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Senate

The Senate met at 9:45 a.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.

Eternal Lord God, give us today the gifts that bring us meaning. Shower us with the gifts of wisdom and courage so that we may choose right and strive to do Your bidding. Give us the gifts of strength and prudence, so that we will resist temptation and anticipate traps and snares. Bless our Senators with the gifts of diligence and perseverance, enabling them to accomplish the difficult and to never give up trying to do Your will.

Give them also the gifts of loyalty and forgiveness, so that they will be true to their friends and patient with their enemies. Give each of us the gift of purity, so that we will find pleasure in simple things and a desire to honor You in our thoughts and deeds.

We pray in Your loving 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.

ENERGY POLICY ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the opening statement of the two leaders, we will proceed to passage of the Energy bill. A lot of work has gone into this bill at this point, and this upcoming final passage vote is one further step toward a national energy policy. We look forward to a good conference with the House to produce a final Energy bill for the President to sign.

Following that vote, we will resume consideration of the Interior appropriations bill. Pending to that bill are approximately 40 first-degree amendments. The committee, over the course of the weekend and yesterday, had been reviewing those amendments and, hopefully, we can dispose of most of those amendments without rollcall votes. We will need to debate and vote on some of the pending amendments, and therefore we will have votes throughout the day. We would like to finish the Interior appropriations bill today, and I will be speaking shortly to the two managers with regard to progress that is being made.

We will be recessing from 12:30 to 2:15 today. When we conclude the Interior bill, the Senate will begin the Homeland Security appropriations bill, and we will finish that bill prior to the start of the July 4 recess. In addition to funding the work of the Department of Homeland Security, that legislation begins the hard work of enhancing the security of our borders. We will complete action on this piece of border security legislation this week.

It is also possible that the Senate could complete work on other appropriations bills beyond the two to which the minority leader and I have agreed. We will be working together with the chairman and the ranking member of the Appropriations Committee to see what we can accomplish in addition to the Interior and Homeland Security appropriations bills.

In addition, this morning, the Finance Committee is working on our free-trade agreement with several Central American countries. If the committee completes action on that, we would also take that up this week. Under the law, debate on the free-trade agreement would total no more than 20 hours equally divided, and we will do that later this week.

As I mentioned last week, we will also consider any other available conference reports or legislative or executive items that are ready for action throughout the week—the highway conference report extension, a welfare extension, as well as a series of important nominations that could be resolved this week as well: Lester Crawford to run our Food and Drug Administration, Tom Dorr to serve in the Department of Agriculture, Gordon English to serve in the Department of Homeland Defense. All of these are possible for action before the recess.

We are going to have a very busy final week and, I know, a productive week. We will be working through Friday. I want to announce to our colleagues once again, as I have before, that in all likelihood we will be voting on Friday, and intend to vote on Friday.

In addition, I ask unanimous consent that I be recognized at 3:45 today, to be followed by Senator BUNNING, to be followed by Senator MCCONNELL.

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

Mr. DORGAN. Mr. President, will the majority leader yield for a question on the schedule?

The PRESIDENT pro tempore. Under the previous order, this is the time to vote on H.R. 6.

Mr. DORGAN. Mr. President, I ask unanimous consent we be allowed to have the majority leader respond to a question.

The PRESIDENT pro tempore. Is there objection?

Mr. FRIST. I will be happy to respond.

Mr. DORGAN. The majority leader suggested that perhaps CAFTA might be brought up later this week. As the majority leader knows, CAFTA is brought to us under something called fast-track procedures, No. 1, and No. 2, an expedited procedure by which, when it is brought to the floor, it is given 20 hours of debate. Some of us feel very strongly that fast track is wrong, but, nonetheless, that is the process.

I ask the majority leader if he is intending to bring up CAFTA under fast track as the last order of business because the suggestion then would be you bump fast track up against the Fourth of July recess. I think that would mistreat a very serious issue.

My hope is that the majority leader will not decide to make the CAFTA trade agreement the last order of the day in this week because, if so, that will suggest that there is a desire to truncate the debate, to shrink the 20 hours, and not have a thoughtful and full debate on a very important trade issue at a time when we have the largest trade deficit in the history of this country.

My question would be, is there consideration to bringing up the Central American Free-Trade Agreement when we return from the Fourth of July recess?

Mr. FRIST. Mr. President, as I mentioned, the Central American Free-Trade Agreement is currently being addressed by the committee. That will be done today and possibly into tomorrow. Before we make any definitive scheduling beyond that, we will let it get through the committee. I will be talking to the Democratic leader. It is an issue that we could, through a fast-track mechanism, address before we leave for our July recess. No final decision has been made. I will be in discussion with the Democratic leader.

The PRESIDENT pro tempore. Does the Democratic leader seek recognition?

Under the previous order, the hour of 9:45 having arrived, we will proceed to a vote on H.R. 6. The yeas and nays have not been ordered.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. I wonder if, in regular order, would it be appropriate for the Senator from New Mexico and two Senators to speak for 3 minutes on the bill?

The PRESIDENT pro tempore. By unanimous consent that could be the order.

Mr. DOMENICI. Mr. President, we will soon vote this morning on final passage of the Energy Policy Act of 2005. I hope and expect that my colleagues will vote overwhelmingly to pass it for a number of reasons, but I want to concentrate on two of the most significant.

First, this bill is a huge step forward in our quest to enact policies that will ultimately move us away from our dependence on foreign sources of energy. There are no quick fixes for the predicament we have created for ourselves over the past 50 years.

But Senator BINGAMAN and I, of all people, are keenly aware of the promise that research and development of new technologies holds for our future energy independence. He and I have had the good fortune to witness the tremendous accomplishments of the scientists at Los Alamos and Sandia over the years. We know that partnerships in science and technology between the government and the private sector can spur significant advancements in technologies we need for our future—a future where we become more productive, more efficient, less dependent on foreign sources, and more protective of our environment in the process.

We have provided in this bill the opportunities for those partnerships as well as other incentives for the private sector to make the advances we need to have for our energy future.

Secondly, this is a bipartisan product that deserves broad support. Senator BINGAMAN and I have worked together on the Energy and Natural Resources Committee for over 20 years.

We have struggled through the issues we address in this bill for many years. Over the past six months, we have garnered the fruits of that association into this bipartisan bill to create what I believe is a fine product to get us started on solving our energy problems.

This bill isn't perfect. No bill ever is. But Senator BINGAMAN and I believe it is a worthy product that deserves your support. We look forward to a speedy conference with the House of Representatives and hope to soon deliver a conference report to this body for passage.

I also express my sincere thanks to my staff, as well as Senator BINGAMAN's staff, for their many, many days of long hours and hard work to make this bill a reality. They have been open to all of you and your staffs, and, I believe, have honestly attempted to address any issue Senators have brought to them.

I especially want to thank Alex Flint, Staff Director, and Judy Pensabene, Chief Counsel, for managing this entire process. Other members of the staff who also lent their expertise and professionalism to the process are: Carole McGuire, Deputy Staff Director; Karen Billups, Deputy Chief Counsel; Counsels Kellie Donnelly, Lisa Epifani, and Frank Macchiarola; Professional staff members Dick Bouts, Kathryn Clay, Frank Gladics, Josh Johnson, John Peschke, and Clint Williamson; Mamie Funk, Communications Director, and Angela Harper, Deputy Communications Director; Colin Hayes, Legislative Aide; Carol Craft, Chief Clerk; Cherstyn Monson, Executive Assistant; and Staff Assistants David Marks, Amy Millett, and Steve Waskiewicz.

Lastly, I sincerely thank the majority leader and his excellent staff for helping us shepherd this bill through the Senate.

I believe today we will pass, for the first time in many years, a new policy for the United States with reference to our energy production, the energy needs of the future.

I think this is a very good bill. I think it will provide us with a significant number of alternative energy supplies, all of which will be predicated upon the proposition that energy should be clean, the energy that we produce in the future; much of it should be renewable; that, indeed, we have conservation; that nuclear should become part of our arsenal; that, in addition, innovation will be the order of the day.

Along with production of ethanol, the rest of the bill will produce jobs, jobs, jobs, and will secure jobs for our future.

With reference to natural gas, one of our most significant and serious problems today, we hope that there will be a new and invigorated supply which will give us an opportunity to have prices for natural gas stabilize or even come down, without which we have a very difficult future for millions of jobs that are dependent upon natural gas or derivatives from natural gas.

All in all, I think this is an exciting and good bill. I thank the Senate for its support, the leader for his support, Senator BINGAMAN for his support. This is truly the first major bill in a long time that is bipartisan in nature. That made it possible, and I am very proud to have been part of it.

I yield the floor.

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

Mr. BINGAMAN. Mr. President, the bill before us is not perfect. It does not go as far I would have liked, or others may have liked, to reduce our dependence on foreign oil, to improve our automobile fuel efficiency, or to reduce greenhouse gas emissions.

But it makes a good start. The bill puts the Senate on record, for the first time, as saying that global warming is a problem and that we need to take serious action to address it. The bill stops short of taking those actions itself, but it acknowledges the problem, and that is an important—indeed essential—step in the right direction.

The bill also takes major steps toward increasing the amount of energy we use to make our electricity and to fuel our cars and trucks from renewable energy sources. It promotes the development and deployment of new energy technologies, improves energy efficiency, and modernizes our electricity laws. It was a good bill coming out of committee and it has been made better on the floor.

Much of the credit for the bill goes to Chairman DOMENICI for the fair, open, and bipartisan process he used to draft the bill and shepherd it through the

committee and on the floor. Not all issues were resolved the way he would have liked or I would have liked, but he let the committee and the Senate work their will. It has resulted in a good bill.

Special thanks must also go to the committee staff, both majority and minority, who put in long hours and hard work on the bill over the last several months. Everyone on the Democratic staff of the committee contributed to this effort: Bob Simon, Sam Fowler, Patty Beneke, Tara Billingsley, Jonathan Black, David Brooks, Michael Carr, Mike Connor, Deborah Estes, Amanda Goldman, Leon Lowery, Jennifer Michael, Scott Miller, Sreela Nandi, Dominic Saavedra, Al Stayman, Vicki Thorne, Bill Wicker and Mark Wilson. I especially wish to thank our Democratic staff director, Bob Simon. I would also like to single out Jonathan Epstein and James Dennis on my personal staff for their contributions to the bill.

I would also like to acknowledge the constant and valuable help given to us by the Democratic cloakroom staff and the staff of the Democratic Leader.

Our task now will be to keep our bipartisan bill from being undermined in conference. Twice before the Senate has sent an energy bill to conference, only to see it die in conference or on the floor. But I am confident that the third try is the charm.

Again, I commend Senator DOMENICI for his leadership and bipartisan approach to this effort. I think we have come up with a bill which should enjoy good bipartisan support here on the Senate floor.

There are obviously some provisions I wish were in the bill that are not. But I think we are going into conference with a good piece of legislation. I hope we are successful in persuading the House to agree with us on that. I do think we still have many hurdles to overcome, as we have learned from previous Congresses, but I am optimistic that this time we will succeed in completing action on an energy bill.

Mr. FEINGOLD. Mr. President, energy policy is an important issue for America and one which my Wisconsin constituents take very seriously. Crafting an energy policy requires us to address important questions about, for example, the role of domestic production of energy resources versus foreign imports, the need to ensure adequate energy supplies while protecting the environment, the need for additional domestic efforts to support improvements in our energy efficiency, and the wisest use of our energy resources. Given the need for a sound national energy policy, a vote on an energy bill is a very serious matter and I do not take a decision to oppose such a bill lightly. In my view, however, this bill does not achieve the correct balance on several important issues, which is why I will oppose it.

The Congressional Budget Office, CBO, estimates that implementing the bill will cost $5.1 billion in 2006 and $35.9 billion over the 2006–2010 period. I am concerned that this estimate does not include the at least $10.1 billion in unpaid-for tax breaks. The $10.1 billion includes $5.7 billion in production tax credits and $4.4 billion in various subsidies to the oil, gas, and nuclear industries. Although I support the extension of the wind energy production tax credit and incentives for alternative fuels such as biodiesel, I am concerned that these tax expenditures are not offset. This billion dollar figure does not include the potential costs of the billions of dollars in loan guarantees provided in the bill, which could prove extremely costly to taxpayers. According to the CBO, loan default risk is ''well above 50 percent'' leaving taxpayers to foot the bill. The oil, gas, coal, hydroelectric and nuclear industries are mature industries that do not need to be propped up by the taxpayers. I am also especially concerned about the tax subsidies for the oil and gas industry, which is already experiencing windfall profits as oil nears $60 a barrel.

Even before the Senate added the tax title to the bill or any other amendments, CBO estimated that implementing the bill would cost $5.1 billion in 2006 and $35.9 billion over the 2006–2010 period. None of this spending is offset, or paid for. Our nation's budget position has deteriorated significantly over the past few years, in large part because of the massive tax cuts that were enacted. We now face years of projected budget deficits. The only way we will climb out of this deficit hole is to return to the fiscally responsible policies that helped put our nation on a sound fiscal footing in the 1990s, and that means making sure the bills we pass are paid for. Otherwise we are digging our deficit hole even deeper and adding to the massive debt already facing our children and grandchildren.

In addition, this bill repeals the proconsumer Public Utility Holding Company Act, the Federal Government's most important mechanism to protect electricity consumers. The bill does include language from my colleague from Washington, Ms. CANTWELL, banning Enron-like energy trading schemes. I also welcome the addition of new language that gives the Federal Government more oversight of utility mergers. This language, however, in my opinion, does not adequately prevent utilities from using affiliate companies to out compete small businesses.

That is why I joined with the Senator from Kansas, Mr. BROWNBACK, in filing the consumer protection, fair competition, and financial integrity amendment. We believe that small businesses and consumers should be protected from abuses involving public utility companies' related businesses. We also share the belief that repeal of the Public Utility Holding Company Act in the underlying bill creates a serious regulatory void and market flaw that Congress should correct.

Our amendment would have improved the bill by making clear the actions that the Federal Energy Regulatory Commission—or FERC—must take to ensure that deregulated holding companies do not outcompete our small businesses, damage their financial standing, and then pass the costs of bad investments to consumers.

Our amendment was supported by a wide and impressive coalition of business, labor, financial, and consumer groups which include AARP, American Iron and Steel Institute, American Public Power Association, American Subcontractors Association, Associated Builders and Contractors, Association of Financial Guaranty Insurers, ACA Financial Guaranty Corporation, Ambac Assurance Corporation, Assured Guaranty Corporation, Blue Point Re Limited, CIFG, IXIS Financial Guaranty, Financial Guaranty Insurance Company, Financial Security Assurance, MBIA Insurance Corporation, Radian Asset Assurance Inc., RAM Reinsurance Company, XL Capital Assurance, ELCON, International Brotherhood of Electrical Workers, Mechanical Contractors Association of America, National Electrical Contractors Association, Plumbing-Heating-Cooling Contractors—National Association, Public Citizen, Public Interest Research Group, Sheet Metal and Air Conditioning Contractors' National Association, Small Business Legislative Council, and Wisconsin Public Power, Incorporated.

My State of Wisconsin is acutely interested in and concerned about the repeal of PUHCA and about ongoing abuses involving the unregulated corporate affiliates of regulated utilities. I have also heard from contractors and other small businesses across the Nation who have been harmed by unfair competition by affiliates of public utilities.

I am pleased this consumer protection amendment was a bipartisan effort. I believe we have broad support in this body and beyond for this amendment, which is why I was disappointed that we were not able to offer this amendment because of the threat of another amendment being offered that would eliminate the oversight provisions currently in the bill.

I am pleased, however, that we were able to obtain assurances from the chair and ranking member that they would hold a hearing on abusive affiliate transactions. I also appreciate the ranking member's commitment to request a GAO investigation of the potential for abusive transactions involving affiliates of public utility companies.

During debate on this important measure, I supported several efforts to improve the underlying bill and the bill contains many provisions that I support. Specifically, I strongly supported the amendment offered by the Senator from New Mexico, Mr. DOMENICI, No. 779. I am pleased that the Senate overwhelmingly passed this important measure. I support the national ban of methyl tertiary butyl ether,

MTBE, and the measures in the bill that increase the supply of ethanol. I am also pleased that the amendment includes language I drafted to consolidate the number of Federal reformulated gasoline blends. I have worked closely with Congressman PAUL RYAN in an effort to reduce the number of Federal reformulated gasoline blends and increase gasoline supplies for consumers.

In recent years, fuel supply shocks such as pipeline problems and refinery fires have contributed significantly to gasoline price spikes in southern Wisconsin. Chicago and southeast Wisconsin use a specialized blend of reformulated gasoline to meet Federal Clean Air Act requirements that is not used elsewhere in the country. When supplies of this type of gasoline run low, Wisconsin is unable to draw on supplies of gasoline from other areas. Consolidation of the number of boutique fuels will help Wisconsin and consumers across the country. I look forward to working with my colleagues on both sides of the aisle to ensure that the boutique fuels issue is adequately addressed in the energy bill conference report.

I also supported Senator BINGAMAN's amendment to mandate a renewable portfolio standard requiring electric utilities to generate or purchase 10 percent of the electricity they sell from renewable sources by 2020. The Senate has previously considered renewable portfolio standards of 20 percent. We can do even better on renewable energy sources, but I am pleased that the Senate took a positive step forward on this important issue.

I am also pleased with the many energy efficiency incentives and the reauthorization of the Energy Performance Savings Contracts Program. I also support the inclusion of mandatory electricity reliability standards to prevent blackouts.

I supported the Cantwell energy security amendment, No. 784, because it would have helped to put America on the path towards independence from foreign oil. Reducing our dependence on foreign oil by 40 percent by 2025 will make our country stronger and safer. For years, the American economy has been subject to the whims of the Organization of Petroleum Exporting Countries, OPEC, cartel. The amendment did not address which technology should be used to reduce our dependence on foreign oil and does not mandate changes in fuel economy standards. The language is simple—it sets our goal and we have to figure out how to get there. We are a country of innovators. Whether it is wind, solar, biodiesel, or a technology we still have not dreamed of yet, we can—and we must—break our addiction to foreign oil. This bold, aggressive amendment would have ensured that we meet our goal of real energy independence. I was disappointed that the Senate did not adopt this amendment.

In sum, the American people deserve a more fiscally responsible energy policy than that is reflected in this bill, and I cannot vote in favor of it. This measure will need to be improved in conference to get my vote.

Ms. FEINSTEIN. Mr. President, I start by thanking Chairman DOMENICI and Senator BINGAMAN for all of their hard work on this bill. They said they were going to work to get a bipartisan bill and they accomplished their goal.

Overall, however, I believe that this Energy bill will help the country meet its energy needs in a number of important ways.

This bill provides strong consumer protections, aggressive energy efficiency standards, and a focus on new technologies to meet our energy needs in a more environmentally friendly manner.

Additionally, the bill takes a step in the right direction to reduce our consumption of fossil fuels, especially natural gas. This is a major improvement over past Energy bills, which have done nothing to reduce our use of fossil fuels.

As we learned during the Western energy crisis, Federal energy regulators did not have enough authority to prevent widespread market manipulation.

Through the course of the crisis in California, the total cost of electricity soared from $7 billion in 1999 to $27 billion in 2000 and $26.7 billion in 2001. The abuse in our energy markets was pervasive and unlawful.

So I am pleased to report that this bill includes provisions that I have sought over the past 4 years to strengthen consumer protections and hopefully prevent another energy crisis like the one we experienced in the West.

These consumer protections include: a broad ban on manipulation in the energy markets; stronger criminal and civil penalties in the energy markets to provide stronger deterrents to violations of Federal energy laws; elimination of the unnecessary 60-day waiting period for refunds at FERC, which may cost Californians millions of dollars; new provisions to make the energy markets more transparent; and a ban on traders who manipulated the natural gas or the electricity markets from ever trading in energy markets again.

I am also very pleased that Senators GRASSLEY and BAUCUS included in the Energy bill much of the energy efficiency tax incentives that Senator SNOWE and I sponsored.

The simplest, most effective thing we could do today to reduce our electricity use would be to use more energy-efficient appliances, such as air conditioners, refrigerators, and clothes washers.

We know that energy efficiency works. In California, efficiency programs have kept electricity consumption flat for the past 30 years, in contrast to the rest of the United States, where consumption increased 50 percent.

During the Western energy crisis, California faced energy shortages and rolling blackouts, but it could have been much worse. Ultimately, the State was able to escape further blackouts because Californians made a major effort to conserve energy. This reduced demand for electricity and helped ease the crisis.

By creating incentives to reduce demand, the energy efficiency tax incentives will help us avoid power shortages and blackouts in the future.

In addition, encouraging more efficient technologies will also reduce pollution and save consumers billions of dollars in the long run.

America cannot solve its energy challenges by simply adding more supplies. We must find ways to reduce demand for energy and create more efficient technologies. Including the energy efficiency tax incentives is a big step in the right direction.

For all of those reasons, I am supporting this bill. However, I still have some major reservations about the legislation as it now stands. Among them are:

Ethanol. The bill includes an 8 billion gallon mandate for ethanol when my State does not need it to meet clean air standards. I think this mandate is bad and costly public policy.

LNG Siting. This bill gives the Federal Energy Regulatory Commission exclusive authority over siting LNG terminals. I believe States should have a strong voice in this process.

Global Warming. Although we can already see the real effects of global warming, this bill takes no effective action to curb greenhouse gases.

Outer Continental Shelf. This bill provides for an inventory of the resources off our shores. This is not necessary unless we plan on drilling, to which I remain very much opposed.

Essentially, this bill takes no risks whatsoever to do the right thing. And though I will vote in favor of this bill, I would like to discuss these serious reservations that I have with it.

I am extremely concerned about the bill's 8 billion gallon ethanol mandate.

First, though, I would like to thank the committee for accepting an amendment I offered to protect California's air quality. It waives the requirement that California use ethanol in the summer months when it can end up polluting the air more than protecting it.

Despite this win for California's air quality, I still have concerns about the impacts of mandating that refiners use 8 billion gallons of ethanol by 2012.

President Bush has said over the past few months that this Energy bill will not do anything to reduce gas prices at the pump. I would like to add another note of caution: I hope this bill does not actually increase the price at the pump for consumers.

According to the Energy Information Administration, gas prices in California have been anywhere between 4 and 8 cents higher since ethanol replaced MTBE in California's gasoline, starting in 2003.

In May 2005, the Director of the Petroleum Division at the Energy Information Administration stated before

the House Government Reform Committee that:

. . . refiners lost production capability when replacing MTBE with ethanol. This, along with continued demand growth, has contributed to price pressures. From 2000 through 2002, California retail gasoline prices averaged about 19 cents per gallon more than the U.S. average gasoline price, but in 2003 as MTBE began to be removed, California prices averaged 27 cents per gallon higher than the U.S. average, and remained at that level through 2004.

So far this year, California's gasoline prices are at least 23 cents higher than the national average. To be clear, adding ethanol to our gasoline has increased the cost at the pump.

In addition, when the 8 billion gallon mandate is fully implemented in 2012 it will only reduce U.S. oil consumption by one-half of 1 percent.

Since ethanol has a somewhat lower energy content than gasoline, more of it is required to travel the same distance. This results in a vehicle's fuel economy being approximately 3 percent lower with ethanol-blended gasoline.

Further, this provision is both a mandate and a subsidy. Ethanol receives a tax credit of 51 cents per gallon. An 8 billion gallon mandate means a $2 billion loss to the U.S. Treasury over today's receipts.

I do not believe that we should be imposing this huge mandate at a time when there is already such a huge subsidy to the ethanol industry, and when the Nation has such huge budget deficits.

We should have either the subsidy or the mandate, but not both.

I also remain concerned about the provision in the bill that provides exclusive authority over siting onshore liquefied natural gas terminals to the Federal Energy Regulatory Commission.

Increased demand for natural gas means we need new natural gas supplies, and liquefied natural gas is one of the options available to us.

States will be responsible for the safety of these facilities for a long time after they are sited. That is why it is so important to preserve the rights of the States to participate in the process to determine where these facilities should be located.

For LNG facilities that are sited more than 3 miles offshore, the Governor has the right to approve or veto a project.

Yet for facilities that are located onshore, in our busy ports and near our closely packed communities, States have less input.

That is why I offered an amendment to provide Governors the same authority for siting onshore facilities that they already have for offshore facilities.

To give a remote Federal agency control when States are concerned about the safety of residents near a proposed site is a mistake.

I firmly believe that States should have the right to veto a project that could endanger the public safety of its citizens.

I thank Senators LIEBERMAN and MCCAIN for their efforts to address the growing and imminent problem of global warming.

I strongly supported their amendment to cap greenhouse gas emissions at the year 2000 levels by 2010 and implement a market-based emissions cap and trade system.

The United States has only 4 percent of the world's population, and yet we produce 20 percent of the world's greenhouse gas emissions. As the world's largest greenhouse gas emitter, the United States has a duty to act.

We have already begun to see the very real effects of global warming. The polar ice caps are shrinking, glaciers are melting, snowpacks are dwindling, and coastlines are falling away.

If we do not act, these problems will only grow worse. California depends on the Sierra Nevada snowpack as its largest source of water. It is estimated that by the end of the century, the shrinking of this snowpack will eliminate the water source for 16 million people—equal to all of the people in the Los Angeles Basin.

Much of the world is already reducing their greenhouse gas emissions and they are counting on us to do the same.

It is time that the United States—the world's largest contributor to climate change—stepped up and took responsibility for our actions and their impact on the world. Global warming is too serious a problem for us to keep ignoring it.

Yet the Senate voted against the McCain-Lieberman amendment. We missed a big opportunity to do the right thing for our country and for the world.

I am also concerned because the bill includes a provision that would allow the Department of Interior to conduct an inventory of the resources in the Outer Continental Shelf.

I joined my colleagues from Florida and New Jersey to strip this provision from the bill. Unfortunately, the amendment was not agreed to.

Why would we need to inventory the resources on the Outer Continental Shelf unless we intend to drill there? I believe this provision is the proverbial ''nose under the camel's tent.''

I strongly oppose lifting the moratoria on drilling on the Outer Continental Shelf and my State is unified in its opposition as well. Our coast is too important to California's economy and to our quality of life.

Despite soaring gas prices, this bill does not take any steps towards reducing our oil consumption, which could easily be done by holding SUVs and light trucks to the same fuel economy standards as passenger vehicles.

SUVs have gained popularity to the point that they now make up more than half of new car sales in the United States. That is why I believe SUVs and light trucks should be held to the same fuel efficiency and safety standards as the smaller passenger cars they are replacing on our roads.

This would both reduce our oil consumption and imports as well as curbing greenhouse gas emissions that cause global warming. In addition, increasing fuel economy in SUVs and light trucks would save owners hundreds of dollars each year at the gas pump.

Consumers are concerned about high gas prices, yet we do next to nothing in the bill to increase the fuel economy of our vehicles so that they use less gasoline.

Our dependence on oil is reaching critical levels. Crude oil is hitting record highs at nearly $60 per barrel this week and it is not going to fall any time soon.

Crude oil is a global commodity and global oil demand is rising, especially in China and India.

In the past 5 years, China's oil imports have doubled, and show no signs of slowing down. Chinese demand for oil is expected to double again by 2025, while its imports will quadruple to 60 percent of its total oil consumption.

China is now the world's second biggest oil consumer, behind only the United States. And today we heard the news that China wants to buy an American oil company.

In addition, India's oil needs are expected to grow rapidly in the coming years. Last year alone, India's oil consumption grew by 10 percent.

Their rapidly growing economies are fueling their growing dependence on oil—which makes continued higher prices inevitable.

The most effective step we can take to reduce gas prices is to reduce demand. We must use our limited fuel supplies more wisely.

That is why I am so disappointed that the Senate did not include any provisions to increase fuel economy in the bill.

I am pleased that the chairman and ranking member were able to work together on a bill that does not roll back environmental protections, as the House bill does.

I want to take a minute to point out the most egregious House provisions that I hope we will not see in a conference report. They include:

Retroactive liability protection for MTBE producers despite the fact that the courts have already found that they make a defective product. This provision protects oil companies from having to pay billions of dollars to clean up the water supplies across the country that MTBE has contaminated.

Even though I am supporting the Senate Energy bill, I will not hesitate to vote against the conference report if it includes MTBE liability protection.

Allowing communities to get out of requirements to clean up their air if they claim that part of its problem is a result of transported air pollution. This provision severely weakens the Clean Air Act.

Exempting the underground injection of chemicals during oil and gas development from regulation under the Safe Drinking Water Act.

Weakening the ability of States to have a say in Federal activities that affect their coasts, including limiting appeals related to pipeline construction or offshore energy development under the Coastal Zone Management Act.

Opening the Arctic National Wildlife Refuge to drilling.

Further, the House $8 billion tax package is completely lopsided in favor of oil and gas production—only 5 percent of the $8 billion goes toward incentives for renewable energy production.

While I am pleased that the bill includes strong consumer protections that will hopefully prevent another energy crisis, incentives for energy efficiency, and promotes new energy technologies, I am disappointed that the bill does not do the right thing on global warming, ethanol, fuel economy, the Outer Continental Shelf, or LNG siting.

And so, it is with reluctance that I cast my vote in favor of this Energy bill.

Mr. LEVIN. Mr. President, I am supporting the energy bill before us today because I feel that it is a step forward in establishing a sound energy policy for our Nation. With oil prices soaring to over $60 per barrel, consumer gasoline prices continuing to rise, and the impacts of global climate change increasingly apparent, we need to move toward diversity of our energy supply and reduction of our dependence on oil.

The bill before us today includes provisions that will increase the diversity of our Nation's fuel supply, encourage investment in infrastructure and alternative energy technologies, increase domestic energy production, take critical steps to improve the reliability of our electricity supply, and improve energy efficiency and conservation. This bill is not a perfect bill, but on balance it moves toward a sound energy policy that will lead the way to greater energy security and efficiency for the United States. It will increase our domestic energy supplies in a responsible manner, provide incentives to move toward more and diversified supply options, and provide consumers with affordable and reliable energy. When we consider energy policy, it is always a balance. Many factors must be taken into account—the environment, national security, our economy and jobs. Each and every vote on this bill required a balancing of these factors to determine what is best for Michigan and for our country.

Our policies have long ignored the problem of U.S. dependence on foreign oil, and we remain as vulnerable to oil supply disruptions today as we have been for decades. Taking the steps necessary to reduce our dependence on foreign oil is an important objective for this country. I have long supported a broad array of Federal efforts to meet that objective. I believe that we need a long-term, comprehensive energy plan, and I have long supported initiatives that will increase our domestic energy supplies in a responsible manner and provide consumers with affordable and reliable energy.

There are provisions included in this bill that will help take important steps in this direction—particularly those provisions of this bill that address energy efficiency and renewable energy and will lead us toward greater uses of alternative fuels such as ethanol and biodiesel. I have also long advocated Federal efforts that will lead to revolutionary breakthroughs in automotive technology that will help us reduce our oil consumption. We need a level of leadership similar to the effort of a previous generation to put a man on the moon. I believe we need our own ''moon shot'' in the area of automotive technology to develop alternatives to petroleum and to make more efficient use of all forms of energy.

I am pleased that the bill before us today is a bipartisan bill and, as such, it is a significant improvement over what the Senate has considered in previous years. This proves that when we work together in a bipartisan fashion, not only is the process better but so is the resulting policy.

The bill includes a wide range of energy efficiency provisions that will ensure that conservation and efficiency are a central component of our Nation's energy strategy. These provisions address Federal, State, and local energy efficiency programs, provide funding for important programs such as home weatherization, and establish efficiency standards for a wide variety of consumer and commercial products. Provisions of the bill will also ensure more efficient operation of Federal facilities, setting an important example by the Federal Government. The bill will also accelerate advances in energy-efficient appliance technologies by providing a tax credit for the production and sale of products such as super energy-efficient washing machines, refrigerators and dishwashers. Increasing the sale of these products will result in significant energy and water savings, thereby reducing dependency on foreign energy, reducing emissions and conserving water. Finally, because the tax credits apply only to U.S.-manufactured products, the bill can stabilize or increase American manufacturing jobs.

This legislation also takes critical steps to improve the reliability of our electrical grid and promote electricity transmission infrastructure development. Our economy depends upon electric power, and, in some cases, electric power literally saves lives. Failures in the electric system interrupt many crucial activities. Our current industry-developed, voluntary standards for the reliability of the electrical grid have long been in need of improvement. That need for improvement was underscored painfully by the August 2003 blackout. There were two key lessons from the blackout—the need for strong regional transmission organizations to ensure that reliability standards are carried out and enforced, and the need for additional transmission upgrades to maintain reliability. I regret that it has taken 2 years to get to a consensus on these issues. Nonetheless, I am pleased that the provisions of this bill authorize the creation of an electricity reliability organization to establish mandatory and enforceable reliability standards, which is a critical and necessary step forward.

The bill puts an increased emphasis on renewable energy technologies, such as wind and solar power. These technologies are becoming more economical every year. In fact, in some areas of the country these technologies are competitive with traditional fuels such as coal and natural gas. With this in mind, this bill includes a renewable portfolio standard, which requires sellers of electricity to obtain 10 percent of their electric supply from renewable energy sources by the year 2020. Existing hydroelectric pumped storage facilities—such as the Ludington pumped storage facility in Michigan—are included in the definition of hydroelectric facilities, which will ensure that these reliable existing sources of renewable power are calculated in a utility's base generation and can continue to be utilized to full potential. Finally, to promote the use of renewable fuels, the bill also includes a requirement for refiners to use 8 billion gallons of ethanol or biofuels by 2012. Overall, the increased use of renewable technologies will reduce our dependence on foreign oil and lead to the creation of tens of thousands of new jobs.

The bill also puts increased emphasis on diversity of supply and includes a broad range of provisions intended to encourage the use of new and cleaner technologies, particularly for power generation. Nearly 60 percent of electricity generation in Michigan is generated from coal, which will remain a vital resource well into the future. Programs authorizing research in clean coal-based gasification and combustion technologies will ensure that the most advanced technologies are developed for power generation. Other provisions of the bill also encourage the use of innovative technologies for both power generation and other end-uses.

Increased emphasis on diversity of fuel supply will help to take the pressure off of our tight natural gas supply, which is important for States such as Michigan with a large manufacturing base. Over the past 6 years, the tight natural gas supply and volatile domestic prices have had significant impacts on the U.S. manufacturing sector, which depends on natural gas as both a fuel source and a feedstock and raw material for everything from fertilizer to automobile components. As domestic production of natural gas has declined, demand for natural gas has increased dramatically, particularly in

the area of power generation. Today, U.S. natural gas prices are the highest in the industrialized world, and many companies have been forced to move their manufacturing operations offshore. More than two million manufacturing jobs have been lost to overseas operations in the 5 years since natural gas prices jumped from $2.00 per million Btu to more than $7.00 per million Btu.

I am pleased that the Senate bill includes a significant research, development, demonstration and commercialization effort in the area of hydrogen and fuel cells. I believe that this program will help us make critical strides toward realizing the goal of putting hydrogen fuel cell vehicles on the road over the next 10 to 15 years.

We need a significantly larger effort than anything on the drawing boards, and we need to put greater Federal resources into work on other breakthrough technologies—such as advanced hybrid technologies, advanced batteries, advanced clean diesel, and hybrid diesel technology. Federal Government investment is essential not only in research and development but also as a mechanism to push the market toward greater use and acceptance of advanced technologies. Expanding the requirements for the Federal Government to purchase advanced technology vehicles will help provide a market for advanced technologies.

We also must have far greater tax incentives for advanced technologies than have been proposed to date. To that end, I had hoped to offer an amendment to the bill—along with Senators BAYH and ALEXANDER—to provide more generous consumer tax credits for purchase of advanced technology vehicles and to provide an investment tax credit to manufacturers to help defray the cost of re-equipping or expanding existing facilities to produce advanced technology vehicles. The Finance title of this energy bill includes laudable incentives, but I believe we need more generous consumer tax credits for a wider variety of vehicles—including advanced clean diesel, as well as hybrid and fuel cell vehicles—to encourage consumers to make the investment in these technologies. I also believe that an investment credit on the manufacturing side is necessary to offset the high capital costs of such an investment. I hope that more significant tax incentives for a wide range of advanced vehicle technologies will be considered during the House-Senate energy conference.

The Senate bill also includes an amendment I offered to have the National Academy of Sciences conduct a study and submit a budget roadmap to Congress on what level of effort and what types of actions will be required to transition to fuel cell vehicles and a hydrogen economy by 2020. If hydrogen is the right answer, we will need the equivalent of a moon shot to get there. We will need a significant Federal investment—well beyond anything we are doing today—in conjunction with private industry and academia to reach that goal. This study and roadmap will be an important step toward determining if that is the right path to follow.

I am also pleased to have cosponsored an amendment offered by Senator VOINOVICH to authorize $200 million annually for 5 years to fund Federal and State grant and loan programs that will help us to replace older diesel technology with newer, cleaner diesel technology. Our friends in Europe have taken advantage of the opportunities that diesel offers for improving fuel economy and reducing oil dependence. We have not been able to do so here in the U.S. because of our concerns about tailpipe emissions. Initiatives such as those included in this amendment will help the U.S. to develop advanced diesel technology that will be able to meet our emissions standards in a cost-effective manner.

Lastly, the Senate rejected resoundingly efforts to require significant and arbitrary increases in the corporate average fuel economy—CAFE—standards, adopting instead an amendment offered by Senator BOND and myself that offered a more balanced approach. Our approach requires an increase in both car and truck CAFE standards but it requires the Department of Transportation to set these standards looking at the maximum technological feasibility, taking into consideration a series of critical factors such as safety, the impact on manufacturing and jobs, and the lead-time required for developing new technologies. Other proposals offered in the Senate—but rejected—would have hurt domestic manufacturers and the U.S. economy, without doing much for the environment.

Gasoline prices have been extremely volatile over the past few years and are likely to stay high. Our demand for oil continues to increase while our supplies have remained about the same. To reduce the impact of high gasoline prices over the long-term, we need to reduce our consumption of oil by continuing to develop advanced vehicle technologies such as hybrids, advanced clean diesels, and fuel cells. In the short-term, however, I continue to be concerned about price fluctuations because gasoline prices can have a dramatic effect on not only the average consumer's wallet, but also the economy as a whole. During consideration of the energy bill, I supported an amendment offered by Senator BYRD designed to provide some relief to high gas prices, specifically for people who live in rural areas. This provision allows employers to provide tax-free commuter benefits to employees who live in a rural area and drive to work in an area that is not accessible by a transit system.

I was also pleased to support an amendment to help small businesses and farmers deal with the high price of fuel. This amendment, offered by Senator KERRY, gives small farms and businesses access to low-interest credit through disaster loan programs. These programs, through the Small Business Administration and the U.S. Department of Agriculture, will give much needed relief to these small businesspeople and small farmers who have been hurt by the price spikes in heating oil, natural gas, propane, gasoline and kerosene.

Lastly, I supported an amendment offered by my colleague from Michigan, Senator STABENOW, requiring the Federal Trade Commission to conduct an investigation and provide a report to Congress on whether the increase in gasoline prices is the result of market manipulation or price gouging. In 2002, as chairman of the Permanent Subcommittee on Investigations, I lead an investigation into how gas prices are set. Since that time, gas prices have continued to rise, and I believe a new investigation and report is warranted to hopefully result in some protection for consumers.

I am pleased that this bill contains an amendment that I offered with Senator COLLINS to direct the U.S. Department of Energy to develop and use cost-effective procedures for filling the U.S. Strategic Petroleum Reserve. The amendment requires DOE to consider the price of oil and other market factors when buying oil for the SPR and to take steps to minimize the program's cost to the taxpayer while maximizing our energy security. Since early 2002, DOE has been acquiring oil for the SPR without regard to the price or supply of oil. During this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight. Many experts have stated that filling the SPR during the tight oil markets over the past several years increased oil prices. With this amendment, the bill directs DOE to use some common sense when buying oil for the SPR.

Any successful businessperson knows the saying, 'Buy low, sell high.' It makes sense for buying oil as well as pork bellies.

Finally, I want to mention an issue that was a source of strong debate in the Senate but which this bill does not adequately address: global warming. For years, almost all scientists have agreed that human actions are causing temperatures around the world to increase. Experts also agree that this global warming will lead to environmental problems and economic hardship, but there has been no consensus in the United States about what we should do to stop climate change.

The threat is real and growing, and the longer we wait to reach a reasonable consensus, the more painful the solutions will be. I believe two major policy changes are needed at the federal level: support for a new, binding international treaty that includes all countries, and a massive new federal investment in research, development and commercialization of new technologies. Both of these steps would provide real environmental and economic

benefits while being fair to American workers. The Senate considered several well-intentioned proposals on this issue, though I did not believe they would have taken us in a comprehensive direction. I supported a sense of the Senate resolution that acknowledges the problem and calls on the administration to work with the Congress to enact a comprehensive national program to address this issue.

The energy bills considered by the Senate over the last couple of years have been doomed by a heavy-handed, partisan approach and by a conference committee that added many objectionable provisions before the bill came back to the Senate. We lost valuable time in putting us on the course toward a sounder energy policy. It is my sincere hope that the majority will pursue a different approach this year and produce a bill that will have strong bipartisan support.

Mr. INOUYE. Mr. President, I rise today to discuss two amendments that I filed concerning the Federal Energy Regulatory Commission hydro relicensing process and its impact on Indian tribes.

The two amendments were simple amendments that I had hoped to have included in a managers' package.

As presently drafted, section 261 will authorize license applicants to have veto authority over the Secretary's decision on whether to accept alternative conditions. This will have substantial adverse effects on Indian reservations that are occupied by hydroelectric project facilities as well as fishery resources that the United States holds in trust for Indian tribes.

The Federal Government has an obligation, a trust responsibility, to protect the resources and related property rights in them that we hold in trust for Indian tribes.

A cornerstone of Federal Indian policy regarding tribal natural resources is that development of them will not occur without the consent of the tribe for which the United States holds the resources in trust.

By injecting the judgment of a hydroelectric dam operator—whose interests may well be adverse to a tribe's—to override the Secretary's determination of the Federal trust responsibility for tribal resources affected by a license application seems to me to be a clear violation of our trust responsibility. In certain cases this could result in an applicant having a virtual veto over conditions relating to the protection of Indian lands and resources.

