .....	Dinar .....		348.00						348.00
Syria .....	Pound .....		206.00						206.00
Israel .....	Shekel .....		961.00						961.00
Egypt .....	Pound .....		286.00						286.00
Germany .....	Euro .....		402.00						402.00
United Kingdom .....	Pound .....		482.00						482.00
France .....	Euro .....		462.00						462.00
United States .....	Dollar .....				7,055.64				7,055.64
Senator Mel Martinez:									
Israel .....	Shekel .....		909.90						909.90
Turkey .....	Lira .....		483.60						483.60
Senator Lisa Murkowski:									
Israel .....	Shekel .....		909.90						909.90
Turkey .....	Lira .....		483.60						483.60
Senator Bill Nelson:									
Venezuela .....	Bolivar .....		160.00						160.00
Paraguay .....	Guarani .....		208.00		156.00	793.89			1,157.89
Argentina .....	Peso .....		256.00						256.00
Peru .....	Neuvo Sol .....		124.00						124.00
Jonah Blank:									
Indonesia .....	Rupiah .....		3,000.00						3,000.00
United States .....	Dollar .....				12,791.72				12,791.72
Deborah Brayton:									
Venezuela .....	Bolivar .....		283.00						283.00
Paraguay .....	Guarani .....		375.00			793.89			1,168.89
Argentina .....	Peso .....		308.00						308.00
Peru .....	Neuvo Sol .....		773.00						773.00
Ecuador .....	Dollar .....		235.00			725.41			960.41
Paul Foldi:									
Haiti .....	Gourde .....		560.00						560.00
United States .....	Dollar .....				1,176.15				1,176.15
Heather Flynn:									
Kenya .....	Shilling .....		1,180.00						1,180.00
Zambia .....	Kwacha .....		588.00						588.00
United States .....	Dollar .....				9,294.00				9,294.00
Michelle Gavin:									
Algeria .....	Dinar .....		233.00						233.00
Chad .....	Franc .....		148.00						148.00
Mali .....	Franc .....		372.00						372.00
United States .....	Dollar .....				7,096.88				7,096.88
Frank Jannuzzi:									
China .....	Yuan .....		1,401.00						1,401.00
Japan .....	Yen .....		1,594.00						1,594.00
Thailand .....	Baht .....		1,160.00						1,160.00
United States .....	Dollar .....				9,188.00				9,188.00
Norm Kurz:									
Israel .....	Shekel .....		678.00						678.00
Keith Luse:									
Indonesia .....	Rupiah .....		2,915.26						2,915.26
Vietnam .....	Dong .....		563.68		536.00				1,099.68
United States .....	Dollar .....				6,334.34				6,334.34
Bill Martin:									
Israel .....	Shekel .....		396.00						396.00
Dan McLaughlin:									
Venezuela .....	Bolivar .....		283.00						283.00
Paraguay .....	Guarani .....		375.00			793.89			1,168.89
Argentina .....	Peso .....		311.00						311.00
Peru .....	Neuvo Sol .....		773.00						773.00
Ecuador .....	Dollar .....		236.00			725.41			961.41
Janice O'Connell:									
Venezuela .....	Bolivar .....		283.00						283.00
Paraguay .....	Guarani .....		375.00			798.89			1,173.89
Argentina .....	Peso .....		308.00						308.00
Peru .....	Neuvo Sol .....		773.00						773.00
Ecuador .....	Dollar .....		235.80			725.41			961.21
United States .....	Dollar .....				470.50				470.50
Jonathan Pearl:									
Venezuela .....	Bolivar .....		283.00						283.00
Paraguay .....	Guarani .....		375.00			793.89			1,168.89
Argentina .....	Peso .....		308.00						308.00
Peru .....	Neuvo Sol .....		773.00						773.00