Congress acted to create reservations to fulfill solemn obligations to Indian tribes and vested in the Secretary the special responsibility to be the repository of expertise in the management and protection of those reservations as well as fisheries in which many tribes reserved rights in their treaties with the United States—treaties that were ratified by this Senate.

The tribal land and fishery resources that would be adversely affected by section 261 are vested property rights that the United States holds in trust. There is no justification for subordinating those rights to the activities and interests of a licensee in the manner provided for in this legislation.

The Federal Government has continuously broken its promises to Indian tribes. Over the past 60 years or so, this has cost us, and the taxpayers, hundreds of millions of dollars, if not more for breaking those promises. And we continue to face additional liability in the billions of dollars for breaking other promises and violating our trust responsibility. This has got to stop.

Justice Black once wrote at another critical juncture in the history of the Federal Power Act's relationship to tribal property rights: ''Great nations, like great men, should keep their word.''

Although I am disappointed that we may once again be violating our solemn obligation to the Indian tribes who have contributed so much to our great country, I note that Senator DOMENICI has assured me that he will continue to look at this matter.

I call on my colleagues in the conference of this legislation to work to ensure revision of the language that is antithetical to tribal rights and long-standing Federal Indian policy.

Mr. OBAMA. Mr. President, during the 2 weeks or so that we have been debating this Energy bill in the Senate, the price of crude oil has climbed to a record high of $60 a barrel. Gas is now up to $2.24 per gallon. The Saudis are pumping at near-full capacity, and their own oil minister says that the price of crude will probably stay at this level for the rest of the year.

At this price, the United States is sending $650 million overseas every single day. That is $237 billion a year—much of it to the Middle East, a region we have seen torn by war and terror. It doesn't matter if these countries are budding democracies, despotic regimes with nuclear intentions, or havens for the madrasas that plant the seeds of terror in young minds, they get our money because we need their oil.

As demand continues to skyrocket around the world, other countries have started to realize that guzzling oil is not a sustainable future. What's more, these countries have realized that by investing early in the energy-efficient technology that exists today, they can create millions of tomorrow's jobs and build their economies to rival ours.

China now has a higher fuel economy standard than we do, and it has got 200,000 hybrids on its roads. Japan's Toyota is doubling production of the popular Prius in order to sell 100,000 in the U.S. next year, and it is getting ready to open a brand new plant in China. Meanwhile, we are importing hydrogen fuel cells from Canada.

These companies are running circles around their American counterparts. Ford is only making 20,000 Escape Hybrids this year, and GM's brand won't be on the market until 2007. As falling demand for gas-hungry SUVs has contributed to Standard and Poor reducing the bond rating of these companies to junk status, these giants of the car industry now find themselves in the shadow of companies and countries that realize the time has come to move away from an oil economy.

So here we are. We have people paying record prices at the pump and America sending billions overseas to the world's most volatile region. We have countries such as China and India using energy technology to create jobs and wealth while our own businesses and workers fall further and further behind.

And we have the Energy bill that is before us today.

Now, this bill takes some small steps in the right direction. It will require utilities to generate 10 percent of their electricity from renewable sources. It will help us realize the promise of ethanol as a fuel alternative by requiring 8 billion gallons to be mixed with gasoline over the next few years, and by providing a tax credit for the construction of E85 stations all over America. It will provide funding for the clean coal technologies that will move America to use its most abundant fossil fuel in a cleaner, healthier way, including for low-emission transportation fuels. It will support the development of 500 mile-per-gallon automobile technology. And it will provide a good mix of tax incentives to move America towards more energy efficiency instead of simply rewarding the oil and gas industries, as the House bill does. The good that these proposals will do is reason enough to vote for this bill, and I will do so.

But we shouldn't kid ourselves today. This isn't time to pat ourselves on the back and think we have put America on the path to energy independence. Experts say that this bill will reduce our foreign oil consumption by 3 percent. Three percent. Our own Department of Energy predicts that American demand will jump by 50 percent over the next 15 years. So 3 percent doesn't amount to much—and it certainly won't make a difference at the pump. Even President Bush admits this. We tried to pass an amendment that would have reduced our foreign oil dependence by 40 percent in 2025, but too many Senators said no.

And so when you look at this energy crisis and realize that it is about so much more than energy, when you realize that our national security is at stake and that the global standing of our economy hangs in the balance, when you see prices continue to rise and other countries continue to innovate, you can't help but ask yourself, ''Is this the best America can do?'' The country that went to the Moon and conquered polio? The country that led the technological revolution of the 1990s?

It would be one thing if the solutions to our dependence on foreign oil were pie-in-the-sky ideas that are years

away. But the technology is right at our fingertips. Today, we could have told American car companies, we will help you produce more hybrid cars. We could have made sure there were more flexible fuel tanks in our cars. We could have addressed the big reason why car companies are hurting in this country—legacy health care costs. Had we taken all of these actions, we could have put America on the path to energy independence once and for all.

We also could have addressed the fact that global warming is threatening us with higher temperatures, more drought, more wildfire, more flooding, and more erosion of our coastal communities. People who don't believe this can yell about it as loudly as they want, but it doesn't change the fact that the overwhelming scientific evidence proves this over and over again. We could have taken care of this problem now and left a better world to our children.

With each passing day, the world is moving towards new technology and new sources of energy that will one day replace our current dependence on fossil fuels.

And so America has a choice.

We can continue to hang on to oil as our solution. We can keep passing Energy bills that nibble around the edges of the problem. We can hope that the Saudis will pump faster and that our drills will find more. And we can just sit on our hands and say that it is too hard to change the way things are and so we might as well not even try.

Or we could realize that this issue of energy—this issue that at first glance seems like it is just about drilling or caribou or weird-looking cars—actually affects so many aspects of our lives that finding a solution could be the great project of our time.

It won't be easy and it won't be without sacrifice. Government can't make it happen on its own, but it does have a role in supporting the initiative that is already out there. Together, we can help make real the ideas and initiatives that are coming from scientists and students and farmers all across America.

Abraham Lincoln, who first opened our National Academy of Sciences, once said that part of Government's mission is to add ''the fuel of interest to the fire of genius in the discovery of new and useful things.''

Today, when it comes to discovering new and useful solutions to our energy crisis, the fire of genius burns strong in so many American innovators and optimists. But they're looking for leadership to provide the fuel that will light their way. This bill is a reasonable first step, but I know that we can do much, much better.

Mrs. BOXER. Mr. President, for several years now we have been debating a national energy policy. In 2002 and 2003, I voted against the Energy bills because I believed they were bad for California and emphasized expanding old, dirty sources of energy instead of investing in clean, renewable energy.

Today's bill, however, is slightly better. It is more balanced and more protective of consumers. I will, therefore, vote for it.

However, this is not a perfect bill, and it contains many provisions that I oppose. I am voting to move the process forward today, but if the bill returns to us from conference more like the House bill, I will have to vote against it.

Let me begin with how this bill is better than previous bills. For the first time, we have an Energy bill that creates a Renewable Portfolio Standard, RPS. What that means is that utility companies will have to get 10 percent of their energy from renewable resources, such as wind and solar, by the year 2020. That is enough to supply 56 million U.S. homes with electricity generated by renewable sources.

There are a variety of other provisions in the bill that will encourage conservation, energy efficiency, and development and use of clean sources of energy. For example, there are $6.4 billion in tax breaks in the bill to provide incentives for alternative and renewable fuels. That includes something I have been advocating for several years—extending and strengthening the tax break for people who purchase hybrid cars. It also includes a tax deduction for energy-efficient buildings, the production of energy-efficient appliances, and the expansion of the credit for environmentally friendly geothermal facilities.

Unlike previous Energy bills, this bill actually contains some protections for consumers. We in California know all too well what happens when energy companies are allowed to manipulate the market and gouge consumers. This bill specifically prohibits manipulative practices in the electricity market, and it contains provisions for better accountability and more transparency so that consumers can know what is happening.

Speaking of the electricity crisis in California, we are still waiting for the refunds that are owed to us. The Federal Energy Regulatory Commission, FERC, found that rates were unjust and unreasonable; they found that markets were manipulated. They have ordered some refunds, but California has yet to see a penny 4 years later. And FERC continues to drag its feet in ordering the full $8.9 billion that is owed to my State.

That is why I am pleased that this bill includes my amendment calling on FERC to conclude action on the refunds issue and requiring FERC, if it has not done so by the end of this year, to explain to Congress what exactly has been done and to spell out a timetable for the rest of the process. Californians deserve their refunds, and I hope my amendment will finally bring this matter to a conclusion.

I am also glad the Senate approved an amendment Senators DORGAN and STABENOW and I offered that requires the Federal Trade Commission to investigate the possible manipulation of the price of gasoline. We are seeing unprecedented prices at the pump that cannot be completely explained by the rise in crude oil prices. Oil companies should not be making undeserved, windfall profits at the expense of consumers who, in many cases, have no alternative but to drive to work.

While I oppose the ethanol mandate in this bill, I am pleased that the bill includes a proposal I originally offered with Senator LUGAR to count each gallon of ethanol made from agricultural waste products as 2.5 gallons toward meeting the mandate. This will be a big help to both the farmers and consumers of California. I am also pleased that this bill contains my original proposal to provide grants for the construction of agricultural waste ethanol production facilities.

As I mentioned, one of the bad things about this bill is the ethanol mandate. Even with the Feinstein provision to exempt California during the summer months, I am still concerned about what this mandate will mean for future gasoline prices in my State.

I am also adamantly opposed to the provision of this bill that requires an inventory of energy resources in America's Outer Continental Shelf. This could easily lead to future oil and gas development in some coastal areas. And an ''inventory'' is not as innocuous as it sounds. It will be conducted with seismic airguns, which shoot sounds into the seafloor for mapping. These sounds can injure marine mammals and fish, possibly leading to beachings and reduced fish catches.

The bill grants FERC the sole authority over the siting of liquefied natural gas terminals onshore, denying States the right to have a say in the decision.

This bill lacks what is probably the surest way to reduce our crippling dependence on foreign oil—increasing mileage standards on automobiles. Raising the fuel economy of passenger automobiles to 40 miles a gallon by 2016 would save about 95 billion gallons of oil by 2016.

Finally, I want to mention my disappointment at this bill's heavy reliance on nuclear energy at a time when we still have no solution for the nuclear waste problem and still have safety concerns about nuclear facilities. The bill reauthorizes the Price-Anderson Act to put the taxpayers on the hook in case of an accident, and it provides tax incentives and loan guarantees to encourage the construction of more nuclear powerplants. This does not make sense. We are subsidizing and encouraging the production of more nuclear waste when we have no place to put it.

As you can see, this is not a perfect bill. But, again, I will vote for it today in order to move the process forward and because it is better than the previous two Energy bills. I hope that the Senate conferees will fight to maintain

the Senate's language during the conference. If they do not—if this bill returns to the Senate looking more like the backward-thinking House bill—I will have to vote against it.

Mr. OBAMA. Mr. President, I would like to express my gratitude to the managers of the energy bill, Senators DOMENICI and BINGAMAN, for their support of two amendments that I offered. I am proud that these amendments have been included in the legislation that the Senate will vote on today, and I believe that their enactment will help America increase its energy independence and transition our energy industry to full usage of 21st century technologies.

The first adopted amendment, which was cosponsored by Senator LUGAR, provides $85 million to three universities for research and testing on developing Illinois basin coal into transportation fuels, including Fischer-Tropsch jet fuel, a type of low-emissions diesel that can be used in jets and diesel. The funds provided in this amendment will assist Southern Illinois University, Purdue University, and the University of Kentucky in upgrading existing facilities and constructing new facilities to conduct research and testing on this technology. It is critical that our Government invests in domestic fossil fuel supplies in an innovative manner, and this is a commonsense way to expand our coal industry in an environmentally friendly manner.

The second adopted amendment, which was cosponsored by Senator BAYH, provides $40 million for research on combined plug-in hybrid and flexible fuel vehicles. Today, we have the technology to produce both plug-in hybrid vehicles, which run partly on electricity rather than fuel, and flexible fuel vehicles, which run on a blend of 85 percent renewable fuel and 15 percent petroleum. But we don't yet have the technology to combine both technologies into the same car. If we could do this, there is the potential for developing a car that could get 500 miles per gallon of gasoline. At a time when our country spends billions of dollars a year on importing foreign oil, it is imperative that we take meaningful, proactive steps that not only stem our future oil dependence but also reduce our reliance on overseas sources. My amendment would do just that by stimulating the commercialization of this technology at a cost of only 6 percent of our Nation's daily spending on foreign oil.

Again, I thank the bill managers for their assistance with these amendments.

I ask unanimous consent to have the following two articles on the potential of combined plug-in hybrid/flexible fuel vehicles printed in the RECORD.

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

[From Newsweek, Mar. 7, 2005]

IMAGINE: 500 MILES PER GALLON

(By Fareed Zakaria)

The most important statement made last week came not from Vladimir Putin or George W. Bush but from Ali Naimi, Saudi Arabia's shrewd oil minister. Naimi predicted that crude prices would stay between $40 and $50 throughout 2005. For the last two years OPEC's official target price has been $25. Naimi's statement signals that Saudi Arabia now believes that current high prices are not a momentary thing. An Asian oil-industry executive told me that he expects oil to hit $75 this decade.

We are actually very close to a solution to the petroleum problem. Tomorrow, President Bush could make the following speech: ''We are all concerned that the industrialized world, and increasingly the developing world, draw too much of their energy from one product, petroleum, which comes disproportionately from one volatile region, the Middle East. This dependence has significant political and environmental dangers for all of us. But there is now a solution, one that the United States will pursue actively.

''It is now possible to build cars that are powered by a combination of electricity and alcohol-based fuels, with petroleum as only one element among many. My administration is going to put in place a series of policies that will ensure that in 4-years, the average new American car will get 300 miles per gallon of petroleum. And I fully expect in this period to see cars in the United States that get 500 miles per gallon. This revolution in energy use will reduce dramatically our dependence on foreign oil and achieve path breaking reductions in carbon-dioxide emissions, far below the targets mentioned in the Kyoto accords. ''

Ever since September 11, 2001, there have been many calls for Manhattan Projects and Marshall Plans for research on energy efficiency and alternate fuels. Beneath the din lies a little-noticed reality-the solution is already with us. Over the last 5-years, technology has matured in various fields, most importantly in semiconductors, to make possible cars that are as convenient and cheap as current ones, except that they run on a combination of electricity and fuel. Hybrid technology is the answer to the petroleum problem.

You can already buy a hybrid car that runs on a battery and petroleum. The next step is ''plug-in'' hybrids, with powerful batteries that are recharged at night like laptops, cell phones and iPods. Ford, Honda and Toyota already make simple hybrids. Daimler Chrysler is introducing a plug-in version soon. In many states in the American Middle West you can buy a car that can use any petroleum, or ethanol, or methanol—in any combination. Ford, for example, makes a number of its models with ''flexible-fuel tanks.'' (Forty percent of Brazil's new cars have flexible-fuel tanks.) Put all this technology together and you get the car of the future, a plug-in hybrid with a flexible-fuel tank.

Here's the math (thanks to Gal Luft, a tireless—and independent—advocate of energy security). The current crop of hybrid cars get around 50 miles per gallon. Make it a plug-in and you can get 75 miles. Replace the conventional fuel tank with a flexible-fuel tank that can run on a combination of 15 percent petroleum and 85 percent ethanol or methanol, and you get between 400 and 500 miles per gallon of gasoline. (You don't get 500 miles per gallon of fuel, but the crucial task is to lessen the use of petroleum. And ethanol and methanol are much cheaper than gasoline, so fuel costs would drop dramatically.)

If things are already moving, why does the government need to do anything? Because this is not a pure free market. Large companies—in the oil and automotive industry—have vested interests in not changing much. There are transition costs—gas stations will need to be fitted to pump methanol and ethanol (at a cost of $20,000 to $60,000 per station). New technologies will empower new industries, few of which have lobbies in Washington.

Besides, the idea that the government should have nothing to do with this problem is bizarre. It was military funding and spending that produced much of the technology that makes hybrids possible. (The military is actually leading the hybrid trend. All new naval surface ships are now electric-powered, as are big diesel locomotives and mining trucks.) And the West's reliance on foreign oil is not cost-free. Luft estimates that a government plan that could accelerate the move to a hybrid transport system would cost $12 billion dollars. That is what we spend in Iraq in about 3 months.

Smart government intervention would include a combination of targeted mandates, incentives and spending. And it does not have to all happen at the federal level. New York City, for example, could require that all its new taxis be hybrids with flexible-fuel tanks. Now that's a Manhattan Project for the 21st century.

[From the Los Angeles Times, March 24, 2005]

THE 500–MILE-PER-GALLON SOLUTION

HIGH-TECH CARS, ARCTIC DRILLING, NEW GAS TAXES: WE MUST HAVE THE WILL TO DO IT ALL

(By Max Boot)

Soaring oil prices—crude is over $55 a barrel and unleaded gasoline over $2 a gallon—are not much of an economic or political issue. Yet.

In absolute terms, today's prices are still half of the 1970s peaks, and the U.S. economy has become much less dependent on petroleum since then. (Computers run on electricity, not gasoline.) But imagine what would happen if Al Qaeda were to hit the giant Ras Tanura terminal in Saudi Arabia, where a tenth of global oil supplies are processed every day. Prices could soar past $100 a barrel, and the U. S. economy could go into a tailspin. As it is, high oil prices provide money for Saudi Arabia to subsidize hate-spewing madrasas and for Iran to develop nuclear weapons.

Both Democrats and Republicans know this, but neither party is serious about solving this growing crisis. Democrats who couldn't tell the difference between a caribou and a cow grandstand about the sanctity of the Arctic National Wildlife Refuge, even though 70 percent of Alaskans are happy to see a bit of drilling in this remote tundra. Republicans, for their part, pretend that tapping ANWR will somehow solve all of our problems. If only. A government study finds that, with ANWR on line, the U.S. will be able to reduce its dependence on imported oil from 68 percent to 65 percent in 2025.

How to do better? Biking to work or taking the train isn't the answer. Even if Americans drive less, global oil demand will surge because of breakneck growth in India and China. The Middle East, home of two-thirds of the world's proven oil reserves, will remain of vital strategic importance unless we can develop alternative sources of automotive propulsion and substantially decrease global, not just American, demand for petroleum. An ambitious agenda to achieve those goals has been produced by Set America Free, a group set up by R. James Woolsey, Frank Gaffney and other national security hawks.

They advocate using existing technologies—not pie-in-the-sky ideas like hydrogen fuel cells—to wean the auto industry from its reliance on petroleum. Hybrid electric cars such as the Toyota Prius, which run on both electric motors and gas engines, already get more than 50 miles per gallon. Coming soon are hybrids that can be plugged into a 120-volt outlet to recharge like a cellphone. They'll get even better mileage.

Add in ''flexible fuel'' options that already allow many cars to run on a combination of petroleum and fuels like ethanol (derived from corn) and methanol (from natural gas or coal), and you could build vehicles that could get—drum roll, please—500 miles per gallon of gasoline. That's not science fiction; that's achievable right now.

Set America Free estimates that if we convert entirely to flexible-fuel, plug-in hybrid electric vehicles, U.S. gasoline imports in 20 years will drop by two-thirds. As important, because Americans are the world's biggest car buyers, U.S. preferences would reshape the global automotive industry. Carmakers would wind up shipping hybrid electrics to Europe and Asia too. President Bush could hasten the transition through an international agreement to move major economies away from oil dependency. This would not only reduce the Middle East's strategic importance but also help reduce emissions to Kyoto-mandated levels.

There is, of course, a catch. Moving to hybrid electric cars won't be cheap. Automakers would have to retool their wares, gas stations would have to add alcohol-fuel pumps, parking lots would have to add electric outlets. Set America Free puts the price tag at about $12 billion over the next four years. It sounds like a lot of money, but it could easily be financed by slightly raising U.S. gasoline taxes (currently about 43 cents a gallon), which are much lower than in Europe and Japan. Higher taxes could also be used to encourage more domestic oil exploration and production, given that petroleum will never be entirely eliminated as an energy source.

There are many untapped sources of gasoline in North America, such as the tar sands of Alberta, Canada, and the shale of Utah, Wyoming and Colorado. But extracting oil from such sources costs at least three times more than pumping it out of the Arabian desert. Congress could make this more economically feasible by imposing a higher tax on oil that doesn't come from North America.

Needless to say, this runs smack dab into Republican orthodoxy that opposes new taxes and regulations, while the prospect of more drilling raises the hackles of Democratic environmentalists. Absent some political courage in both parties, we will continue to be at OPEC's mercy.

Mr. JEFFORDS. Mr. President, I intend to vote in favor of H.R. 6, as amended by the Senate, the Energy bill. I want to explain in detail my reasons for supporting this legislation and highlight my serious concerns regarding the House-passed version of H.R. 6. I strongly oppose many of the provisions in the House-passed bill, and the Senate conferees should hold strongly to the Senate-version of this bill and reject the House legislation.

Energy policy is an important issue for America and one my Vermont constituents take very seriously. The bill before us seeks to address important issues, such as the role of domestic production of energy resources versus foreign imports, the tradeoffs between the need for energy and the need to protect the quality of our environment, and the need for additional domestic efforts to support improvements in our energy efficiency, and the wisest use of our energy resources. Given the importance of energy policy, this bill is a very serious matter. I do not take a decision to support such a bill lightly. Although this bill is not exactly as I would have written it, it begins to move this Nation toward a more balanced approach to our energy needs.

During floor debate, the Senate modified the renewable fuels standard contained in the Energy Committee reported bill to more closely resemble legislation reported by the Environment and Public Works Committee, S. 606. Specifically, the bill would repeal the Clean Air Act requirement for oxygenated gasoline, and phase out the use of the additive methyl tertiary butyl ether, or MTBE, in 4 years. It would require refiners to use biofuels, presumably mostly ethanol, in volumes of 8 billion gallons by 2012. This is a much more aggressive goal than the 108th Congress Senate-passed bill that I supported, which included a 5 billion gallon by 2012 mandate. It is my hope that such a significant commitment will begin to reduce our dependence upon foreign oil.

I would like to share the history of the renewable fuels provisions included in this bill we are adopting today. I've long supported a more aggressive approach to replacing petroleum-based motor fuels with fuels made from domestic resources, including ethanol produced by farmers growing grains and fibers. I commend Senators DOMENICI and BINGAMAN on their leadership on this important matter.

Back in 1991, I introduced S. 716, the Replacement Fuels Act, to require gasoline refiners to replace increasing percentages of their product with domestically produced, nonpetroleum liquids. Many of us knew then that it was technologically possible, and now it seems that a majority has crossed that threshold of understanding.

When I first introduced my Replacement Fuels Act, many did not take it seriously. The oil industry certainly did not. But I made the rounds with several of my colleagues to convince them of the benefits of such a program, including the national security benefits of weaning ourselves from our dependency on foreign oil. At the time, I argued that the costs to our military, in terms of personnel and dollars, of protecting the shipping lanes of the Persian Gulf, and of attempting to quell the political unrest of the Middle East, were staggering then and only apt to grow larger.

I recall meeting with the distinguished Senator from New Mexico, now the chairman of the Energy Committee, in his office to discuss my bill. We agreed on the domestic benefits of moving in this direction—for our farmers; for our environment; for our national and domestic security. After considerable discussion, Senator DOMENICI agreed to cosponsor my bill.

I made the rounds to other members of the Energy Committee for their advice and support. Many of those committee members who cosponsored my bill are still here today—Senators BINGAMAN, BURNS, CRAIG and CONRAD, SHELBY and AKAKA. Four other committee members, since retired, also were cosponsors, making a majority of the committee and ensuring committee approval. Other Members who cosponsored my bill and who are here today include Senators GRASSLEY, REID, and WARNER.

In the end, the bulk of the language of my Replacement Fuels Act was included as title V of Public Law 102–486 the Energy Policy Act of 1992. Before final passage of that act, however, in every instance that ''shall'' appeared in my bill, it was changed to ''may'' in the final law. In other words, it changed from a mandate to an option, and we've only made modest gains in the past dozen years, when we could have made bold progress.

So, again, I commend Senators DOMENICI and BINGAMAN for their leadership to move us more aggressively toward domestic production of transportation fuels and away from our growing foreign dependence.

I urge Senators and the public to take note of the Sense of the Senate on climate change successfully included in the bill due to the efforts of Senators BINGAMAN, DOMENICI, SPECTER, and many others. It says that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that, one, will not significantly harm the United States economy; and, two, will encourage comparable action by other nations that are major trading partners and key contributors to global emissions. Such a program regarding air pollution and environmental policy is clearly in the jurisdiction of the Environment and Public Works Committee, and I am strongly committed to holding hearings and reporting implementing and bipartisan legislation from that committee, on which I serve as the ranking member, as soon as possible.

During debate on the renewable fuels provisions, I agreed to modify the absolute deadline for EPA's long-awaited and long-delayed mobile source air toxics, MSAT, rule from July 2005 in Domenici amendment No. 779 to July 2007. EPA is widely expected to promulgate a final rule well before that later date, but this provision provides additional certainty and protection. In addition, the provision as amended and included by Senator INHOFE in the last manager's package, will allow EPA to regulate more stringently than the 2001–2002 toxics emissions reductions baseline in the final MSAT rule.

That more stringent rule will take the place of the baseline so long as it

will achieve and maintain greater overall reductions in emissions of air toxics. Such reductions must occur in the same timeframe and result in overall reductions of each and every one of the air toxics emitted in the combustion of gasoline, when compared to the 2001–2002 baseline. This provision should not be construed to permit EPA to count reductions of less toxic pollutants like aldehydes equal in effect or equivalent to reductions of more toxic pollutants like benzene. The intent of this provision is not to allow EPA to avoid toxics potency weighting or sensible risk analysis and exposure assessment in determining the meaning of ''overall reductions.'' This provision should also not be viewed as a vehicle for changes to the liability system for fuel additives. The Senate has spoken very strongly on this point, and the conferees should be aware that any new MTBE language addressing the issue of retroactive liability is likely to jeopardize passage of the conference report in the Senate.

I am also pleased that the Senate included a 10-percent renewable portfolio standard in this bill. I have worked for more than 20 years to boost the percentage of renewable sources used to generate our Nation's electricity. While I believe we could be taking a much more aggressive step, we need to take a serious first step, and the provisions in this bill do just that. Though I understand that the House has concerns with adding an RPS, it is my hope that the conferees will acknowledge that, for many States, renewable energy can and should be a bigger energy source.

I am pleased that the Senate has also chosen to promote renewable energy by accepting three amendments I offered to the bill during floor debate. It is my hope these modest provisions will be retained in conference. My first amendment will make significant reductions in energy use in the Capitol complex by requiring the Architect of the Capitol to review the possibility for energy savings in the Dirksen Building. The second two amendments expand the sources of grant financing available to utilities for projects involving renewables and efficiency. The Senate has agreed to add livestock methane, a promising source of energy in Vermont, as an energy source that is eligible to compete for grants under the Department of Energy's Renewable Energy Incentives Program. The Senate has also agreed to create a new $20-million-per-year grant program for upgrade of electric transmission.

As I mentioned, though, the bill is not perfect, and the conferees should carefully review several provisions. In title XIII there are a number of sections authorizing investigations that will recommend changes to environmental laws, such as the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, and the National Environmental Protection Act. Unfortunately, in a number of these areas the Environmental Protection Agency, whose responsibility it is to ensure the air we breath and the water we drink is safe, is not involved in developing or approving these recommendations.

While I proposed amendments to include the Environmental Protection Agency in these sections, not all of changes were adopted. The sections needing amending include: section 1306 Backup Fuel Capability Study; section 1309 Study of Feasibility and Effects of Reducing Use of Fuel for Automobiles; and section 1320, Natural Gas Supply Shortage Report. It is my belief that any studies that involve environmental compliance should include the involvement of the agency whose mission it is to oversee the implementation of these environmental laws.

I am pleased that my Recycling Investment Saves Energy, RISE, provisions were included as section 1545 of the final bill. The provisions will provide almost $100 million in tax incentives for recyclers over the next decade to preserve and expand our Nation's recycling infrastructure. The targeted 15 percent tax credit for equipment used in the processing and sorting of recyclable materials will increase quantity and quality of recyclable materials collected. This national investment is necessary to reverse the declining recycling rate of many consumer commodities, including aluminum, glass and plastic, which are near historic lows. It will also generate significant energy savings as increasing the U.S. recycling rate to 35 percent will result in annual energy savings of 903 trillion Btus, enough to meet the energy needs of an additional 2.4 million homes.

The Finance title includes an amendment that I authored to improve future Federal energy investment and policy decisions. It requires the Secretary of Treasury to contract with the National Academy of Sciences to complete a study and report to Congress on the health, environmental, security and infrastructure externalities associated with energy activities and how they may or may not be affecting revenues, the economy and trade. Such information will dramatically improve our ability to review the costs and benefits of energy legislation and tax policy changes.

I am pleased that my amendment to section 1305, the coal bed methane study, was adopted. My amendment requires that as it studies the issue the Department of Energy consult with States and the Environmental Protection Agency on the impacts of coal bed natural gas production on surface water and ground water resources. This consultation should occur, especially before making recommendations to Congress on changes to the Clean Water Act and the Safe Drinking Water Act.

This bill does a reasonable job in balancing support for traditional fossil fuels and nuclear power and renewable energy, but I am perplexed by provisions in the Energy bill that provide $1.82 billion in grants for oil, gas and coal industries. With oil hovering around $60 a barrel and gasoline prices at record highs, I question the wisdom of providing additional subsidies for oil and gas exploration and production. While Americans pay more at the pump, multinational oil companies continue to report record profits. The bill also waives royalty payments for oil companies drilling in Federal waters and rewards these already profitable companies while depleting the U.S. economy of $100 million over 10 years.

The bill gives $1.8 billion to the dirtiest powerplants to build new coal powerplants, thereby giving them an economic advantage over powerplants that installed pollution control technologies. I am also concerned about provisions in the coal title that unfairly benefits mining companies with current leases on federal lands by doubling the acreage, 162 to 320 acres, of coal-leased lands; removing the 40-year limitation for leases; and doubling the time (from 10 to 20 years) current leaseholders can pay advanced royalties. These provisions will have the most significant impact on the Powder River Basin where three mining companies dominate current production. I question the wisdom in subsidizing these fossil fuel industries that will only continue to encourage our Nation's dependence upon these polluting and expensive energy sources.

I also urge the conferees not to include the Leaking Underground Storage Tank, LUST, reform provisions in the final bill. The Senate Environment and Public Works Committee is actively considering these issues and has planned a hearing for July 2005. Our Committee's actions led the Senate to enact bipartisan comprehensive LUST reform legislation last Congress by unanimous consent. Adding LUST reform onto the Energy bill would needlessly bypass our legislative consideration and prevent this issue from getting the careful attention that it requires.

The LUST provisions of the Senate's Energy bill, section 210, are problematic. Most significantly, the section raids the LUST Trust Fund and diverts dollars from their intended purpose—cleaning up contamination from leaking USTs. Without increasing the amount of money to be appropriated to the States, the provision expands the eligible uses of the LUST Trust Fund to pay for cleanup of spills from non-UST sources, such as pipelines, cars, and above ground storage tanks. In a letter to Rep. W.J. ''Billy'' Tauzin on May 7, 2003, former EPA Administrator Christine Todd Whitman opposed these provisions because they ''would change the historical scope of the program, and could stress the Agency's ability to adequately address releases from USTs.''

I am concerned because this section will go to conference with the House-

passed LUST provisions that also contain significant flaws. The House provisions add a new periodic inspection requirement for USTs that is weaker than the 2-year minimum inspection frequency recommended by EPA and the 3-year minimum requirement recommended by the Government Accountability Office. For example, a tank last inspected in 1999 wouldn't need to be inspected again for over a decade. In addition, the House delivery prohibition provisions may preempt existing authority in 24 States. Finally, the provisions requiring secondary containment within 1,000 feet of existing community water systems includes an exemption that ignores prevention in favor of expensive cleanup.

So we have our work cut out for us. Today, the Senate is passing a good bill that needs some work in conference, but not a substantial overhaul or weakening. To retain my support the conferees need to prevent substantial modifications to this bill, resist the addition of controversial items added in the House-version of H.R. 6, avoid substantive modification to core titles of the bill, limit adjustments to the bill's fiscal scope and cost, and consider additions of provisions to provide energy security.

This is a good effort to develop energy legislation for America, which is a goal widely shared in both Houses of Congress. It is my hope that conferees seek this year to reach consensus on issues such as: national electricity reliability standards, the use of renewables, the phase out of methyl tertiary butyl ether, MTBE, and production of suitable oxygenate replacements, and the fiscally responsible extension of needed energy tax provisions. With this bill I am supporting today we send them a good template to achieve that goal.

Mr. KYL. Mr. President, H.R. 6, the Energy bill, is an effort to improve our Nation's energy supply and reliability, and for that it should be praised. Like any bill of its magnitude, the Energy bill includes a variety of good and bad provisions, and it has to be weighed for the relative good and bad it will do. I've come to the conclusion after careful study that the bad outweighs the good, particularly for the State of Arizona. And it is for that reason that I must vote no. This bill will likely raise the price of gasoline in Arizona, hurt our air quality, and raise the price of our electricity, all while increasing the Federal deficit with enormous subsidies, special projects, and tax breaks for everything from fish oil to luxury hybrid cars. I support the President in his efforts to reduce our dependence on foreign oil, and I wish this bill did more to accomplish that goal.

As I have said, some important provisions of this bill have much to recommend them. Unfortunately, the ethanol ''Renewable Energy'' title is not one of them. The ethanol provisions of the Energy bill are truly remarkable. They mandate that Americans use 8 billion gallons of ethanol annually by 2012. We use 3.4 billion gallons now. For what purpose, I ask, does Congress so egregiously manipulate the national market for vehicle fuel? No proof exists that the ethanol mandate will make our air cleaner. In fact, in Arizona, the State Department of Environmental Quality has found that ethanol use in the summer will degrade air quality, which will probably force areas in Arizona out of attainment with the Clean Air Act. Arizonans will suffer. California also expects that the summertime use of ethanol would harm air quality, but in the Senate bill, California is exempted from the summer mandate. If Arizona had the same exemption, then the ethanol mandate would still be expensive and unwarranted, but at least it would not actually cause physical harm.

An ethanol mandate is not needed to keep the ethanol industry alive. That industry already receives a hefty amount of Federal largesse. CRS estimates that the ethanol and corn industries have received more than $40 billion in subsidies and tax incentives since 1996. I repeat, $40 billion Yet, this bill not only mandates that we more than double our ethanol use, but provides even more subsidies for the industry. In the next 5 years, CBO estimates that the loan guarantee program by itself will cost $110 million, while CRS estimates that the tax incentives for ethanol will cost taxpayers $37.7 billion. Furthermore, according to the Energy Information Administration, a mandate of five billion gallons would cost between $6.7 and $8 billion a year—forcing Americans to pay more for gasoline. Not surprisingly, the 8 billion gallon mandate will cost even more.

Professor David Pimentel, of the College of Agriculture and Life Sciences at Cornell, has studied ethanol. He is a true expert on the ''corn-to-car'' fuel process. His verdict, in a recent study: ''Abusing our precious croplands to grow corn for an energy-inefficient process that yields low-grade automobile fuel amounts to unsustainable, subsidized food burning.'' It isn't efficient, and will impede the natural innovation in clean fuels that would occur with a competitive market, free of the government's manipulation.

Ethanol is not the only mandate in the bill. This Energy bill also ignores state law and mandates a national one-size-fits-all renewable portfolio standard (RPS) for electricity. Currently, 19 States, including Arizona, and the District of Columbia have their own renewable standards. In Arizona, a State that gets its electricity mainly from coal, natural gas, and hydro facilities, our Corporation Commission has tailored the State's renewable standard to our unique circumstance as a desert State that receives a lot of sunshine, little wind, and has few other renewable resources. The current Arizona standard is 1.1 percent, of which 60 percent must come from solar energy. While solar energy is abundant in Arizona, it costs 3–5 times more than conventional energy and 2–4 times more than other more cost effective renewable energy such as wind and geothermal—a fact that is reflected in the Arizona standard. The Arizona Corporation Commission has recently proposed raising the State's renewable standard and changing the mix of alternative sources that would be acceptable. This proposal, however, is part of an open, collaborative process. All stakeholders have had the chance to submit comments both supporting, opposing, and refining the change. The Corporation Commission will weigh the costs to Arizona ratepayers, and is more likely than the Congress to find a renewable standard that works for Arizona.

Unfortunately, the Senate RPS requirement does not have Arizona ratepayers in mind. Utilities in Arizona will be forced, under this bill, to comply with both the State mandate and the Senate's RPS mandate that has different requirements. To meet the Senate's mandate, the bill punishes States that lack reasonably priced renewable resources such as wind and geothermal, hydroelectricity cannot be used under the Senate bill, by forcing them to go buy credits from wind-rich parts of the country or to buy those credits from the Federal Government for $ .015/kwh, adjusted for inflation. That means that if a State cannot find a renewable source that costs less than the conventional price of energy plus $.015/kwh, then it is cheaper to buy the government credit. Arizona simply does not have renewable resources that can compete with the Senate bill's $0.015/kwh RPS penalty. Paying the penalty will be more cost effective than producing solar energy or acquiring other renewable resources. The effective result will be a transfer of wealth from Arizonans to renewable-rich states or to the Federal Government. For my home State of Arizona, electricity rates will rise.

A nationwide renewable portfolio standard is, therefore, not only duplicative in Arizona, it would raise consumers' electricity prices and create inequities among States. In simplest terms, an RPS mandate would require electric utilities to forego inexpensive conventional energy for more expensive renewable technologies or purchase renewable energy credits from the Federal Government. Either way, an RPS mandate will result in an expensive, hidden tax on electricity consumers.

Now for the tax title. My overarching concern is that Congress continues to try to use special interest tax subsidies to set an industrial policy—failed strategy of ''Government knows best''—on the strongest and most dynamic economy in the developed world.

I share the concerns of many of my colleagues that the budget deficit demonstrates a lack of wise stewardship of taxpayer dollars. The only way we will get the budget back into balance is to

enact policies that support economic growth and spend taxpayer dollars with care.

Almost exactly 2 years ago, Congress, working with President Bush, approved one of the most important and best-designed tax cuts in recent memory: the jobs and growth tax bill. Quite simply, it cut tax rates on income and on dividends and capital gains. We know from widely accepted economic studies—most recently from our 2004 Nobel-Prize winning economist, Dr. Prescott from Arizona State University—that high tax rates discourage work, savings and investment and that to encourage these favorable economic activities, the best thing we can do is keep tax rates low and get out of the way.

When our economy is growing and businesses and individuals are making money they pay more in taxes, meaning the Government collects more revenue, even at lower rates—indeed, because of the lower rates. So far this year, Federal tax revenues are up significantly. From October 1 through April 30, revenues climbed by $146 billion to a total of $1.216 trillion; an increase of 13.6 percent over a year earlier and four or five times the inflation rate. Income tax receipts are up $66 billion, or 16 percent, to $547 billion. Corporate income tax receipts are rising even faster, up 48 percent to $134 billion.

Capital gains tax revenue is set to exceed the Government forecasts by $14 billion this fiscal year and by $16 billion in fiscal year 06. Roughly $5 billion of the dividend tax cut has been recouped through higher than expected dividend payments. These are the kind of tax policies Congress ought to be pursuing. Instead, we are spending over $18 billion on tax subsidies for the energy industry—subsidies that will not generate economic growth and that will not make a dent in our dependence on foreign oil.

The tax subsidies in this bill are exactly the wrong approach. Government should not try to force taxpayers into one favored type of investment by providing tax subsidies for that investment. If an investment is not economically viable without a Government subsidy, then perhaps it is not an activity that ought to be encouraged with taxpayer dollars. And if a technology is already viable without a taxpayer-financed subsidy, then we should not devote scarce resources to encourage what is already happening in the free market.

My primary complaint has to do with the use of tax credits by the Government. The Federal Government uses tax credits to induce individuals or businesses to engage in favored activities. This can distort the market and cause individuals or businesses to undertake unproductive economic activity that they might not have done absent the inducement. Tax credits are really appropriations that are run through the Internal Revenue Code and are a way to give Federal subsidies, disguised as tax cuts, to favored constituencies. It is something we should do sparingly—very sparingly. While tax credits can be effective in encouraging activities we consider laudable for one reason or another, I believe that, as stewards of the taxpayers' money, we must only support those credits that provide broad benefit to all taxpayers and that are worth the revenue they will cost the Federal Treasury.

I do not believe that any of the tax credits in the bill meet these tests. The bill extends and expands the credit provided in section 45 of the Code. This credit is available on a per-kilowatt-hour basis for energy produced from wind, solar, closed-loop biomass, open-loop biomass, geothermal, small irrigation, and municipal solid waste. I believe that the credit for wind energy should have sunset several years ago. Wind energy has been provided this credit since 1992, and if it is not competitive after a decade of taxpayer subsidies, it will never be competitive. In 2001, the wind industry was in fact touting its great success and competitiveness with other forms of energy, but here we are extending the wind credit for 3 more years. I wager that we will still be paying for the ''temporary'' advantage being given to these new energy forms a decade from now.

At best, we don't know whether the existing tax subsidies that this legislation extends work at all because we have never subjected them to a comprehensive review. At worst, we are simply funneling taxpayer dollars that could be better used by private individuals in the free market to favored constituencies. During the markup of the tax title in the Finance Committee, many of my colleagues on the Committee expressed sympathy with my concern that Congress passes a myriad of credits and incentives to encourage favored activities, but we never go back to see if the subsidies are working as intended. I am hoping that I can work with my colleagues who expressed these concerns to ask for a Government Accountability Office study of the many subsidies and incentives included in this legislation to track their cost and effectiveness.

One subsidy we ought to watch closely is the alternative fuel vehicle subsidy. As much as we all support the goal of cleaner air, we must be careful not to create more problems than we solve. In my own State of Arizona, an alternative fuels subsidy program had to be repealed when its many scandalous deficiencies were exposed. Nor has there been any evidence that the vehicles to which the subsidy applies aren't simply priced higher by the amount of the subsidy. I have serious questions about whether the incentives are necessary and whether it is appropriate to use the tax code to persuade taxpayers to purchase one type of vehicle over another.

I know hybrid cars and alternative fuel cars are very popular, so Senators may hesitate to stand in the way of tax incentives for people to buy them. But I believe their very popularity argues that there is no need for the tax incentives. People are buying them today without being coaxed by the Federal Government. I hope we can agree to have the GAO study this new credit to determine how much the provision is really costing, how effective it is at encouraging the purchase of alternative fuel vehicles, and how long the credit will be needed.

I have spoken of the ''bad'' in the bill, now I want to discuss what is ''good''. I have been particularly interested in the provisions in the electricity title that are designed to restructure our electricity markets. Some of my colleagues have been tempted to move immediately to completely unregulated electricity markets; others favored imposing a more stringent regulatory regime as a result of problems in California.

Representing Arizona, I was well aware of the problems stemming from the California energy crisis but cannot agree with those who say the solution is to return to a command-and-control regulatory structure. I continue to believe that the most efficient way to allocate resources is through competitive markets. The bill encourages competitive markets while ensuring that safety and reliability are maintained. The reliability provisions of the electricity title will convert the current voluntary system of reliability procedures to a mandatory system that all utilities must follow, but that is sensitive to regional differences in the electricity grid. The electricity title also repeals the Public Utility Holding Company Act of 1935. As we all know, our energy markets have evolved significantly since the era of the Great Depression. State regulators are smarter, more well equipped, and able to protect consumers from the ills that gave rise to the Public Utility Holding Company Act of 1935 nearly 70 years ago.

On the downside, the electricity title also contains unfortunate provisions that would grant the Federal Energy Regulatory Commission (FERC) additional authority to regulate generation, natural gas utilities, and holding companies. Giving FERC new merger authority is going in the wrong direction. Utility mergers and acquisitions are already subject to multiple and overlapping reviews by FERC, SEC, DOJ, FTC, and the States. FERC uses exactly the same merger review guidelines as the antitrust agencies, DOJ and FTC—thus FERC performs essentially the same review those agencies already perform. There is no need to add new layers of review.

I have often expressed my concern with what some industry officials have termed a jurisdictional reach by FERC into the delivery of power to retail customers. The service obligation amendment that I worked on with the chairman has been included in this package, and I believe it provides a commonsense way to promote competitive markets while preserving the reliability

that retail electric consumers expect and deserve. In its actions governing access to transmission systems, FERC has not adequately ensured that the native load customers, for whom the system was constructed, can rely on the system to keep the lights on. The bill adds a new section 218 to the Federal Power Act to ensure that native load customers' rights to the system, including load growth, are protected.

It is also worth noting that the Energy bill expands jurisdiction over those stakeholders in electric markets that were previously unregulated by the FERC. The ''FERC-lite'' provision that addresses the Federal Energy Regulatory Commission's efforts to provide open access over all transmission facilities in the United States again, in my mind, strikes the right balance. It requires FERC to ensure that transmission owners—whether they are municipal utilities, power marketing administrations, or electric cooperatives—deliver power at terms that are not discriminatory or preferential. However, this provision is limited and does not give FERC the ability to begin regulating the rate-setting activities of these organizations. FERC-lite does not confer further authority to FERC over public power systems. FERC cannot order structural or organizational changes in an unregulated transmitting utility to comply with this section. For example, if an integrated utility providing a bundled retail service operates transmission distribution and retail sales out of a single operational office, the Commission cannot require functional separation of transmission operations from retail sales operations.

Gratifying, as well, is that the Senate bill has not pursued a command-and-control approach with respect to regional transmission organizations, or RTOs. I believe the best approach, which is captured in this bill, is for FERC to provide incentives to encourage membership in RTOs and independent system operators. As lawmakers, we need to be sensitive to the policy changes we propose and how the laws we draft will affect Wall Street and the markets, and we must make sure we promote the investments that are needed. This is a prime example of how the Energy bill has sought to advance policies to which the investment community can respond favorably.

So, in conclusion, while this bill includes several meritorious provisions, especially the electricity title, I must vote against it because of the $ 18.4 billion in tax subsidies and the bill's irresponsible manipulation of the energy markets through an ethanol mandate and a national renewable portfolio standard. I hope that the conference of the House and the Senate is able to address these issues so that I can support this bill in the future.

Mr. ALLEN. Mr. President, as we consider the possibilities and challenges that face our great Nation and the tremendous dependence we have on foreign sources of oil, every effort to reduce that dependence becomes a key point for consideration by the Congress. In addition, the growing demand for oil by China and India only intensifies the need for action. We must become less reliant on foreign sources of oil and natural gas from unstable parts of the world.

I have been made aware that by reducing fuel consumption in the aviation sector through implementation of an idle reduction technology we would see fuel reductions in excess of 90 million barrels of petroleum each year after full implementation.

Implementing this type of technology would also greatly reduce the associated mobile source emissions greatly benefiting our metropolitan areas facing EPA nonattainment and the losses associated this categorization. The airline industry and the general public would also benefit from such technology through reduced costs and environmental improvements.

According to DOT, expenses for U.S. commercial airlines, fuel and oil expenses were equal to those of labor which has historically been the single largest expense for the carriers. By reducing the amount of fuel required through idle reduction technology, the U.S. commercial airlines could save well over $4 billion in fuel costs at today's fuel prices, a large percentage of the estimated losses for this year.

Applying innovative technology applications in this manner will assist in reducing our overall dependence on foreign oil while providing other benefits as well.

The Energy bill that has passed today includes support for research and development for optimizing fuel efficiency for commercial aircrafts. This is an important step in the right direction for America's energy future.

Mr. LEAHY. Mr. President, today we are voting on the Energy bill, which provides Congress with a historic opportunity. We should seize this opportunity and ensure that as this legislation goes to conference, the NOPEC bill, S. 555, remains an essential part of the underlying legislation.

America's fuel crisis continues to take hard-earned money from our families, farmers, and businesses. When President Bush took office, the price of 1 gallon of regular gasoline was about $1.45. Today, that same gallon will cost an American at the pump more than $2.20. And yesterday, our financial markets closed with the ominous and unprecedented news that a barrel of crude oil now sells for more than $60 per barrel. We know that these prices have a real impact—a major shipping carrier announced disappointing earnings last week in part due to the high price of fuel—and yet the administration has done nothing to address the situation.

In the face of continued inaction from the White House, it is time for Congress to substitute action for talk. It is time for us to finally pass NOPEC as part of the larger Energy bill.

We should have considered and passed this bill, S. 555, on its own. This bill passed out of the Judiciary Committee for a second time with overwhelming support earlier this year. I have repeatedly called for its consideration by the Senate over the last several months. It is long past time for the Congress to hold OPEC accountable for its anticompetitive behavior. This amendment will release the United States from being at the mercy of the OPEC cartel by making them subject to our antitrust laws. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities in this regard.

The President's solution to high gasoline prices this summer is to open the Arctic National Wildlife Refuge, pristine wilderness area, to oil drilling. But drilling in ANWR will not provide any new oil for at least 7 to 12 years and will take an environmental toll. ANWR drilling will do absolutely nothing to help working Americans who have sticker shock at the gas pump or who will be facing record-high home heating prices in a few months. The Bush administration admits that its energy policies include no immediate help for gas prices and no short-term solutions.

The NOPEC bill is a unique element of this legislation. It can do something immediately to help relieve the situation we face every time we fill-up at the pump. We should insist that it be retained, enacted, and implemented. I hope that Republican leadership does not demand this provision be removed but that if it does, the Senate stands firm on behalf of the American people. We should not squander this opportunity to address the real concerns of the American public.

Mr. FEINGOLD. Mr. President, I voted in favor of the Bond-Levin amendment regarding CAFE standards, and I want to explain my views in detail. Fuel efficiency is a critically important issue for our country, for my home State of Wisconsin, and for our future. I remain committed to the goal that significant improvements in automobile and light truck fuel efficiency can be achieved over an appropriate time frame. My vote for the Levin-Bond is entirely consistent with that goal.

The Levin-Bond amendment seeks to renew the Department of Transportation's role in setting CAFE standards, acting through the National Highway Traffic Safety Administration, NHTSA. If Congress does not act to try to restore normalcy to the NHTSA process, we will keep having these fights which Congress attempts to either block or set CAFE standards, every 20 years or so, when the political will is sufficient to do so. NHTSA will never be able to carry out the normal process of reviewing and incrementally improving fuel efficiency for automobiles and light trucks, as Congress

originally intended when it passed the CAFE law in the 1970s.

Both interest groups battling over the CAFE issue, the auto manufacturers and the environmental community, have switched their positions in this debate on this bill over the past several years. The auto industry, which once wanted CAFE perpetually frozen with a rider to an appropriations bill, now supports the Levin amendment. The environmental community, which once opposed the rider and wanted NHTSA to act, now wants Congress to set the standard rather than NHTSA. With my vote, I am maintaining my consistent position on this issue.

As I stated on the Senate floor in the debate on the CAFE rider on June 15, 2000, my vote was about ''Congress getting out of the way and letting a Federal agency meet the requirements of Federal law originally imposed by Congress.'' I supported removing the rider back in 2000 because I was concerned that Congress has for more than 5 years blocked NHTSA from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards.

As I made clear in 2000, 2002, 2003 and many other previous debates on this issue, I have made no determination about what fuel economy standards should be, though I do think that an increase is possible. NHTSA has the authority to set new standards for a given model year, taking into account several factors; technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, the need to conserve energy, and the recommendations of the National Academy of Sciences. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. I expect NHTSA to consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested citizens—in developing this rule. And, I expect NHTSA to act, and if it does not, this amendment requires Congress to act on a standard.

In opposing the Levin-Bond amendment, some subscribe to the view that NHTSA has a particular agenda and will recommend weak standards. I do not support that view.

NHTSA should be allowed to set this standard. Congress is not the best forum for understanding whether or not improvements in fuel economy can and should be made using existing technologies or whether emerging technologies may have the potential to improve fuel economy. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

In the end, I would like to see that Wisconsin consumers, indeed all consumers, have a wide range of new, more fuel efficient automobiles, SUVs, and trucks available to them, taking into account all appropriate energy, technological and economic factors. That balancing is required by the law. I expect NHTSA to proceed in a manner consistent with the law by fully considering all those factors, and this amendment ensures they do so.

In supporting this amendment, I maintain the position that it is my job to ensure that the agency responsible for setting fuel economy be allowed to do its job. I expect it to be fair and neutral in that process, and I will work with interested Wisconsinites to ensure that their views are represented and that the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. ALLEN. Mr. President, I rise today to talk about an important innovative in manufacturing related to America's needs for clean, reliable, and affordable energy that is important for national security, American jobs, and our competitiveness in the global marketplace.

In the Commonwealth of Virginia, we are fortunate to have a competitive manufacturing industry representing several sectors from pharmaceuticals to fire safety to paper products to refining. Virginia is also fortunate to have a strong base of smaller, progressive companies that are producing products that help America achieve cleaner air standards and decrease our dependence on foreign sources of energy.

One such company advancing these priorities is Afton Chemical located in Richmond, VA. Founded in 1921, Afton is a full-service global petroleum additives supplier. It has a strong commitment to innovative technology and world-class research. It operates a state-of-the-art research facility in Richmond and a European research and test facility in Bracknell, Berkshire, England. It has manufacturing facilities worldwide.

Afton develops, manufactures, blends, and delivers chemical additives that enhance the performance of petroleum products. One of these additives, MMT, is an organic-based fuel additive designed to boost octane levels in gasoline. MMT is used commercially in the United States and throughout the world. The product is added into fuel at very small concentrations.

MMT provides refiners with an economical octane improver. MMT achieves emission reductions by lessening the degree to which a barrel of crude oil has to be processed to make a gallon of gasoline. Because less refining is needed, fewer emissions are emitted to the air. Those fewer emissions include greenhouse gas emissions. Because less refining per barrel of crude is needed, a barrel of oil goes a lot further; thereby increasing refinery capacity.

In fact, refinery studies have shown that MMT, if used in all gasoline in the United States, would save up to 30 million barrels a year of crude oil, reducing our dependence on foreign oil. At today's crude oil prices, that is nearly $2 billion per year. Because refiners using MMT operate under less severe conditions, refinery emissions of greenhouse gases can also be reduced by millions of tons per year.

Now, more than ever, with high gasoline prices and greater dependence on foreign oil from unstable countries, we need products that help conserve oil and result in more efficient refining of oil. Afton Chemical has made production of cleaner burning fuel additives a priority. And because of their efforts in this area, I applaud their efforts in increasing energy efficiencies.

I am proud of all the companies in Virginia, like Afton, that are innovating to find solutions for more efficient, cleaner burning, and less toxic fuels for America's energy needs. Whether these companies are producing MMT or biodiesel made from home-grown Virginia soybeans, innovators from the Commonwealth are creating energy solutions to strengthen our national security, create new jobs and save current ones and most importantly, increase our competitiveness in the global marketplace.

Mr. BIDEN. Mr. President, today I joined my colleagues in voting for the Energy Policy Act of 2005 which passed the Senate by a vote 85 to 12. This legislation is not perfect, but it is a bipartisan framework that offers the basis of a comprehensive and balanced plan to address the energy needs of our country.

This bill takes important steps in shifting our dependence away from foreign oil. It spurs the development of renewable sources—biodiesel, wind, solar, and geothermal. Importantly, the Senate-passed bill contains a national renewable portfolio standard, requiring utilities to generate at least 10 percent of their electricity from renewable energy sources by 2020. The legislation also requires that we quadruple the amount of renewable fuels, such as ethanol, used annually in gasoline. Furthermore, this bill advances conservation by promoting energy-efficient homes and appliances, fuel cell vehicles, hybrid vehicles, and alternative fuel vehicles.

Among my greatest disappointments, however, is the Senate's failure to adopt the McCain-Lieberman climate stewardship amendment to establish an effective domestic program to reduce greenhouse gas emissions, and the Kerry-Biden resolution to return the United States to its leadership role in the global deliberations on climate change. We have to be creative and to recognize the many different ways we can begin to make real progress in reducing greenhouse gas emissions, with the goal of stabilizing the still-growing human impact on our climate. By not adopting these amendments, the Senate missed the chance to get back on the right side of history.

Although I supported passage of this bill before us today, I have grave concerns about what may be brought back to the Senate after final negotiations with the House of Representatives. If certain provisions in the House-passed Energy bill, including those that permit leasing the Arctic National Wildlife Refuge for oil and gas development, are in the conference report, I will not support passage of the bill. If the conference report steals from these new investments in renewable energy and diverts even more taxpayer dollars to oil companies, when this week oil is at $60 a barrel, I will not support passage of the bill. We have seen comprehensive energy policy legislation doomed in the past when those negotiating the final bill have sacrificed the long-term interests that we all share for short-sighted special interests. I urge my colleagues to preserve the progress toward energy independence promised in the bipartisan bill passed today.

Mr. KOHL. Mr. President, I rise today in support of the Energy bill. This country needs a coherent policy to meet the growing demand for energy that comes with economic growth. America needs a supply of affordable, reliable energy. We need an Energy bill that will give us lower prices, a cleaner environment, greater consumer protection and I believe this current version of the Senate Energy bill does just that.

We in Congress have had an opportunity to craft a far-reaching and progressive energy policy for this country. I believe we owe it to the American people to put together a well balanced plan that meets the needs of everyone, consumers and industry alike, instead of playing favorites and leaving the taxpayers with the bill. Unlike the House version, I am pleased that the Senate version of the Energy bill does not give the makers of the gasoline additive MTBE liability protection from environmental lawsuits. In the past MTBE has been a very contentious issue in the Energy bill, but I am optimistic that the Senate and House can garner an agreement on the MTBE provision. .

I support alternative energy development and I believe this legislation provides the necessary incentives for the development of alternative forms of energy. The bill protects the economic and environmental health of our country by encouraging the use of alternative power sources, including solar, wind, biomass, hydrogen, geothermal, and other renewable energy resources. By including a ten percent Renewable Portfolio Standard for utilities, the Senate took a bold step toward the promotion of clean, sustainable energy. I have long believed that our Nation must implement a sensible national energy policy which emphasizes greater energy conservation and efficiency, as well as the development of renewable resources.

Recent events in the Middle East, coupled with the environmental problems associated with the use of fossil fuels, have only increased the need for such a comprehensive policy. Simply put, we cannot continue to rely on imported oil to meet such a large part of our Nation's energy needs. This dependence places our economic security at great risk. At present, petroleum imports account for fully one-half of our national oil use and one-third of our trade deficit. In addition, the use of oil and other fossil fuels contributes to global climate change, air pollution, and acid rain. For these reasons I supported a strong ethanol mandate in the bill, to help improve our energy independence and help clean the environment.

This legislation, which I voted for, is not the perfect answer for solving our energy problems in this county. Few pieces of legislation that we vote on are, but I believe this legislation takes the right steps in helping our country move toward a more self-sufficient and well balanced society for our energy needs.

Mr. BUNNING. Mr. President, the provisions in the Energy bill will greatly improve the ability of electricity transmission operators to ensure the reliability of our grid, especially with the help of new technologies.

I want to make the Department of Energy and Federal Government aware that there is a company in my State that currently provides independent real-time energy information. This company's patented technology collects power supply information using a network of remote, wireless devices to monitor multiple points on the transmission grid. This information is provided to utilities, Federal agencies, and others responsible for monitoring our critical energy infrastructure and the markets associated with that infrastructure. I applaud them for their ingenuity and efforts to further increase the reliability of our electricity transmission grid.

It is my understanding that the Federal Government is looking at developing monitoring technology similar to the technology of other companies such as the one in my State and other States. I want to implore to the Department of Energy and other Federal Government agencies to not choke out these new innovations already being developed and deployed in the private marketplace. I ask that the Federal Government consider the new technologies already commercially deployed when examining the role the Federal Government should play when developing these new abilities.

Mrs. CLINTON. Mr. President, I rise to speak on the energy bill. I am pleased to say that I support this bill.

The bill includes provisions that will help develop new energy sources and technologies, encourage conservation and increased energy efficiency, improve the reliability of our electricity system, and address the challenge of climate change. I think that it should go further in some respects—particularly in making us less dependent on foreign oil. But overall, it represents a step in the right direction.

First, I want to discuss several provisions that I think are extremely important in helping us develop new energy sources and technologies. It is true that in the coming decades we will continue to rely heavily on traditional energy resources such as fossil fuels to heat and light our homes and power our cars. But there are new sources of energy and new energy technologies that offer great potential to help us meet many of these needs. We need to move beyond fossil fuels, and that goal must be a top priority of our national energy policy.

Hydrogen fuels cells are clearly one of the energy technologies that offer great promise. I am extremely pleased that the bill includes the major provisions of the Hydrogen and Fuel Cell Technology Act of 2005 that I have worked on for years with Senator DORGAN. This ambitious legislation authorizes significant funding for hydrogen research and development and sets aggressive goals for the deployment of hydrogen technologies. The research and development components authorize $3.75 billion over the next 5 years for work on hydrogen fuel cells, hydrogen powered automobiles, and a nationwide fueling infrastructure. But in addition to funding, the legislation sets ambitious goals for deployment of fuel cells in transportation: 100,000 hydrogen-fueled vehicles on the road in the United States by 2010, and 2.5 million on the road by 2020.

I am also pleased that the bill includes significant provisions to promote the development of renewable energy. It includes an extension of the wind production tax credit, which is critical to the continued deployment of windmills to generate electricity in New York and across the country. In addition, I am extremely pleased that the Senate adopted an amendment that I cosponsored to put a renewable portfolio standard into place. Under the amendment offered by Senator BINGAMAN, electricity producers will need to increase gradually the percentage generated from renewable sources to 10 percent by the year 2020. This is an important step forward, and I think it is critical that we retain this provision in conference.

In addition, the bill includes provisions to help us continue to develop clean coal technology. Coal is by no means new, but it is incredibly abundant here in the United States, and needs to continue to be a cornerstone of our future energy policy. Continued investment in clean coal technology not only offers the promise of new, clean coal plants here in the United States; it also means the development of technology that we can export. To accomplish these goals, the bill includes a Clean Coal Power Initiative that will provide $200 million annually for clean coal research into coal-based gasification and combustion technologies.

During Senate debate on the Energy bill, an amendment that establishes a renewable fuels standard was added to the bill. I strongly believe that ethanol has a role to play in helping to reduce our dependence on foreign oil, and the renewable fuels amendment contains elements that I support. For example, the renewables fuels standard provides incentives for the development of cellulosic ethanol, something that has the potential to be produced economically in New York. In fact, there is an exciting project underway to convert an old Miller Brewery in upstate New York to produce ethanol. This project, which is slated to begin production in the next year, will start with corn as a feedstock, but ultimately plans to use local hardwoods as feedstock. After extracting sugars from the wood, the chips would then be available as a raw material to pulp and paper mills in the area. The renewable fuels amendment can help to move this technology and this project along.

In spite of these and other positive aspects of the renewable fuels amendment, I could not support it as a whole because I believe it will lead to higher gasoline prices for New York consumers. In addition, I am concerned that unless measures are adopted to address the increased evaporative emissions caused by blending ethanol in gasoline, the amendment will make it more difficult for New York to reduce smog to meet the new federal health standards.

In addition to provisions to promote new energy sources, the bill includes excellent conservation and energy efficiency measures, which are the fastest and most lasting way to reduce our energy consumption. For example, the bill sets new efficiency standards for appliances and projects such as commercial refrigerators, freezers, and refrigerator-freezers, battery chargers, distribution transformers and commercial clothes washers. According to the American Council for an Energy Efficient Economy, these efficiency provisions, along with the others in the bill, will save 1.1 trillion cubic feet of natural gas and reduce peak electric demand by 50,000 megawatts by the year 2020. This reduction in peak demand means that we will eliminate the need to build 170 300 megawatt power plants. We need to retain these strong measures in conference.

While the bill does not go as far as I would like in terms of reducing our dependence on foreign oil, it does contain a provision that would reduce U.S. oil consumption by 1 million barrels of oil per day by 2015. It is critical that we retain this provision in conference.

As we approach the second anniversary of the August 2003 blackout, it is unbelievable to me that Congress has not yet adopted the top recommendation of the blackout task force—passing mandatory, enforceable reliability standards. I am pleased that this Energy bill contains these standards, but if the legislation stalls, then I will push for a stand-alone bill to put these standards in place, as I have in the past.

The Energy bill also includes legislation that I recently introduced as cosponsored with Senator VOINOVICH. The legislation would create a grant program at the U.S. Environmental Protection Agency to promote the reduction of diesel emissions. The bill authorizes $1 billion over five years to help in the retrofitting and replacement of existing diesel engines. This program will help to reduce harmful fine particulate emissions in a cost-effective way. In fact, EPA estimates that diesel retrofits yield $13 of health for every $1 spent on them.

Finally, I am pleased that the Senate is now on record in this legislation as supporting a mandatory program to start reducing the greenhouse gas emissions that are contributing to climate change. I think this represents a step forward for the Senate, and I hope that the Senate will follow this sense of the Senate amendment with the passage of legislation soon to put such a program in place.

This is by no means a perfect bill. I have mentioned some of the things that I think are lacking. But on balance, I think this bill represents a major step forward. I am pleased to back it.

However, as we pass this bill out of the Senate, I have to say that I am extremely wary of conference. I was dismayed that the Energy bill voted out by the House this year was even worse than what came out of the House last year. Again, it contains a liability waiver for the gasoline additive MTBE. MTBE has contaminated groundwater in New York and across the country. According to two new studies, commissioned by the American Water Works Association, AWWA, and the Association of Metropolitan Water Agencies, AMWA, the clean-up costs are likely to be in the range of $25–$33.2 billion and could be as high as $85 billion or more. If this provision is retained in conference, I will have no choice but to again oppose the Energy bill when it comes back from conference. In addition, I think it is critical that the many of the key features of the Senate bill—including the renewable portfolio standard and the strong energy efficiency provisions—be retained in conference.

Mr. CORZINE. Mr. President, I rise to express my opposition to the Senate Energy bill. I first want to commend and thank my colleagues, the Senators from New Mexico, for their hard work in getting this bill to the floor and ensuring fair debate on these important issues. They have worked tirelessly and in a bipartisan fashion to craft this bill and deserve our gratitude.

This Nation needs an energy policy that steers us toward energy independence, innovation and conservation. Unfortunately, however, I believe the bill in the Senate does not embody a sound overall energy policy, and requires a no vote.

The American people deserve an energy policy that truly reflects our national priorities and promotes energy independence. An effective energy policy must: reduce U.S. dependence on foreign oil; address climate change in a meaningful way; promote energy efficiency through fuel efficiency; expand our use of renewable energy sources; and protect the United States Outer Continental Shelf from offshore drilling.

Unfortunately, the bill we voted on today inadequately addresses these priorities.

We need an aggressive strategy to wean this country off of its reliance on foreign sources of energy. But this bill does nothing to reduce this Nation's dependence on foreign oil, or provide any relief for the soaring prices at the gas pump. The bill includes an oil savings goal of only one million barrels per day by 2015, and does not even provide a mechanism for enforcement. This is unacceptable. It would take savings of three to five million barrels per day to truly reduce our energy dependence. I supported the amendment offered by Senator CANTWELL to reduce imports of foreign oil by 40 percent over the next 20 years. Sadly, the majority of the Senate did not, and that amendment was not included in this bill.

In addition, the bill includes an 8-billion gallon ethanol mandate that will actually increase gas prices for many Americans. The cost of living in New Jersey is already one of the highest in the Nation, and the ethanol mandate will essentially add a new gas tax for New Jersey's residents. Furthermore, although the bill includes a higher renewable fuel standard level, this will not necessarily lead to more energy security, as its proponents claim. Increasing these levels would not significantly reduce U.S. oil imports because each gallon of gasoline blended with ethanol to make gasohol has less energy in it than regular gasoline, requiring increased petroleum product imports to make up that energy loss. Producing ethanol also requires a significant amount of fossil fuel. Finally, a larger renewable fuel standard could force the expanded use of ethanol in areas, such as New Jersey, and hinder—rather than help—state efforts to attain federal air quality standards.

Instead of establishing a national ethanol mandate, we should reduce the Nation's consumption of oil. A simple and cost effective way of doing this, would be to raise CAFE standards. In fact, improving the fuel economy of passenger vehicles not only reduces our dependence on foreign oil, but cuts global warming emissions and saves consumers thousands of dollars annually at the gas pump. Americans currently consume a little over 20 million barrels of oil per day. Senator DURBIN offered an amendment that would raise fuel economy standards from 27.5 to 40 miles per gallon by 2017 for all passenger vehicles and include SUVs in

the passenger vehicle category. The amendment would also increase the standards for pickup trucks and other nonpassenger vehicles from 21 miles per gallon to 27.5 miles per gallon. Raising these standards would save over 95 billion gallons of oil by 2016.

The Energy Information Administration projects that if we do nothing to raise CAFE standards, by 2020 Americans will be consuming 12 million barrels of oil per day for fuel use alone. If the Durbin amendment were passed, however, we would be saving 3 million barrels of oil per day or a reduction of 25 percent in gasoline consumption by the year 2020. Furthermore, if we had implemented the Durbin amendment in 2001, Americans would be saving $5 billion per year at the pump. This is an aggressive strategy that I feel is not only necessary, but long overdue.

The Senate had an opportunity to make important choices with this bill, and if you do a cost-benefit analysis, it is clear the Senate has made many wrong choices. I supported stricter CAFE standards and more aggressive oil savings, yet these amendments were not included in the bill we voted on today.

Instead, this bill does include a provision that I strongly opposed, the seismic inventory of the Outer Continental Shelf. I have been very clear about my opposition to any provision in this bill that will weaken the moratoria on drilling in the Outer Continental Shelf. As my colleagues know, I spent many hours on the Senate floor last week to ensure that no amendments were offered to weaken the moratoria. This step onto a slippery slope is only reemphasizing our dependency on oil and gas.

It is important to note that New Jersey is a State that already does its part in supporting energy production and refining for the Nation. Along with traditional power plants, we have three nuclear power plants, support siting of an LNG terminal and are looking into alternative energy sources. And New Jersey is the East Coast hub for oil refining. New Jersey is doing its part. New Jersey recognizes the variety of ways to generate energy. It can be done without offshore drilling.

Yet this bill includes a provision that would allow an inventory of all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. It is a slippery slope toward drilling, which would devastate New Jersey's beautiful beaches as well as its coastal tourism industry, an industry that supports over 800,000 jobs and generates $5.5 billion in revenue. And the seismic explosions are themselves dangerous to the environment and our offshore fisheries.

That is why I voted with my Florida colleagues and others to strike the inventory provision from the bill. But that amendment failed. That was the wrong choice. It makes no sense to sacrifice the economies and environmental sanctity of coastal States for what many energy analysts have said would not end the long-term trend of growing dependency on foreign oil. It is the wrong analysis, and the wrong decision and just one more example of how this Energy bill includes wrong choices.

Another problem with the bill before us is that it fails to effectively address a crucial issue that is paramount to our health, our environment, our economy and our way of life—climate change. The science is increasingly clear that greenhouse gas emissions caused by human activity are changing the earth's climate. The rest of the industrialized world understands the danger of this problem. Unless Congress acts in a meaningful way, the effects of global warming may be devastating to the worldwide economy and environment. Recognition by the Senate that global warming is indeed a problem is a first step. However, we cannot stop here. I supported an amendment to ensure real, immediate action on global warming. This amendment would require a reduction in carbon dioxide emission levels to 2000 levels by the year 2010. But, this important program is not included in this bill. This is a significant failure and misses the opportunity to address a problem that, without quick action, we will pass on to our children and grandchildren.

Finally, the underlying bill gives the Federal Government too much authority over the siting of liquefied natural gas terminals in their communities. I am very supportive of the proposed terminal in South Jersey, which is projected to provide energy to 4 to 5 million residences. Unfortunately, the State of Delaware has hampered the siting of this facility. These complications, however, do not justify ceding authority over New Jersey's choices about its energy supply to Washington. I am disappointed that the Senate failed to pass an amendment that would ensure States have authority over LNG terminal siting.

As you can see, I have many concerns about this bill. But there are some provisions that are steps in the right direction. The Senate included an amendment, which I supported, that requires a 10 percent renewable portfolio standard. I am proud that New Jersey is one of the first States to adopt its own 20 percent portfolio standard, and I am pleased that the rest of the Nation will take a step to follow with this important effort to expand renewable energy sources. In addition, this bill includes important tax incentives that promote energy efficiency. I am especially pleased that I was able to secure provisions in the energy efficiency title that encourage the Department of Housing and Urban Development and the public housing authorities it oversees to increase energy efficiency in public housing projects.

But these provisions are not enough to plug the weaknesses left in this bill. I voted this bill out of committee with the hopes that by bringing it to the Senate floor, my colleagues and I could greatly improve the bill. The committee markup was a fair and bipartisan process, and I was pleased to be a part of it. But if the goal is to create a comprehensive energy policy that will move this Nation in a direction of energy security and independence, then the bill we voted on today in the Senate will not achieve that goal. It is my hope that this bill will be improved in the conference committee, and I urge my colleagues to take these important issues into account as we move forward.

Mr. REED. Mr. President, I would like to take this opportunity to say a few words about the Energy Policy Act of 2005, H.R. 6. While I did not support the bill for several reasons, I do acknowledge that the bill is, in many respects, better than the bill the Senate rejected in 2003. I am pleased, for example, that the bill we are sending to conference does more to address the reliability of our electricity grid, contains a 10 percent renewable portfolio standard for electricity production, and does not include an unnecessary liability waiver for the MTBE industry.

We all agree that reliable, affordable energy is critical to the economic well being of our Nation. And increasingly, our Nation's energy policy is central to our national security. As I considered how to vote on the energy bill, I asked myself three questions. First, would this bill take meaningful action to reduce our dependence on foreign oil? Second, would the bill enhance homeland security? And third, is this $48 billion bill fiscally responsible and does it set the right priorities for our Nation?

As for the first question, unfortunately, I find that this bill does not do nearly enough to reduce our dependence on foreign oil.

Oil prices have recently soared to around $60 a barrel, a level that, even when adjusted for inflation, has not been seen in over 15 years. Imports of foreign oil are draining valuable economic resources out of our communities and Nation. The U.S. imports 4.5 billion barrels of oil per year. With prices up $20 a barrel over the past year, an increase that appears to be with us for the foreseeable future, we are experiencing an effective annual reduction in domestic income of $90 billion. That is $90 billion that we could better invest in energy efficiency and renewable energy, as well as police, firefighters, workforce training, and education for our children.

Over the next 10 years the world's daily energy demand will grow to nearly 100 million barrels. We will have to find an extra 50 million barrels of oil per day to meet that demand. The industry is already spending $200 billion a year to find oil, but even at that extraordinary level of investment, there are enormous difficulties in finding recoverable reserves to fill the gap between supply and demand. The United States has about 2 percent of the

world's oil reserves. We simply cannot drill our way out of this crisis.

Reducing our dependence on oil must be both a national energy and a national security priority. But that is not a high priority of this Energy bill. This bill fails to promote meaningful reductions in our oil dependence by casting aside a much-needed increase in CAFE standards for cars and by omitting Senator CANTWELL's 40 percent oil savings amendment.

According to the Rocky Mountain Institute, since 1975 the U.S. has doubled the economic activity wrung from each barrel of oil. Overall energy savings, worth about $365 billion in 2000 alone, are effectively the Nation's biggest and fastest-growing major energy source—equivalent to three times our total oil imports. CAFE standards were a primary reason for these savings. We must make even greater strides in fuel efficiency if we want to move our country towards true energy independence.

Gasoline consumption in the transportation sector represents about 44 percent of total oil consumption in the United States each year. If one includes diesel fuel, that number jumps to 57 percent. To bring about any serious reduction in our dependence on foreign oil we must increase the fuel efficiency of our cars and light trucks through an increase in CAFE standards, as well as by promoting the use of hybrids and vehicles that use alternative fuels. In model year 2002, the average fuel economy for cars and light trucks was 20.4 miles per gallon—a 22-year low. Yet, if performance and weight had stayed constant since 1981, the average fuel economy would have improved 33 percent—enough to displace the amount of oil we import from the Persian Gulf 2.5 times over. Not only will raising CAFE standards improve our energy security, it will also ensure our economic security. China is putting in place fuel efficiency rules that will be significantly more stringent than those in the United States. The Chinese standards call for new cars, vans, and sport utility vehicles to get as much as two miles a gallon of fuel more in 2005 than the average required in the U.S. and about five miles more in 2008. And they plan to export these cars to the United States. We need to improve efficiency to remain competitive.

For these reasons, I am an original cosponsor of S. 889, Senator FEINSTEIN's bill to close the SUV loophole by gradually increasing fuel efficiency standards for SUVs to 27.5 miles per gallon—the same standard that now applies to passenger cars—by 2011. The legislation would also require that the average fuel economy of new vehicles purchased by the Federal Government be increased by three miles per gallon by 2008 and six miles per gallon by 2011. In addition, the bill would increase the weight range within which vehicles are bound by CAFE standards, making it harder for automotive manufacturers to build SUVs too big to be regulated by CAFE standards. The legislation would save the United States 1 million barrels of oil a day; reduce our dependence on foreign oil imports by 10 percent; prevent about 240 million tons of carbon dioxide—the top greenhouse gas and the biggest single cause of global warming—from entering the atmosphere each year; and save SUV and light duty truck owners hundreds of dollars each year in gasoline costs. It is unfortunate that the Senate energy bill includes no provision to require increased CAFE standards so that we can make real progress in reducing our dependence on foreign oil.

Moving to my second question: would this bill enhance our homeland security? Unfortunately, it would not.

Consumption of natural gas is growing at a faster rate than for any other primary energy source and is growing in all sectors of the economy—families heat their homes with natural gas, businesses use natural gas to produce products, natural gas vehicles are becoming more common, and power producers generate cleaner energy with it. According to the Consumer Federation of America, since 2000, the toll of higher natural gas prices on consumers is an estimated $80 billion. Similar to oil, demand is growing faster than available supplies can be delivered and the tightening in supply is resulting in dramatic price volatility. One way to increase natural gas supply in the United States is through liquefied natural gas, known as LNG. Again, however, we would do well to learn from our lessons with oil. One-third of the world's proven reserves of natural gas are in the Middle East, nearly two-fifths are in Russia and its former satellites, and significant reserves exist in Nigeria and Algeria. Political stability and terrorism are very real threats to the reliability of natural gas from these countries.

On the domestic front, the siting of liquefied natural gas, LNG, import terminals is an issue that has taken on critical importance for me and for the people of Rhode Island in recent months, as the Federal Energy Regulatory Commission, FERC, is now considering proposals by KeySpan Energy and Weaver's Cove Energy to establish LNG import terminals in Providence, RI and Fall River, MA, respectively.

I recognize that natural gas is an important and growing component of New England and the Nation's energy supply, and that imported LNG offers a promising new supply source to complement our domestic natural gas supplies. In a post-September 11 world, however, we must consider the substantial safety and security risks associated with siting LNG marine terminals in urban communities and requiring LNG tankers to pass within close proximity to miles of densely populated coastline.

That is the major problem with the current siting process and with the underlying bill before us. While States do have certain environmental permitting authorities delegated to them under Federal laws like the Clean Water Act, the Clean Air Act, and the Coastal Zone Management Act, States have no clear authority over the siting of LNG terminals in the one area that everyone is most concerned about: public safety and security.

Senator FEINSTEIN and I offered an amendment that would have ensured that States have an authentic voice in the siting of LNG terminals by giving Governors the same authority to approve or disapprove onshore terminals that they now have over offshore terminals under the Deepwater Port Act. If a Governor has the right to say yes or no to an offshore LNG terminal, it only makes sense that he or she should have the same rights with respect to an LNG terminal located onshore or in State waters. The National Governors Association agreed and wrote in strong support of our amendment.

I know that some of the opponents of this amendment say this is all about NIMBY, or ''Not in My Backyard,'' as if the issue is that our constituents would just rather not have to see these storage tanks and large vessels. But it is a much more serious and complicated matter than that.

The Sandia National Laboratory released a report last December that said a terror attack on a tanker delivering LNG to a U.S. terminal could set off a fire so hot it would burn skin and damage buildings nearly a mile away. For the terminals proposed in New England, that means schools, libraries, and thousands of homes, all within the damage zone. We can argue about the odds of such an attack, but when new LNG terminals are already being developed nearby in the Canadian maritime provinces—an area with reliable pipeline access to New England—and the first U.S. offshore LNG facility recently began receiving deliveries, there is no justification for placing these terminals in the heart of our communities.

I again want to emphasize that I recognize LNG's important role in the energy infrastructure of Rhode Island and the Nation, and I look forward to working with my colleagues to ensure reliable supplies of natural gas to our homes and businesses. I am disappointed that the Feinstein-Reed amendment was defeated, but our efforts have just begun. For now, I hope the 45 votes the amendment received will send a strong message to FERC that the agency should work more closely with Governors and the State environmental and first responder agencies that have firsthand knowledge of the geography and population of our States, so that we can bring more natural gas to our communities while minimizing the risk to our citizens.

Finally, we must ask ourselves, is the $48 billion cost of this bill fiscally responsible given our growing national debt and cuts in funding for other priorities such as education, water infrastructure, and transit? For me, the answer is no.

Over 11 years, this bill would provide $18.2 billion in energy tax incentives for electricity infrastructure, fossil fuels supply, energy efficiency, renewables, and vehicle and fuel incentives. I want to commend the Finance Committee for its work on the energy efficiency and renewable energy incentives in the bill. However, I am disappointed that the bill provides nearly $6 billion in tax breaks for oil, gas, and coal, and in addition, provides tax credits for nuclear energy. These tax breaks are provided despite the fact that President Bush has repeatedly stated that we do not need tax breaks for the oil and gas industry given the high prices Americans are experiencing.

Regrettably, this Energy bill also contains the Archer Daniels Midland ethanol mandate. In 2003, the United States consumed only 2.8 billion gallons of ethanol. But starting in 2006, the Energy bill will require Americans to purchase 4 billion gallons of ethanol, then 8 billion gallons by 2012, and then increasing amounts every year after 2012 in perpetuity by a percentage equivalent to the proportion of ethanol in the entire U.S. gas supply. So in addition to the already high gas prices Americans are paying at the pump, they will now be charged a tax to unnecessarily subsidize the ethanol industry, which already benefits from an income tax credit of 51 cents per gallon of pure ethanol, as well as a 54 cents per gallon tariff on imported ethanol.

The bill also provides loan guarantees for so-called innovative technologies, including nuclear power, a provision that would cost taxpayers $600 million. The legislation sets no limits on the number of projects, or the total principal that could be guaranteed for these speculative investments. As the Congressional Budget Office, CBO, points out, if a borrower defaults on a loan, the Department of Energy could take over a facility to recoup losses, or the Department could take over a loan and make payments on the loan for the borrower. To quote the CBO, ''Such payments could result in DOE effectively providing a direct loan with as much as a 100 percent subsidy rate—essentially a grant—that could be used by the borrower to pay off its debt.'' Is this a responsible use of taxpayer dollars when we are dramatically cutting funding for education, clean water, and energy efficiency programs? In my opinion, the answer is no.

I believe the American people deserve a better Energy bill from the Senate. They deserve a bill that takes seriously the need to reduce our dependency on foreign oil. They deserve a bill that provides for both our national security and energy security. They deserve a bill that requires real reductions in the greenhouse gas emissions that cause global warming. They deserve a bill that reduces energy prices for consumers, not one that hands out unnecessary subsidies to industries. Unfortunately, if history is any indicator, this bill is going to get worse, not better, in conference with the House. I look forward to working with my colleagues to oppose the addition of MTBE liability waivers and any other onerous House provisions to the Energy bill. It is high time we gave the American people an Energy bill that deserves their full support.

Mr. MCCAIN. Mr. President, I regret that the Senate has once again produced an Energy bill that does not serve either the present or future energy needs of our Nation. The provisions in this bill will not make us less dependent on foreign oil, will not enhance the reliability of the Nation's electricity grid, will not effectively promote energy efficiency and technological innovation, will not reduce the price of energy to consumers over time, and will not address our significant contribution to the serious problem of global warming.