May 16, 2005

## CONGRESSIONAL RECORD—SENATE

S5243

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ecuador .....	Dollar .....		235.80				725.41		961.21
Nilmini Rubin:									
Sri Lanka .....	Rupee .....		1,528.00						1,528.00
United States .....	Dollar .....				9,309.01				9,309.01
Kim Savit:									
Israel .....	Shekel .....		622.31						622.31
Jennifer Simon:									
Haiti .....	Gourde .....		702.00						702.00
United States .....	Dollar .....				1,176.15				1,176.15
Nancy Stetson:									
Jordan .....	Dinar .....		722.00						722.00
Kuwait .....	Dinar .....		354.00						354.00
Syria .....	Pound .....		216.00						216.00
Israel .....	Shekel .....		980.00						980.00
Egypt .....	Pound .....		289.00						289.00
Germany .....	Euro .....		298.00						298.00
United Kingdom .....	Pound .....		482.00						482.00
France .....	Euro .....		462.00						462.00
United States .....	Dollar .....				5,862.54				5,862.54
Puneet Talwar:									
Israel .....	Shekel .....		678.00						678.00
Switzerland .....	Franc .....		615.00						615.00
France .....	Euro .....		364.00						364.00
Greece .....	Euro .....		1,127.00						1,127.00
United States .....	Dollar .....				5,991.23				5,991.23
Paul Unger:									
Jordan .....	Dinar .....		254.00						254.00
Israel .....	Shekel .....		319.00						319.00
United States .....	Dollar .....				6,067.76				6,067.76
David Wade:									
Jordan .....	Dinar .....		762.00						762.00
Kuwait .....	Dinar .....		355.00						355.00
Syria .....	Pound .....		230.00						230.00
Israel .....	Shekel .....		977.00						977.00
Egypt .....	Pound .....		340.00						340.00
Germany .....	Euro .....		390.00						390.00
United Kingdom .....	Pound .....		430.00						430.00
France .....	Euro .....		400.00						400.00
United States .....	Dollar .....				5,862.54				5,862.54
Total .....			51,391.50		103,674.29		10,675.12		165,740.91

RICHARD G. LUGAR,  
Chairman, Committee on Foreign Relations, Apr. 21, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lincoln Chafee:									
Bahrain .....	Dinar .....						1,040.00		1,040.00
Senator Chuck Hagel:									
Bahrain .....	Dinar .....						1,040.00		1,040.00
Deborah Brayton:									
Bahrain .....	Dinar .....						1,040.00		1,040.00
Andrew Parasiliti:									
Bahrain .....	Dinar .....						1,040.00		1,040.00
Patrick Garvey:									
Kuwait .....	Dinar .....		3,152.00				333.99		3,485.99
United States .....	Dollar .....				7,103.00				7,103.00
Kim Savit:									
Kuwait .....	Dinar .....						333.99		333.99
Total .....			3,152.00		7,103.00		4,827.98		15,082.98

RICHARD G. LUGAR,  
Chairman, Committee on Foreign Relations, Apr. 21, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jennifer Tyree:									
United States .....	Dollar .....				1,513.39				1,513.39
Ireland .....	Euro .....		480.00						480.00
United Kingdom .....	Pound .....		710.00						710.00
Belgium .....	Euro .....		1,503.18						1,503.18
Deborah Parkinson:									
United States .....	Dollar .....				1,513.39				1,513.39
Ireland .....	Euro .....		446.35						446.35
United Kingdom .....	Pound .....		809.84						809.84
Belgium .....	Euro .....		1,356.04						1,356.04
Senator Daniel K. Akaka:									
Vietnam .....	Dong .....		1,117.00						1,117.00
Richard Kessler:									
Vietnam .....	Dong .....		1,117.00						1,117.00
Leeland Erickson:									
United States .....	Dollar .....				1,000.67				1,000.67
Switzerland .....	Franc .....		1,789.60						1,789.60
Steven Groves:									
United States .....	Dollar .....				1,000.67				1,000.67

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Laura Stuber:									
Switzerland .....	Franc .....		1,789.60						1,789.60
United States .....	Dollar .....				1,000.67				1,000.67
Switzerland .....	Franc .....		178.60						178.60
Steven Groves:									
United States .....	Dollar .....				3,426.07				3,426.07
United Kingdom .....	Pound .....		1,000.00						1,000.00
Kevin Landy:									
United States .....	Dollar .....				3,036.00				3,036.00
Thailand .....	Baht .....		737.00						737.00
Total .....			13,034.21		12,490.86				25,525.07