While I commend the chairman and ranking member of the Energy Committee for the bipartisan process they have led throughout the debate, I cannot support the resulting bill. But I do want to acknowledge that compared to the last conference report on this issue, the measure before us is somewhat better in some respects and certainly more so than the recently passed House bill. For example, the Senate measure does include more emphasis on energy efficiency and renewable technology, doesn't include an MTBE waiver or hand-outs to Hooters, and a few special interests were left behind, although not enough.

However, when the price of gas reaches $3 a gallon, which some experts believe will occur within a year, and more manufacturing jobs are lost overseas due to soaring energy costs, and the next blackout occurs, and the wait lists for fuel-efficient cars grow even longer, and climatic changes increasingly affect American lives and livelihoods, the American public is surely going to judge that this Congress did not live up to the great challenge before it by passing a sound, far-reaching, national energy policy measure, despite the multiple years in the making. And, as we all know, Congress doesn't have any popularity points to squander at this time. But even more to the point is that we don't have the time to squander, now is the time we need to act to avoid disastrous economic and environmental consequences.

I am not spinning a doomsday scenario here, most of my colleagues appreciate the uncomfortable fact that these are our present energy supply realities. That is why I believe a more appropriate title for this bill would be ''The Lost Energy and Economic Opportunity Act of 2005.'' Opportunity lost because as a body we should have the vision and the political courage to craft national energy policy that addresses the serious energy problems before us with effective, identified solutions that put us on a new course—a more secure, reliable, and smarter course. Not the same tired path this bill treads, and spending an estimated $16 billion from the Federal Treasury to provide taxpayers' subsidies largely for wealthy energy producers and corporations.

With the passage of this bill, we will have lost the historic opportunity to craft a national energy policy that relies on the market realities of high priced oil and gas instead of taxpayer subsidies to drive our country in the direction of energy efficiency, security, and independence, as well as global environmental stewardship. It doesn't make fiscal or common sense to provide billions of taxpayer subsidies to encourage the production of energy by companies that are already gaining tremendous riches at today's sky high oil and gas prices. But this bill does just that—it gives tens of billions of taxpayer dollars to the oil, gas, and coal industries. And if this was not sufficient, the bill provides an unlimited number of loan guarantees for the construction and operation of fossil fuel and nuclear projects far into the future. As such, no one can accurately assess how much this bill will end up costing American taxpayers. We can say with certainty that it is many times more expensive than the $6.7 billion that the Administration wanted and even much more costly than the House bill at $8 billion. The tax incentives alone in the Senate bill are estimated to be more than $14 billion by the Joint Committee on Taxation. Remarkable generosity with scarce taxpayer funds.

My colleagues supporting this bill contend that these taxpayer subsidies are necessary to increase domestic energy supplies and provide incentives for technological innovation. I believe that these subsidies largely amount to a multi-billion-dollar maintenance of the status quo which will only perpetuate and exacerbate our current national energy and environmental problems for the foreseeable future.

Let me be clear. I understand the need to encourage the development and deployment of zero and low emission technologies. That is why Senator LIEBERMAN and I added a comprehensive technology title to the Climate Stewardship and Innovation Act which we offered as an amendment last week. But the incentives provided in our legislation are different in many respects from those in the Energy bill.

For example, we propose a cost-sharing program with industry for first-of-a-kind engineering designs of facilities using advanced coal gasification, nuclear, and solar technologies as well as large scale biofuel production. Subsequent users of the designs generated under the program would pay a ''royalty fee'' on a per facility basis which would be used to reimburse the overall costs of the program.

Following the design phase, loans or loan guarantees would be allowed for the construction phase of the first facility utilizing advanced coal gasification, nuclear, solar, and large scale

biofuel production technologies. These loans would be repaid at the end of the construction phase, and in the case of loan guarantees, the guarantees would terminate at the end of the construction phase. This is very different from the programs authorized under the base Energy bill which provides loan guarantees over the operational life of the facilities. The approach in the underlying bill leaves the taxpayers liable for a very long time, 30 years in some cases, as opposed to a construction period of maybe 5 years in our legislation. And in our bill, we envision all assistance would be funded through the revenues from the early auction of carbon allowances to industry rather than entirely from the taxpayers pockets as would be the case in the underlying bill.

Instead of our approach, the American public is going to be saddled entirely with the expense of this bill, which is running on empty—empty of new ideas—and further running up our deficit. The fuel we should be relying on to drive our national energy policy is American consumer demand. If we allowed consumer demand to drive our legislative actions, this bill would emphasize energy efficiency across all sectors of the economy and include a reasonable and progressive CAFE standard for SUVs and all other passenger vehicles. If it were up to American consumers, we wouldn't be imposing a meaningless 8 billion gallon ethanol mandate, but instead would be making it possible for people to obtain and operate their automobiles using clean and abundant biofuels that actually reduce our dependence on foreign oil and not just provide subsidies to the ethanol producers. If it were to the American public, we would not be repealing the Public Utility Holding Company Act, PUHCA, without replacing it with alternative protections for utility ratepayers, investors, and pension plans. Finally, if it were up to the American public, we would pass a bill that addresses global climate change: more than 75 percent of Americans believe that we need to reduce our greenhouse gas emissions and participate with our allies and other countries in a united effort. And in the process of reducing emissions, we would also improve the health of millions of Americans who suffer from asthma and other air quality-related conditions.

If these kind of policies were to be found in this bill not only would it satisfy the majority of the American public but it would significantly reduce our dependence on foreign oil while providing new jobs and financial benefits to the agricultural sector and a host of energy, technology, and service providers economy-wide. So why aren't we doing that in this bill? Why aren't we seizing the economic and environmental opportunities that are within our grasp, the available solutions to our current and future energy woes? There must be some good reason that we aren't giving the public what it wants but are giving special interests and rich corporations exactly what they want. I will leave that for the supporters of this bill to explain to the American public as we continue on our well-worn and convoluted energy path leading us no further than where we are right now. Only in the future, fuel prices will be higher, greenhouse gas emissions will be greater, and our economy, international relations, and environment will be in greater peril.

Ms. CANTWELL. Mr. President, I rise today to discuss the Senate energy bill that this body has passed today, on a resounding bipartisan vote of 85 to 12. For those of us on the Senate Energy and Natural Resources Committee, this day has been long in coming. Today is another milestone in the effort to craft a new energy plan for America; legislation that has been swirling around Capitol Hill in one form or another for at least the last 4 years.

I thank the chairman and ranking member of the Energy Committee for the skill and consideration they have shown in navigating a path forward for this legislation. It has taken a lot of work. But today's vote represents a concerted, bipartisan effort to find the compromises that can help move our nation forward on an energy strategy to meet the needs of a 21st century economy. The result has been a cleaner, more transparent process, and a cleaner energy plan for America.

I will not stand before this body today and suggest that this legislation is the solution to all of the challenges we are facing—and will continue to face for decades to come—when it comes to our national energy security. There are provisions contained in this lengthy and complicated bill that I do not agree with; and there are areas where this legislation does not go nearly far enough, particularly when it comes to curbing our dangerous overdependence on foreign oil imports, and tackling the emerging threat of global climate change. However, I am supporting this legislation because it represents a modest improvement on the status quo; and because I believe that this legislation is the beginning—rather than the end—of the Senate's consideration of these issues.

I have participated in this debate in the Energy Committee and on the Senate floor for the past 4 years, and I have listened intently to many of my colleagues and what they have had to say. I can tell you this: it seems to me that there is more agreement in this body today than at any other point in my memory as to the nature of the energy challenges we are facing as a nation, and the critical importance of addressing these problems if we want to ensure American competitiveness and economic security in the coming decades.

Four years ago, I do not believe many of us were discussing the impact of foreign, state-owned oil companies on our energy security. Few of us had recognized the emergence of China and India and what those countries' growing thirst for petroleum could mean to the dynamics of world energy markets and the American economy. Many Senators were skeptical about the potential market transformation that could occur with new hybrid vehicle technologies. Four years ago, there was far less consensus about the promise of new biofuel technologies using an array of different crops and materials. These technologies are capable of transforming the U.S. renewable fuels business from a boutique industry dominated by corn-growers to a real, national industry capable of displacing significant amounts of imported petroleum.

This Senate has come along way in four years—in thought, if not yet in deed. The fact the majority of Senators now recognize the need to address in a meaningful and binding way the threat of global climate change; and the fact that the majority of my colleagues now seem to recognize the perfect storm of economic and national security issues posed by our dependence on foreign oil are significant milestones. But I am disappointed that we do not yet have the same degree of unanimity on what to do about it.

That is why this legislation—and the debate about this legislation's successes and failings—is just the beginning. Our national energy security is an issue with which this country and its leaders absolutely must continue to grapple. When it comes to our Nation's oil dependence, America can and must make more progress. We must acknowledge the realities of geology and the international marketplace. Given that the U.S. sits on just 3 percent of the world's known oil reserves, we cannot drill our way to energy independence. And when any policymaker looks at the distribution of where the rest of those oil reserves lie—two-thirds of them in the Middle East—it becomes painfully obvious that the U.S. must step up and tackle this challenge head-on. Anything less jeopardizes our economic future and our national security.

I fundamentally believe that securing our Nation's energy future is among the biggest challenge faced by our generation. It is a challenge by which future generations of Americans will measure us. We did not get the job done with this particular Energy bill when it comes to America's energy security and dependence on foreign oil. Nor did we finish the job when it comes to the issue of global climate change. So this year, next year and for the foreseeable future, this Senator will stand up and ask her colleagues to pay more than lip service to these issues. The spirited and thoughtful debate that has characterized our consideration of this bill must guide us as we move forward to tackle these challenges. I believe it can be done. It must be done. And this Senator stands ready to work with her colleagues on both sides of the aisle to reach meaningful

solutions to what are some of the most difficult economic security issues of our time.

But as I said at the outset, I do believe that this legislation will move our Nation forward in a number of other important ways. A comprehensive Energy bill touches every sector of our economy. The nature of our existing energy infrastructure is complex and interdependent, yet regionally diverse. Moreover, a maze of interlocking Federal and State regulatory authorities guide the production and sale of energy supplies in this country. For all of these reasons, the task of crafting a ''comprehensive'' energy policy is a massive undertaking. But even as this legislation has failed to address certain issues to this Senator's satisfaction, we have taken a number of important steps forward.

While we have not done nearly enough to address our economy's petroleum dependence—and hence, our dependence on foreign petroleum—this bill does put in place the basics for creation of a robust, American biofuels industry that can someday displace significant portions of our energy imports. While agricultural producers across the U.S. have long touted the energy and economic security benefits of fostering a domestic biofuels production industry, this country has nevertheless lagged behind in developing the technologies that would make a national biofuels strategy a reality. For example, 90 percent of the ethanol production in the U.S. is derived from corn and is produced in just five Midwestern States. Meanwhile, other nations such as Brazil have taken the lead on producing biofuels from other crops, and in the process have diversified their economies and energy supplies, begun to minimize their dependence on foreign petroleum, and lowered prices for consumers.

The key to growing this industry for the U.S. is investing in the demonstration and commercialization of new technologies that will make it possible to produce biofuels from a more diverse array of crops, including wheat straw and other biomass readily available in places like Washington State.

The Senate Energy bill contains a number of provisions key to moving forward on a national biofuels strategy. Specifically, I was pleased to add a number of measures that will help spur biofuels production in the Pacific Northwest. Making ethanol and biodiesel from more diverse feedstocks—in more regions of the country—is essential to making biofuels a sustainable and cost-effective solution to our Nation's emerging energy needs.

The Senate Energy bill contains a provision I authored to establish an ''Advanced Biofuel Technologies Program.'' The new program provides $550 million over 5 years to demonstrate technologies for production of ethanol and biodiesel. The measure directs the Secretary of Energy to work toward developing and demonstrating no fewer than four different conversion technologies for producing cellulosic-based ethanol; and five technologies for co-producing biodiesel and value-added bioproducts. In other words, it would provide Federal support for universities, private sector researchers and entrepreneurs who are striving to invent the next generation of biofuels technology, and help demonstrate them in real-world applications. The program also directs the Secretary to prioritize the demonstration of projects that will enhance the geographical diversity of alternative fuels production, and focus on developing technology related to feedstocks that represent 10 percent or less of our Nation's existing ethanol and biodiesel production—agricultural products like wheat straw, canola and mustard that are readily available in Washington State and throughout the Pacific Northwest.

But in addition to pioneering the next generation of technologies, the Senate Energy bill would provide important market-based incentives for the very first producers of new sources of biofuel. The Senate bill is more ambitious that previous energy bills, as well as this year's House-passed version, in setting a target to produce 8 billion gallons of renewable fuel by 2012. But in addition, it contains my provision to more than double the incentives for refiners to use ethanol made from cellulosic sources such as wheat straw, and to ensure that by 2013 the U.S. is producing at least 250,000 gallons of ethanol from these new sources. These provisions are designed to help build a market for the very first producers of ethanol from non-traditional, noncorn sources—an important way to help move the technology toward broader commercialization.

The Senate Energy bill also recognizes that a national biofuels strategy is in the long-term energy security interests of the U.S., and provides Federal support for this emerging industry. First, the legislation authorizes Federal loan guarantees for the first cellulosic ethanol facilities that produce 15 million gallons of ethanol or more. Multiple sites in the Pacific Northwest are vying to be among the first in the U.S. to produce cellulosic ethanol. In addition, the bill would extend the biodiesel excise tax credit through 2010. Otherwise slated to expire in 2006, the tax credit is important to the very first refiners and distributors of biodiesel in Washington State, who are using this tax credit to lower costs to consumers at the pump. I believe all of these are valuable provisions that will contribute to our national energy security and put farmers across the country in the biofuels business.

In addition to the renewable fuels standard, this legislation will diversify our Nation's energy supplies with the inclusion of a renewable portfolio standard that would require 10 percent of our electricity to come from sources such as wind, solar and geothermal. This legislation also extends the renewable production tax credit and the renewable energy production incentive program to support the drive to diversify our sources of electricity.

I should also note that this legislation contains consensus reliability standards, to ensure mandatory rules are in place to govern operation of our electricity grid—an important provision that I have championed since I arrived in the Senate, and an effort that was initially begun by my predecessor, Senator Slade Gorton.

I was also pleased to have a role in crafting provisions to promote cutting-edge research and development in the area of ''smart grid'' technologies, which will build intelligence into our existing energy infrastructure in a way that improves both efficiency and reliability. This legislation also includes incentives for the adoption of existing technologies that can aid reliability such as ''smart meters,'' which give utilities and their customers real-time information about energy usage.

This legislation also takes an important step to ensure that we are meeting the workforce needs of the electric utility sector. The National Science Foundation and energy industry interests have noted that as the baby boom sector of our workforce retires, a lack of training capacity will lead to a growing shortage of qualified engineers and innovators. Language that I worked to add to the bill in committee will ensure that the Energy and Labor Secretaries are closely monitoring our energy workforce, including the availability of power and transmission engineers, and will authorize the Federal Government to provide grants for appropriate workforce training investments. All of these reliability-related provisions will help ensure the stability of the electricity grid, which powers every sector of the American economy.

While I am on the topic of electricity, I must mention some of what I believe are among the most notable achievements of this legislation. There are provisions of this bill that I have championed related to Enron and the market manipulation that occurred during the Western energy crisis, which I believe represent the first meaningful Congressional response to the massive public mugging that took place. Certainly, Congress enacted aggressive new accounting reforms in the wake of Enron's collapse. But we have not yet done the same when it comes to our Federal energy laws.

I spoke at the outset about how the Senate has at least turned the corner in recognizing the problems posed by climate change and foreign oil dependence. Similarly, some of my colleagues may recall that, 4 years ago, many at first didn't believe that any market manipulation had taken place in the West. But with the release of Enron's smoking gun memos outlining the manipulation schemes, additional audiotape evidence that has surfaced since

then, the guilty pleas of energy traders who executed these schemes four years later, this Senate has reevaluated its position, based on facts that are now a matter of public record.

I am optimistic about the notion that this Senate, in the foreseeable future, will get serious about addressing climate change and oil dependence because I have seen a sea change occur in the Senate on an energy issue before—in particular, on the issue of market manipulation and the need to protect our Nation's consumers against later-day Enrons. The Energy bill we passed today contained a number of important provisions to incorporate the lessons we learned from the Western energy crisis.

First, it puts in place a broad statutory ban on all forms of market manipulation in our Nation's electricity and natural gas markets. Second, it gives Federal authorities the ability to ban traders and executives implicated in energy market manipulation schemes from participating in the utility industry.

The Securities Exchange Commission has had this authority for decades and used it in some high-profile instances of individuals engaged in securities fraud. However, this authority does not currently exist in Federal energy law. Added unanimously as amendments during the Senate Energy Committee's markup of the bill, these provisions were inspired by recent court cases in which it is alleged that some of the same energy traders overheard on the now-infamous Enron audiotapes have been implicated in subsequent market manipulation schemes in other regions of the country.

Lastly, this legislation contains a provision of particular importance to my Washington State constituents. Section 1270 of this bill would prohibit a Federal bankruptcy court from forcing Washington State's Snohomish Public Utility District—PUD—and its customers to fork over another $122 million to Enron. Specifically, the provision prohibits the bankruptcy court from enforcing payments on power contracts that are unjust, unreasonable or contrary to the public interest. The provision was written to target manipulated power contracts between Enron and utilities in the West. The contracts were cancelled when the energy giant began its scandalous slide into bankruptcy. But once they were cancelled, Enron turned around and sued utilities for ''termination payments,'' seeking to collect profits on power that was never even delivered.

While the Federal Energy Regulatory Commission—FERC—has been conducting its proceedings to provide remedies for the consumers harmed by market manipulation, Enron has nevertheless continued pursuing collection of these ''termination payments'' in bankruptcy court. In fact, the court has already ruled that other Enron victims—Nevada Power Company and Sierra Pacific Power Company—should have to pay these fees, which come to more than $330 million for the two Nevada utilities. The court went so far as to enjoin FERC from proceeding with its own specific inquiry into whether Enron is owed the termination payments in those cases.

The provision included in this bill says very clearly to FERC, ''Do your job to protect consumers, and when you make a decision, that decision will stand.'' Interpreting our Nation's energy consumer protection laws is not the job of a bankruptcy judge. This responsibility lies with the Federal Energy Regulatory Commission.

I am aware that these provisions are in stark contrast to those included in the legislation passed by the House of Representatives. The House bill would ban only one type of manipulation scheme made infamous by Enron—roundtrip trading. It would do nothing to ban proven market manipulators from future employment in the energy business. And most inexplicably, it would actually give later-day Enrons a license to steal. It would lock in profits for would-be market manipulators under the guise of ''contract sanctity.'' I recognize that reconciling these issues with the House may be difficult. But when it comes to the deeds of Enron—and putting in place tough new laws to make sure such a wide-ranging fraud is never again perpetrated against our Nation's consumers—I believe the Senate will have the American people firmly on our side.

In addition to these very important provisions, I must also make a few comments on other matters of importance in this legislation's electricity title. I regret that during the course of the debate on this bill, there was not enough time to discuss more fully its treatment of the Public Utility Holding Company Act—PUHCA. It is important that this silence not be confused with disinterest. It is because of the consumer protections provisions included in the bill— some that I have mentioned already—that this issue has not caused an uproar, as it has in the past.

It was crucial to me that, in PUHCA's stead, this bill include the refinements and enhancements of FERC's merger review authority that were worked out by Senators BINGAMAN and DOMENICI. I must still state my profound uneasiness with the notion that we are repealing one of our Nation's fundamental consumer protection laws at a time when many of us are concerned about mergers and consolidation within the utility industry. And I remain concerned that we have not done enough to address the issue of cross-subsidization of unregulated affiliates by utilities that are owned by the same holding company.

I ask my colleagues to remember: Enron was a company willing to turn a profit by any means necessary; but it was presented with a market and regulatory environment that presented innumerable opportunities for abuse. We have given FERC the tools in this bill to prevent those abuses; let's hope they take this responsibility seriously.

The bill's repeal of PUHCA is predicted by some to usher in a new wave of utility mergers. Consolidation can be beneficial, but it can also foreclose competition, frustrate effective regulation and create inefficiencies. Let us hope that Federal and State regulators both take their responsibilities to protect consumers seriously.

PUHCA repeal lifts diversification and investment bans that the leading financial rating agencies have determined were critical in protecting the financial health of utilities and preventing bad business investments. Let us hope that we don't regret this decision.

Again, this bill requires steps to prevent cross-subsidization when utilities merge, but is silent on the need to prevent cross-subsidization by those utilities that don't merge. Let us hope that consumers and independent competitors do not suffer from this decision.

I sincerely hope history will prove this Senator's instincts and skepticism wrong on the topic of utility cross-subsidization and PUHCA repeal—because otherwise, it is American ratepayers and investors who will be paying the price. But as I said, it is the consumer protections in this bill today that have led me to view this as a reasonable compromise. In addition to the provisions I mentioned before, this legislation also includes improved language on market transparency, accountability standards for the Nation's Regional Transmission Organizations—RTOs—and the protection of transmission rights needed to serve consumers, particularly in the Pacific Northwest.

Let me be perfectly clear: the provisions that I have mentioned, taken together, are the minimum needed in order to meet the needs of electric consumers. They were essential in earning the support of this Senator. Last Congress, one of the key factors that led to the defeat of the Energy bill was the failure of the conference report to protect electric consumers. While I believe we can and should do more, I commend both the Senators from New Mexico for their efforts. But their efforts will be wasted if the other body does not realize that these provisions are essential for final passage of an energy bill conference report.

It is also important to note that the Senate legislation we have passed today avoids the gratuitous special interest deals in the House bill—such as giving groundwater polluting MTBE manufacturers a free ride on clean up liability. It moves forward without the rollbacks of the Clean Water Act, Clean Air Act, National Environmental Policy Act, and Safe Drinking Water Act that are included in the House legislation. The Senate has spoken out against these bad environmental policies and we stuck to those principles in this bill.

We stuck to those principles and we worked across the aisle, in good faith at every turn. I hope the other body across the Capitol has paid some attention to this process. If leaders in the House are serious about delivering energy legislation to the President's desk for signature, then they will realize that a similar effort will be required during the conference on this legislation.

Make no mistake: the Senate Energy bill is far from perfect. There are missed opportunities. There are provisions that I outright oppose, such as surveying for oil and gas areas on the Outer Continental Shelf that are protected by drilling moratoria, originally established by President George H.W. Bush. But there are many, many more provisions in this legislation that I wholeheartedly support.

This bill positions the U.S. to make many of the right investments in energy research and development. It includes important measures to diversify both our domestic sources of biofuels and electricity. And it contains many important consumer protections for our Nation's energy ratepayers. In other words, the Senate Energy bill contains many of the basics necessary for our Nation to start moving in the right direction. It is a modest step. Yet I believe we should take this step, if we are committed to moving our country—even more aggressively in the coming years—toward an energy policy that will sustain American competitiveness in a rapidly-evolving global economy.

I thank my friends and colleagues who serve on the Senate Energy Committee, for the thoughtful and substantive consideration they gave a number of key aspects of this legislation. And again, my thanks to the chairman and ranking member for their leadership in navigating what were at times turbulent waters, with certain aspects of this bill. We will be counting on those navigational skills as this legislation moves toward conference with the House of Representatives.

Mrs. HUTCHISON. Mr. President, I see that my good friend and colleague, the senior Senator from Iowa, has come to the floor. I want to thank Mr. GRASSLEY for his hard work on the Energy Policy Tax Incentives Act of 2005. I commend my good friend and Senator BAUCUS for their efforts to complete this important section of the Energy bill.

The Energy Policy Tax Incentives Act of 2005 supports the development of energy production from renewable resources and complements the Energy bill that Senators DOMENICI and BINGAMAN have worked in a bipartisan fashion to put together. I agree with my colleagues that we must continue to seek alternative sources of energy; it is in the best interest of America.

I would mention, however, that we must also continue to sustain domestic production of oil and gas. According to the National Petroleum Council's Natural Gas Study, a $10-billion-per-year investment over 20 years will be needed in order to meet future natural gas needs. We cannot overlook the importance of developing our domestic oil and gas resources. Domestic production is a critical first step toward energy independence while alternative sources are more fully developed. I ask my colleague from Iowa if he would agree with me that U.S. imports of foreign energy are at unacceptable levels, and the need to develop our domestic resources is an important step toward energy independence.

Mr. GRASSLEY. I say to my colleague from Texas that I do agree that our dependence upon foreign sources of energy is dangerously high. It is a threat to our economic stability and national security. We cannot continue to rely on foreign imports for 60 percent of our supplies. We must utilize available domestic resources, and I believe the Energy bill before the Senate is a good step forward.

Mrs. HUTCHISON. I thank the Finance Committee chairman. A central goal of the Energy bill is to enhance the production of U.S. energy sources, including oil and natural gas, and thus allow us to reduce our reliance on imported energy. To do that we need to make domestic oil and gas exploration projects cost competitive with those abroad. Allowing geological and geophysical expenditures to be amortized over 2 years will help make U.S. projects more economical by reducing the administrative cost burdens to both taxpayers and the IRS. It will especially help small operators take more risks to find new sources of oil and gas. This provision has been in every Energy bill—House and Senate—over the past several years. It has enjoyed bipartisan support because it makes sense. These expenditures are similar to research and development expenditures paid by other industries. Research and development expenses are either currently expensed or they receive a tax credit. Shorter amortization of geological and geophysical expenditures, while not as generous a tax treatment as expensing or a credit, would help to equalize the tax treatment of similar expenditures for all industries.

I would also raise the importance of similar tax treatment of delay rental payments. Congress needs to pass legislation to clarify that delay rental payments can be amortized over 2 years to enhance and preserve domestic oil and gas production. This is important for developers who cannot afford to run continuous operations on the properties they hold. The current uncertainty of how these costs are to be treated has led to costly litigation; prompt clarification will eliminate needless administrative burdens on taxpayers and the Internal Revenue Service.

Unfortunately, these two provisions were not included in the Senate Energy Policy Tax Incentives Act of 2005. They are both important provisions for a comprehensive Energy bill. I would ask my colleague if he would work with me to see that they are included in the final conference package.

Mr. GRASSLEY. I say to my colleague that I understand the importance of these provisions in a comprehensive Energy bill. I have supported these in the past and included them in our bill in the 108th Congress. I agree that sensible tax treatment that will promote the development of domestic oil and gas sources should be a part of the final bill. As we move forward to conference, we will work to include these two important provisions.

Mrs. HUTCHISON. I want to thank Senator GRASSLEY for his consideration and willingness to work with me.

Mr. MCCONNELL. Mr. President, I rise today in support of the Energy Policy Act of 2005. With its passage, America will begin to declare its independence from foreign sources of energy.

A strong energy policy is crucial to America's economic security and national security. We must become less dependent on foreign sources of energy.

In 1985, 75 percent of the crude oil used in American refineries was domestically produced. Only about 25 percent came from beyond our borders. But today, those proportions have been turned upside down: Only about 35 percent of crude oil used here is produced at home, and 65 percent is imported from foreign countries.

That precarious balance leaves our Nation's energy needs, and even our Nation's economic strength, in the hands of others. America can do better. Four years of debate is enough: I urge this Senate to pass this much-needed energy bill now.

Kentucky has not escaped the ill effects of America's energy needs. Commercial natural gas prices in Kentucky rose by 53 percent from 2000 to 2004. Gasoline prices in the Commonwealth, and throughout the entire Midwest region of the United States, have risen by 86 percent since 2002. The same gallon of gas that cost $1.13 then costs Kentuckians a whopping $2.11 today. America's lack of a strong, focused energy policy has imposed a tax on all Kentucky drivers.

This bill will provide that strong, focused energy policy. It will not make gasoline prices drop overnight. But it includes some simple, smart provisions that will provide cheaper, safer, and more plentiful energy for generations to come.

Passing the Energy Policy Act of 2005 will provide $2.9 billion in incentives for the development of clean coal technology and generation. America contains enough coal to meet our needs for the next 250 years, and Kentucky ranks third among the States in coal production. Coal provides over 50 percent of the electricity in America, and 97 percent of Kentucky's. We must take full advantage of such a cheap, abundant

resource while also making sure we protect the environment.

This bill will do that. It provides money to research technologies that will remove nearly all pollutants from coal-fired power plants. We will be able to continue using coal in an environmentally friendly way. That will benefit Kentucky, and America. The bill also includes $1.4 billion in incentives for increased domestic oil and gas production. America hasn't seen a single new oil refinery since 1976. We need to build more now, and we can do so in an environmentally sensitive way.

The bill includes $7.9 billion for the development of alternative fuels. We can unleash the American genius on creating or refining new and better sources of energy for the future, such as hydrogen, ethanol, and biodiesel. One day, automobiles can run on hydrogen instead of gasoline—and instead of exhaust fumes, they would emit pure water. Ethanol, made from corn, can be mixed with gasoline to make a cleaner, more efficient fuel. Increased production of biodiesel would further reduce our dependence on foreign sources of energy.

This bill also provides $278 million for more nuclear power facilities. Nuclear power is produced entirely here in America, and can create vast quantities of electricity. Nations such as France have long since realized the benefits of nuclear power. It is time America did the same. Nuclear power is safe and smart. It should be a major source of America's energy policy in the 21st century.

Passage of this bill will also provide money for increased energy efficiency and conservation, and a renewable fuels standard that will increase our amount of renewable fuel in the fuel supply to 8 billion gallons by 2012.

It is time America stopped outsourcing its energy production. The problems we face are simple to grasp—so simple that it is a wonder that Congress has waited this long to act. We must continue to use our primary source of energy, coal, while being sure to do so using environmentally safe technology. We must increase domestic oil and gas production, also using environmentally safe technology. We must develop cheap, safe, and clean alternative energy sources including nuclear energy. And we must increase energy efficiency and conservation.

American know-how has made us the economic envy of the world. We can lead the way in technologically advanced methods to take great care with our environment, while still meeting our energy needs, as well. This bill will accomplish these goals.

Mr. FRIST. Mr. President, the Senate will soon vote on final passage of the Energy bill. I want to applaud my fellow Senators for their hard work and cooperation. Senator PETE DOMENICI deserves special recognition. Senator DOMENICI's expertise on energy issues is unparalleled in the United States Senate, as he has demonstrated for a number of years on both the Energy Committee and the Energy and Water Subcommittee of the Appropriations Committee. His determination to produce a comprehensive national energy policy, and his hard work with his ranking member, Senator BINGAMAN, as well as the other members of his committee, is the reason why we stand here, today, on the cusp of final passage of a balanced, bipartisan energy bill. I congratulate Chairman DOMENICI and Senator BINGAMAN. I am confident that they will continue to work together in conference to deliver a strong Energy bill that will provide the clean, affordable energy we need to keep America moving forward.

Anyone who has filled a tank of gas recently, or paid an electric bill, knows that we've reached a crisis point. Energy prices are skyrocketing. Suddenly, instead of the lowest natural gas prices in the industrialized world, we have the highest. Because of high natural gas prices, manufacturing and chemical jobs are moving overseas. Farmers are taking a pay cut. Consumers are paying too much to heat and cool their homes. Communities across the country are suffering. And as many as 2.7 million manufacturing jobs have been lost because of soaring prices. All the while, we have grown dangerously reliant on foreign sources of energy. And some of those foreign sources do not have America's best interests at heart.

In the 1960s and early 1970s, the U.S. produced almost as much oil as we consumed. Imports were relatively small. But since then, U.S. oil production has been on the decline, while consumption has steadily increased. As a result, we've become more and more dependent on imported oil.

As we remember all too well, in the early 1970's, large oil exporters in the Middle East adopted an oil embargo against many Western countries. This marked the first time that oil was used as a political weapon. At the time, the U.S. imported 35 percent of our oil needs. Since then, we have become much more dependent on foreign sources of oil and natural gas. We are more vulnerable than ever to the use of energy as a political weapon.

In addition, many non-democratic countries and others maintain their hold on power through the redistribution of oil revenues. We see this happening in Venezuela. We currently import over one million barrels of oil a day from Venezuela. Meanwhile, its president, Hugo Chavez, actively opposes the United States, supports rogue states such as Cuba, and is working to destabilize Latin America. President Chavez maintains his political support with the aid of Venezuela's oil revenues. These revenues have also given him the ability to purchase arms and play a major role on the international stage.

These dynamics are equally evident for energy suppliers in the Middle East. President Bush and many of my colleagues here in the Senate have correctly argued that the spread of democracy, human rights, and the rule of law is essential for peace and stability, and for victory in the War on Terrorism. But regimes in the Middle East have been able to use their oil revenues to hang on to power and maintain nondemocratic political systems. As a result, the conditions that breed hatred, violence, and terrorism often go unaddressed, and the problems of terrorism persist.

Passing the energy bill today will be a major step forward in addressing these serious national security challenges. It will also be a major step forward for our economic productivity and prosperity. The Energy bill promises to deliver exciting new technologies. Hydrogen fuel cells are one example. If just 20 percent of cars used fuel cell technology, we could cut oil imports by 1.5 million barrels every day.

The Senate Energy bill authorizes $3.7 billion over 5 years to support hydrogen and fuel-cell research, as well as the infrastructure we need to move toward this goal.

Last week, Senator HATCH and I had the opportunity to attend a hydrogen car demonstration here at the Capitol. The cars were stylish. They drove well. The technology is very promising. Hybrid cars are already gaining in popularity. Just this past week, Nissan announced that its first hybrid vehicle will be built at the Smyrna plant in Tennessee. This is one example of how technology can simultaneously promote conservation and efficiency, and boost the manufacturing sector.

In addition, the Energy bill's conservation and energy efficiency provisions far exceed those of other energy bills considered by the Congress in recent years.

According to the American Council for an Energy Efficient Economy, the Senate Energy bill will save 1.1 trillion cubic feet of natural gas by 2020, equivalent to the current annual consumption of the whole state of New York. It will reduce peak electric demand by 50,000 megawatts by 2020, the equivalent of 170 new power plants. And it will reduce U.S. oil consumption by 1 million barrels a day by the year 2015.

It encourages the use of home-grown renewable fuels such as ethanol and biodiesel, as well as wind and solar and geothermal energy. It provides incentives to facilitate the development of cutting edge technologies like coal gasification and advanced nuclear plants, which will produce clean, low-carbon energy to help address the issue of global climate change. And it will modernize and expand our Nation's electricity grid to enhance reliability and help prevent future blackouts.

The Senate energy bill will help us both conserve more energy, and produce more energy. It will also help produce more jobs. It is estimated that the energy bill will save over two million jobs and create hundreds of thousands more. The ethanol provision, for

example, is expected to generate 230,000 new jobs over the next 7 years. Incentives for wind generated energy are expected to create another 100,000 jobs in the next 2. The investment in clean coal technology will create 62,1000 jobs, and 40,000 new jobs in the solar industry will come on line. These are good jobs, well paying, and right here at home.

The energy bill is good for America, It will move our country toward a more reliable supply of clean, affordable energy. I urge my colleagues to vote for this comprehensive, forward leaning plan. Casting a vote for the Energy bill is a vote for a safer and more secure America.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, there is so much negative written in the press about all the infighting that goes on in the Senate, how we don't work together. We work together on a lot of things. We don't get much appreciation from the public for that because they see all the negative that the press conjures up. But here is an example of two Senators, both very experienced, both from the same State, who are in positions of prominence in that very important committee that brought the Energy bill here. They worked together.

They had meetings where Senator BINGAMAN met with Republicans, Senator DOMENICI met with Democrats, and they crafted this bill. It wasn't a perfect bill, but there is not anything we do around here that is perfect. We did improve it and we had the opportunity to try to improve it even more. It was a free debate. And to indicate there was enough time on the debate, the cloture vote was overwhelming.

Mr. President, I hope as we proceed through the conference process on this—and as the distinguished majority leader knows, we have set the example of how a conference should be conducted with the highway bill—we are going to move forward on this and do everything we can in conference to sustain and uphold the position of the Senate.

This is a good bill. I commend and applaud the two managers, Senator DOMENICI and Senator BINGAMAN, for doing an outstanding job and setting the example of what should be the future of all bills that come before the Senate.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN), are absent attending a funeral.

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

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—85

Akaka	Dayton	Lott
Alexander	DeMint	Lugar
Allard	DeWine	McConnell
Allen	Dole	Mikulski
Baucus	Domenici	Murkowski
Bayh	Dorgan	Murray
Bennett	Durbin	Nelson (NE)
Biden	Ensign	Obama
Bingaman	Enzi	Pryor
Bond	Feinstein	Reid
Boxer	Frist	Roberts
Brownback	Graham	Rockefeller
Bunning	Grassley	Salazar
Burns	Hagel	Santorum
Burr	Harkin	Sarbanes
Byrd	Hatch	Shelby
Cantwell	Hutchison	Smith
Carper	Inhofe	Snowe
Chafee	Inouye	Specter
Chambliss	Isakson	Stabenow
Clinton	Jeffords	Stevens
Coburn	Johnson	Talent
Cochran	Kennedy	Thomas
Coleman	Kerry	Thune
Collins	Kohl	Vitter
Conrad	Landrieu	Voinovich
Cornyn	Leahy	Warner
Craig	Levin	
Crapo	Lincoln	

NAYS—12

Corzine	Lautenberg	Reed
Feingold	Martinez	Schumer
Gregg	McCain	Sununu
Kyl	Nelson (FL)	Wyden

NOT VOTING—3

Dodd	Lieberman	Sessions

The bill (H.R. 6), as amended was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BUNNING. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

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

The PRESIDING OFFICER. The clerk will report the pending bill.

The assistant legislative clerk read as follows:

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

Pending:

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

Burns (for Frist/Reid) amendment No. 1022, to provide for Congressional security relating to certain real property.

Dorgan (for Boxer) amendment No. 1023, to prohibit the use of funds by the Administrator of the Environmental Protection Agency to accept, consider, or rely on third-party intentional dosing human studies for pesticides or to conduct intentional dosing human studies for pesticides.

Dorgan amendment No. 1025, to require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury, to be used for the provision of Indian health care services.

Sununu/Bingaman amendment No. 1026, to prohibit the use of funds to plan, design, study or construct certain forest development roads in the Tongass National Forest.

Dorgan (for Kerry) amendment No. 1029, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

Dorgan (for Bingaman) amendment No. 1030, to modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools.

Dorgan (for Bingaman) amendment No. 1031, to set aside additional amounts for Youth Conservation Corps projects.

Dorgan (for Durbin) amendment No. 1032, to prohibit the use of funds in contravention of the Executive order relating to Federal actions to address environmental justice in minority populations and low-income populations.

Dorgan (for Reed) amendment No. 1036, to modify certain administrative provisions relating to the brownfield site characterization and assessment program.

Dorgan (for Reed) amendment No. 1037, to authorize recipients of grants provided under the brownfield site characterization and assessment program to use grant funds for reasonable administrative expenses.

Salazar amendment No. 1038, to provide additional funds for the payment in lieu of taxes program, with an offset.

Salazar amendment No. 1039, to provide that certain user fees collected under the Land and Water Conservation Act of 1965 be paid to the States.

Burns (for Bond) amendment No. 1040, to set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence.

Burns (for Warner) amendment No. 1042, to set aside funds for the replacement of the main gate facility at the Wolf Trap National Park for the Performing Arts, Virginia.

Burns (for Ensign) amendment No. 1012, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway.

Burns (for Coburn) amendment No. 1002, to reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense.

Burns (for Coburn) amendment No. 1003, to require conference report inclusion of limitations, directives, and earmarks.

Burns (for Coburn) amendment No. 1015, to transfer funding to Wildland Fire Management from the National Endowment for the Arts and the National Endowment for the Humanities.

Burns (for Coburn) amendment No. 1019, to transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian

Health Service from funding for federal land acquisition.

Burns (for Coburn) amendment No. 1020, to express the Sense of the Senate that any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

Dorgan (for Feingold) amendment No. 1043, to require the Government Accountability Office to conduct an audit of the competitive sourcing program of the Forest Service.

Dorgan (for Byrd) amendment No. 1044, to set aside funds for the White Sulphur Springs Fish Hatchery.

Dorgan (for Conrad) amendment No. 1045, to set aside funds for a brownfields assessment of the Fortuna Radar Site.

Dorgan (for Sarbanes) amendment No. 1046, to provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail.

Kyl (for Smith) amendment No. 1048, to require the Secretary of Agriculture to report to Congress on the rehabilitation of the Biscuit Fire area of southern Oregon.

Kyl amendment No. 1049, to provide certain earmarks for State and tribal assistance grant funds.

Kyl amendment No. 1050, to modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds.

Kyl (for Inhofe) amendment No. 1051, to encourage competition in assistance agreements awarded by the Environmental Protection Agency.

Byrd (for Murray) amendment No. 1052, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

Byrd/Cochran amendment No. 1053, to provide funds for the Memorial to Martin Luther King, Jr.

Dorgan (for Bingaman) amendment No. 1054, to set aside additional amounts for Youth Conservation Corps projects.

Dorgan (for Bingaman) amendment No. 1055, to provide for the consideration of the effect of competitive sourcing on wildland fire management activities.

Dorgan (for Bingaman) amendment No. 1056, to strike the title providing for the disposition of Forest Service land and the realignment of Forest Service facilities.

Dorgan (for Bingaman) amendment No. 1057, to extend the Forest Service conveyances pilot program.

Dorgan (for Bingaman) amendment No. 1058, to provide a substitute for title V, Facility Realignment and Enhancement Act of 2005.

Dorgan amendment No. 1059, to facilitate family travel to Cuba in humanitarian circumstance.

Dorgan (for Landrieu) amendment No. 1060, to make certain funding revisions relating to Historically Black Colleges and Universities, and Department of the Interior administrative expenses.

Dorgan (for Obama) amendment No. 1061, to provide that none of the funds made available in this Act may be used in contravention of 15 U.S.C. section 2682(c)(3) or to delay the implementation of that section.

Dorgan (for Obama) amendment No. 1062, to provide that of the funds made available under the heading ''Environmental Programs and Management,'' not less than $100,000 shall be made available to issue the proposed rule required under 15 U.S.C. section 2682(c)(3) by November 1, 2005, and promulgate the final rule required under 15 U.S.C. section 2682(c)(3) by September 30, 2006.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 1053

Mr. BYRD. Mr. President, I ask for the regular order regarding amendment No. 1053.

The PRESIDING OFFICER. That amendment is now pending before the Senate.

Mr. BYRD. I thank the Chair. Mr. President, I have no remarks at the moment. If the Senator who stands in front of me, with his hand across his heart, wishes to make some comments, I yield the floor.

Mr. BURNS. Mr. President, we are trying to work this out. The Senator's amendment is a very good amendment. I would like to visit with him a little bit about it.

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. BYRD. 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. BYRD. Mr. President, I ask for the yeas and nays on the adoption of my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. 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. BYRD. 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. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 1053: WARNER, KENNEDY, MIKULSKI, LANDRIEU, JOHNSON, STABENOW, MURRAY, BINGAMAN, JEFFORDS, and in that order, please.

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

Mr. BYRD. Also, Mr. President, I ask unanimous consent that my colleague from West Virginia, Senator ROCKEFELLER, be included and that his name occur in the order listed.

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

Mr. BYRD. I ask unanimous consent that Senator OBAMA be added as a cosponsor.

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

Mr. BYRD. Mr. President, I ask unanimous consent that any other Senators on both sides of the aisle who wish to be added as cosponsors, that their names be added if they will let us know before the hour of 12 o'clock.

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

Mr. BYRD. If they will let the leaders know. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, without interfering with the orderly business of the Senate, I ask unanimous consent to speak as in morning business briefly.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. I have no objection.

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

The Senator from Massachusetts is recognized.

(The remarks of Mr. KENNEDY are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. 1053

Mr. WARNER. It is my understanding of the parliamentary situation that an amendment by the distinguished Senator from West Virginia and the chairman of the Appropriations Committee, Mr. COCHRAN, is the pending matter. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask unanimous consent that I be made a cosponsor with them. I spoke to the sponsors earlier this morning.

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

Mr. WARNER. Mr. President, I commend these two Senators for taking the initiative to add an incremental part of the cost of the Martin Luther King Memorial, and I would like to take a minute to go back and recite the history of the Martin Luther King Jr. Memorial. During the 104th Congress, while Chairman of the Rules Committee, I joined my colleague from Maryland, Senator SARBANES, to authorize a project for construction on the national mall. Our bill, as I read from the Committee Report for S. 426 from December 19, 1995, authorized the Alpha Phi Alpha Fraternity, the oldest Black fraternity in the United States, to establish without cost to the Federal Government, a memorial in the District of Columbia and its environs to the late Dr. Martin Luther King. Similar bills were introduced in the 100th, 101st, 102d, and 103d Congresses, reported favorably by the Committee on Rules and Administration in the 100th Congress, and in the 102d Congress the bill passed the Senate. Again,

that reference, for those who want to go back and read this report, is Calendar No. 284, December 19, 1995.

I was privileged to work with Senator SARBANES on this legislation, and we did secure the authorization for this group and others to proceed with this memorial.

If I might say, Mr. President—and I say this with a great sense of humility—I have always had a deep admiration for Dr. King. It started at the time that he went to the Lincoln Memorial and addressed, indeed, the world, much less the United States, the Nation. I came down not as a participant but as a spectator, as a young man. I was drawn to the location, as were many others, and simply stood quietly on the side of the street as the marchers went by and then was able to get close enough to hear in some way some parts of the speech as it was so eloquently delivered that day.

Then in later years I was privileged to be a member of the Chapter of the Washington National Cathedral, the Chapter being the governing body of the Cathedral at that time, and the subject of his addressing the Nation from the pulpit came up. I always expressed support for that, and actually my term expired before the historic day when he was invited to take the pulpit at the Washington Cathedral and give his last sermon. He met his tragic and untimely death shortly after that.

So it is against that background that I joined with my dear and valued friend, Senator SARBANES, to introduce the original authorizing legislation. Construction was required to begin by November 2003. However, because of the difficulty in choosing a site, finalizing a design, and raising the $100 million that would be necessary, the project was still in need of funds. In 2003 I again joined my colleague from Maryland to extend the authorization so the Martin Luther King, Jr. National Memorial Project Foundation would have additional time to raise the funds necessary to erect a fitting tribute to Dr. King. We were able to pass another piece of legislation, S. 470, to extend the deadline to November of 2006.

Since that time, I am pleased to say that the Foundation has raised approximately $40 million toward the total cost of the Memorial. Today I join my dear friends Senators BYRD, COCHRAN, and SARBANES to provide an additional $10 million for the construction.

I simply add that, as noted in the December 1995 Committee Report, the first paragraph I read, about the public funding, at that time it was the hope and expectation that private funds could achieve the goals in their entirety. Although arduous and wonderful efforts have been put together by many people to raise the funding, I think it is appropriate that this increment of public funding be added. And I say that because I was—many of us—a part of the effort to establish the World War II Memorial. And there, again, it was, I think, 95 percent private funding largely through the efforts of our beloved colleagues, Bob Dole and Fred Smith, a citizen of national and international recognition and accomplishment, and together their large team of people did raise about $100 million. But at the very end there were expenses to be incurred that were not foreseen to enable a massive audience to come from all over the United States for the dedication. And at that time, as a Member of the Armed Services Committee, I was able to secure some modest amount of funds, several million dollars, to enable that ceremony to be completed. So I think precedent is established there for the use of public funds for memorials of enormous significance historically and otherwise to our Nation.

Dr. King serves as a reminder that change can be brought about most powerfully when it is done by non-violent means. Visitors will come to the Memorial from every part of this country and indeed the world, to be inspired anew by Dr. King's words and deeds, and the extraordinary story of his life. It will be of particular inspiration to the many school children who will visit for years to come.

Dr. King's dream is the fulfillment, in part, of the revolutionary words of great American patriots such as Thomas Jefferson and it is fitting that the two monuments will rest across from each other.

I have worked with my friend and colleague from Maryland, Senator SARBANES, from the beginning of the efforts in Congress to secure a site and build a memorial on the national mall. I am proud of our humble contributions to this project and look forward—with great expectation to the day that we can visit Dr. King's Memorial in its rightful place—among the giants of American history and liberty.

Mr. President, I again commend the sponsors and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join my friend from West Virginia, the distinguished Senator who formerly served as chairman of the Senate Appropriations Committee, in offering this amendment for the consideration of the Senate.

I appreciate Senator BYRD inviting me to be an original cosponsor of this amendment and join him in this effort to see that the memorial previously authorized to be constructed on the Mall here in the Nation's Capital in honor of Dr. Martin Luther King be funded so construction can begin and this memorial be completed.

The Martin Luther King Memorial was authorized to be constructed on a 4-acre tract on the Mall to recognize and honor the influence on civil rights and justice for all—for all Americans—to which Dr. King devoted a lifetime of courageous service and leadership.

Although the legislation contemplates, as my friend from Virginia, Mr. WARNER, points out, that all of the funds for the construction of the memorial would be raised from private sources, much in the same way as the World War II Memorial was constructed—there has been $42 million of private donations made for this purpose—there is needed additional funds. It is hoped that the adoption of this amendment will show the serious commitment of the Congress in seeing that this memorial is completed at the earliest possible date. This could jumpstart the final stage of fundraising and enable construction to begin. It is my hope the Senate will support this effort and approve the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I spoke on yesterday when I offered the amendment for the Senate's consideration. I will not speak further at this time except to say that my remarks of yesterday will be found on page S7420 of the CONGRESSIONAL RECORD.

I am very pleased that my chairman of the Senate Appropriations Committee, the distinguished Senator from Mississippi—I say ''distinguished,'' the distinguished Senator, Mr. COCHRAN—I am delighted he is the chief cosponsor of the amendment. I appreciate his excellent remarks today.

I also express my deep appreciation to the distinguished gentleman—the distinguished ''gentleman''—the Senator from Virginia. And I say that with all the emphasis that word's meaning carries. He is a great Senator. He believes in the Constitution of the United States. He swore to support and defend it, and he has not forgotten his oath. He has not forgotten his oath. And he has stated it and restated it, holding his hand on the Bible and the other hand to God and all men. He has restated it several times, and he has lived up to it. I commend him.

He has been in the forefront of the effort to honor Dr. Martin Luther King with a memorial on the Mall. He has been in that forefront over a period of several years. He cosponsored, as he has pointed out, the original authorization. I am so pleased he is cosponsoring this amendment. He stood as a spectator, he said, but he later became an active participant in the history that followed on to that moment in which he was a spectator watching from the streets.

So he has become a part of history. And what I say with regard to the distinguished gentleman, the Senator from Virginia—the Virginian—I say also with equal heartfelt thanks to the distinguished Senator from Maryland, Mr. SARBANES, who has announced he will not remain with us after next year, to my great sorrow and regret. But Senator SARBANES has been a leader in the march toward justice for all men and women. I commend him, likewise. And I thank him for being a cosponsor of this amendment.

While I have the floor, Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the amendment: Senator FEINSTEIN, Senator SCHUMER, Senator SARBANES, Senator BOXER, Senator HARKIN, and Senator CORZINE.

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

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

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am very pleased to join in cosponsoring this amendment. I thank the Chairman and the ranking member of the Appropriations Committee for bringing this amendment forward. It is an enormously important contribution to the effort that is underway now to honor Dr. Martin Luther King, by placing his memorial between President Roosevelt's Memorial and the Lincoln Memorial on the National Mall.

I thank the Senators for their kind comments. My dear friend from Virginia, Senator WARNER, and I worked together on this project to help move it along. It has had overwhelming support in the Congress and in the country, but raising the money has been a difficult proposition. Let's be very clear about this—an enormous effort has gone into bringing this memorial to fruition and significant moneys have been raised.

While we are not yet there, this amendment will provide a tremendous boost to the fundraising effort. It shows clearly the support of the Congress. Senator COCHRAN and Senator BYRD, by coming forward with the amendment, at this critical time, have given this entire effort an impetus, which will bring it to a successful conclusion.

Interestingly enough, I, too, was there when Martin Luther King gave his ''I Have a Dream'' speech, that Mr. WARNER, the able Senator from Virginia, referred to earlier. It was clearly a historic occasion that helped to shape the nature of our country for the better—much for the better. Dr. King fought to establish the proposition that people should be judged by their character and not by the color of their skin. He enunciated that principle time and time again.

The other thing he did was he advocated his position in a nonviolent way. He asserted that in a democratic society, these goals could be achieved through peaceful means, through nonviolent means. He channeled the energy and the commitment that was devoted toward achieving racial equality in this country into peaceful paths. And our country has been much the better for his efforts.

So much work has gone into this Memorial—first in getting it approved and then in finding the location for it on the National Mall. But, it has been worth the effort because when schoolchildren come to the Nation's Capital in the year's to come, part of their visit to Washington will involve a trip to the Martin Luther King Memorial.

The plans that have been prepared are quite impressive. They will have an opportunity to visit that Memorial and to reflect upon the contribution which Dr. King made to our Nation: the healing he brought about, the realization of the American dream, that all of our people—all—have an opportunity to participate and to advance themselves and their families.

So I join with my colleagues. I thank them for their very kind remarks. I appreciate the Senator from Virginia reminding us of the effort that went into helping bring us to this day. I especially again thank Senators COCHRAN and BYRD for coming forward with this amendment at a very critical time, to give an impetus to the effort to do the fundraising that is necessary to build this Memorial and to have, in effect, this national treasure on the Mall.

Dr. King's statue is, of course, here in the Capitol, as we know. It is fitting now that we move beyond the Capitol and create this Memorial on the Mall in recognition of all he stood for and what he represented in terms of realizing the words and ideals embodied in the Declaration of Independence and the U.S. Constitution.

I thank my colleagues very much.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Maryland, a dear, dear friend. We have worked on so many things together, and continue to do so.

But I recall very vividly going down on the day we dedicated the site. It was a bitterly cold day. There was a small tent in which there was a heater going, and we emerged from the tent. I, for some reason, remember one line, not spoken by either of us but by several others who spoke at the occasion: The site was chosen so the sunrise cast its first rays on the memorial; and then, as the sun set, the final resting rays of the day would drape the memorial. I remember that phrase to this day.

I thank my friend for his kind remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we have some modifications to make, and we have a list of those amendments that have been cleared on both sides.

AMENDMENT NO. 1040, AS MODIFIED

Mr. President, I send to the desk a modification for Senator BOND on amendment No. 1040 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

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

AMENDMENT NO. 1044, AS MODIFIED

Mr. BURNS. Mr. President, I send to the desk Senator BYRD's modification to amendment No. 1044 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

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

AMENDMENT NO. 1045, AS MODIFIED

Mr. BURNS. Mr. President, I send to the desk a modification to amendment No. 1045 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

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

AMENDMENTS NOS. 1022; 1040, AS MODIFIED; 1048; 1044, AS MODIFIED; 1036; 1032; 1037; AND 1045, AS MODIFIED

Mr. BURNS. Mr. President, the following amendments have been cleared by both sides, and I ask unanimous consent that they be adopted: amendment No. 1022, offered by the leadership on both sides of the aisle; amendment No. 1040, as modified, offered by Senator BOND; amendment No. 1048, offered by Senator SMITH; amendment No. 1044, as modified, offered by Senator BYRD; amendment No. 1036, offered by Senator REED; amendment No. 1032, offered by Senator DURBIN; amendment No. 1037, offered by Senator REED; and amendment No. 1045, as modified, offered by Senator CONRAD. I ask for their adoption.

The PRESIDING OFFICER. Is there objection to the consideration and adoption of the amendments en bloc?

Mr. DORGAN. Mr. President, those amendments have all been cleared by both sides. I have no objection.

The PRESIDING OFFICER. If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1022; 1040, as modified; 1048; 1044, as modified; 1036; 1032; 1037; and 1045, as modified) were agreed to en bloc.

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

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, will the distinguished manager of the bill yield?

Mr. BURNS. I will.

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the Martin Luther King, Jr. amendment: Senators BROWNBACK, DEWINE, and LEVIN.

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

Mr. BYRD. I thank the Chair and the distinguished Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are on the Interior appropriations bill, waiting for additional debate. All amendments have been offered, but we are waiting for additional debate on some amendments. I am going to seek to speak in morning business.

Mr. BURNS. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BURNS. Mr. President, I remind Senators that we are going to start calling up these amendments right after lunch. I want to warn Senators to come down and defend their amendments. If not, we are going to start taking action on them first thing after lunch. We have the order already agreed to, and we want to complete this bill by tomorrow morning, if possible. There is more impending business before the Senate. It is important that the appropriations process move forward. We will be calling up those amendments this afternoon, and those Senators defending and offering those amendments should be on the floor to defend them.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

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

CARLOS LAZO

Mr. DORGAN. Mr. President, to follow up on an issue I raised yesterday, I have not yet received a return call from the State Department. As I indicated, Karl Rove and the chief of staff at the White House had sent word to me following my discussion with Karl Rove last Friday that Mr. Zoellick at the State Department would be handling this issue. The issue is Mr. Carlos Lazo, a marine who fought in Iraq and won the Bronze Star for bravery and courage, came back to this country. He is a fellow who fled Cuba on a raft in 1992. His wife and children remain in Cuba unable to leave. He went to fight in the National Guard, went to Iraq to fight for this country, earned a Bronze Star last November in Iraq. He came back to this country to find out that his son was quite ill in Cuba. He wanted to go visit his son and was told he can't travel to Cuba because the President's current regulations and rules say you can only visit once every 3 years.

This young man who fled Cuba, came to this country, put on America's uniform, fought for this country in Iraq, won a Bronze Star fighting for freedom, comes back to this country. He doesn't have the freedom to go to see his sick child in Cuba. That is unbelievable to me. Why? Because there is no humanitarian exemption in the travel to Cuba regulation the President proposed several years ago.

I have asked all the folks involved: Do you mean there is no flexibility at all in this regulation proposed by the President?

None at all, they said. We have people calling. Their mothers are dying in Cuba, and we won't let them go. You can only go once every 3 years.

So Mr. Zoellick did tell me he is looking into it. I haven't heard back from him. Sergeant Lazo, who is walking around with a Bronze Star awarded by this country for his heroism on the battlefield, does not apparently have the freedom to go see his sick son. I will continue to ask these questions of the administration.

Incidentally, I have offered an amendment on this legislation. I agree it is going to take a two-thirds vote, but I want to see the people in the Senate who want to vote against giving this marine the opportunity to go see his sick child. It is not just him. It is all the other people caught in the web of this bizarre travel restriction. In an attempt to slap around Fidel Castro, we have decided to restrict the freedom of the American people to travel to Cuba. What a strange thing that is. We can travel to Communist China, Vietnam, but you can't go see your sick child in Cuba. You can't take your father's ashes to distribute on the church grounds of the church he ministered at in Cuba, after your dad died and his last wishes were to have his ashes distributed on the church property in Cuba. When you do that, you get hit with a big fine. It is unbelievable.

I won't go on except to say that I continue to wait by the phone for a call back from Mr. Zoellick who apparently is handling this. My hope is they will find a way to do the right thing. My hope is the Senate will be able to vote on this in the next day, and maybe the Senate will decide what the right thing is. The right thing is for humanitarian reasons to allow this courageous soldier who fought for freedom to have the freedom to go see his sick child.

HALLIBURTON

Mr. DORGAN. Mr. President, let me describe a hearing I chaired yesterday morning. It was a hearing on the subject of Halliburton. Typically, Halliburton has put out a statement saying that it was political. They have been saying this is political for a long while. I held a hearing because the authorizing committee won't. This is the fifth hearing I have held.

The highest civilian official in the Department of Defense, working with the Corps of Engineers, testified at that hearing. She was describing the meetings during which Halliburton was awarded no-bid contracts worth billions of dollars.

She said:

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

She insisted these things be done right. They weren't done right. These were sweetheart deals, worth billions of dollars, given to a company without competition for the bid, companies that had an inside track to get the money, get the bid, and they did.

Let me describe one more piece of testimony from an employee of this company. We have had testimony from many others who worked for this company in the country of Iraq under the contract given to Halliburton. This is from an employee of Halliburton who testified yesterday. He was involved in food service, providing food to our troops:

Food items were being brought into the base that were outdated or expired as much as a year. We were told by the [Halliburton] food service managers to use these items anyway.

They are feeding the American troops, and they are receiving food that has an expired date on it; some as much as a year ago have expired. They said give it to the troops anyway. This food was fed to the troops. Continuing to quote:

A lot of these were frozen foods: Chicken, beef, fish, and ice cream. For trucks that were hit by convoy fire and bombings [during delivery], we were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit.

I will say that again:

We were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. We were told to turn the removed bullets over to the managers for souvenirs. When I had the military check some of the food shipments, they would turn the food items away. But there wasn't any making of the record, so KBR [Halliburton] just sent the food to another base for use.

It is unbelievable. We are talking about feeding soldiers here, and this is an employee of the company that was receiving billions of dollars to feed soldiers. In fact, what caught my attention about this issue is that Halliburton was charging us to feed 42,000 soldiers a day, and it turns out they were only feeding 14,000 soldiers. They were billing the Government for 42,000 soldiers and feeding 14,000. I didn't know they were feeding soldiers food that had expired on its label, food that had come in trucks that had been attacked with bullets and shrapnel embedded in the food to be removed first and then provided to the superiors for souvenirs. This is unbelievable.

Everybody here talks about honoring America's soldiers. What kind of honor exists in providing a sole-source, no-bid contract worth billions of dollars to a company that is feeding food to our soldiers that is outdated or expired on

its label? They say do it any way, it doesn't matter, it is just soldiers. This is just one more example. Every time we hear this sort of thing, we get Halliburton putting out a statement that says this is just politics because the Vice President used to run Halliburton. We didn't talk about the Vice President yesterday. This is a company that got a sweetheart deal at the Pentagon and there are stories after stories of abuse. There was one about the guy who came to our hearing some while ago, and he held up a hand towel. He was in charge of buying supplies such as hand towels. Well, the hand towels he would have bought for the soldiers weren't what his boss wanted. He bought the ones his bosses wanted to buy; they were almost double the price. Why? They wanted the company logo on the hand towel. The taxpayers get bilked, and it increased the price of the hand towels used by soldiers.

Unbelievable. The stories we have heard are hard to believe. They ordered 50,000 pounds of nails, but they came in the wrong size. They are now dumped in the desert in Iraq. It is just a mistake. How about driving $85,000 trucks and when you get a flat tire, you leave the truck. An $85,000 new truck gets a flat tire or has a plugged fuel pump—just trash the truck, leave it beside the road and somebody torches it.

The stories are astounding every time we hear them. Mr. President, every time we hold a hearing, we have the same response. I am not interested in holding any more hearings. I have held five. The only reason we will hold hearings is the authorizing committee won't. You would think somebody would be halfway interested in this kind of fraud. Some of it is abuse or recklessness.

I will tell you one other thing. This is Mr. Rory Mayberry, former food production manager at KBR, a subsidiary of Halliburton. He happens to be in Baghdad at this minute, but he is not working for Halliburton. He is working for another contractor. Here is what Mr. Mayberry said. He said: When the Government auditors came to try to determine what they were doing, I was told all of the employees were told don't you dare talk to a Government auditor. Don't you speak to them. If you do, one of two things will happen. No. 1, you are either going to be transferred to an area where there is hostile activity, in a fire zone, or you are going to be fired. He talked to an auditor at one point, and he was sent to Fallujah during the fighting. That is the way they handled him. Then he quit.

It is unbelievable. They are telling employees you may not speak to auditors under the threat of being fired. You cannot talk or cooperate with Government auditors. Why? I suppose the reason is because this sort of nonsense is going on. They have a sole-source contract, a noncompetitive contract, with billions of dollars going out the door. There is massive waste, abuse and, yes, I believe, fraud. Now, we know there is, at this point, slightly more than $1 billion in billing to the Federal Government by Halliburton, which has a sole-source contract worth billions. We know there is $1 billion that has been formally objected to by the Pentagon. There is about $440 million above that for which there is not sufficient documentation. Yet, this Congress seems to be willing to snore through all of this.

In 1941, right on the edge of the Second World War, Harry Truman was a Democrat and here on the floor of the Senate. There was a Democrat in the White House. Maybe it was uncomfortable to have a Democratic Senator going after waste, fraud, and abuse in the military in contracting, but he did. They went after it for 6 years. I am sure Franklin Delano Roosevelt didn't like it, but the Truman committee, as it was known, held hundreds of hearings and, in 1940 dollars, saved $16 billion. Would that, could that, should that happen now? The answer is yes. Would it or could it? Probably not because no one is interested in having these hearings—no one. Is the White House interested in having hearings like this? Absolutely not. Is anybody going to respond to the question of whether expired food is being fed to soldiers? Will one person stand up downtown at the White House or at the Pentagon and demand answers now? Will there be one hearing by the authorizing committee? Will one person be angry enough to decide this should not happen any longer? I doubt it.

Month after month after month, through five hearings, nobody seems to give a damn about this. We have soldiers eating bad food, taxpayers being bilked, and nobody seems to care. Somebody should. This Congress has little reason to hold its head high when it decides to ignore these kinds of things. It is not of great interest to me to continue to hold hearings through our policy committee, but I will do it if the authorizing committees will not. I don't have the foggiest idea why somebody would want to have an authorizing committee if they weren't interested in following the trail of wrongdoing. Look, this doesn't take an ''Inspector Clouseau.'' You don't need a funny looking hat to track this down. It is all out in front of you. The whole case is laid out. Yet, nobody seems to care.

We don't honor these soldiers, such as Sergeant Lazo, by saying you can fight for freedom and earn a Bronze Star, but you don't have the liberty or the freedom to go see your sick child. We don't honor our soldiers by deciding it is OK for someone to feed them bad food or expired food. I hope perhaps all those who talk about honoring soldiers will decide that honor means a responsibility to follow up. We have had these discussions on the floor of the Senate before about uparmoring humvees and other things. Every time it is raised, it is political, we are told. Perhaps sometimes we should understand there are areas of serious policy, serious concern that ought to embrace the time of this Congress. We spend so much time on things that have so little importance.

I said yesterday that this is a Congress that has tended to treat the light too seriously and the serious too lightly and important things that really matter and really make a difference in people's lives are largely not the center of debate here in the Congress. I regret that. We can, and should, do much better.

I ask unanimous consent to have printed in the RECORD, following my presentation, the entire testimony of Rory Mayberry, former food production manager at Halliburton's KBR.

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

(See exhibit 1.)

Mr. DORGAN. Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, the formal statements presented yesterday by the highest ranking civilian official in the Corps of Engineers at the Pentagon, Bunnatine Greenhouse.

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

(See exhibit 2.)

Mr. DORGAN. She is a woman who had a wonderful career for a long time, was given high marks always, clearly someone with a sterling reputation and a great career, who ran afoul of the ''old boy's network,'' it appears to me, in the Pentagon when they decided they wanted to steer certain contracts in certain ways. She said: You are not following regulations. That is the wrong thing to do, and we are going to see waste, fraud, and abuse as a result of it. She would not go along with it all. Guess what. They decided to tell her that, despite all those glowing performance evaluations, they are changing their mind on her if she would not go along, so she was either going to be demoted or fired. She testified yesterday, when she was told by the acting general counsel of the Corps of Engineers that it would not be in her best interest to speak publicly about these things. Oh, really? I thank her for the courage and the others for their courage. I also thank Rory for the courage to speak out. I suppose it would be easier not to speak out.

I will read the last sentence of the second paragraph of the statement of Bunnatine Greenhouse:

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

I continue to ask the question: Is there somebody here who cares? Is there somebody who has the reins of an authorizing committee that cares enough to begin a real investigation or shall we continue to hold hearings in the Policy Committee only because nobody else will?

I yield the floor.

EXHIBIT I

TRANSCRIPT OF THE TESTIMONY OF RORY MAYBERRY, FORMER FOOD PRODUCTION MANAGER, KBR, SENATE DEMOCRATIC POLICY COMMITTEE, JUNE 27, 2005

My name is Rory Mayberry. I'm sorry that I'm not able to be there in person to testify to the Committee, but I returned to Iraq on June 14. I am working as a Medical Examiner and Medic Supervisor for a company called Emergent Services.

I wanted to testify today about my experience working with Halliburton in Iraq. I was hired by Halliburton subsidiary KBR in January 2004 as the Food Production Manager for a dining hall at Camp Anaconda, Iraq. I worked under the Halliburton's LOGCAP contract from February 2004 until Apri1 2004.

When I was assigned to the dining facility, KBR managers informed me that there were KBR practices that were to be followed everyday. These practices led to major overcharges.

First, KBR was supposed to feed 600 Turkish and Filipino workers meals according to their custom. Although KBR charged the government for this service, it didn't prepare the meals. Instead, these workers were given leftover food in boxes and garbage bags after the troops ate. Sometimes there were no leftovers to give them.

Second, KBR charged the government for meals it never served to the troops. Until late 2003, anaconda was a transition site for army personnel. Because there could be large numbers of extra personnel passing through everyday, KBR would charge for a surge capacity of 5,000 troops per meal. However, KBR continued to charge for the extra headcount even after Anaconda was no longer a transition site.

When I questioned these practices, the managers told me that this needed to be done because KBR lost money in prior months, when the government suspended some of the dining hall payments to the company. The managers said that they were adjusting the numbers to make up for the suspended payments.

I would prepare food orders each week in order to get the food we needed at the camp in the coming week. The KBR managers would triple the order every week to bring in much more food than we needed. They did this because they were charging an extra 5,000 troops they weren't actually feeding. Most of this food went to waste though.

Third, KBR paid too much for the food itself. Initially, a company called Tamimi Catering was KBR's sub-contractor for the food. Tamimi paid local prices for the food products in the towns and cities around the base in addition to orders sent to their main office. Tamimi's pricing was fair for the condition of the country. Then, KBR switched to a new supplier, PWC. PWC's prices were almost triple what Tamimi's were.

For example, tomatoes cost about $5 a box locally, but the PWC price was $13 to $15 per box. The local price for a 15-pound box of bacon was $12, compared to PWC's price of $80 per box. PWC charged a lot for transportation because they brought the food from Philadelphia. KBR switched from Tamimi to PWC because Tamimi complained about KBR's poor treatment of its staff; they were living in tents with sand floors and no beds.

There were other problems that were not related to KBR's costs:

Food items were being brought into the base that were outdated or expired as much as a year. We were told by the KBR food service managers to use these items anyway. This food was fed to the troops. A lot of these were frozen foods: chicken, beef, fish, and ice cream. For trucks that were hit by convoy fire and bombings, we were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. We were told to turn the removed bullets over to the managers for souvenirs. When I had the military check some of the food shipments, they would turn the food items away. But there wasn't any marking of the record, so KBR just sent the food to another base for use. The problem with expired food was actually worsened with the switch to PWC because it took longer for the food items to get to the base as they were shipped from the U.S. to a warehouse in Kuwait.

KBR also paid for spoiled food. When Tamimi dropped off food, there was often no place to put it in to the freezers or refrigeration. Food would stay in the refrigeration and freezer trucks until they ran out of fuel. KBR wouldn't refuel the trucks so the food would spoil. This happened quite a bit.

In addition, KBR would cater events for KBR employees, like management parties and barbecues. This happened about 3 times a week. As a result, there were shortages of certain food items, such as beef, chicken, pork, salads, dressings, and sodas for the troops.

The food service personnel were given sanitation rules from the Military Preventive Medicine information programs and rules to follow by the Armed Forces, but KBR managers informed us that the information was not to be followed, that they knew best, and to keep following their instructions. So our employees weren't following sanitation rules as set forth.

Also, the Iraqi subcontract drivers of food convoys that arrived on the base were not fed. They were given MREs, or meals ready to eat, with pork, which they couldn't because of religious reasons. As a result, the drivers would raid the trucks for food.

Government auditors would have caught and fixed many of the problems. But KBR managers told us not to speak with auditors. The managers themselves would leave the base or hide from the auditors when they were on the base and not answer the radios when we called for them. We were told to follow instructions or get off the base. The threat of being sent to a camp under fire was their way of keeping us quiet.

The employees that talked to the auditors were moved to the other bases that were under more fire then Anaconda. If they refused to move, they were fired and sent home.

I personally was sent to Fallujah for 3 weeks. The manager told me I was being sent away until the auditors were gone because I had opened my mouth to the auditors. When I returned from Fallujah, the convoy was attacked. I was put in danger because the KBR managers didn't want me to talk with U.S. government auditors.

When KBR wanted me to go to Tikrit, I headed home on rotation. I wasn't officially fired and I didn't formally quit.

I am happy to answer any questions the Committee may have for me.

Mr. Mayberry, representatives of the Senate Democratic Policy Committee have provided me with several questions that they would like me to ask you now. Can I begin asking you those questions?

Q: Are you saying that Halliburton deliberately falsified the number of meals they prepared, and then submitted false claims for reimbursement, and that they did this to make up for past amounts auditors had disallowed?

A: Yes.

Q: So, when they couldn't get reimbursed legitimately, they committed fraud by submitting these false bills?

A: Yes.

Q: How many meals were served at the dining hall each day?

A: 2,500 meals, per meal, times four. There were four meals, breakfast, lunch, dinner and a midnight meal.

Q: So, every day, Halliburton was charging for 20,000 meals it never served?

A: Correct. They were charging for 20,000 meals, and they were only serving 10,000 meals.

Q: Was it rare for expired food to be served to the troops?

A: No. It was an everyday occurrence, sometimes every meal.

Q: You've described routine overcharging and unsanitary practices by Halliburton, as well as shortages of food items for troops because of private Halliburton parties. Halliburton managers were not only aware of these practices, they ordered them, is that correct?

A: Correct.

Q: How senior were these managers?

A: The managers, the main manager was a manager of all of Iraq, assigned by KBR.

Q: So these practices may have been ordered at other dining halls in Iraq?

A: Most likely, yes.

Q: When government auditors arrived, these senior managers deliberately avoided them?

A: Yes.

Q: And these senior managers ordered you and other employees not to discuss your concerns with the auditors?

A: Yes. We were informed if we talked, we would be rotated out to other camps that were under fire.

Q: Is it fair to say that the managers used the threat of transfer to a more dangerous base to intimidate employees into keeping quiet?

A: Yes.

Q: When employees did talk to auditors, what happened?

A: All the employees that did talk to the auditors were switched out to other camps or fired because they refused to go to the other camps.

Q: Is there anything else you'd like us to know?

A: Not at this time.

Thank you for your testimony, Mr. Mayberry.

EXHIBIT 2

BUNNATINE GREENHOUSE, U.S. ARMY CORPS OF ENGINEERS, SENATE DEMOCRACTIC POLICY COMMITTEE HEARING, JUNE 27, 2005

My name is Bunnatine H. Greenhouse. I have agreed to voluntarily appear at this hearing in my personal capacity because I have exhausted all internal avenues to correct contracting abuse I observed while serving this great nation as the United States Army Corps of Engineers (''USACE'') senior procurement executive. In order to remain true to my oath of office, I must disclose to appropriate members of Congress serious and ongoing contract abuse I cannot address internally. However, coming forward is not easy. On June 24, 2005, I met with the acting General Counsel of the USACE. During the course of this meeting it was conveyed to me that my voluntary appearance would not be in my best interest. I was also specifically advised to clearly state that I do not appear as a representative of the Department of the Army or the United States Corps of Engineers.

I have been involved with government contracting for over twenty years. On June 9, 1997 I was sworn in as the Principal Assistant Responsible for Contracting (''PARC'') for the USACE. Back then, the commander of the Corps asked me to do what I could to end what could be called casual and clubby contracting practices. To curb these practices I required Commanders to strictly follow the

Federal Acquisition Regulations and began to institutionalize the contracting practices the Corps had to follow. However, as the command structure at the Corps changed, there was ever increasing pressure to return to the old ways. My determination to ensure that the Corps strictly adhere to contracting regulations was no longer viewed as an asset and I began to experience an increasingly hostile environment. The hostility peaked as the USACE was preparing contracts related to the Iraq War. At this juncture, the interference was primarily focused on contracting activity related to a single contractor, Halliburton subsidiary Kellogg Brown and Root (''KBR''). The abuse I observed called into question the independence of the USACE contracting process. I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

The independence of the USACE contracting process was unquestionably compromised with respect to the issuance of the Restore Iraqi Oil contract, known as RIO. I observed, first hand, that essentially every aspect of the RIO contract remained under the control of the Office of the Secretary of Defense (''OSD''). This troubled me and was wrong. However, once the OSD delegated responsibility for the RIO contract to the Department of the Army, control over the contracting process by the OSD should have ceased. However, the OSD remained in control over the contracting process. In reality, the OSD ultimately controlled the award of the RIO contract to KBR and controlled the terms of the contract that was to be awarded even over my objection to specific terms that were ultimately included in the contract.

As the ramp-up to the Iraqi War escalated I was increasingly excluded from contracting activity related to the war effort. However, given my position, it was simply impossible to completely exclude me from the process. When I did gain access to some of the high level planning meetings related to the implementation of the RIO contract I sensed that the entire contracting process had gone haywire. I immediately questioned whether the Corps had the legal authority to function as the Army's delegated contracting authority. The Corps had absolutely no competencies related to oil production. Restoration of oil production was simply outside of the scope of our congressionally mandated mission. How then, I asked, could executive agency authority for the RIO contract be delegated to the USACE? I openly raised this concern with high level officials of the Department of Defense, the Department of the Army and the U.S. Army Corps of Engineers. I specifically explained that the scope of the RIO contract was outside our mission competencies such that congressional authority had to be obtained before the Corps could properly be delegated contracting authority over the RIO contract. Exactly why USACE was selected remains a mystery to me. I note that no aspect of the contracting work related to restoring the oil fields following the 1991 Persian Gulf War was undertaken by the USACE, and there was no reason why USACE should take over that function for the prosecution of the Iraq War.

I further raised a concern over which contract authorized payment for prepositioning work KBR was doing in anticipation of being awarded the RIO contract. I was generally familiar with the scope of the LOGCAP contract and was under the impression that the LOGCAP contract was being used to fund the initial preposition work being done by KBR before the Iraq War commenced. I specifically questioned whether using LOGCAP funding was legal and insisted that a new contract be prepared. My concern over this issue ended when I was apparently provided misinformation that a new contract had been issued. This is the first time I can recall being overtly misled about something as fundamental as the existence of an underlying contract authorizing work to be done.

I further raised a concern over the basis used to justify the selection of KBR as the sole source contractor for the RIO contract. I learned that a specific basis to be used for the selection of the contractor was a requirement that the contractor have knowledge of the contingency plan KBR prepared for the restoration of Iraqi oil. The inclusion of this requirement meant that the RIO contract would have to be awarded to KBR because no other contractor participated in the drafting of the contingency plan and no other contractor had knowledge of the contingency plan itself after it had been prepared by KBR. What was particularly troubling about this arrangement was that contractors who are normally selected to prepare cost estimates and courses of action, such as the work KBR did when it prepared the contingency plan, are routinely excluded from being able to participate in the follow-on contract. The reasons for prohibiting the contractor responsible for preparing costs estimates and course of action from obtaining the follow-on contract is obvious. The fact that it was a no-bid, sole source contract meant that the government was placing KBR in the position of being able to define what the reasonable costs would be to execute the RIO contract and then charging the government what it defined as being reasonable. Given the enormity of the scope of work contemplated under the RIO contract, the exclusion of the contractor responsible for pricing out the scope of work to be done under the RIO contract should have been an imperative. Instead, it formed the basis of awarding the RIO contract to KBR.

Ultimately, I was most concerned over the continuing insistence that the RIO contract be awarded to KBR without competitive bidding for an unreasonable period of time—two years plus the option to extend the contract an additional three years. I raised this concern with officials representing the Department of Defense, the Department of the Army and the Corps of Engineers. However, when the final Justification and Approval of the RIO contract was forwarded to me for signature—after the draft had been approved by representatives of the office of the Secretary of Defense—the five year, no-compete clause remained in place. I could not sign the document in good faith knowing that this extended period was unreasonable. However, we were about to prosecute a war and the only option that remained opened to me was to raise an objection to this requirement. Therefore, next to my signature I handwrote the following comment: ''I caution that extending this sole source effort beyond a one year period could convey an invalid perception that there is not strong intent for a limited competition.''

I hand-wrote this comment directly onto the original document because experience had taught me that a separate memo outlining my concerns could inexplicably be lost. I wrote my comment on the original J&A to guarantee that my concern was not overlooked. Instead, it was just ignored.

The RIO contract was subjected to public scrutiny when, on December 11, 2003, the Defense Contract Audit Agency (DCAA) issued a draft report concluding that KBR overcharged for the purchase of fuel by $61,000,000. However, the firestorm over this issue was significantly dampened a week later when the Commander of the USACE, Lt. General Flowers, took the unusual step of issuing a waiver absolving KBR of its need, under the RIO contract, to provide ''cost and pricing data.'' The Corps simply asserted that the price charged for the fuel was ''fair and reasonable,'' thereby relieving KBR of the contract requirement that cost and pricing data be provided.

However, the manner in which the waiver request was prepared and finalized demonstrates that the USACE Command knowingly violated the AFARS by intentionally failing to obtain my approval, as the PARC. The evidence suggests that the reasons why I was intentionally kept from seeing the waiver request were politically motivated and driven by the DCAA's conclusion that KBR had overcharged the government for the fuel by $61,000,000, rather than whether the granting of the waiver was in the interest of the government.

Significantly, it appears that a concerted effort was undertaken to ensure that I was kept in the dark about the waiver request. I have every reason to believe that the USACE knew I would object to the granting of the waiver if it had been presented to me for signature. So, I was specifically kept in the dark and did not learn of the existence of the waiver until I read about it in the press. Having reviewed the documentation used to justify the waiver, I can unequivocally state that I would not have approved it because the documentation relied upon to justify the fuel charges as ''fair and reasonable'' was grossly insufficient.

Eventually, a copy of the original J&A for the RIO contract was released in response to a Freedom of Information Act Request which prompted Time Magazine to attempt to find out why I felt it necessary to document my concern. Time Magazine contacted the USACE seeking permission for me to be interviewed. I later learned that this caused great consternation. According to sworn testimony given on October 15, 2004 by the Deputy Commander of the USACE, Major General Robert Griffin, the Department of the Army was figuring out how it was going to publicly respond and whether the Army would officially allow me to speak to a Time magazine reporter. According to MG Griffin, the problem was that I did not ''know the Army's story'' so the Army had to figure out who was going to respond. The difficult position the Army found itself in, according to MG Griffin, ''was because she wrote this informal note at the bottom of this document, which actually makes my case, which is, you shouldn't write on official documents because they get taken out of context, somebody reads them and there you go.'' However, my comment was far from an informal note, and it was not being taken out of context. Rather, my concern had found its way to the light of day.

As public pressure mounted, my involvement and past actions related to the RIO contract became a thorn in the side of the USACE. As a result stating my concern in writing on the original RIO J&A and as a result of expressing other significant concerns over contracting matters related to KBR, I was eventually summoned to a meeting on October 6, 2004 at which time I was issued a memorandum notifying me that I was to be removed from the Senior Executive Service and from my position as PARC. At that point I knew that my ability to resolve the issues within the USACE had terminated. I had no other alterative at that juncture but to file a formal request for investigation with the then-Acting Secretary of the Army and to appropriate members of Congress.

In closing, I would like to thank my attorney, Michael Kohn, and the National Whistleblower Center, for the support and unbelievably hard work they have put forth.

Without their effort I could not have survived the political fire storm that burns around me.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:17 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Montana.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005—Continued

Mr. BURNS. Mr. President, we are setting the priority of amendments now and consulting. We will have that decision made in just a bit. We want to work on that. We have a lot of work to do this afternoon and on into the evening. There have been some changes as far as amendments that have been offered.

In the meantime, I ask unanimous consent that the Senator from Georgia, Mr. ISAKSON, be allowed to speak as in morning business for 10 minutes, followed by Senator MURRAY—how much time will the Senator need?

Mrs. MURRAY. Mr. President, 15 minutes.

Mr. BURNS. Fifteen minutes, and after that, Senator KERRY will be recognized, and Senator AKAKA needs about 10 minutes.

The PRESIDING OFFICER. The Chair, as a Senator from Ohio, would like to know where I fit into that schedule.

Mr. BURNS. Right after the chairman is done with his duties.

The PRESIDING OFFICER. Is that 3 o'clock?

Mr. BURNS. Yes.