SUSAN M. COLLINS,  
Chairman, Committee on Homeland Security and Governmental Affairs  
Committee, Apr. 15, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Israel .....	shekel .....		869.68						869.68
Turkey .....	lira .....		169.60						169.60
Brandon Wales:									
Israel .....	shekel .....		718.00						718.00
Turkey .....	lira .....		138.60						138.60
Total .....			1,895.88						1,895.88

ARLEN SPECTER,  
Chairman, Committee on Judiciary, Apr. 18, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Neil MacBride:									
United States .....	Dollar .....				2,084.70				2,084.70
Germany .....	Euro .....		717.62		0.00				717.62
Poland .....	Zloty .....		587.10		0.00				587.10
Italy .....	Euro .....		906.82		0.00				906.82
J. Edward Pagano:									
United States .....	Dollar .....				2,085.70				2,085.70
Germany .....	Euro .....		704.00		0.00				704.00
Poland .....	Zloty .....		600.00		0.00				600.00
Italy .....	Euro .....		895.00		0.00				895.00
John Gillies:									
United States .....	Dollar .....				5,665.43				5,665.43
Germany .....	Euro .....		675.13		0.00				675.13
Poland .....	Zloty .....		493.47		0.00				493.47
Italy .....	Euro .....		770.00		0.00				770.00
Stephen Higgins:									
United States .....	Dollar .....				5,732.82				5,732.82
Germany .....	Euro .....		588.86		0.00				588.86
Poland .....	Zloty .....		499.24		0.00				499.24
Italy .....	Euro .....		844.60		0.00				844.60
Total .....			8,281.84		15,568.65				23,850.49

ARLEN SPECTER,  
Chairman, Committee on Judiciary, Apr. 18, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Matthew Walker:									
United States .....	Dollar .....				6,422.02				6,422.02
China .....	Yuan .....		894.00						894.00
Total .....			894.00		6,422.02				7,316.02

OLYMPIA J. SNOWE,  
Chairman, Committee on Small Business and Entrepreneurship,  
Apr. 22, 2005.

May 16, 2005

## CONGRESSIONAL RECORD—SENATE

S5245

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nancy St. Louis:			1,053.00		4,289.15				1,053.00
Adam Harris:	Dollar		1,053.00		4,289.15				4,289.15
Elizabeth O'Reilly:	Dollar		873.00		4,289.15				1,053.00
Rebecca Farley:	Dollar		1,053.00		4,289.15				4,289.15
Randall Bookout:	Dollar		2,877.00		6,994.00				1,053.00
Melvin Dubee:	Dollar		1,656.00		7,362.39				4,289.15
Jacqueline Russell:	Dollar		1,430.00		6,597.00				1,053.00
Total			9,995.00		38,109.99				4,289.15

PAT ROBERTS,  
Chairman, Committee on Intelligence, Apr. 11, 2005.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON CODEL FRIST FOR TRAVEL FROM JAN. 4 TO JAN. 14, 2005