Mr. DORGAN. Mr. President, if I might make a point, because of the way the order is established, it could be 5 minutes after 3, but the Senator from Ohio will be in line following the Senators who have just been described by Senator BURNS as having time. It should turn out 10 minutes, 15, 10, and 10, and it should turn out to be just about the time the Presiding Officer leaves the chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BURNS. First let me add something, if the Senator from Massachusetts will withhold?

Mr. KERRY. Mr. President, I wish to speak. It is a little longer than 10 minutes. I do not know exactly how long.

Mr. BURNS. Then the Senator will follow the Chair.

Mr. KERRY. I appreciate that. I will follow the Senator from Washington.

Mr. BURNS. And Senator VOINOVICH of Ohio, and Senator AKAKA is after Mr. ISAKSON. Mr. AKAKA, Mrs. MURRAY, Mr. VOINOVICH, and Senator KERRY—

Mr. KERRY. Mr. President, the understanding was the Senator from Washington, the Senator from Hawaii, the Senator from Massachusetts, and then the Chair. It should be around 3 o'clock, and if the Senate proceeds now, we should be able to get there.

Mr. DORGAN. Mr. President, let me see if we can clear this up without taking more substantial time. Senator ISAKSON wants to speak for 10 minutes in morning business. We decided following that Senator MURRAY would be recognized. She sought 15 minutes to speak on her amendment. Following that, Senator AKAKA was to have been recognized for 10 minutes. At that point, before Senator KERRY came in, we had indicated the Senator from Ohio would be recognized, and then Senator KERRY from Massachusetts has asked to be recognized without a time limit.

The one thing that is unclear to me is how much time the Senator from Ohio wishes. I know he wants to speak on his amendment.

The PRESIDING OFFICER. No more than 10 minutes.

Mr. DORGAN. I think we can lock all of that in understanding the Senator from Ohio could take the 10 minutes and then Senator KERRY from Massachusetts would be recognized. I think that actually works out to about 3 o'clock, in any event.

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

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the chairman and ranking member for allowing me this time.

Mr. ISAKSON. Mr. President, I wish to take just a minute to address 48 extraordinary hours in my life this past weekend I spent with the men and women in the U.S. Armed Forces, first on Saturday in Ellijay, GA, at the funeral of 1LT Noah Harris of the U.S. Army, and then 24 hours later at Guantanamo Bay, Cuba, where I spent the day with U.S. Armed Forces in the work they are doing with the detainees in the war on terror.

I wish to do the best I can today to speak for those with whom I talked. I take responsibility for every word I say, but they are every bit a message from the people with whom I talked and who shared with me.

First, at the funeral of 1LT Noah Harris, I eulogized Noah on last Thursday and made a promise that I would make it to Ellijay, GA, on Saturday to be at his service. He was a distinguished Georgian, and like every other soldier who served and sacrificed, we mourn his death but we praise his service to our country. But this was an extraordinary funeral service.

A thousand Georgians—500 in the high school gym and 500 in the First Methodist Church—attended a 2½ hour service that passed in a microsecond, a service not by ministers but by laymen, Americans, citizens of Georgia to praise Noah Harris but also to praise our men and women in harm's way.

When the service came to a conclusion, it was his mother Lucy and his dad Rick who talked for the last 20 minutes. To honor what they said and their son to the best of my ability, I want to recount it to all of you.

Lucy stood up before that crowd of 500 and said: You know, when we got the word of Noah's death, I knew I had two choices: I could mourn and I could be sorrowful and I could grieve, and I have done all those, but I could also do the good and the godly thing, and that is to praise my son and all those other men and women who fight in Iraq on behalf of freedom and democracy.

She gave a beautiful and eloquent statement about the tribute her son's life was to that for which our men and women fight.

Then her husband stood up and asked rhetorically: What was it the American press is really writing about today? Everything you hear about what is going on in Iraq is negative and wrong, questioning our motives and our reasons for being there. Yet in this church in quiet Ellijay, GA, in northwest Georgia, thousands had come to honor a man who had sacrificed his life in harm's way for the people of Iraq and the principles of this great Nation.

Rick Harris asked the question: Have we forgotten 9/11? Have we forgotten that since that date there has not been an attack on American soil? Since we went after terror, wherever its exists, and since we committed the resources of our country, our Nation has been safer. And what we are doing is right—is not only right morally, but it is right for the future of peace and freedom and democracy.

So for Lucy and Rick Harris, on behalf of their son, I rise today in this Senate and send that message loud and clear that I got last Saturday from a thousand Georgians proud of their native son's service, sorrowful for his loss but appreciative of living in a country that has been willing to make the commitment we have made on behalf of freedom and democracy around the world and on behalf of the security of the United States of America.

And then, Mr. President, I went to Guantanamo Bay, Cuba. I went with two other Members of the Senate. I went with a specific desire in mind: the desire to go and see for myself that which I heard so many people talk about and have seen so much about on television.

I learned something very interesting. There must be two Guantanamo Bay, Cubas—the one I visited and the one all the news media talks about because they did not resemble one another. I thought when I landed at Guantanamo Bay and went to visit the detainees that I would see men incarcerated in cyclone fences with razor wire on top of it. That does not exist anymore. That was Camp X-Ray. It was closed 3 years ago. It was the original temporary place we took the enemy combatants to until we could spend the millions of dollars to build the buildings that now house them.

I saw 538 people who are intent on hurting and destroying Americans, who are incarcerated in a facility from which we are gaining intelligence that is saving lives of Americans and citizens around the world. The most hardened of those I saw are in air-conditioned facilities, not unlike what I have seen in the United States in sheriffs' jails and prisons. The food they eat is unbelievable. The medical care is first rate. The security is tight and, yes, they are controlled, but they are there because they are the enemies of our Nation and were captured in battle in the worldwide war on terror.

After seeing all those facilities and having totally dispelled that which television shows, I had lunch with two Georgia sailors. I promised them I would bring a message back to the Senate. They are on a 6-month rotation as guards guarding the enemy combatants, the terrorists who threaten America.

I asked them: If I could take back anything, what would you like me to do? They said: Please tell the American media to stop saying what they are saying about what we are doing in Guantanamo because what we are doing is right and what is being alleged is not correct. And tell them what we, the guards, the American soldiers, are subjected to.

The two gentlemen with whom I had lunch are two African-American citizens of the State of Georgia serving in the U.S. Navy. They go 12 hours on and 12 hours off, 4 consecutive days guarding enemy combatants. Every day, they have to take a shower more than once during their duty to wipe off and wash off the human waste that is thrown on them by the enemy combatants they guard. They are subjected to racial epithets that we in the United States would never accept. They continue to stay on their post and do their duty, and there is no harm to the enemy combatants. They are sitting there guarding the people who would take the lives of your loved ones and mine.

They are abused every day, and what is alleged by people in this Chamber and other places about what may or may not be happening at Guantanamo is not correct. The people subjected to abuse are the men and women in the Armed Forces of the United States who take it from those who would harm us and harm our loved ones.

They are standing guard in the front line in the war on terror. My time is about up, but I came to the floor for this time to deliver two messages. First, for Rick and Lucy Harris on behalf of their son, Noah, I hope I did an adequate job.

Second, to deliver the message by those two servicemen from Georgia, who stand on the front line of the war on terror guarding the enemy combatants from whom we are gaining the intelligence that is saving American lives; enemy combatants who are treated well, fed well, clothed well, and medically treated well; enemy combatants who would take the lives of our loved ones but because of the commitment of our President, this country, and the men and women in harm's way, are safely incarcerated, and from whom we are gaining the information necessary to win the global war on terror.

I hope tonight all Americans will watch our President on TV. I hope tonight in some small way the message I have brought back from those valued soldiers will help us to remain to stay the course against the war on terror for democracy and freedom and in support of this country, its leadership, and the liberty and freedom we all cherish and love.

I yield back my time.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

AMENDMENT NO. 1052

Mrs. MURRAY. Mr. President, I rise today to speak to amendment No. 1052, an amendment offered by myself, Senator BYRD, and Senator FEINSTEIN regarding emergency supplemental funding for the Veterans Health Administration.

As my colleagues know, throughout the last 6 months I have been talking to this body about my deep concern that we were not going to have sufficient funding for our veterans, both our current veterans who are accessing the system, nor for our veterans who are now returning home in record numbers from Iraq and Afghanistan.

Throughout the budget process, I asked that we consider making sure we have additional funding. I was rejected in that request. Throughout the appropriations process, I have made it known time and time again that looking at what we know, we are not going to have sufficient funding for our veterans health care.

On the supplemental emergency bill, I offered an amendment to add an additional $1.98 billion for veterans services, and I outlined on this floor for all of my colleagues the exact numbers we were looking at as we went out and talked to our regional veterans administrations, as we heard the stories of shortfalls in every single place across this country, about service men and women who are waiting in line, about the high number of returning veterans from Iraq and Afghanistan who would need access to mental health care services for post-traumatic stress syndrome, and I asked that we add emergency supplemental funding because I knew, looking at the numbers, we had a shortfall.

On this floor, I was defeated on that amendment. Why? Because the Secretary of the VA, Secretary Nicholson, sent a letter to this body saying they had sufficient funds.

That was less than 3 months ago. Several weeks ago in the Veterans' Committee I asked the Secretary, when he was before us, if they had sufficient funding, and he told us they had adequate funding.

Last Thursday, to everyone's surprise, except a few of us, we were told that the VA is now over $1 billion short in funding this year. This is surprising to some, but it should be appalling to all of us.

As I told my colleagues when I was on the floor talking about the supplemental, we all know that the veterans in VA care have gone up by 88 percent. We know that medical inflation has gone up 92 percent. But the VA continued to go on a formula based on 2002 figures that did not adequately take into account our military who were going to be accessing the veterans services, nor the fact that we all know of medical inflation.

So here we are today, and it would be easy to say I told you so, but that is not going to solve the problem. So last Thursday, I called Secretary Nicholson. I said: How are you going to solve this problem? What are we going to do?

Well, he said to me that we were going to take the money out of maintenance and construction projects.

I would let every one of my colleagues know that all of them have VA facilities in their own States or in their own region that are serving our veterans today that need asbestos removal. There are new clinics that have been promised for years. There is maintenance due, long-term backlogs that have not been completed that we voted on in the 2005 appropriations bill and promised to our men and women back in our home States would be taken care of this year.

We cannot go back on that promise right now. Those veterans are waiting for that service. If we were to say, well, we have to suck it up and take the money out, that means we are just going to defer those costs until next year. If we are today basing our figures of the VA on 2002 numbers, then we know the $1.5 billion we are short this year is going to be multiplied by two or three times next year and those facilities will not be fixed.

So we have a problem. We have a big problem, and we need to address it now. I believe the best and most important way we can do that quickly is through an emergency supplemental bill passed through the House and Senate to get the VA the money they need to serve our veterans. This is an emergency.

None of our veterans who served in previous conflicts should be told that they have to wait 6 months or a year or 3 years. None of our veterans who are being served in our hospitals today should be looking at facilities that are falling down around them. None of our veterans who are coming home from Iraq and Afghanistan should be told that they do not have adequate care and we are not there for them.

I was just in Iraq 2 months ago and the first question that my soldiers from Washington State asked me is: Will my country be there for me when I get home?

The Senate has been responsible by passing a bill last year to begin to put

in place those contracts, maintenance, and important facilities projections. We cannot take that away now. Our only responsible choice remaining is to pass an emergency supplemental.

I have to say I am deeply concerned about how our VA came to this, and I am frankly quite angry. Less than 3 months ago, our VA said, no problem. Our VA, 2-plus weeks ago, said no problem, and now they tell us they are well over a billion dollars short this year. In fact, what they are saying is we can fix that; we can take $600 million from construction, as I just talked about.

We cannot let them do that.

The other $400 million they are talking about coming up out of a reserve fund. I have been on this floor before talking about this. There is not a reserve fund. I asked Dr. Jonathan Perlin. He is the VA's Acting Under Secretary for Health. I asked him on April 5th: Is there a $500 million reserve?

He said to me:

No . . . I do not know where that might have been suggested, but there is no $500 million reserve that is sitting there for future projects.

So the White House's solution, the VA's solution, to take $600 million from construction and $500 million from this reserve account does not exist. Those are already part of our appropriations and there is no reserve account. So it is time for us to be responsible. It is time for us to face up to the fact that we have not been given accurate figures from this administration on veterans, and we need to act responsibly to pass an emergency supplemental.

I want to say that Senator CRAIG, the chair of the Committee on Veterans' Affairs, and Senator HUTCHISON, the chair of the Appropriations Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, have been responsible in the last few days by addressing this crisis. We have held a hearing this morning under Senator CRAIG's direction to hear from the VA what their solution was.

As I have said, that is simply unacceptable to me. It should be unacceptable to this Senate. I want to work with anyone to solve this problem. We have an amendment that is now pending. It is amendment No. 1052 to have an emergency supplemental to deal with this crisis. I know that my colleagues on the other side feel that we must address this as well, and I hope that we can work this amendment out and get it passed on the Interior appropriations, get it passed through the House and sent to the President so that our members who are serving us, both in previous conflicts and in Iraq and Afghanistan today, can look any one of us in the eye on the Fourth of July recess, when we all go home to march in parades and carry our flags, and we can say, yes, this country is there for you.

I can think of no more important issue that this body should address before the upcoming recess than this pending crisis before us. We owe it to the troops who have served us so honorably to be there for them when they come home. We cannot say to them that your clinics will not be built, that your hospitals will not be maintained, that there is a hiring freeze and you will not be seen if you show up.

We all have talked to generals who are in Iraq, and every member of this body knows that this is a 360-degree war. We have been told that time and time again. Our members in the military who are serving us in Iraq and Afghanistan do not have a front line to go behind to get some ease from this conflict. They are in this conflict every single minute of every single day that they are there, and as a result of that many of them will be facing emotional stress and post-traumatic stress syndrome when they get home.

It would be wrong of this country to tell those members who served us so well that there are no services for them when they come home. We have a responsibility not as a Republican, not as a Democrat, but as an American to be there for them. The most responsible way to do this is through this amendment with an emergency supplemental.

I think who said it best was George Washington back in 1789:

The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

I urge my colleagues to adopt this emergency supplemental funding, get it to the House, and get it to the White House so that we can address this crisis that has come before us. We can say a lot of stuff about the VA and why the numbers were wrong and why what we knew on this floor were not listened to and were not told to us honestly. We can spend time doing that, but I think the most important thing we can do is make sure this funding is there for our soldiers, and we do it through an emergency supplemental in a responsible way.

The President is going to address the Nation this evening. He is going to talk to us about the importance of staying the course in Iraq. Well, I would say to the President and to the Members of the Senate, when we send our troops to war, part of the cost of that is making sure we are there for them when they come home. I urge the President, when he addresses the Nation tonight, to tell us how this administration is going to be there for our soldiers when they return and work with us to pass this emergency supplemental as expeditiously as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

MUTUAL FUND REGULATION

Mr. AKAKA. Mr. President, the Securities and Exchange Commission—SEC—has been impressively led by Chairman William Donaldson. Chairman Donaldson inherited an agency in turmoil. The previous chairman left an agency with limited effectiveness and demoralized staff. The SEC needed a vocal, imaginative, and forceful leader to restore the trust of investors.

Chairman Donaldson has accomplished much during his tenure, such as reform of the mutual fund industry, the implementation of Sarbanes-Oxley, the registration of hedge funds, while improving the integrity of exchanges. He has been the friend and protector of investors. Unfortunately, this has brought him a lot of criticism. I have been impressed by his ability to fight for what he considers to be in the best interests of investors and the public. I was deeply saddened when Chairman Donaldson announced his resignation. I am concerned about the future of the Commission after his departure.

In particular, I am worried about mutual fund reform. Mutual funds are of particular interest to me because they are investment vehicles that millions of middle-income Americans utilize that provide diversification and professional money management. Wealthier individuals can have their own investment managers and private bankers, or invest in hedge funds. Mutual funds are what average investors rely on for retirement, savings for children's college education, or other financial goals and dreams.

I was appalled by the flagrant abuses of trust among mutual fund companies that were discovered by New York Attorney General Eliot Spitzer and the SEC in 2003. Ordinary investors were being harmed due to the greed of brokers, mutual fund companies, and institutional and large investors. In November 2003, I introduced S. 1822, the Mutual Fund Transparency Act of 2003. I introduced legislation to bring about structural reform to the mutual fund industry, increase disclosures in order to provide useful and relevant information to mutual fund investors, and restore trust among investors. Several key provisions of the legislation were the requirements that mutual fund chairman and 75 percent of board members be independent. The transgressions brought to light made it clear that the boards of mutual fund companies are not providing sufficient oversight. To be more effective, the boards must be strengthened and made to be more independent. Independent directors must have a dominant presence on the board to ensure that investors' interests are the paramount priority.

I applauded the efforts of the SEC to adopt proposals that will improve the governance of mutual funds and that mirrored provisions from my legislation. Again, Chairman Donaldson and the majority of the commissioners have made great attempts to address the widespread abuse of investors by the mutual fund industry. The independence requirements are an important part of the Commission's response

that will ultimately lead to improved governance, better protect shareholders from possible abuse, and improve the transparency of fees. The SEC requirements for an independent chairman for mutual fund boards and an increase in the percentage of independent directors to 75 percent are significant steps towards ensuring that independent directors are better able to protect shareholders' interests. I believe that the Commission must go forward with the independence rule and address the concerns raised by the Federal appeals court.

Several of my colleagues have written to the Commission saying that the reissuance of the rule would be inappropriate. I respectfully disagree. It is not out of the ordinary for outgoing agency leaders to move rules forward prior to their departure. The uncertainy of the future of the independence rule for the mutual fund industry and of the outcome of the confirmation process, require that action be taken on the rule as soon as possible.

On May 16, I reintroduced a modified version of my original bill, S. 1037, 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. Legislation is needed to ensure that the increased independence rule is applied universally among mutual funds, not just those that rely on exemptive rules.

I look forward to meeting with Representative COX to discuss mutual fund regulation, prior to consideration of his nomination by the Senate. It is my hope that Representative COX will be as aggressive in protecting investors as Chairman Donaldson has been.

I look forward to working with all of my colleagues to enact mutual fund reform legislation. I support the efforts to move the mutual fund independence requirements forward and appreciate all of the hard work of Chairman Donaldson and the SEC staff on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the order we agreed on was to recognize the Chair. I do not want to abuse that process. I will talk beyond 3, but it will not be that extensive. I ask the Chair if it meets with his approval to change the order so that I speak now and the Chair will speak when he is relieved.

The PRESIDING OFFICER. How long does the Senator from Massachusetts seek?

Mr. KERRY. I can't tell you exactly, 15 or 20 minutes, somewhere in that vicinity.

Mr. BURNS. I will take the chair.

Mr. DORGAN. Mr. President, while we are waiting, I ask unanimous consent to add Senator JEFFORDS and Senator SALAZAR as cosponsors to the Murray amendment.

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

AMENDMENT NO. 1010, WITHDRAWN

Mr. VOINOVICH. Mr. President, I call up amendment No. 1010.

I ask unanimous consent the current order in terms of the amendment be waived so we can discuss this amendment at this time.

The PRESIDING OFFICER. The amendment is the pending business.

Mr. VOINOVICH. Thank you, Mr. President.

Mr. President, I rise today to discuss my amendment that will address an issue that is becoming a problem in my home State of Ohio and a number of other States nationwide—the explosive growth of Indian gambling.

I thank Senator ENZI, Senator DEWINE, Senator VITTER and Senator ALLARD for cosponsoring my amendment.

Currently, there are over 400 tribal casinos in 30 States. To build on the success of these tribal casinos, some Native American tribes are aggressively seeking to take gambling off reservations and into local communities all across the country—from States like California to New York, Oregon to Florida, and my home State of Ohio.

In this practice, commonly referred to as ''reservation shopping,'' tribes are looking to acquire new, non-contiguous land to open casinos near large communities or next to major roads with easy access.

A loophole in the law that regulates Indian gaming, the Indian Gaming Regulatory Act, allows the Department of Interior to take land into trust for a tribal casino, even at great distances from their home reservation, if it advances the economic interest of the tribe.

Originally, many reservations were located in rural areas at great distances from population centers. They were unable to sustain profitable casinos, so they moved casinos to areas near cities that were part of the reservation. Now these casinos aren't enough—the tribes are looking at lands great distances from their reservations and near population centers like Cleveland, Chicago, Miami, the Bay Area of California, to name a few.

In Ohio, the Eastern Shawnee Tribe of Oklahoma has filed a land claim in Federal court for 146 square miles throughout the State, alleging that this land was illegally taken in 19th Century treaties.

They have also reached an agreement with four separate mayors in the State to site casinos in their communities, stating that a casino complex would bring new jobs and increase the tax base. In announcing their lawsuit, the Eastern Shawnee announced they would also try to blackmail the State of Ohio—they will drop the land claim in exchange for the right to put an unlimited number of casinos in the State. The tribe's attorneys said the aim was not to seize cities and farms, but to negotiate a deal to open casinos where the tribe has been invited.

It is important to note here that the population of Ohio is more than three times the size of the population in Oklahoma, where the Eastern Shawnee already have a casino. The tribe sees dollar signs, dollar signs that they will make at the detriment of my constituents.

In response to the threat of reservation shopping nationwide, the Senate Indian Affairs Committee has held a number of hearings investigating the current issues, and Senator McCain, the Chairman of the Committee, has indicated that he will be offering legislation this Congress to address the reservation shopping created as an unintended consequence of the Indian Gaming Regulatory Act. It is my hope that his legislation will close some of the loopholes created by this law.

The amendment I have offered to the Interior Appropriations bill is simply a moratorium on taking land into trust by the Department of Interior for the purposes of gambling unless the Governor of a State specifically gives his consent. This moratorium will give Congress the time needed to pass thoughtful legislation that will protect States from the threat to States rights that the proliferation of these casinos will have.

Some of my colleagues may ask why I am opposed to the prospect of Indian casinos in Ohio. The answer is simple. This issue is really about families. Back when I was a State representative and just beginning my career in government, I was asked how I would confront the problems of Ohio if I had a magic wand.

My answer then was the same as it is now: I would use it to reconstitute and protect the family, which is the foundation of this country and the reason why most of us get up in the morning, go to work and hurry to get home at the end of the day.

In the late 1980s, when I was Mayor of Cleveland, the first attack against our families was mounted by the backers of what studies call the ''crack cocaine'' of gambling: casino gambling. Voters fought back at the polls in 1990. We defeated the effort to amend the Ohio constitution that prohibits gambling in Ohio, but it wasn't long before it surfaced in Ohio again.

In 1996, as Governor of Ohio, I was proud to lead a coalition of some 130 organizations, dozens of elected officials and thousands of individual citizens, in defeating State Issue 1, another effort to amend the Ohio constitution, the second ballot initiative that would have legalized casino gambling.

So here we are in 2005 and it's déjà vu all over again. It's a new millennium, but the same forces are back, but this time they are joined by the Shawnee tribe. They have regrouped and reappeared in different disguises.

This amendment, which just lasts one year, will guarantee that through

stealth this tribe and others can not sneak into the Department of Interior and get land taken into trust and abrogate the Ohio constitution. It also gives urgency to the work by Senator MCCAIN as he grapples to deal with the proliferation of reservation shopping around the country.

This amendment is supported by the National Governors Association. I ask unanimous consent that the letter from Ray Scheppach, Executive Director of NGA, be printed in the RECORD immediately following my remarks.

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

(See Exhibit 1.)

Mr. VOINOVICH. Mr. President, this amendment is opposed by Senator MCCAIN as chairman of the Senate Indian Affairs Committee. It is opposed by Senator MCCAIN, not because he is not concerned about the proliferation of Indian gaming, but rather because he believes this is within the jurisdiction of his committee and that he is already addressing the issue.

He has indicated he will give me a hearing on my amendment right after the July break. This issue of Indian gaming is a serious threat to the people of Ohio and other people throughout the country. It is an issue in terms of States rights and the States' Constitution and their ability to deal with the issue of casino gambling.

Mr. President, I respectfully withdraw my amendment.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, June 27, 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR VOINOVICH: The nation's governors appreciate your efforts to ensure that states continue to play a meaningful role in the trust land acquisition process. The Governors are committed to working with Congress, the Executive Branch and Indian tribal governments to resolve the Complex issues involved in the implementation of the Indian Gaming Regulatory Act of 1988 (IGRA).

By requiring the consent of the governor before land can be placed into trust for gaming purposes, your proposed amendment would underscore the governors' role in the trust land acquisition process and in determining whether Indian gaming is consistent with existing state gaming policy.

Thank you for your continued leadership in support of a strong role for states in our federal system.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director.

Mr. VOINOVICH. Mr. President, I would like to take this opportunity to express my continued concerns about the proliferation of off-reservation gambling by Indian tribes. I know that Senator MCCAIN is holding a number of hearings in the Indian Affairs Committee to investigate this issue. I urge him to act quickly on this issue. It is very important to my home State of Ohio.

Mr. MCCAIN, I understand the Senator from Ohio's concerns, and appreciate the Senator not calling for a vote on his amendment. I will be holding a hearing in the Indian Affairs Committee in July and would welcome Senator VOINOVICH to testify at that time.

Mr. VOINOVICH. I thank the Senator from Arizona for his leadership and accept his invitation to testify on this issue before his Committee.

The PRESIDING OFFICER. The Senator from Massachusetts. Let the Chair convey thanks to the Senator for his patience before making his presentation. It is appreciated very much.

Mr. KERRY. I thank the Chair.

Mr. President, if I may, Senator AKAKA had asked if he might make some comments on the amendment of Senator MURRAY, and so I would ask unanimous consent that I can yield to Senator AKAKA for 3 minutes and then hold the floor after that.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the Senator from Massachusetts for yielding me the time.

I rise today in support of the amendment to rectify the funding crisis for VA health care. You heard Senator MURRAY expound on this eloquently. This morning, the committee held a hearing on the revelation that VA is more than $1 billion in the hole for this year. With the VA's announcement, we at least now have an admission that the VA hospitals and clinics are in the red, and this is the first step in turning things around.

Despite the tremendous pressure to keep quiet, VA's dedicated providers have been forthright with us about the fact that they were raiding capital accounts just to make ends meet. There seems to be some confusion about what kinds of projects will be done because of the $1-billion shortfall. We have asked for a specific list from VA and hopefully we will receive that shortly. At the very least, we are talking about deferred maintenance, and anyone who is familiar with the military knows that deferred maintenance means trouble for our troops. The same is true for a hospital or clinic. The purchase and replacement of equipment directly impacts the quality of care provided. Let there be no mistake about that. Deferring capital projects may also mean that needed clinics—and there are more than 120 clinics in the queue—will never come to fruition. My colleagues in the Senate will be familiar with this issue. Indeed, we raised the issue earlier this year on the Senate floor. Unfortunately, VA officials denied that trouble was ahead. Our amendment is a way to fix the problem. But let me say that I am open to any approach that ensures the highest quality health care for our Nation's veterans.

Mr. President, I yield the floor and thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1029, WITHDRAWN

Mr. KERRY. Mr. President, I thank the Senator from Hawaii. Before taking time to speak in morning business, I have a couple of procedural items I need to do. One, I thank the Senator from Washington, speaking as a veteran and as somebody who has introduced an amendment that I am about to ask be withdrawn. In fact, let me do that if I may, Mr. President. I call up amendment No. 1029.

The PRESIDING OFFICER. The amendment is now pending.

Mr. KERRY. Mr. President, this is an amendment I had been working on in an effort to try to add money back to the VA, and I am delighted that the appropriators, led by Senator BYRD and Senator MURRAY, have undertaken to do that now. So I would ask unanimous consent—I am now a cosponsor of their amendment—that I withdraw this amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. KERRY. I thank the Chair. Senator MURRAY could not be more correct, and I thank her on behalf of veterans all across the country who understand how this game is affecting their lives. The fact is that this funding is one of the hidden costs of the war and now no longer hidden, and veterans are beginning to feel it and VA hospitals across our Nation. She has been a tireless, tenacious advocate on behalf of veterans, and we are all very grateful to her and grateful to Senator BYRD for their leadership.

(The remarks of Senator KERRY are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1052

Mrs. MURRAY. Mr. President, I rise to speak briefly on the pending amendment No. 1052, which is the emergency supplemental funding for the veterans services which I spoke about earlier. I thank my colleagues, Senators AKAKA and KERRY, for their remarks.

Mr. President, I ask unanimous consent to add the following Senators to our amendment as cosponsors: Senators JEFFORDS, SALAZAR, BILL NELSON, DAYTON, ROCKEFELLER, and HARKIN.

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

Mrs. MURRAY. Mr. President, I will ask for the yeas and nays on the amendment at the appropriate time.

The PRESIDING OFFICER. Does the Senator ask for the regular order with respect to the amendment?

Mrs. MURRAY. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have cosponsored the amendment offered by my colleague from Washington. I want to make a couple comments.

It seems to me, on the question of what the priorities are around here, what are the right choices, veterans health care has to rank right up at the top.

We had a hearing at one point. We had Secretary Rumsfeld come, and the Chairman of the Joint Chiefs. We asked a lot of questions about this issue because I think everyone wants the same thing. We want to say to young men and women who wear the uniform of this country: Please support this country's efforts. Go fight for freedom. Answer your country's call.

And when they do, and put themselves in harm's way—and most of us understand what ''harm's way'' means because we have been over to Walter Reed, we have been out to Bethesda Naval Hospital. We have seen these young men and women with lost limbs, limbs that have been blown off, and all kinds of other wounds. We understand the sacrifice that is made.

We asked the Secretary about the difference between someone who is a soldier on active duty and someone who has come home to a hospital to be treated for a lost leg or a lost limb or other devastating injuries and then is moved out of the service with a discharge—what is the difference between the level of health care for an active-duty soldier at Walter Reed or Bethesda and a veteran in a veterans hospital setting? Should there be a difference? No, there should not be. These are soldiers: active duty or retired, but soldiers.

I do not think there is a debate in this Senate about whether we adequately fund veterans health care. We all know the answer to that. The answer is no, we are not adequately funding it.

So the question is, will this be a priority? Will the Congress, will the Senate think this is as important as some other issues?

Someone once asked the question hypothetically: If you were asked to write an obituary for someone you had never met and the only information with which you could write that obituary was their check register, what would it tell you about the person? You could take a look and determine, what did that person spend money on? What did that person determine to be valuable?

You could make the same case with respect to the Federal Government. Take a look at the checkbook and evaluate, what did we determine was important? What were our priorities? Where was veterans health care, because we know the esteem in which this country holds its veterans? We know that starting with the poster that says ''Uncle Sam Wants You'' pointed to the face of Americans for decades to say: Join the service, represent this country, support and fight for it, fight for freedom. We know that call. But we also know a promise was made. The promise was, you do this for your country and, when you come back, we will have a veterans health care system available for you.

Some say—not publicly—why have a veterans health care system? Why not just have those folks go to a regular hospital? Especially after major wars, you don't ask that question because if you go to the veterans hospitals or Active-Duty hospitals that are treating these veterans, you will discover there is a kind of medical challenge that you don't find often in other hospitals.

I visited a young man at Walter Reed a couple times. I had appointed him to West Point. He is a proud member of the armed services. He went to Iraq. Because of an improvised explosive device, he lost his leg. He came back, was in Walter Reed, and went through a long period when they didn't know whether he was going to make it. He had a lot of infections and serious problems. He lost his leg right up to his hipbone.

Go visit those folks at the military hospitals or the veterans hospitals and understand these are different medical challenges than you find every day at the hospitals in the inner cities or the hospitals in the suburbs. I am not saying other hospitals don't face challenges. I am saying the wounds of war are deep, challenging. Go to the orthopedic section out here and understand the difference. It is a big difference.

I have told my colleagues about a Sunday morning at Fargo, ND. I will tell the story again because it is so important. It illustrates such an important point in support of my colleague.

A man served his country, left the Indian reservation when called during the Second World War and served. His name was Edmund Young Eagle—Native American, Standing Rock Reservation. He served in Africa, Normandy, Europe, served as his country asked him to, never complained about it. At the end of the war, he came back to the Standing Rock Indian Reservation, lived, had a tough life, didn't have a family of his own, loved to play baseball but had a tough life all of his life. Toward the end of his life, he went to the Old Soldiers' Home in North Dakota, and following that, he developed lung cancer.

His sister contacted my office and said: My brother has never had very much, but he was always very proud of serving his country and never received the medals he had earned for serving in Africa and Europe and Normandy during the Second World War. Could you help get his medals?

So I did. I got the medals that this Native American had never received from his country for going all around the world and fighting for America. By that time, Edmund Young Eagle was transferred to the VA Hospital in Fargo with advanced lung cancer. In his late seventies, on a Sunday morning, I went to his room at the VA Hospital with his medals. His sister came. The doctors and nurses from the ward came and crowded into Edmund's room. We cranked up his hospital bed to a seating position, and I pinned on his pajama top the medals that Edmund Young Eagle had earned fighting for his country in Africa, Normandy, and Europe.

This man, who would die 7 days later, said to me: This is one of the proudest days of my life.

He was a very sick man but enormously proud that his country had recognized what he had done for America in the Second World War some 50 years later.

The fact is, he and so many like him, particularly now, those Tom Brokaw called the ''greatest generation'' who went off to win the Second World War, beat back the forces of nazism and Hitler, the fact is they are now at an age where they claim an increasing amount of health care in their late seventies, eighties, and nineties. There is a strain on the VA medical health care system. Added to that, the Vietnam War and the age of those veterans, the gulf war, now the war in Iraq, this is a system that is straining at the seams.

My colleague offers an amendment. She has offered it before. I have supported it previously on many occasions. It says: Let us, on an emergency basis, decide as a country that veterans health care is our priority. Let someone years from now look back at what we spent money on and have some pride in knowing that we spent money on a priority that was critically important, a priority that said to us: We will keep our word to veterans. We promised health care, if you served your country. Now we are going to deliver it.

It is not satisfactory to me and to many others in this Chamber to decide that among a whole series of priorities, providing another tax cut is more important than providing health care or keeping a promise to veterans. That is not acceptable to me.

That is why I am happy to join. I mentioned a tax cut as one example. We tried to offer an amendment to the emergency supplementals that previously went through this Congress. We just had an $81 billion supplemental, none of it paid for. We have now a $45 billion emergency supplemental passed by the House that is coming this direction. My colleague from Oklahoma made the point that we have increased spending. We sure have increased spending. No question about that. Take a look at what has increased with respect to defense spending and homeland security spending post-9/11. I have not opposed that spending. I happen to think we need to replenish Army accounts when you send troops to Iraq. I happen to think we need more security at our ports and other places. But it seems to me logical that progressives, conservatives, moderates, everything in between at some point ought to decide to get together and say: If we are

going to spend this money, we ought to pay for it. Instead of doing that, we have done emergency supplementals.

My colleague from Washington is saying, if you are going to do emergency supplementals for everything, how about doing it for the first and most important thing, and that is keeping our promise to America's veterans.

Mrs. MURRAY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mrs. MURRAY. I wanted to ask if the Senator was aware that when our amendment was offered on the supplemental, Senators on this floor were told by the VA that they didn't need the funding. And last Thursday, the VA announced that they were indeed well over $1 billion short for this fiscal year alone for VA funding. That is why I needed to offer this amendment on this bill, and hopefully the Senate will pass it. I hope it will pass unanimously tomorrow. Is the Senator from North Dakota aware that is the situation we are now in?

Mr. DORGAN. Was there a question?

Mrs. MURRAY. I was asking if the Senator from North Dakota was aware that during the consideration of the emergency supplemental, when we offered our amendment, we were told by the administration they didn't need the funding. And then last Thursday they announced that they were, indeed, as we had warned, well over $1 billion short. That is why we are offering this amendment.

Mr. DORGAN. Let me say, that is why I support the amendment. It is a question of priorities. I know everyone has their own view of what priorities might be. One of the top priorities ought to be keeping your promise to America's veterans. I appreciate the amendment being offered.

I ask unanimous consent that Senator DURBIN be added to the Byrd-Cochran amendment No. 1053 as a cosponsor.

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

Mr. DORGAN. I yield the floor.

AMENDMENT NO. 1002

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, it is about time we got down to business this afternoon and start taking care of some of these amendments. We would like to dispose of this bill at least by tomorrow.

I call up the Coburn amendment No. 1002 and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask for the regular order?

Mr. BURNS. I ask for the regular order.

Mr. COBURN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Is it not the offeror of the amendment who places in order the amendments that are called up and lays the other amendments aside?

The PRESIDING OFFICER. Any Senator can ask for the regular order.

AMENDMENT NO. 1015, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 1015 be withdrawn.

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

AMENDMENT NO. 1019

Mr. COBURN. Mr. President, I now ask unanimous consent to call up amendment 1019.

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

Mr. COBURN. Mr. President, I ask to be recognized in support of the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, we just heard a good observation about the increase in spending, but it is important for the American people to understand, we did ramp up homeland security. We did ramp up defense. Let me read the increases in spending that have occurred in other areas since 2001: legislative branch, 40 percent; judiciary, 40 percent; Agriculture, 25.7 percent; Defense, 55 percent; Education, 109 percent; Energy, 48 percent; Health and Human Services, 53.1 percent; Homeland Security, 153 percent; Housing and Urban Development, 38.2 percent; Justice, 22.7 percent; Labor, Health, and Human Services, 57 percent; Department of State, 74 percent; Transportation, 40 percent; Veterans Affairs, 44.5 percent; General Services Administration, 404 percent; National Science Foundation, 61 percent. The average has been almost 39 percent in the last 4 years. Outside of homeland security and defense, the increase in spending by the Congress has been almost 30 percent.

I come to the floor of the Senate to talk about the spending problems. I also want the American people to understand what is happening to us presently. This chart represents the on-budget Federal deficit. It is not the games that we play in Washington. This is the true amount of money we are going to spend that we don't have, that we are actually going to borrow money to pay for. As you can see, this year it is going to be $544 billion. That is $544 billion that we are going to ask our children and grandchildren to pay back. There is no question that we have some belt-tightening to do. There is no question that the authors of this appropriations bill have done some of that in the bill.

The amendment I wish to focus on presently is an amendment that reduces funding for land acquisition within the bill by $121.2 million, from $154 million, for a total of $32.8 million.

The reasoning behind this amendment is, there is $92 million in reserve accounts right now to buy land that had not been spent this year. The committee put forward another $154 million. Buying land to preserve our scenic heritage, natural wildlife areas, is a good goal. The problem is, do we need to do it now when we are in a time of war, when we are borrowing from our children's future to be able to accomplish that? Is now the time to spend money on it? If not, is there another need? Is there a priority on which we should be spending?

I would say that we need to have another priority. The current bill provides funding for land acquisition through four separate programs: $12.3 million for the Bureau of Land Management, $40.8 million for the Fish and Wildlife Service, $56 million for the National Park Service, and $44.9 million for the Forest Service. Within the amendment, land acquisition funding for both the Bureau of Land Management and the Forest Service is eliminated, while funding for both Fish and Wildlife Service and National Park Service is reduced by $32 million.

According to OMB and staff estimates, the estimated amount of unobligated balances for Federal land acquisition at the end of the current fiscal year will be $92 million. OMB estimates that BLM will have $28 million in unobligated balances. In contrast, the bill provides an additional $12.3 million for BLM. U.S. Fish and Wildlife Service, which is set to receive almost $41 million, will have an estimated $32 million in unobligated balances at the end of this year, according to OMB.

Of the $121.2 million savings produced, $60 million in this amendment is transferred to a special diabetes program for Indians, and $61.2 million is transferred to the Alcohol and Substance Abuse Program. Both programs are with the Indian Health Service. Why is that important? There are some important things about diabetes with Native Americans that need to be recognized.

The question is, Do we spend money on land or do we spend money to improve the people's lives that need us the most? We have a real crisis in health care in Indian Country.

The causes are many, but one controllable factor is the delivery of federally funded health care services. Quality of care is severely impacted by poor oversight, lack of competitive forces, and the serious lack of funding prioritization. My amendment addresses the latter. There are 107,000 Native Americans that suffer from diabetes.

The PRESIDING OFFICER. Under the previous order, the hour of 3:45 having arrived, the majority leader is recognized.

TRIBUTE TO SENATOR MITCH MCCONNELL, THE LONGEST SERVING KENTUCKY REPUBLICAN SENATOR

Mr. FRIST. Mr. President, I rise today to pay tribute to a leader in the Senate, a true partner in guiding the 109th Congress and my friend. Today, we mark a momentous occasion for the senior Senator from Kentucky, MITCH MCCONNELL.

With the opening of Monday's session, Senator MCCONNELL surpassed the esteemed John Sherman Cooper as the longest serving Republican Senator in

the history of his State. Sworn in on January 3, 1985, Senator MCCONNELL has now served for over 20 years. For the last 2½ of these, I have worked side by side with MITCH in our capacities as leader and whip. I could not have asked for a steadier partner in guiding this Senate to accomplishment. Leading over 4 dozen strong-willed, independent Senators is not always easy. One of the things I like to say about the leader's job is that it is something similar to being the groundskeeper at a cemetery: You have a lot of people under you, but no one ever listens.

But more than anyone, MITCH is able to impress upon his colleagues the importance of working together to move America forward. MITCH and I work side by side not only as leader and whip, but also as Senators from the great States of Kentucky and Tennessee. Committed to the Union only 4 years apart, our States share the common interests of agriculture and commerce, a common culture of southern ingenuity, and hospitality, and a border over 320 miles long.

I have worked with MITCH on regional matters important to our States since I first entered this body in 1995. He is a fierce advocate for the people of his State, and I have watched him with admiration. Kentucky and Tennessee have a history of friendly partnership, and I am proud that MITCH and I work in that same spirit in the Senate.

MITCH and I have also both had the honor of being elected by members of our conference to chair the National Republican Senatorial Committee, the organization in this body charged with maintaining and building a Republican majority. MITCH chaired it from 1997 until 2001, and then he handed it off to me, from 2001 to 2003. Mr. President, there was never a smoother transition from one NRSC chair to the next than when MITCH turned over the keys to me in early 2001. Under his leadership, Republicans maintained control of the Chamber for over 2 election cycles under very extreme circumstances. When he passed the chairmanship to me, the NRSC was debt free, something almost unheard of, and in better shape than he found it. His legislative accomplishments are just as impressive.

Through his chairmanship of the Foreign Operations Appropriations Subcommittee, MITCH has shaped America's policy on promoting freedom abroad so strongly that he has become literally a hero in oppressed lands throughout the world. He believes in using American might to support democracy and civil institutions in nations that know neither.

He is not afraid to call the tyrants by their names. In Burma, an illegitimate junta has held Nobel laureate and democracy advocate, Daw Aung San Suu Kyi, under house arrest for the last 15 years. And 2½ years ago, she succeeded in sending a letter to Senator MCCONNELL through a very, very circuitous route. Let me say that it didn't just arrive in his mailbox. She told him, in her words:

You have been such a stalwart supporter of democracy. We have come to look upon you as a rock-like friend.

Whenever MITCH gives a friend or a cause his support, you can count on him. MITCH has led the fight every year to impose import sanctions on Burma, to force its tyrannical government to free Suu Kyi and stop jailing and harassing the country's freedom fighters. His record on freedom, protecting our national security, and promoting democracy abroad has been crystal clear and consistent since his first days in the Senate.

One of his earliest votes upon entering the Senate was in favor of sanctions against the apartheid regime then in South Africa. Through the appropriations process, he provided authority and funds to conduct democracy-building programs in Syria, Iran, and China. He has always been a staunch supporter of Israel which, along with Iraq, is one of the few models of democracy and liberty in a region plagued by tyranny and intolerance.

MITCH was the author of language that forced Russia to withdraw its troops from the Baltic states of Lithuania, Latvia, and Estonia in 1994. Throughout decades under Soviet rule, those three countries never formally surrendered, and they maintained their embassies here in Washington, DC. Thanks to MITCH MCCONNELL, the home soil of Baltic states became just as free as those embassy grounds a little sooner than otherwise.

MITCH is a solid rock when it comes to supporting freedom here at home as well as abroad. Take his fight in defense of free speech and against the changes to our system of financing political campaigns known as ''campaign finance reform,'' that was one fight he ultimately lost. But even in losing, he won the hearts of his comrades as we watched him doggedly champion what he believed in—the first amendment and the right of every American citizen to have a free, unfettered voice in our democracy.

His good friend, Phil Gramm, our former Senate colleague from Texas, said on this floor:

I don't know whether they will ever build a monument to the Senator from Kentucky, but he is already memorialized in my heart.

Senator Gramm, you are not the only one.

MITCH made his case with passion all the way up to the highest court. And when he lost there, he very graciously was the first to reach out and congratulate his long-time opponents and began healing the divide.

Mr. President, when I look at the impressive career of Senator MCCONNELL, studded throughout with so many successes—and, yes, a very few defeats, but always refueled again and again by his relentless energy—I have sometimes wondered, where does that drive come from?

Perhaps the answer lies 60 years in the past. MITCH's dad, A.M. McConnell, was fighting overseas in World War II. While he was away, 2-year-old MITCH contracted the dreaded disease polio. In 1944, before Dr. Jonas Salk invented his vaccine, polio very likely meant paralysis, sickness or death.

MITCH's mother, Dean, took her son to Warm Springs, GA, the polio treatment center that President Roosevelt established. Learning from the therapists there, she put him through a strenuous, tough regimen of physical therapy to save the use of his left leg. She made her son exercise his leg three times a day, and it was drilled into his head that to protect his leg, he had to refrain from walking on it. That hardly sounds like an easy reality for a typical 2-year-old. But she was successful. To this day, MITCH credits his mother with teaching him determination and tenacity.

Today, the world is virtually free of polio, with only about a thousand cases diagnosed every year. Most of those are in the developing nations. Through his subcommittee chairmanship, MITCH has appropriated over $160 million in the last 6 years toward wiping out the deadly virus. Those funds go to the U.N., The World Health Organization, and other agencies that take Dr. Salk's lifesaving vaccine into the world's poorest countries and deliver it to people who need it, bringing us closer and closer to eliminating polio once and for all.

No Kentucky history book would be complete without portraits of Henry Clay and Alben Barkley. Henry Clay dominated his State and this Senate in the 19th century and Barkley in the 20th. Well, I submit that MITCH will be viewed in the same light for the 21st century. Why? Because even with all of the accomplishments he has behind him, I predict that his greatest contributions are still ahead with his wife and life partner, who is a leader in her own right, Elaine Chao, at his side.

Like Clay and Barkley, MITCH speaks with a voice of principle. He is a rocklike friend to his fellow Senators, to this institution, to his State, to his country, and to defenders of freedom the world over.

I join my fellow Senators in congratulating my friend, the majority whip, on reaching this milestone.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky, Mr. BUNNING, is recognized.

Mr. BUNNING. Mr. President, I rise to pay tribute to my colleague from Kentucky, the senior Senator, MITCH MCCONNELL.

Today is somewhat of a historic occasion for my friend, this Senate, and the Commonwealth of Kentucky.

As of yesterday, our colleague, MITCH MCCONNELL, became the longest serving Republican Senator in Kentucky history. He surpassed the service of the legendary Senator from Somerset, John Sherman Cooper.

For over 20 years now—7,481 days, to be exact—MITCH has honorably served Kentucky.

In all that time, Kentuckians have been getting solid leadership and representation here in the Senate. MITCH is an effective and devoted legislator working hard on behalf of the bluegrass State. I could not have had a better partner in my fight for Kentucky.

Some of my friends may not know what kind of role MITCH has played in Kentucky's political scene. He has helped lead the fight to build the thriving, vigorous, two-party political system that Kentucky enjoys today.

MITCH MCCONNELL helped set the growth of Louisville—home of the Kentucky Derby—in motion over 20 years ago when he served as judge-executive of Jefferson County. Many of the initiatives he launched then to expand the city's economic growth and prestige have since borne fruit many times over.

In 1984, Judge MCCONNELL made history with his election to the Senate. He was the only Republican to defeat an incumbent Democratic Senator anywhere in the country. He was the first Republican to be elected statewide in Kentucky since 1968.

For a lot of people, that would have been enough. But not for MITCH. Thanks to him, 1984 was not just one election for one man. It was the beginning of an emerging and competitive two-party system in Kentucky.

Once upon a time, most Kentucky Republican organizations could hold their meetings in phone booths. I remember those days vividly and somewhat fondly because in the early 1980s, I was just one of nine Republicans in the Kentucky State Senate.

I bet that sounds good to some of my friends on the other side of the aisle, but in all seriousness, one-party rule is not good for anyone, including the party in power. If parties do not have to compete to sell their ideas, they stop coming up with new ideas and they get lazy. The people they serve are left without a voice because the people in power have no incentive to listen. I believe that to be true no matter which party is in power.

In the eighties, Senator MCCONNELL saw us all laboring under one-party rule and decided to do something about it. He helped recruit candidates to run, and he never shied away from explaining the Republican message every where he went. And he did it all with his trademark-focused determination.

Many of my colleagues know that once MITCH sets his sights on something, no one will outwork or outthink him in pursuit of his goal.

I am a witness to this. I first ran for the Congress in 1986, and I won. At that point, and in getting to know MITCH much better, it was already clear that MITCH had goals for Kentucky's Republican Party.

After helping to lay the groundwork for many years, these goals began to pay off. In 1994, we saw two Republicans—RON LEWIS and ED WHITFIELD—win seats in the U.S. House of Representatives that had been held by Democrats for years. In 1996, Congresswoman ANNE NORTHUP won another seat in Louisville held by a Democrat. Congressman Ernie Fletcher joined them in 1998, and Congressman GEOFF DAVIS, last year, won back my old fourth district House seat. Today, Kentucky sends a largely Republican delegation to Congress, and my colleague worked hard to help make that happen.

When I decided to run for the U.S. Senate in 1998, and when I ran for reelection in 2004, MITCH was there for me. His help was phenomenal and said so much about our friendship.

MITCH also helped influence Kentucky's State government. For decades, one party had a lock on the statehouse and the Governor's mansion, but that is not true today. Republicans gained control of the Kentucky Senate in 1999, and in 2003, they captured the Governor's mansion. I know MITCH was involved in these races to help build a viable two-party system in Kentucky.

MITCH has been a great friend in the Senate. In fact, he is my best friend in this body. But he has also been a great friend to the good folks of our Commonwealth over the last 20 years.

Last year, MITCH and I worked hard in the Senate on the passage of a tobacco buyout for our Kentucky tobacco farmers. This is one of the most significant events in the agricultural history of Kentucky. That tobacco buyout literally saved the livelihood of tens of thousands of Kentucky tobacco farmers, their families, and the communities in which they live. That old quota system that dictated to the farmers how much tobacco they could sell was broken. My office and Senator MCCONNELL received thousands of letters and phone calls from Kentuckians pleading for help. We answered their pleas and, MITCH, our Senate majority whip, had a major role in pushing this ball over the goal line.

Throughout my service in the Senate, I could not have asked for a better comrade in arms than MITCH McConnell. MITCH, is a fighter. When he is on your side, you feel unstoppable. When he is not, you know you have an uphill battle to fight. But he is always fighting for what he believes in and what is right. Kentucky is lucky to have him, and so is this Senate.

MITCH, I appreciate you, and I am proud to call you my best friend in the Senate. Congratulations on your milestone. You have my vote for Kentucky's political hall of fame.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Under the previous order, the senior Senator from Kentucky, Mr. MCCONNELL, is recognized.

Mr. MCCONNELL. Mr. President, first, I extend my thanks to the majority leader for his exceptionally generous remarks about my service here, and I also want to take this opportunity to thank him for the extraordinary leadership he has provided over the last 2½ years. It has been a great pleasure working with the Senator from Tennessee almost every day as I try to assist him in conducting a chorus on our side that is occasionally slightly off key but, generally speaking, singing the same tune.

To my good friend and colleague from Kentucky, we share the same constituency. We have similar views on how America ought to be led. It has been a distinct pleasure, I say to my friend from Kentucky, to be associated with him, to enjoy his own electoral success, which has been quite extraordinary given the rather limited number of Republicans who have been elected to the Senate from our State. I thank him for his incredible, generous remarks.

Mr. President, I stand here today with a bit of disbelief. Forty-one years ago, as a young man long on desire but short on achievement and certainly devoid of connections, I met the man I considered to be one of the greatest Senators in Kentucky's history and certainly the greatest in my adult lifetime, John Sherman Cooper. I was 22 years old, had just graduated from the University of Louisville, and was intent—absolutely intent—on getting a Senate internship as the first step up what I hoped would be the ladder to a life of accomplishment.

Senator Cooper reached out and lifted me up to that first rung. He took me on as an intern in his office, and this was at a time when many Senators did not have internship programs at all. He gave me a chance to do that. I had the pleasure of being the only intern in the office and to stay for the entire summer—June, July, and August. So he became my boss, and he also became my mentor, and he became my friend. In fact, he was the first great man I ever met.

Now I stand in the same Senate Chamber as Senator Cooper, the longest serving Republican Senator in Kentucky's history, until yesterday. I am filled with gratitude for his helping hand, gratitude for Senator Cooper, and for a country where there are no limits to one's success.

Senator Cooper served for 7,479 days. My fellow Kentuckians elected him to this body five times. But Senator Cooper had a most unusual record of service. It was not unbroken, nor was he elected to a full 6-year term until his fifth race for the Senate. In fact, to serve his nearly 21 years he stood for election seven times. He won five and he lost two. He also lost a race for Governor before World War II. But he was never afraid to put himself before the people of Kentucky and be judged. He knew who he was and he knew where he stood. To borrow a phrase, he had the courage of his convictions.

To most Kentuckians, Senator Cooper was our emissary to places of power. I viewed him with simpler eyes. He was my hero. I learned more from him than from anyone else I have encountered in all of my years in public life. He taught me how to be a Senator. And he taught everyone who knew him

the value of integrity, forthrightness, and moral character.

Senator Cooper stood fast for what he believed was right, no matter how large the opposition and no matter what the cost, even if that cost might mean his seat in this Chamber. When President Andrew Jackson said, ''One man with courage makes a majority,'' he was talking about John Sherman Cooper.

I saw that firsthand during my summer here in Washington in 1964. That was the summer of my internship in the Senator's office. It was also the summer of the Civil Rights Act of 1964, and we all remember what a dramatic struggle that bill was.

Until that point, the Senate had been, for the most part, a graveyard for civil rights bills since reconstruction, courtesy of the filibuster. But as my generation was keen to say at the time, things were a-changing.

By mid-June of 1964, the Civil Rights Act had been debated in the Senate for 57 days. One Senator filibustered against it by speaking on the floor for over 14 hours. But not John Sherman Cooper.

Senator Cooper had advanced equality for every American citizen for his entire public life. In the 1930s, as county judge of Pulaski County in south central Kentucky, he felt moved to help his African-American constituents who were hit hard by the Great Depression just as much as his White ones who were equally devastated. He was known to take money out of his own pocket to buy a meal for a starving family of any color. In the 1940s, he was one of the first Kentucky circuit court judges to seat Blacks on juries.

In 1963, he tried to pass a bill barring discrimination in public accommodations. It was filibustered, just like all the others. He was determined that the 1964 Civil Rights Act would not meet the same fate.

Senator Cooper's office was besieged with mail from thousands who opposed the bill. Some just were not ready for this measure, although I am proud to say that things have come a long way since then.

Despite the considerable opposition back home, Senator Cooper never wavered. Steadfastly and with clear vision, he worked to get the votes to break the filibuster.

I must admit, seeing him stand his ground was a bit exciting for a young man. But I wondered how he could hold fast against such forceful opposition. So perhaps crossing the line of decorum between Senator and staff that existed in those days, I asked him one day: How do you take such a tough stand and square it with the fact that a considerable number of people who have chosen you have the opposite view? His answer is one I will always remember.

He said, ''I not only represent Kentucky, I represent the Nation, and there are times you follow, and times when you lead.''

From that one simple statement, I learned first-hand what I had never learned in school. Senator Cooper followed the Jeffersonian model of representative democracy: Put succinctly, the people elect you to exercise your best judgment.

He did not think a leader was someone who wet his finger and stuck it in the air to see where popular winds blew. He believed that even if voters don't agree with every position a leader might take, they would see that leader trying to do the right thing, they would respect that, and they would support him, or disagree with him and vote him out.

Senator Cooper believed that a leader should stand up for what he thought was right, regardless of the opposition, or the cost.

I think he stuck to this principle so firmly because he learned it the hard way. As I said, his career was filled with many peaks, but also a few valleys.

In 1939, he made his first bid for statewide office with a run for Governor, but did not even win the primary. He won his first statewide race in 1946, in a special election to fill a partial term in the U.S. Senate. But when he ran to hold the seat in 1948, the same electoral wave that propelled President Truman to a surprise second term, producing that famous ''Dewey Defeats Truman'' headline, also swept Senator Cooper and many other Republicans out.

It probably did not help that Kentucky's other Senator, Alben Barkley, the majority leader and a beloved Kentucky figure, was Truman's running mate.

Senator Cooper won his seat back in 1952, again for a partial term, when Gen. Dwight David Eisenhower sat atop the ticket. But he lost the seat in 1954, when he ran against the one Kentucky politician more popular than he, Alben Barkley, now a former Vice President running to return to the Senate.

He came back in 1956 to win his old Senate seat, and this time he held it until retirement in 1973. So he had three partial terms before ever being elected to a full term.

In 1966, his last election, he set a record for the largest margin of victory for a Republican in Kentucky history, a record that held for nearly 40 years until one of his former interns broke it in 2002.

Senator Cooper's peers on both sides of the aisle respected his wisdom and gravitas. But he was defeated by Senator Everett Dirksen for Republican leader in 1959, by a vote of 20 to 14—not exactly a cliffhanger as leadership races go.

Senator Cooper knew the bitterness of loss as well as the sweetness of victory. It is a sign of the respect he commanded, from both parties, that after every loss a new door opened, often as an important diplomatic assignment on behalf of the President of the United States.

After his defeat in 1948, President Truman asked him to serve as a delegate to the newly formed United Nations, alongside Eleanor Roosevelt. After his 1954 loss, President Eisenhower appointed him Ambassador to India, a crucial post, as this newly independent country was weighing whether to align with the free world or the Soviet bloc.

After his retirement from the Senate, President Ford called him back into public service to be America's first ambassador to East Germany. With all this diplomatic experience, I think Senator Cooper brought a perspective to foreign-policy issues that the Senate may have otherwise lacked.

As Senator Cooper's intern, I also had the pleasure of meeting his charming wife, Lorraine. Their marriage was proof of the old adage that opposites attract. Where he was soft-spoken, unpretentious, and humble, she was vivacious, full of good humor, and very much a member of high society. She threw many Washington parties, and in fact even though it was not a Washington party, I think I had my first glass of champagne courtesy of Lorraine Cooper.

Lorraine was not a native Kentuckian, and few would have mistaken her for one. When Senator Cooper ran in 1956, some of his aides recommended he campaign without her. He would hear none of it. Lorraine marched through every small, rural Kentucky town in her pinwheel hat and brocade dress, carrying a silk parasol and an emerald-studded cigarette holder, and they loved her.

At a diner in Berea, in central Kentucky, a woman admonished Lorraine for smoking at the lunch counter. ''Listen,'' Lorraine replied. ''I'm supporting the state's most valuable crop.''

The first Tennessean who was majority leader of the Senate, Howard Baker, likes to tell the story about Lorraine Cooper. Right after he was chosen Republican leader, the phone rang and it was Lorraine Cooper on the phone. She said: Howard, do you have time to see me?

He said: Well, of course.

So Lorraine Cooper got an appointment, came up to the Senate, walked into his office and sat down and she looked at him. She said: Now, Howard, do you have any money?

Senator Baker said: Yes.

She said: You need new clothes.

Then she got up and walked out.

Senator Cooper was a confidante to Presidents. He and Lorraine were the first dinner guests of John F. Kennedy after the latter's election to the Presidency in 1960. I know my good friend, Senator KENNEDY of Massachusetts, has said that his brother the President thought very highly of Senator Cooper, as did he.

Senator KENNEDY once said that Senator Cooper ''always brought light to the problem, rather than heat.'' What a wonderful description of this kind, thoughtful, wise and honorable man.

Let me add to Senator KENNEDY's description that Senator Cooper showed the same compassion and courtesy to the Kentucky farmer, to the Capitol Hill intern, or to the destitute of the Third World, as to the powerful and the mighty.

I know this from personal experience. One day in August 1965, I returned to Senator Cooper's office after completing my internship one year before. I was then a law student, having finished my first year at the University of Kentucky College of Law.

I was waiting to see Senator Cooper when suddenly he appeared and motioned for me to follow him. We walked together from his office in Russell 125 to the Capitol Rotunda, where I saw more people, and more security, than I had ever seen before. Then Senator Cooper told me what was happening: President Johnson was about to sign the Voting Rights Act that Senator Cooper had worked so hard and courageously to pass in 1965.

Sure enough, the President of the United States emerged. Every good biography of President Johnson describes him as a larger-than-life man, with an imposing physical presence. Let me testify right now that they are correct. President Johnson seemed to tower a head taller than anyone else in the room. He had a huge head, massive hands, and a commanding figure that immediately filled the Rotunda.

I was overwhelmed to witness such a moment in history, and moved that my hero, at the spur of the moment, had brought me to witness it.

I stayed close to Senator Cooper for the rest of his life. When I first won election to this body, Senator Cooper was retired and living in town. He invited me to stay at his home when I came to town to be sworn in. He would regularly come to my office to visit.

Harry Truman once said, ''If you want a friend in Washington, get a dog.'' It doesn't sound like he had a very pleasant introduction to Washington. Mine could not have been more different. Senator Cooper gave me, as a new Senator, the gift of his 20-plus years of experience. We remained close, even as his health began to falter near the end of my first term.

John Sherman Cooper died in 1991 at 89 years old. Kentucky lost a leader, and the Senate lost a valued friend. Somewhere in a small town in Kentucky, a young boy or girl eager to enter public service lost a hero. I lost all three.

If not for John Sherman Cooper, I would not be here today. If not for him, all of the lives he touched—the farmer and the businessman, the indigent and the rich, the white and the black, the powerful and the least among us—would have a little less justice, and slightly narrower horizons.

I stand here 2 days past the 7,479 days that grand gentleman graced this floor. To a kid whose dreams and ambitions greatly outstripped his means of ascent, I cannot begin to describe how that feels. It's humbling, and bittersweet. He looms in my memory. But I think of him today just as I first did on that bright day in 1964, a giant among men and a role model for life.

Thank you, Senator Cooper. You gave me more than I can ever repay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I do not know how one signs on to all of what was just stated by my friend from Kentucky. I can also compliment him in a couple of areas and say that I would not be here had it not been for him. I do not know if I should mourn or celebrate that.

Nonetheless, if anyone ever visits Kentucky and takes in the traditions of Kentucky, they will find out the former Senator was a part of that landscape and the present-day Senator is the same way. So congratulations.

Mr. MCCONNELL. I thank the Senator.

AMENDMENT NO. 1019

Mr. BURNS. I yield the floor back to the Senator from Oklahoma on his amendment where we were interrupted, amendment 1019, which is in order.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We were in the midst of talking about whether we buy land or take care of diabetes with native Americans. That is what this amendment does. It is obvious we are not going to be able to trim the spending in this bill, but it certainly is not obvious that we cannot reprioritize.

Let me give some facts and figures on Native American diabetes compared with diabetes in every other group in this country. The national U.S. population rate for diabetes is 6.3 percent. For Native Americans between 45 and 74 years of age, it is 45 percent, 7 times the national average. The most extensively studied, the Pima Indians, an estimated 50 percent of that population suffers from type II diabetes.

Native Americans who have diabetes suffer from increased rates of kidney failure, amputations, blindness, heart disease, and stroke. End stage renal disease in Native Americans with diabetes is six times higher than any other group in this country. Diabetic retinopathy, i.e., blindness from diabetes, occurs in 24 percent of Native Americans who have diabetes. Only 2 to 4 percent of the diabetes in the Native Americans is type I; 98 percent of it is type II diabetes.

Alcohol and substance abuse is where the other half of this money goes. Nineteen percent of Native American youth age 12 to 17 are consuming alcohol at an alarming rate, headed for addiction; 12.8 percent of the young 12 to 17-year-olds engage in binge drinking. That is five or more drinks, weekly. HHS estimates that 7.6 percent of Native Americans over the age of 26 are classified as heavy alcohol users. American Indians are five times more likely to die of alcohol-related causes than other groups and they face significant increases in carcinoma of the liver and chronic diseases such as psoriasis.

Mortality rates from alcohol and substance abuse are seven times higher in Native American populations than in the general population.

This amendment does not cut funding. It simply moves money from land to people, moves money from the purposes of why we are here to care for those who cannot care for themselves. I would say in Oklahoma, it is very evident to see the underfunding for the Indian Health Service, the number of true full-blooded Native Americans who cannot receive care that was promised under treaty to get the care they need for their diabetes, for alcohol abuse, and other substance abuse.

This is a simple amendment. I understand a budget point of order is going to be raised against it because it spends money faster than the land acquisitions do. I plan on moving to waive that point of order, but I would say to my friends on the committee, and I would say to the people of America, should we be buying more land when we cannot afford it? And if we are going to spend the money anyway, should we not be spending that on something that is going to increase the quality of life and increase the health care of those who are least fortunate in our society?

I would also ask, having looked at this and then refer to the increased spending since 2001, how many Americans have received a 39-percent pay increase since 2001? That is how much Federal Government spending, discretionary spending—that is not Medicare, that is not Social Security, that is not Medicaid, but discretionary spending—has risen. It is time for us to tighten our belt. This is one way to move the priorities back to where they should be in terms of caring for real people, not land.

The other point that I would make is when we buy land it costs us twice. No. 1, it takes it off the tax rolls which decreases the amount of income coming to the States, local communities, and municipalities. But No. 2, it markedly increases costs to care for that land. With $92 million unspent from last year, we are going to spend another $40 million to $50 million to maintain that land and close the purchase.

With that, I yield to the chairman of the subcommittee and thank him for the time to allow me to present my case.

Mr. BURNS. I thank the Senator from Oklahoma. The argument is made there are very few of us here who do not look for extra funds to put into IHS, and especially in the diabetes program. We know that is important.

This year, the committee has included an additional $135 million to support Indian health services. This is the largest increase in many years targeted specifically at providing greater support for hospital and clinical services, dentistry, nursing, diabetes, and

other important health services. Funds for population growth and medical inflation have been included for the first time in probably a decade or more.

This increase comes at a time when most other agency budgets in the bill are not growing—in fact, many are declining. For example, EPA is reduced $144 million below their current year level; the Forest Service $648 million below; and the National Park Service, $52 million below. I point to these reductions both to underscore the commitment all of us share to improving health care in Indian country, but also to demonstrate that increases for any one agency come at the expense of others.

My colleague's amendment proposes to add funds to the special diabetes program. This program was initiated through the Balanced Budget Act of 1997 and reauthorized in December 2002 to provide $150 million annually for 5 years beginning in 2004. These are not appropriated dollars, it is a mandatory spending program for the prevention and treatment of diabetes within Indian communities. In addition to this program, the IRS itself spends over $100 million annually from within its appropriation to address diabetes treatment and prevention. There are also other programs funded outside this bill—the Centers for Disease Control comes to mind—that direct funds to Indian country for diabetes work. I mention these programs to highlight the fact there are significant resources being dedicated to diabetes work now with this committee's support and we are encouraged by the impact these funds are having in Indian communities.

Alcohol and substance abuse is another area where we are directing a substantial amount of funding into tackling this problem. This budget proposes a $6.3 million increase bringing the total for these efforts up to $145.3 million. Of this funding, 97 percent goes directly to tribally contracted or compacted programs. The committee has been an advocate for this program and has worked to increase funding over the years.

Funding levels for these two programs may not be in amounts that are ideal, but they are significant. Other programs of importance to our Members were proposed to take substantial reductions in the budget request, which we have struggled to restore. In the end, as I have said before, we have to strike a balance in this bill. I think the committee bill does a good job of hitting this balance and I urge Members to support the committee position.

Mr. COBURN. Will the Senator yield for a question?

Mr. BURNS. I yield for a question.

Mr. COBURN. There is no question a significant amount of money is being spent on these two programs, but when you compare it to every other group in this country, what you see is about $1 compared to $3 for everybody else in terms of diabetes. You cannot very well square that when there is six times the rate of end-stage renal disease in Native Americans. That is an important point because if you can prevent end-stage renal disease, you save $50,000 per year per person in not having them on dialysis, as well as the fact it is a miserable life being on dialysis.

So the point is that there are increases. I will recognize that. I still say how in the world can we justify buying land when we are stealing $541 billion from our grandchildren? And No. 2 is why not people instead of land? That is a legitimate question, especially in an underserved segment of our population that needs the dollars that will make a tremendous difference. I would just ask the Senator, can't we come to an agreement that a portion of this money should be moved to solve this very tragic problem that affects and afflicts Native Americans at a higher rate than any other group in this country?

Mr. BURNS. This bill has such a delicate balance that there could be—and I will raise it—a budgetary point of order. That is what we have to work with. The Senator from Oklahoma knows how to work with budgets and how we work with appropriations. It proposes to add $121 million to the Indian Health Service for a special diabetes program and an alcohol substance abuse program. The offset would be derived from an equivalent reduction in land acquisition. This transfer of funds results in a change of outlays that causes the bill to exceed its outlay allocation.

Now we might work on offsets in some other areas. As to the argument that you would make about land acquisition, we have always had land acquisition, but we have also had land sales. I wish I could stand here and report to you that we had as many sales as we have had acquisitions because I, for one, support the idea that there should be no net gain of land by the Federal Government. I come from county government. I know whenever the Government buys land, it takes it off the tax rolls. It hurts me as a county commissioner to provide all the programs that I have been asked to provide at the county level. In fact, we passed some legislation at one time when I first came here, which I was part of, of no net gain—or no net loss—whichever way you want to define it.

The way this is structured does raise a point of order, and I will raise that point. The pending amendment offered by the Senator from Oklahoma increases discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior and Related Agencies of the Committee on Appropriations. Therefore, I raise the point of order against the amendment according to section 302(f) of the Budget Act.

Mr. COBURN. Mr. President, I thank the Senator for his courtesy. I plan, in a moment, to move to waive the point of order, but before I do that I think every American ought to be asking the question this is $544 billion which we are going into the market and borrowing on budget this year, $544 billion that our kids and our grandkids are going to have to pay back at a minimum of 6 percent interest every year. So we are going to pay back about $2 trillion on this $544 billion. That is going to be about $70,000 apiece that we are going to wrangle their future with. And the question is, Should we be buying more land if we are going to put our kids in debt?

The PRESIDING OFFICER. The Parliamentarian advises that the point of order is not debatable.

Mr. COBURN. Mr. President, I move to waive the point of order.

The PRESIDING OFFICER. Does the Senator seek the yeas and nays?

Mr. COBURN. I do. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to waive is debatable, and the Senator from Oklahoma is recognized.

Mr. COBURN. The question the American people have to ask themselves is, if we are going into hock and we are going to put this kind of lien on our kids, should we be taking money off tax rolls? Should we be spending more money to maintain the land? Or if, in fact, we are going to do this, should we not see an outcome that reduces our cost by reducing insulin dependence type 2, by reducing dialysis? I believe the choice is very clear, that we ought to be taking care of those who need us the most and not add land that is going to add cost. In fact we should, invest in those people where we are going to decrease the cost of the Indian Health Service. With that, I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. ROCKEFELLER. Mr. President, I had to be absent from the Senate today, and I missed votes beginning with the motion to waive the Budget Act with respect to amendment No. 1019, offered by my colleague from Oklahoma, Mr. COBURN. I had to miss the votes in order to travel to Charlotte, NC, to participate in a Base Realignment and Closing, BRAC, Commission Regional Hearing at Central Piedmont Community College. I am not absent from the Senate on days when we have votes without good reason.

This afternoon there was nowhere more important for me to be than at the BRAC Regional Hearing, which is part of the process whereby the fate of the 130th Air National Guard Wing, based in Charleston, WV, will be decided. I believe it is a crucial part of my duty as a United States Senator from West Virginia to protect the 130th. While I respect the difficult work done by members of the BRAC Commission, and understand that their preliminary recommendations were made in a good faith effort to improve the efficiency and efficacy of our armed services. However, I believe that gutting the 130th is wrong and I must make every effort to oppose it.

The 130th plays an important role in our national security, as well as the security of

the greater Washington area. It has also provided hundreds of National Guard personnel who responded to the call of duty in Bosnia, Afghanistan, and Iraq. In addition to 340 full-time Guard members, the 130th employs 201 federal technicians, and more than 80 active guards. The State of West Virginia also employs more than 50 State employees whose jobs depend on the continued presence of the 130th. At a time when enlistments and retention for both our National Guard units and regular Army are suffering, the 130th had 96 percent reenlistment, fifth in the nation. Every single job in West Virginia is sacred to me, and as these jobs also protect my home State and are a vital part of our military family and national security, I believe very strongly that they should not be cut.

With regard to the amendment by Senator COBURN, I believe he made very persuasive arguments about problems in Indian Country of diabetes and drug and alcohol addiction. When you consider that Native Americans from the ages of 45–74 have a rate of diabetes roughly seven times the rate for all Americans, and that drug and alcohol addiction is rampant, I believe most of our colleagues would feel that all that can be done to help the Indian Health Service—IHS—combat these plagues should be done.

However, we are in a time of severe fiscal constraints, and I commend the Interior Appropriations Subcommittee for successfully completing the difficult task of meeting so many priorities as best they could. The underlying bill contains about $100 million in appropriated funds for diabetes programs under the IHS, and there are more than $150 million available in mandatory spending in other programs targeted at the same problem. Similarly, the bill funds alcohol and drug abuse programs at $145.3 million. Senator COBURN would have shifted additional funding to those important causes by transferring funds to be appropriated for land acquisition. The bill contains only about $154 million for Federal land acquisition. While IHS diabetes and drug treatment programs surely could have benefited from an extra infusion of cash, it was also important to fund the land acquisition program at a reasonable level.

I will support efforts to adequately fund all programs of the Indian Health Service, and while I would have opposed the Coburn amendment, I commend him for his obvious and careful attention to this matter.

Mr. BURNS. Mr. President, I ask unanimous consent that this amendment be set aside. I believe the Senator from Oklahoma has another amendment.

AMENDMENT NO. 1053

Mr. DORGAN. Mr. President, I wonder if I might ask the Senator from Montana, my understanding is that we have a request from Senator BYRD, and I believe Senator COCHRAN, that on their behalf, the Byrd amendment, amendment No. 1053, be adopted by voice vote. My understanding is that both sides have had that request of Senator BYRD and Senator COCHRAN. I wonder if we might be able to accomplish that, I would ask the Senator from Montana.

Mr. BURNS. That is perfectly amenable to me. In fact, I would suggest the pending business be set aside and call up amendment No. 1053.

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

Mr. BURNS. I ask unanimous consent the amendment be adopted by voice vote.

First, the unanimous consent is to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1053) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I am a cosponsor of the amendment offered by Senator BYRD and Senator COCHRAN to establish a Memorial to Martin Luther King, Jr. on the Washington Mall.

A memorial to Martin Luther King, Jr. in the heart of the Nation's Capital is a fitting tribute to a man whose vision and courage transformed the face of our Nation. Only a short distance from us here in the Capitol, Martin Luther King, Jr., delivered his famous ''I Have A Dream'' speech on the steps of the Lincoln Memorial. His inspirational words resonated with many Americans and helped spark the civil rights movement.

Dr. King started as a civil rights leader during the Montgomery bus boycott. Despite the bombings, arrests, and violence that Dr. King faced as a leader of this boycott, he continued to push for change. The Montgomery bus boycott successfully brought the glaring inequities facing African Americans to the fore of the American consciousness. In response to the boycott, the U.S. Supreme Court outlawed racial segregation on intrastate busses. However, as we know, Dr. King did not stop with this one legal victory.

Dr. King continued to tirelessly advocate for the principles of nonviolent protest as a means of addressing the injustices facing African Americans. Even in the face of tremendous opposition and cynicism, Dr. King persevered and helped concentrate the civil right movement's momentum for change. It is largely due to Dr. King's efforts that Congress rightly passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Over 4 decades later, I believe we are coming closer day by day to achieving Dr. King's dream, but still, more progress must be made. To memorialize Dr. King's dream here in our Nation's Capital would serve as a powerful reminder of the strides we have made but the steps we must still take together as a nation to weed out inequity.

I am pleased to have the opportunity to cosponsor this amendment with Senators BYRD AND COCHRAN to honor this great individual with a memorial in Washington, DC. The $10 million authorized by this amendment will help expedite the building of this memorial, which shall serve to remind future generations of Dr. King's sacrifices and his lasting legacy.

I urge my colleagues to support this amendment, and I ask unanimous consent that the full text of this proposed legislation be printed in the RECORD immediately following this statement.

AMENDMENT NO. 1003

Mr. COBURN. Mr. President, I call up amendment No. 1003. I would like to be recognized to speak on that amendment.

The PRESIDING OFFICER. The amendment is now pending, and the Senator from Oklahoma is recognized.

Mr. COBURN. I would like to call the attention of the Members to page 8 of the report language on the Department of Interior, Environment and Related Agencies Appropriations bill, 2006. No. 7 is entitled, ''Report Language.'' I think it is important that we understand what this says. It says:

> Any limitation, any directive or any earmarking contained in either the House or Senate report which is not contradicted by the other report, nor specifically denied in the conference report, shall be considered as having been approved by both Houses of Congress.

Mr. President, I do not have objection to that other than the fact that the American people, when the report comes out of conference, will have no way to measure the earmarks, the directives, and other things in that bill without that inclusion. This amendment requires that any limitation, directive, or earmarking be included in the conference report. This amendment is about sunshine so that if you get the conference report you can actually tell what is earmarked, what is directed, what is limited by the language that individual Senators have placed in the bill. I do not expect this amendment to pass. I understand that. But I think in one of the steps of us ever getting to the point where we do not leave this heritage of tremendous debt to our children, sunshine has to come in. And when we pass a bill out of conference, the conference report ought to say what is in there, just like it does when we have a conference bill on the Senate side or a conference bill on the House side.

The current report language actually abdicates our authority in looking at what the House earmarks or what the House limits as a body. We do not get a chance to look at that because it is not in the report language coming out of conference. I believe the Senate has a responsibility to vote on everything that is in that bill and have knowledge of everything that is in that bill. The only way a Senator will be able to know that is to take the House language in their report, filter through the Senate language, and figure out what is and what is not included.

This amendment requires that all provisions must be included in the conference report. It allows both the Senate and the House the opportunity to vote on all provisions, as opposed to only those which happen to pass through their respective Chambers.

I believe the American people expect us to do that. I believe this body was, in fact, intended to look at what the

House does. I believe the conference report ought to share what the House has limited, directed or earmarked for the benefit of individual Members or individual States, cities or otherwise.

So with that, I yield to the Senator from Montana and ask that he would support this amendment. It is a simple change. It is a change for open and more transparent Government. It is my belief that it is something we ought to consider.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. We all live by sunshine, I would tell the Senator from Oklahoma.

I think—I will have to ask counsel on this—whenever the House passes their bill and sends it to the Senate, and we take that bill to our committee, both the subcommittee and the full Committee on Appropriations, that House bill contains all of their earmarks. And some of those earmarks are covered up, agreed. But that bill is available for the Senators' perusal whenever it comes over here.

Now, most of these, however—recommended by the House and the Senate both—appear in the tables of the statement of the managers that accompanies that conference report. They are all there. All you have to do is kind of look for them. Some of them are not because the two bills are merged.

So in order to get the bills balanced out, merged, and back on the floor with a conference report—and you have to remember, the staff reads that whole bill, every word, before it is in its final form and comes back here for final consideration—some of those do get covered up. But in each body, all of those earmarks are a matter of public record, what goes on in their committees on the House side and the Senate side. This is to facilitate getting that report put together, the bill coming back on this floor, and getting it passed.

So what the Senator is asking for is more time between the time the House passes it, we pass it, it goes to conference, and then getting it back on the floor and full disposal of the conference report.

So it is not to hide anything. The way it is done is not meant to hide anything. And nothing is hidden. You just have to follow the trail in order to dig it out. And I realize sometimes the public would have a hard time doing that. But as a Senator, we even have to work at it at times. But, basically, that is the reason for the process: to save time, take some of the load off the staff that has to put this together.

So I would ask that the body oppose this particular amendment.

The PRESIDING OFFICER. The Senator from Oklahoma

Mr. COBURN. Mr. President, I think we are in a time when we can take the time to make sure the American public knows what is in the bills. As a matter of fact, I think it is wrong if we do not take the time. I read almost every bill. I am one of the few Senators who do. I can tell you that I will struggle through a House bill and then have to subtract out the conference bill to find out what was deleted from the House bill to be able to know what is and what is not there.

That is not sunshine for the American people. It is barely any sunshine for a Senator. I restate, the fact is, we ought to make it easy for the American people to find out where we are spending the money. A conference report that does not make it easy, does not direct where the money is directed, where the earmarks are, where the limitations are, is less than what the American people deserve.

This is a simple request. It will not add that much time. It is all printed out. In the conference, you all know what you are going to agree to and what you are not going to agree to. It is taking one computer screen: You punch ''copy,'' and it goes into the report.

So I would beg to differ with the chairman. I love him dearly. I think he is a great man. But I think the American people deserve to know what is in every report that comes out of here in terms of spending so they can make an evaluation: Are we doing the right thing mortgaging the future of our kids? Is it legitimate?

But to pass a conference report that does not give that pathway to them, for them to see and make that judgment, I think is wrong.

I think it will help us as the Senate, as we look at what the other body does, to put that in that report. I believe anything less than that says we do have something to hide. We may not have anything to hide. But not being very transparent and very clear about what the limitations, earmarks, and directives are in a bill is something less than what the American people deserve.

I ask the chairman again to reconsider his opposition to this amendment.

Mr. BURNS. Well, I will tell you, I have read those conference reports, also—even the bills that come over from the House—like you. If you have a clear paper trail, and you read everything, about 80 percent of all earmarks are contained in the conference report. There are just a few that are matched up, and we do not get to see them in the conference report.

Mr. COBURN. Will the Senator yield for a question?

Mr. BURNS. I will. I am still going to fight for the 20 percent. How is that?

Mr. COBURN. But the point is, don't the American people need to see that 20 percent? Shouldn't they be able to see that 20 percent?

Mr. BURNS. Sure. Listen, I helped pass a law with Senator LIEBERMAN on E-Government. Any citizen can go to their computer and dial it up online, and they can follow it all the way through. There are ways of doing that. I was part of that debate on E-Government. And we are going to do another E-Government bill that is going to open it up even wider, we would hope.

Mr. COBURN. Will the Senator yield for another question?

Mr. BURNS. Yes.

Mr. COBURN. Do you believe the average American can get on a computer, after this bill comes through conference, and see where all the money is spent?

Mr. BURNS. I would answer that by saying those citizens who are really, really interested in how we budget and how we spend do have the capabilities and the knowledge to access that information and to follow it.

Mr. COBURN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. 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. 1002, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 1002 of the Interior appropriations bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. 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.

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

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

The Senator from Michigan.

AMENDMENT NO. 1052

Ms. STABENOW. Mr. President, I appreciate having the opportunity to speak for 5 minutes prior to the vote. I know we have two important votes that will be coming up shortly. But I did want to take this opportunity to indicate that I am very proud to be cosponsoring the Murray amendment concerning the important resources that are needed for veterans health care today.

The midyear budget review of the Department of Veterans Affairs confirmed what many of us have known for some time; that the VA is facing at least a $1-billion shortfall in meeting critical health care needs for the current budget, the 2005 budget. As a result, the VA officials say they are forced to take $600 million away from funds to improve VA hospitals and other infrastructure and to borrow $400 million

from funds already committed to provide health care during the next fiscal year. The end result is that the quality of health care for our veterans will suffer. Essential services and programs are now at risk. This is not acceptable. We need to act today to do something about it.

We are creating more veterans, as brave men and women come home from Iraq and Afghanistan and around the world. Over 360,000 veterans have already returned from Iraq and Afghanistan, and over 86,000 have sought health care from the VA. The VA's patient growth for this year rose by 5.2 percent, an increase of over 3 percent from their original projections. We have men and women coming home every day, changing one hat for another. They come home with the assumption that we will keep our promise to make sure health care is there for them.