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:					5,905.23				5,905.23
United States	Dollar		413.00						413.00
Sri Lanka	Dollar		788.00						788.00
Kuwait	Dollar		390.00						390.00
India	Rupee		263.00						263.00
Pakistan	Rupee		321.00						321.00
Bahrain	Dollar		395.00						395.00
Belgium	Euro								
Senator Mitch McConnell:									
Kuwait	Dollar		388.00						388.00
India	Rupee		290.00						290.00
Pakistan	Rupee		263.00						263.00
Bahrain	Dollar		221.00						221.00
Belgium	Euro		295.00						295.00
Senator Mike DeWine:									
Kuwait	Dollar		680.00						680.00
India	Rupee		389.86						389.86
Pakistan	Rupee		263.00						263.00
Bahrain	Dollar		321.00						321.00
Belgium	Euro		395.00						395.00
Senator Mary Landrieu:					9,325.00				9,325.00
United States	Dollar		413.00						413.00
Sri Lanka	Dollar		788.00						788.00
Kuwait	Dinar								
Senator Norm Coleman:									
Kuwait	Dollar		788.00						788.00
India	Rupee		590.00						590.00
Pakistan	Rupee		263.00						263.00
Bahrain	Dollar		321.00						321.00
Belgium	Euro		395.00						395.00
Mark Esper:					5,905.23				5,905.23
United States	Dollar		300.00						300.00
Sri Lanka	Dollar		788.00						788.00
Kuwait	Dollar		530.00						530.00
India	Rupee		263.00						263.00
Pakistan	Rupee		321.00						321.00
Bahrain	Dollar		395.00						395.00
Belgium	Euro								
Paul Grove:									
Kuwait	Dollar		788.00						788.00
India	Rupee		440.00						440.00
Pakistan	Rupee		263.00						263.00
Bahrain	Dollar		321.00						321.00
Belgium	Euro		395.00						395.00
John Klemmer:									
Kuwait	Dollar		788.00						788.00
India	Rupee		490.00						490.00
Pakistan	Rupee		263.00						263.00
Bahrain	Dollar		321.00						321.00
Belgium	Euro		395.00						395.00
Robert Stevenson:					5,905.23				5,905.23
United States	Dollar		300.00						300.00
Sri Lanka	Dollar								
Robert Stevenson:									
Kuwait	Dollar		788.00						788.00
India	Rupee		564.00						564.00
Pakistan	Rupee		263.00						263.00
Bahrain	Dollar		321.00						321.00
Belgium	Euro		395.00						395.00
Sally Walsh:									
Kuwait	Dollar		788.00						788.00
India	Rupee		590.00						590.00
Pakistan	Rupee		263.00						263.00
Bahrain	Dollar		321.00						321.00
Belgium	Euro		395.00						395.00
Delegation Expenses: *									
Sri Lanka	Dollar					1,839.63			1,839.63

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON CODEL FRIST FOR TRAVEL FROM JAN. 4 TO JAN. 14, 2005—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kuwait .....	Dollar .....						7,085.35		7,085.35
Iraq .....	Dollar .....						1,425.04		1,425.04
India .....	Rupee .....						7,714.79		7,714.79
Pakistan .....	Rupee .....						3,636.11		3,636.11
Afghanistan .....	Dollar .....						1,601.05		1,601.05
Bahrain .....	Dollar .....						5,468.05		5,468.05
Belgium .....	Euro .....						9,371.07		9,371.07
Total .....			27,588.09		21,135.46		38,142.09		86,865.64

\*Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,  
Chairman, Committee on CodeL Frist, Feb. 28, 2005.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109-1 AND TREATY DOCUMENT NO. 109-2

Mr. FRIST. Mr. President, as in executive session I ask unanimous consent the injunction of secrecy be removed from the following conventions transmitted to the Senate on May 16, 2005, by the President of the United States: Convention Concerning Migratory Fish Stock in the Pacific Ocean (Treaty Document 109-1); and Convention Strengthening the Inter-American Tuna Commission (Treaty Document 109-2).

I further ask the conventions be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, with Annexes (the "WCPF Convention"), which was adopted at Honolulu on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The United States signed the Convention on that date. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the WCPF Convention.

The WCPF Convention sets forth legal obligations and establishes cooperative mechanisms that are needed in order to ensure the long-term conservation and sustainable use of highly migratory fish stocks (such as tuna, swordfish, and marlin) that range across extensive areas of the high seas as well as through waters under the fisheries jurisdiction of numerous coastal States. These constitute resources of worldwide importance, with the fisheries for tuna in the Western

and Central Pacific being the largest and most valuable in the world. Implementation of the WCPF Convention will offer the opportunity to conserve and manage these resources responsibly before they become subject to the pressures of overfishing and over-capacity that are so evident elsewhere in the world's oceans.

The WCPF Convention builds upon the 1982 United Nations Convention on the Law of the Sea and the 1995 United Nations Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The WCPF Convention gives effect to the provisions of these two instruments, which recognize cooperation to conserve highly migratory fish stocks as essential, and require those with direct interests in them coastal States with authority to manage fishing in waters under their jurisdiction and nations whose vessels fish for these stocks to engage in such cooperation through regional fishery management organizations.

The WCPF Convention balances in an equitable fashion the interests of coastal States, notably the island States that comprise the Forum Fisheries Agency (FFA), in protecting important fishery resources off their shores, and the interests of distant water fishing States, notably Asian fishing nations and entities (Japan, Republic of Korea, China, and Taiwan), whose fishing vessels range far from their own shores.

The United States, which played an instrumental role in achieving this balance, has direct and important interests in the WCPF Convention and its early and effective implementation. The United States is both a major distant water fishing nation (with the fourth-largest catch in the region) and an important coastal State with significant Exclusive Economic Zone waters in the region (including the waters around Hawaii, American Samoa, Guam, and the Northern Mariana Islands).

United States fishing concerns, including the U.S. tuna industry, U.S. conservation organizations, and U.S. consumers, as well as those residents of Hawaii and the U.S. Flag Pacific island areas of Guam, American Samoa, and

the Northern Mariana Islands, all have a crucial stake in the health of the oceans and their resources as promoted by the WCPF Convention.

I recommend that the Senate give early and favorable consideration to the WCPF Convention and give its advice and consent to its ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, May 16, 2005.

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica, with Annexes, (the "Antigua Convention"), which was adopted on June 27, 2003, in Antigua, Guatemala, by the Parties to the 1949 Convention. The United States signed the Antigua Convention on November 14, 2003. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Antigua Convention, with an enclosure.

The Antigua Convention sets forth the legal obligations and establishes the cooperative mechanisms necessary for the long-term conservation and sustainable use of the highly migratory fish stocks (such as tuna and swordfish) of the Eastern Pacific Ocean that range across extensive areas of the high seas as well as through waters under the fisheries jurisdiction of numerous coastal States. Once in force, the Antigua Convention will replace the original 1949 Convention establishing the Inter-American Tropical Tuna Commission (IATTC). Revisions to the 1949 Convention will strengthen the mandate of the IATTC to reflect changes in the law governing living marine resources since the adoption of the original Convention more than 50 years ago.

The highly migratory fish stocks governed by the Antigua Convention constitute an important economic resource for the countries of the region and vital components of the marine ecosystem of the Eastern Pacific Ocean requiring careful conservation and management. Early entry into force



and implementation of the Antigua Convention will offer the opportunity to strengthen conservation and management of these resources in important ways, including through enhanced efforts to ensure compliance and enforcement of agreed conservation and management measures.

The Antigua Convention draws upon relevant provisions of the 1982 United Nations Convention on the Law of the Sea (the "LOS Convention") and the 1995 United Nations Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the "U.N. Fish Stocks Agreement"). The Antigua Convention gives effect to the provisions of the LOS Convention and U.N. Fish Stocks Agreement that recognize as essential, and require cooperation to conserve highly migratory fish stocks through regional fishery management organizations, by those with direct interests in them—coastal States with authority to manage fishing in waters under their jurisdiction and those nations and entities whose vessels fish for these stocks.

The United States, which played an instrumental role in negotiation of the revised Convention, has direct and important interests in the Antigua Convention and its early and effective implementation. United States fishing concerns, including the U.S. tuna industry, U.S. conservation organizations, and U.S. consumers, as well as those people who reside in those U.S. States bordering the Convention Area, have crucial stakes in the health of the oceans and their resources as promoted by the Antigua Convention.

I recommend that the Senate give early and favorable consideration to the Antigua Convention and give its advice and consent to ratification.

GEORGE W. BUSH.  
THE WHITE HOUSE, May 16, 2005.

#### SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 143, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 143) to authorize Senate Legal Counsel to appear in legal proceedings in the name of the Permanent Subcommittee on Investigations in connection with its investigation into the United Nations' "Oil-for-Food" Programme.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for representation in a civil action pending in Federal District Court in the District of Columbia. In this case, the United Nations is seeking to prevent an individual from complying with subpoenas for testimony and documents issued by the Permanent Subcommittee on In-

vestigations and other congressional committees in connection with their inquiries into allegations of fraud and corruption in the United Nations Oil for Food Program. The individual at issue, Mr. Robert Parton, is an investigator formerly associated with the Independent Inquiry Committee, an entity formed by the United Nations to conduct its own investigation into the program. The United Nations contends that its privileges and immunities, and its contracts with Mr. Parton, bar him from complying with the subcommittee's subpoenas.

Mr. President, subcommittee staff has been discussing for some time with United Nations and IIC counsel their concerns regarding United Nations privileges and how any such privileges might be accommodated consistent with the investigative needs of the subcommittee. The subcommittee does not desire adversely to affect the IIC's ongoing investigation of the Oil-for-Food Program. However, the subcommittee believes that it is possible for Mr. Parton to provide information needed by the subcommittee in the fulfillment of its responsibilities without doing so.

In the event, however, that the subcommittee's negotiations with the United Nations and the IIC do not resolve this matter, the enclosed resolution authorizes the Senate legal counsel, when directed by the Permanent Subcommittee on Investigations, or by the chairman and ranking minority member, acting jointly, to appear in the name of the subcommittee as *amicus curiae*, *intervenor*, *applicant* or *respondent* in *United Nations v. Robert Parton* or any related action or proceeding.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 143

Whereas, the Permanent Subcommittee on Investigations is conducting an inquiry into the United Nations' "Oil-for-Food" Programme;

Whereas, the Subcommittee has need to obtain access to evidence from an individual formerly associated with the Independent Inquiry Committee, a committee formed by the United Nations to investigate claims relating to the Programme;

Whereas, in the course of the Subcommittee's efforts to obtain access to such evidence, legal issues may arise requiring the Subcommittee to appear in the courts of the United States;

Whereas, pursuant to section 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288f(a), the Senate may direct its Counsel to appear as *amicus curiae* or to intervene in the name of a subcommittee of the Senate in any legal actions in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized, when directed by the Permanent Subcommittee on Investigations, or by the Chairman and Ranking Minority Member, acting jointly, to appear in the name of the Subcommittee as *amicus curiae*, *intervenor*, *applicant* or *respondent* in *United Nations v. Robert Parton* or any other related action or proceeding.

#### ORDERS FOR TUESDAY, MAY 17, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 3, the highway bill. I further ask consent that there then be 30 minutes equally divided between the chairman and ranking member or designees prior to beginning the series of votes in relation to the pending amendments as under the original order.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 for the weekly party luncheons.

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

#### PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will resume consideration of the highway bill. Under a previous order, following the final 30 minutes for closing remarks, the Senate will proceed to a series of stacked votes on the pending amendments to the bill. Following the disposition of those amendments, the Senate will immediately vote on passage of the bill. Therefore, Senators should expect multiple rollcall votes beginning at approximately 11:30 a.m. tomorrow, culminating in passage of the highway bill.

#### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Tuesday, May 17, 2005, at 9:45 a.m.

#### NOMINATIONS

Executive nominations received by the Senate May 16, 2005:

## DEPARTMENT OF DEFENSE

DANIEL R. STANLEY, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE POWELL A. MOORE.

ERIC S. EDELMAN, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE DOUGLAS JAY FEITH.

## DEPARTMENT OF THE TREASURY

SANDRA L. PACK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE TERESA M. RESSEL, RESIGNED.

## DEPARTMENT OF STATE

PAUL A. TRIVELLI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

ANN LOUISE WAGNER, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

VICTORIA NULAND, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICES, CLASS OF MINISTER-COUNSELOR, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

TERENCE PATRICK MCCULLEY, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

LARRY MILES DINGER, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL E. HESS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ROGER P. WINTER, RESIGNED.

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE AIR FORCE, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8033 AND 601:

*To be general*

GEN. TEED M. MOSELEY, 0000

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JULIA A. KRAUS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. DONALD M. BRADSHAW, 0000

COL. JAMES K. GILMAN, 0000

COL. DAVID A. RUBENSTEIN, 0000

COL. PHILIP VOLPE, 0000

## DEPARTMENT OF THE TREASURY

JANICE B. GARDNER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF THE TREASURY. (NEW POSITION)