We know there are an additional 740,000 military personnel also serving in Iraq and Afghanistan. This next generation of veterans will also be eligible for VA health care, putting further demands on the system. Continued funding shortfalls and rising costs have already resulted in unprecedented waiting times for veterans seeking care. In my State of Michigan, I talk with veterans who have to wait 6 months to see a doctor. This is simply not acceptable. The VA's enrolled patient population has increased 134 percent. Funding for the VA has only increased 44 percent.

It really isn't about funding. We know this involves dollars. The real issue is whether we are going to keep our promise to our veterans who have kept their promise to each of us in fighting for our freedoms. The President's budget fails to keep this promise. I was proud, as a member of the Budget Committee, to be involved in efforts to turn that around. In the budget process this year, we did offer an amendment that would have increased the dollars for veterans health care. That was not successful at the time. Now is the time that we can make this right.

I also mention that in the President's budget this year, instead of adding the dollars needed for our brave men and women who are coming home and putting on the veterans cap, we saw a proposal to double veterans prescription drug copays from $7 to $15 per prescription and an increase of $250 in an enrollment fee for more than 2 million of our veterans. I was pleased as a member of the Budget Committee to lead the effort that took that out of the budget that came before the Senate.

Unfortunately, we are seeing proposed cuts with the budget proposed by the President, deep cuts in our VA nursing homes and private homes, State VA nursing homes. We are seeing continued efforts to roll back dollars rather than increase them.

I hope what we will do long term is move our veterans health care funding over to be mandatory funding rather than having to go through the budget process every year. We know that our veterans put their lives on the line for us without question. They are not asking will those funds we promised really be there for them. They assume we will keep our promise. Every year, we are debating whether veterans health care is fully funded. Now is the time to make this a mandatory promise that we keep based on the needs of our veterans, not a debate about the budget. We need an emergency supplemental to address this crisis.

I am proud to be a cosponsor with Senator MURRAY. I commend her for the amendment. We also need to take a hard look at this year's budget priorities and ask why we are not putting our veterans at the top of the list.

I urge support for the Murray amendment. Then we must get about the business of making sure that we are getting it right for our veterans every year, that we are fully funding their needs, the promises we have made to each veteran who is serving us today, served us yesterday, and will serve us tomorrow.

I urge adoption of the Murray amendment and yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment that I am sponsoring with Senators MURRAY and BYRD, to provide the Department of Veterans Affairs with an additional $1.42 billion in emergency funding to shore up dramatic new shortfalls in the VA health care system.

Our soldiers are returning home from Iraq and the front lines of the War on Terror by the hundreds, to begin their transition back to civilian life—and they deserve our assistance and respect.

In California alone, there have been nearly 100,000 men and women deployed to Iraq and Afghanistan, all of whom will be eligible for at least two years of VA medical services when they return.

Over 1,400 Californians have been wounded during operations in Iraq and Afghanistan. Many of these recent veterans suffered injuries that will require specialty care for the rest of their lives.

Moreover, many of our combat veterans could have mental wounds we are not even aware of yet.

A report issued by the Government Accountability Office in September of last year found that:

> Mental health experts predict that because of the intensity of warfare in Iraq and Afghanistan 15 percent or more of the servicemembers returning from these conflicts will develop post-traumatic stress disorder—PTSD.''

This is in addition to the veterans currently accessing the VA health care system.

And now, we have learned that the VA's budget forecast projections did not adequately provide for soldiers returning from Operation Iraqi Freedom and Operation Enduring Freedom.

How, if we know this, can we sit by and insist that there is no problem? This budget crunch is not just on paper.

In San Diego County alone, 4,000 more veterans have been treated by the VA this year as compared to last, and we are still three months from the end of the fiscal year.

This includes over 1,700 soldiers returning from combat in Iraq and Afghanistan. At the same time, the number of backlogs for appointments is growing, leading to longer wait times for veterans.

And the Los Angeles Times reported on March 20, 2005, that over the last decade, the VA hospital in Los Angeles has reduced the capacity of in-patient psychiatric beds from 450 to 90. Meanwhile, over the same 10 years, Los Angeles has seen an increase of 28 percent in mental health patients.

The crunch is coming and we need to start preparing. This amendment starts the preparation.

But I want to be crystal clear, this amendment only addresses needs this year. Much more work will need to be done in fiscal year 2006.

It appears that the fiscal year 2006 VA budget request also made use of similar data forecasting as this year's, making it highly probable that we will see a repeat of this shortfall next year.

Secretary Nicholson testifies today before the Senate Veterans Affairs Committee and acknowledge that the fiscal year 2006 budget request is insufficient. We look forward to the Administration's budget amendment for fiscal year 06 to deal with this problem.

Clearly, we will have a lot of work to do in the fiscal year 2006 appropriations process. In the meantime, this amendment would add needed funding this year and help to alleviate the budget problems we are seeing in VA hospitals across the country.

In closing, I would only add that this is not a Democrat issue and this is not a Republican issue. This is an issue that goes to the very heart of how we treat those men and women who have fought bravely on behalf of our nation and we need to be unified in showing them our support.

I respectfully urge all of my colleagues to vote for this amendment.

Mr. KERRY. Mr. President, George Washington said more than 215 years ago that, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

Today, our veterans are appreciated, but we learned last week that they are not necessarily treated adequately when it comes to healthcare. The Department of Veterans Affairs, VA, disclosed it needs at least an additional $1 billion to provide healthcare to our Nation's veterans. If we don't do something about it, our veterans will be in jeopardy of having necessary healthcare delayed or even denied due to lack of funds. We must

address this situation without delay. Our troops risk their lives every day defending freedom, and sacrificing to keep us safe. If we fail to meet our responsibility to them, and provide them the healthcare they need, we fail to honor their service.

I hope my colleagues will join me in supporting Senator MURRAY's important amendment to immediately cover this shortfall by providing $1.42 billion to the VA for veterans' healthcare under an emergency designation so we can ensure today's veterans receive the benefits they have earned fighting in Iraq and Afghanistan. I hope that none of us would tolerate the injustice of soldiers who have bled for our country being denied the medical care they need.

While the VA is replacing the lost funds, they do so at a great cost. The VA is cutting corners by squeezing other accounts. Those accounts provide funds for non-recurring maintenance and equipment—funding critical tasks like repairing leaky roofs, or purchasing equipment ranging from photocopiers to defibrillators.

Our VA hospitals should be shrines of gratitude to those who have borne the battle. They should not want for anything—not new roofs, not photocopiers—and most certainly not defibrillators.

At a time when a new generation of veterans is returning from war, set to use the VA in historic numbers, I hope that we will heed the words of Commander James E. Sursely. Commander Sursely spoke for the 1.2 million members of the Disabled American Veterans organization when he called upon Congress to ''. . . act quickly to stem the flow of red ink that threatens health care for today's veterans and thousands of men and women injured or disabled during the wars in Iraq and Afghanistan.''

Our veterans are humble Americans who every day exude the quiet strength that comes from having served their country when it needed them. Today, they need us. I ask all my colleagues to join me in supporting the Murray amendment, and do right by our veterans without delay. Let's not waste another moment in answering this call. Let's fill this gap now. Let's meet their need. Let's not forget that a new generation of veterans is watching to see what we do today.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the vote in relation to the pending motion to waive with respect to the Coburn amendment No. 1019, to be followed immediately by a vote in relation to the Coburn amendment No. 1003, with no second degrees in order to the amendments prior to the votes and with 2 minutes equally divided for debate prior to the second vote.

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

AMENDMENT NO. 1019

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1019. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD), and the Senator from Connecticut (Mr. LIEBERMAN) are absent attending a funeral.

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

The yeas and nays resulted—yeas 17, nays 75, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—17

Akaka	Inhofe	Reid
Brownback	Kennedy	Specter
Coburn	Kyl	Stevens
Conrad	McCain	Thune
Dorgan	Murkowski	Wyden
Enzi	Nelson (NE)	

NAYS—75

Alexander	DeWine	Lugar
Allard	Domenici	Martinez
Allen	Durbin	McConnell
Baucus	Ensign	Mikulski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Roberts
Bunning	Harkin	Salazar
Burns	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Stabenow
Collins	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Corzine	Leahy	Thomas
Craig	Levin	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner

NOT VOTING—8

Burr	Dodd	Lieberman
Byrd	Dole	Rockefeller
DeMint	Graham	

The PRESIDING OFFICER. On this vote, the yeas are 17, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1003

The PRESIDING OFFICER. By agreement, the next order of business is Senator COBURN's amendment No. 1003, with 2 minutes evenly divided prior to a vote on the amendment.

The Senator from Montana.

Mr. BURNS. Mr. President, I urge the body to not support the amendment offered by my good friend from Oklahoma. Everything is listed in earmarks either in the House bill or the Senate bill. The conference report misses some of them because they overlap. I ask the body not to support this amendment and support the committee.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the point I wish to make is the American people deserve to have sunshine on everything we do. The conference report would not adequately reflect the earmarks in the House, the directives in the House, or the limitations in the House. We are going to be voting on the bill without the knowledge of what those limitations or earmarks are.

I would like to turn for a second to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, if we are going to put any kind of brake on earmarking and some of the subterfuge that exists of putting earmarks into conference reports which are then interpreted by the agencies affected as mandatory, the amendment of the Senator from Oklahoma should be adopted.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1003. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) are absent attending a funeral.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 33, nays 59, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—33

Akaka	Dayton	Levin
Alexander	Ensign	Lugar
Bayh	Feingold	McCain
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Boxer	Inhofe	Schumer
Cantwell	Isakson	Sessions
Clinton	Kerry	Specter
Coburn	Kohl	Stabenow
Cornyn	Kyl	Sununu
Corzine	Landrieu	Wyden

NAYS—59

Allard	Bennett	Bunning
Allen	Bond	Burns
Baucus	Brownback	Carper

Chafee	Hatch	Reed
Chambliss	Hutchison	Reid
Cochran	Inouye	Roberts
Coleman	Jeffords	Salazar
Collins	Johnson	Santorum
Conrad	Kennedy	Sarbanes
Craig	Lautenberg	Shelby
Crapo	Leahy	Smith
DeWine	Lincoln	Snowe
Domenici	Lott	Stevens
Dorgan	Martinez	Talent
Durbin	McConnell	Thomas
Enzi	Mikulski	Thune
Grassley	Murkowski	Vitter
Gregg	Murray	Voinovich
Hagel	Obama	Warner
Harkin	Pryor	

NOT VOTING—8

Burr	Dodd	Lieberman
Byrd	Dole	Rockefeller
DeMint	Graham	

The amendment (No. 1003) was rejected.

Mr. BURNS. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1026

Mr. BURNS. Mr. President, we decided to call up amendment numbered 1026, the Sununu-Bingaman amendment regarding the Tongass National Forest.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BURNS. There is no time agreement on this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this year marks the 100th anniversary of the founding of the U.S. Forest Service. The creation of the Forest Service in the Department of Agriculture is remembered as probably one of the most significant conservation legacies of President Theodore Roosevelt.

During President Roosevelt's tenure, there were established 5 new national parks, 51 bird reserves, 4 game reserves, 18 national monuments, and 150 national forests, including the Tongass National Forest. All told, some 230 million acres of land was set aside for the public. It is no wonder that President Roosevelt is regarded not only as the first but perhaps the greatest conservation President.

President Roosevelt shared his vision for the national forests in an address to the Society of American Foresters on March 26, 1903. Here is what he said:

First and foremost, you can never afford to forget for one moment what is the object of our forest policy. The object is not to preserve the forests because they are beautiful, although that is good in itself. Nor because they are refuges for the wild creatures of the wilderness, though that too, is good in itself. The primary object of our forest policy . . . is the making of prosperous homes. Every other consideration comes secondary. A forest that contributes nothing to the wealth, progress or safety of the country is of no interest to the Government, and should be of little interest to the forester.

He further said:

Your attention must be directed to the preservation of forests, not as an end in itself, but as a means of preserving and increasing the prosperity of the nation.

I find it somewhat ironic that during the centennial year when we celebrate the achievements of the Forest Service and the professional foresters who manage these forests, that this particular amendment is offered today. This is an amendment opposed by the Society of American Foresters. This society represents 16,000 professional foresters from across the Nation. It is opposed by the National Association of Home Builders. It is an amendment opposed by the very people who were identified as the core stakeholders of our national forests by the Roosevelt administration.

This amendment is opposed by organizations which, like President Roosevelt, believe in the wise use of our forests. It is opposed by the National Association of Counties. It is opposed by America's working men and women who belong to the labor unions that make up the Forest Products Industry National Labor Management Committee. We have the International Association of Machinists and Aerospace Workers, the PACE International Union, the International Brotherhood of Carpenters and Joiners, the United Mine Workers, the Southern Council of Industrial Workers, and the Association of Western Pulp and Paper Workers.

The amendment we have before the Senate now does not comport with President Roosevelt's vision for the national forests. It is an amendment that turns our national forests, which are intended to support multiple uses, into wilderness areas. It is the falling domino in the nationwide campaign to lock up our national forests, throwing people out of work and wreaking havoc on our local economies. And most offensively, to me, it is an amendment that discriminates against just one forest—the Tongass National Forest, in the State of Alaska. It is only directed to the Tongass. It covers no other national forest in the Nation. I suggest to my colleagues in the Senate that first it is the Tongass; next it will be the forests in your home States.

Even though this amendment is cloaked in the language of fiscal responsibility, it should come as no surprise that the usual suspects are working hard for its adoption—those who seek to shut down and to prohibit any timber activity on national forest lands. It is not that they are fiscal conservatives themselves. It is because they specifically oppose logging in the Tongass. These are groups such as the Wilderness Society, the Alaska Rain Forest Campaign, the National Resources Defense Council, Friends of the Earth, Sierra Club, Earthjustice, formerly known as the Sierra Club Legal Defense Fund. These are organizations that have just said no, there shall be no timber activity in the Tongass.

The Sierra Club Legal Defense Fund, now known as Earthjustice, is a group that maintains an office in Juneau for the purpose of appealing and then litigating the timber sales that are presented in the Tongass.

It is no wonder the Forest Service finds it difficult to efficiently manage the timber program in the Tongass. I am told we have about 2 years of the Forest Service planned timber offerings that are either under appeal or litigation at any one time. This is four times the rate experienced by the Forest Service nationally.

It is fair to say the professional foresters, in whom President Roosevelt placed his trust, no longer manage the timber in the Tongass. I can tell you these professional foresters are very frustrated that what we have are trial lawyers and judges who have more to say about managing our forests than they do.

The proponents of this amendment will tell you this is about making the free market system work within our national forests. As long as the litigators can tie up the timber sales, tie up the forest management in knots, this is not a free market scenario.

When Congress passed the Tongass Timber Reform Act, which caused the cancellation of long-term contracts and the closure of the pulp mills in Ketchikan and Sitka, that was not the free market. It was not the free market that eliminated thousands of timber jobs in the State of Alaska. It was about timber politics, plain and simple.

It is not the free market that generates the high costs that the proponents of this amendment complain make the timber sales unprofitable. According to the Society of American Foresters, about 75 percent of the cost associated with timber sales in the Tongass is spent on environmental review, appeals, and litigation. So the remaining 25 percent of that is spent on actual preparation and administration of the sale.

So again, you look at the numbers, and you say, it seems, looking at just the columns, the numbers are higher. But keep in mind, 75 percent of those costs are directly associated with the environmental review, appeals and litigation. So we need to be very clear about what this amendment does. If it is passed, it essentially will enact a roadless rule on the Tongass National Forest. Because the Tongass is currently 95 percent roadless, and because it has stringent environmental standards, the amount of timber that could be harvested from the Tongass would be vastly reduced.

The current 150 million board foot program—and keep in mind, this was formulated after a very extensive scientific consultation, with public participation. It was a process which took 9 years and $13 million to complete this plan. Under this program that again was formulated in this very lengthy process, it would be reduced to 30 to 40 million board feet. This would result in the direct loss of two or more of the mills and loss of about 680 potential jobs.

Now, some of you may be saying: Well, 680 jobs does not seem that significant. In the southeastern part of

the State of Alaska, where our population numbers are few and our unemployment numbers are very high, this is a huge loss. This is a devastating loss. This would truly be nothing more than the latest chapter in the campaign to shut down the Tongass and kill off the timber industry in southeast Alaska.

Now the proponents of this amendment would have us believe that if this amendment fails, then somehow or other there are going to be all these big corporations that stand to gain. But the timber industry in southeast Alaska is not made up of big corporations. It is made up of mom-and-pop businesses. These are owner-operated small businesses run by people such as Steve Seeley, out of Ketchikan; Kirk Dahlstrom, out of Klawock; Butch and Jackie DuRette. These are real people who are contributing to their local economy. These are people who could have cut and run when the timber industry turned sour, but instead they accepted the risk. They stayed around, and they tried to build their businesses. Believe me, these are people who know what the free market is. I know these people, and I am proud to tell you of the good job they do contributing to the economy of southeast Alaska.

So for the good of southeast Alaska, and for the good of sound forest management, I ask my colleagues to look at this amendment, look at it very carefully, look at who it is opposed by. It is opposed by the Nation's professional foresters. It is opposed by working men and women. It is opposed by the National Association of Counties. And it is opposed by our Nation's homebuilders. Let's look carefully at how we manage our forests and make sure we do it right.

One of the contentions you will hear is that the economics in the Tongass do not work. You will hear some numbers thrown around. I think it is important to recognize you would be operating off of a false assumption or a false premise if you were saying that the Forest Service is supposed to be a profit-making venture. As I indicated in those comments made by President Roosevelt some 100 years ago, conservation, in Roosevelt's mind, meant the wise use of forest resources for the greatest good, not necessarily locking them up under glass down in southeastern Alaska.

The question of why the Forest Service does not necessarily make a profit has been studied extensively. There is a think tank in Bozeman, MT, called the Property and Environment Research Center. They did a study in 1995 where they noted that the Forest Service is not expected by its governing law to make a profit. Its operations are governed by extensive environmental review processes that make it difficult to turn a profit.

Again, look at the numbers. Look at what the task, the mission, is in terms of multiple use, and what it is we are asking our foresters to do.

I will speak a little bit about the cost issue because there are those who will suggest this amendment is not being put forward because they are opposed to timber in the Tongass; they just think it is an unreasonable amount of money and that we are subsidizing. Well, we have a breakdown of the various regions across the country from the U.S. Forest Service that delineates the cost per acre of our respective national forests based on State. It sets forth the net acres, the gross receipts, as well as the monetary return per dollar invested.

If you look at the Tongass, we operate at about $6.05 in terms of cost per acre. As you go through this report across the country, you realize that $6.05 is actually a pretty good deal in terms of how we are operating on a cost-per-acre basis.

Running down through the States—not singling out any particular State, but in several of the California national forests, the cost per acre at Six Rivers National Forest is $27.35. The cost per acre in Plumas, CA, is $35.86; in San Bernardino National Forest, it is $189.20. As to the sponsor of the amendment, if you look at the White Mountain National Forest in the New Hampshire area, their cost per acre is $19.39.

So if we are talking about singling out one national forest in the entire national forest system, and we are saying it is too expensive in the Tongass, and we are not going to allow for any Federal dollars to go toward building roads because we think it is too expensive there, I challenge you: Take a look at what is happening with the operation of our other national forests in terms of our cost per acre and what it means.

Let's look to the monetary return per dollar invested in those national forests in California I made reference to. Their return per dollar invested is 1 percent. That is not a very good return if that is what you are going to base it on.

So again, to single out the Tongass, to single out the State of Alaska and say, ''You are the only one where we, as a Congress, are going to decide how you are going to manage your forests because we are going to tell you that there are no dollars that can go for road-building activity,'' the land management plan that we have spent 9 years and $13 million on is thrown out the window because the Federal Government is going to tell us that our costs are a little bit too high—it is wrong. It is flat out wrong, and it needs to be stopped.

I mentioned those who oppose this amendment. It is important for us to recognize who the professional managers are, the professional foresters, some 16,000 professional foresters across the Nation who oppose this amendment. Our decision, should we adopt the Sununu amendment, would override the judgment of professional foresters. It would render meaningless the Tongass land management plan. We need to think about what it is we are doing should we move forward in support of this amendment.

I want to leave my colleagues with a few facts again about singling out the Tongass for this action in this amendment.

Alaska is a State. We are not a colony. We may have come late into the statehood battle, but we are still a State, and we deserve to be treated as a State. We sought statehood so we could gain control of our resources. But sometimes that goal remains pretty illusive. All we are asking for is that we have the ability to manage our Federal lands responsibly. We can—in conjunction with those professionals, those foresters who are working hard on this plan to make it work—manage the forests to provide for the multiple uses our national forests are tasked to do.

I know people think: Oh, we throw around these Alaska statistics all the time. But I think it is significant in this debate to put this in context. Ninety-four percent of the land in the southeastern part of the State is part of the Tongass National Forest. It is controlled by the Federal Government, the U.S. Forest Service.

In the State of Alaska, we have 54 percent of the Nation's designated wilderness. In one State, our State, we have 54 percent of the entire designated wilderness.

What are we doing with the Tongass National Forest now? Forty percent of that land in the Tongass, some 6.6 million acres, is already off limits to timber development. It is in a wilderness area. It is a national monument. It is a land-use designation II area. It is absolutely, positively off limits. That is 40 percent currently in the Tongass.

Another 56 percent of the Tongass National Forest is off limits to timber under the forest plan—this forest plan that I keep talking about that took 9 years and $13 million that this amendment will essentially kick aside. Fifty-six percent of the Tongass is off limits under that plan.

That leaves 4 percent of the Tongass, or approximately 655,000 acres, out of a total of 17.8 million acres in the Tongass. That 4 percent is what we are talking about that would be available for timber development. Allowing southeast Alaska, allowing people such as Steve Seeley and his sawmill, and Kirk Dahlstrom's sawmill in Klawock, allowing this development in an economy that is already very hard pressed, is not going to spoil the beauty of this incredible national forest—these 17.8 million acres. It is not going to doom any national treasures.

We have a plan we have worked hard to complete. We ask to be allowed to continue that, and to be able to provide for the few jobs we would like to continue in the area for the benefit of those who choose to call it home.

With that, Mr. President, I see the senior Senator from Alaska is here. As

well, we are joined by our colleague from Oregon. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to speak about a national forest that is not in my State, and of constituents who are not in the State of Oregon. I do so because I see happening to my Alaskan colleagues and their constituents what I have witnessed for too many years in my own State of Oregon. As a predicate, I know the difference between environmentalists who make many good points, who have much to contribute, and, frankly, what I would term the ''environmental conflict industry.'' Others have used that term. If this amendment that is offered by my friend, the Senator from New Hampshire, were really about saving money, it would be about streamlining costs associated with timber production as opposed to just an amendment that would effectively end any kind of multiple use in the Tongass National Forest.

The truth is, the Tongass is an area as big as many States in the lower 48. It is a vast resource. The truth is also that each of us, as Americans, use many pounds of wood in our lives every day. The question before this Senate is whether we want to have timber come from our country with high environmental standards or from other countries where there are few, if any, environmental standards. Many complain about the way the harvest is done in Indonesia or in Brazil. Some of us even complain that the way Canada harvests, across the border from the Tongass, is done on the basis of tremendous amounts of subsidies. They are called crown lands. The timber companies there are essentially given the raw product, provided access to the forest, and then are able to compete with American timber workers. That is to our great disadvantage.

Today I have to stand in defense of my colleagues and their State and their forest because America needs to be reminded that we have the best timberlands in the world. We can either use them or watch them, too often, go up in catastrophic wildfires. We know how to manage forests today. We know silviculture science. We know what works and what does not. Clearly, there have been abuses in the past. Clearly, things can be done better in the future. But the truth is, if we, as Americans, want timber products in our lives, that wood will grow and be harvested somewhere, if not from our country, then from where? If not up to high environmental standards, then as against what standards?

If you end the road-building component of timber sales in the Tongass National Forest, then you will end timber harvest in the Tongass National Forest because of the size of this area. You can't helicopter in and out everything that could be harvested and could be made available to American workers and American home builders and the tax base of the State of Alaska and, obviously, the Federal Government through timber receipts as well. It is expensive to build roads in forests, to maintain them. But, frankly, to do nothing is to abandon this industry.

Americans need to be reminded that timber does not come from the Home Depot. It comes from a tree that grows somewhere. But as to the environmental conflict industry that is pushing this particular amendment and, I am sure, some who want to save the taxpayer money, I want to suggest that it is the environmental conflict industry and not the timber industry that is feeding off the American taxpayer. With appeals and lawsuits, the cost of basic forest management skyrockets. The Tongass National Forest estimates that half of its timber budget is spent on paperwork that will be called into court. And to produce a 1,000-page NEPA document is now the rule rather than the exception.

The Tongass currently has 13 environmental impact statements delayed in court. Every forest plan on the Tongass has been litigated. And the environmental conflict industry will ask that their lawyer's fees be paid—by whom?—by you and by me, and by the taxpayer. In 2003, taxpayers were charged $200,000 by the Sierra Club for its lawsuit against the Tongass National Forest. It is a self-fulfilling prophecy for the environmental conflict industry to drive up costs of forest management and then grumble about those costs.

If this amendment were truly about fiscal responsibility, we would be discussing ways to produce timber from the Tongass at a lower cost instead of eliminating fiber production there altogether. Or we could be capping lawyers fees. Or we could be talking about other national forests that do not produce any revenue whatsoever, unlike the Tongass.

This amendment is not really about fiscal responsibility, it is about environmental responsibility. That ought to be our real objective.

If we buy wood products, just know that it grew on a tree somewhere. I would rather that it be managed in an American forest, such as the Tongass, providing American products for American consumers.

I felt it important that a Senator from a State who has already suffered, as they are now, and been attacked in the way that they are being attacked, ought to come down and speak for them. There are not a lot of people who stand up for timber workers anymore. These are not big companies operating in the Tongass. These are Americans in very rural places, trying to produce the products of the tree in a scientific way, according to high U.S. standards, so that we can meet the obligations of our law for multiple use as well as environmental stewardship.

I urge my colleagues to oppose this amendment and allow an environmentally sensitive industry, a timber industry that is living up to high environmental standards, to survive in a very rural and vulnerable part of our country in Alaska.

As I have said, I rise today in opposition to the Sununu amendment. I do so in defense of one of the basic functions of our National Forests—to produce timber.

This Friday signifies the 100th anniversary of the United States Forest Service. We celebrate this event because our forests are still there. Our forests are still beautiful. But certainly there's more to celebrate than that.

National Forests were originally set aside to produce two commodities: clean water and a continuous timber supply.

Ted Roosevelt said:

> The object (of our forest policy) is not to preserve the forests because they are beautiful . . . nor because they are refuges for wild creatures. . . . the primary object of our forest policy in the United States is the making of prosperous homes. Every other consideration comes as secondary.

With this in mind, I come to the Senate floor in defense of a National Forest not in my State, and on behalf of communities who are not my constituents.

But Alaskans are under the same siege that struck my constituents and National Forests in my State.

It is a siege of the ''environmental conflict industry.''

And it is this industry, not the timber industry, that is feeding off the American taxpayer.

With appeals and lawsuits, the cost of basic forest management skyrockets.

The Tongass National Forest estimates that half of its timber budget is spent on paperwork that will be called into court. And to produce a thousand-page NEPA document is now the rule, rather than the exception.

The Tongass currently has 13 environmental impact statements delayed in court. Every forest plan on the Tongass has been litigated.

And the environmental conflict industry will ask that their lawyer's fees be paid by the taxpayer.

In 2003, taxpayers were charged $200,000 by the Sierra Club for its lawsuit against the Tongass National Forest.

It is a self-fulfilling prophecy for the ''environmental conflict industry'' to drive up the costs of forest management and then grumble about those costs.

If this amendment were truly about fiscal responsibility, we would be discussing ways to produce timber from the Tongass at a lower cost—instead of eliminating fiber production altogether.

Or we would be capping lawyers' fees.

Or we would be talking about other National Forests that do not produce any revenue whatsoever.

This amendment is not about fiscal responsibility. It is about environmental responsibility.

I would remind my colleagues that a 2 x 4 does not come from Home Depot. It comes from a tree somewhere. The choice of the ''where'' is up to us.

If not from Alaska or Oregon, how about the rainforests of Brazil or Indonesia?

If not according to our environmental laws, then by whose?

If not to feed American families, then whose?

The United States has the most productive forests and the strictest environmental laws in the world.

To export our industry and our employment is both economically and environmentally appalling.

I do not believe this is the intention of the Senator from New Hampshire.

But this amendment runs against the very grain of the National Forest System we commemorate this week.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Oregon for his statement and his support. I thank my colleague from Alaska for her statement.

I come to the floor in opposition to the Sununu amendment, also. I hope Members will read it because it says:

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

This amendment is premised on inaccurate information and faulty assumptions about our Nation's timber industry, the Tongass, and the state of our national forests. Unfortunately, this type of information has become commonplace. It is the inevitable result of special interest campaigns which are designed to distort the facts and mislead the American public. For many years, I have worked to set the record straight, especially when it comes to the false claims about Alaska's stewardship of our natural resources. Unfortunately, this amendment requires that I attempt, once more, to set the record straight.

Misinformation about management of our national resources now runs rampant. I believe it lies at the heart of this amendment. It is the result of propaganda campaigns raised by extreme environmentalists and special interest groups who often get the facts wrong because they ignore our history. Our State once had a thriving timber industry. It supplied almost 2 billion board feet a year, employed over 3,000 timber workers, and generated tens of millions of dollars in revenue for the U.S. Treasury. But in the spirit of compromise and cooperation, our timber industry agreed to reduce the amount of timber it could harvest per year. In fact, one timber employee recently stated ''we cooperated ourselves right out of business.''

The Tongass National Forest was established in 1917. At 17 million acres, it is the largest national forest in the United States. It is twice the size of Maryland and more than 25 times the size of Rhode Island. As a matter of fact, if we look at the map showing the New England area, it shows how big this forest really is. The part that is covered in black is that portion of the forest that is open to timber on a proportionate basis. The other map that I have shows the forest as a whole and shows the result of the plans that have been developed. The area in blue is area that is still available for harvesting. All of the white part of that map of the Tongass is permanently closed to timber harvest.

The Tongass compromises 90 percent of the lands of southeastern Alaska. The remaining lands are State, more Federal, and private lands. The Tongass is the only forest in Alaska in which timber may be harvested now. Alaska's other forest, the Chugach National Forest, which contains 5.5 million acres, is now under a management plan which has reduced the allowable sale quantity to zero. The Chugach is completely closed to logging. No timber can be logged from that very massive forest, 5.5 million acres.

Federal timber policy regarding the Tongass has had devastating effects on the 32 communities in Southeast Alaska that depend on timber harvests for their livelihood. When Congress passed the Tongass Timber Act in 1947, an allowable sale quantity, which we call the ASQ, for the Tongass was set at 1.38 billion board feet per year. This level was slowly eroded. Under the 1959 Statehood Act, the State of Alaska was allowed to select only 400,000 acres of its 103-million-acre entitlement in Southeast Alaska.

Because there is little private land to support our local economies, Congress committed to provide support for economic development through timber sales. Congress codified that support in a series of laws beginning in 1971. In 1971, the Alaska Native Land Claims Settlement Act set the ASQ, the allowable quantity, at 950 million board feet per year. During subsequent years, the timber industry in the Tongass supported almost 3,000 jobs and harvested an average of 520 million board feet per year. However, the amount of permissible harvest was again decreased in the Alaska National Interest Lands Conservation Act of 1980, which set an ASQ of 450 million board feet per year. At that time, the Senate believed that 450 million board feet per year would maintain a robust timber industry which was a major section of southeast Alaska's regional economy.

In addition, the Senate envisioned providing Federal funds for road building and advanced harvesting technology.

As former Senator Roth stated at that time in 1980, the bill:

> . . . permit[s] the established timber industries to maintain a rate of production necessary for their economic success. It was understood by Members of the Senate during this debate that a vital timber industry was necessary for the economic survival of the residents of southeast Alaska.

As Senator Paul Tsongas of Massachusetts said:

> Our commitment was to treat Alaska fairly.

The commitment was again put to the test during the debate on the Tongass Timber Reform Act, which was called TTRA, in 1990. That plan set the ASQ at 450 million board feet on 1.9 million acres. The Act also directed the Forest Service to provide a supply of timber which meets the market demand in southeast Alaska. At that time, several Members from both sides of the aisle in the Senate adamantly agreed that this bill would be the final word on the Tongass.

As Senator Johnson of Louisiana stated:

> I believe that the designation and disposition of the public lands in the Tongass National Forest pursuant to this act represent a responsible balance between the preservation of wildlife areas and the availability of lands for more intensive use as determined appropriate by administrative planning and management. I further believe that this agreement will allow Alaskans the certainty they need and deserve by resolving the issue once and for all.

Now, that was in 1990. Senator BINGAMAN—now an original cosponsor of the Sununu amendment, as a matter of fact—said at the time:

> This is a balanced bill that will adequately protect this majestic national forest, while assuring a sustainable supply of timber for current and future needs. . . . This legislation recognizes that some areas should be protected, while others should be managed for a sustained supply of timber.

That was at the time of the 1990 act.

I remember speaking on the floor prior to passage of the bill. After years of broken promises and severe declines in the timber industry, I trusted our colleagues to do the right thing and resolve the issue of the Tongass once and for all. That is what everybody at the time said—that Act was the final legislation pertaining to the Tongass timber harvest. I called on all Members of the House and Senate to listen to the voice of Alaskans. I received a promise, commitment, and assurance of those involved, who had the power to change these laws, that they recognized this was the end, that there would be no further divisions of the Tongass.

In 1997, however, the Forest Service completed the Tongass land management plan, which currently guides management of the Tongass. The development of that involved an unprecedented level of scientific review and public involvement. It took over 10 years and cost the taxpayers of the United States $13 million.

I opposed the plan because it contained again a drastic reduction in the amount of timber allowed to be harvested. It reduced the allowable sale quantity level to 267 million board feet per year. I thought the levels were

much lower than they needed to be, and they violated the commitment previously made to me. Numerous scientists who found that the Tongass could sustain far greater development supported my conclusion.

Yet, today, that plan seems like the golden age of the Tongass timber industry. I now find myself defending a plan I initially opposed, because of continued efforts to erode the promises made to our State.

This plan addresses how to manage the Tongass—a largely undeveloped forest landscape—over time. The centerpiece is a biological conservation strategy that protects the ''biological heart,'' as they called it, of the Tongass, designed to assure the sustainability of all resources and values, while allowing development on a relatively small portion of the Tongass to support communities in southeast Alaska through timber harvesting.

Mr. President, 93 percent of all forested areas in the Tongass are set aside under the 1997 plan; 93 percent are not available for timber harvesting. Timber harvesting can actually now occur on only 676,000 acres, or 4 percent of the 17 million acre forest. The allowable sale quantity under this plan is 267 million board feet—down, as I said, from over 1 billion board feet. An ASQ of 267 million board feet per year is the bottom quantity, as far as I am concerned.

Since 1990, the volume of timber harvested from the Tongass has dropped from hundreds of board feet per year. Last year, only 46 million board feet of timber was harvested—46 million board feet of timber from a forest of 17 million acres.

To comply with the Tongass Timber Reform Act, the current plan seeks to plan, prepare, and sell about 150 million board feet per year. Delays caused by litigation have prohibited the Forest Service from accomplishing this goal on the Tongass. Fourteen projects are currently under litigation. They represent over 238 million board feet of timber that should have been harvested in years gone by.

Direct timber jobs in the Tongass have declined from over 3000 in 1990 to less than 700 today. Unemployment in parts of southeast Alaska is well over 10 percent, all because of extravagant acts of those who oppose the very Act they championed at the time it passed in 1990.

Mr. President, 150 million board feet per year could support 959 direct timber jobs, totaling over $35 million in direct wages, Each direct timber job is estimated to support another 1.7 jobs in the local economy. These jobs are an important high-wage sector of the economy and provide much needed year-round employment for southeast Alaska. The benefits of a sufficient and sustained timber supply are obvious.

The timber industry in southeast Alaska has changed dramatically over the period we have described. The large pulp mills are closed. Three medium sawmills, one small sawmill, and a handful of micromills remain, but they are primarily idle because of the level of timber that can be cut right now. These businesses are family owned and community based and depend upon a supply of timber from the Tongass for their survival.

The remaining mills are involved in efforts to increase the demand for, and the stumpage values of, the timber in southeastern Alaska.

These people are trying to build a more integrated industry to provide finished products, such as window and door trim, to local, national, and international markets.

The Tongass timber program is working to complete investments in drying and planing lumber, having it graded, to sell in the local region.

Wood resources in southeast Alaska are now known to have unique qualities. Wood density and lumber strength is high. New lumber grades for Alaska yellow cedar and hemlock have recently been issued, which surpass the strength of other species currently used in construction in the lower 48, such as Douglas fir. This is also expected to increase the value of Alaska's timber.

In other words, we are trying to do what we can through technology to increase value of our timber, even though the amount of the timber is steadily declining.

The efforts of those remaining in the Tongass industry to adapt to current conditions will be worthless if Congress adopts the Sununu amendment. As I said, the amendment prohibits the Forest Service from using funds appropriated for the ''planning, designing, studying, or construction'' of timber roads.

Planning, designing, and studying are necessary to assure that we meet the multiple use consideration of the national forests. This forest area is full of small streams that contain migratory salmon. Wildlife is there. There are recreation values. A whole series of values require the Forest Service to study the areas that can be harvested. Careful planning, designing, studying, and construction is necessary to protect those values, as well as provide a transportation route so timber can be taken to market.

This amendment will effectively enact a roadless rule in the Tongass. It would prevent access to more than 300,000 acres of unroaded timber base in the areas that are open for timber harvest. Access to the small amount that is available should not be denied because of this amendment.

Data provided by the Forest Service shows at a minimum southeast Alaska will lose two mills and about 680 more jobs. These numbers will not support the industry described if this amendment passes.

Law requires that a sufficient timber supply be provided to meet market demand. That was one of the basic considerations that came from the 1990 Act. Current market demand is about 150 million board feet per year in our own area. Under this amendment, we would harvest less than 40 million board feet per year, bringing the industry to a standstill. I ask the Senate to reject this approach that would further renege on the obligation to southeast Alaska to fulfill the commitments that were made to Alaska and to southeastern Alaska under the Tongass plan.

Some of the Senators claim the Sununu amendment is about our fiscal responsibility to ensure taxpayers are not subsidizing the Tongass timber industry. But this is not about fiscal responsibility.

National environmental groups have spent millions appealing and litigating timber sales in the Tongass National Forest, causing program costs to soar and the number of sales to collapse. Almost 75 percent of all the costs associated with timber sales in the Tongass National Forest are spent on NEPA, appeals based on that Act, and litigation. The remaining 25 percent is the actual preparation and administration of a sale, including the building of roads.

Compliance with NEPA and other Federal laws and responses to appeals and litigation currently total about $110 per thousand board feet, or $110,000 per million board feet.

Without these costs, timber sale preparation and administration for the Tongass Forest would cost about $36 per thousand board feet. The average timber sale generates about $42.5 per thousand board feet. Without frivolous appeals and lawsuits, the Tongass timber program would yield a reasonable profit margin and make money for U.S. taxpayers.

Administrative appeals and litigation increase the cost of Tongass timber sales exponentially compared with the rest of the United States. The Forest Service estimates the timber sales in the Tongass are appealed and litigated more than four times that of timber sales in the national forests in the lower 48. It is the cost of this litigation and the cost of the environmental programs that are instilled by these extreme environmentalists that drive up the cost in the Tongass. Now they say we should stop harvesting timber because of the cost. Despite extensive environmental review and public participation, the majority of the timber projects in the Tongass are appealed and/or litigated.

Taxpayers are not subsidizing the timber industry. Under the National Forest Management Act, timber sale purchasers are required to competitively bid and pay market value for the sales they purchase. Purchasers also pay for all logging, transportation, and manufacturing costs.

In addition, the Multiple Use-Sustained Yield Act mandates that national forests be managed for multiple use benefits such as fish, wildlife, recreation, and clean water.

Ecological benefits include various land management objectives such as

improving forest health and reducing the risk of catastrophic fire.

All of those costs are what the environmental groups say are part of the cost of the timber sale program. They are not. Seventy-five percent of all the costs have nothing to do with harvesting timber. They have to do with the attacks of extreme environmental groups that now bring this amendment to say you cannot use Federal money to build these roads, or even plan them, because it costs too much.

In the Tongass, timber sales also provide basic infrastructure, such as roads and docks. This infrastructure provides residents and visitors with access to hunting, fishing, recreation, and wildlife viewing. The whole spectrum of tourist activity in southeast Alaska is supported by the roads constructed. Some roads constructed by timber sales serve as the basic road system between communities and ferry terminals, which are the water highways of the island communities of southeast Alaska.

That area has no roads. Even our capital cannot be reached by road. This is an island area. It must have roads basically from the edge of the water to the area available for harvesting which, by definition, is back away from the view shed that we keep along the water's edge to assure that tourists will have the proper view of the area.

I do believe these water highways between our southeastern islands are connected, in a way, by virtue of the forest roads that are developed under these timber sale programs.

These timber sales provide benefits beyond revenues earned. Economic benefits include new jobs, additional income for individuals and businesses. Basic tax receipts of this area depend on the harvesting of timber in the Tongass.

The problem that I see now is that these communities have come to rely on timber sales not only for jobs but for their local economies. Timber sales revenues are important to local communities which receive 25 percent of the proceeds of these sales for public schools and roads, as do all areas that have national forests. By prohibiting these roads which will kill the sales, in effect, the contribution that is brought about by the laws that pertain to national forests will not be realized in Southeast Alaska because there won't be any harvest or 25 percent to support the schools that come out of the national program.

That program applies to the entire United States. The timber roads program applies to all States where there are national forests. In the year 2004, the timber harvest for all 10 forest regions was about 2 billion board feet. The gross receipts totaled $217 million and expenditures amounted to over $268 million, and that number does not take all costs into account.

The 1998 timber sale performance information reporting system found net losses in 8 of the 10 forest regions. Some States may be able to show a profit or even break even, but clearly the national timber sale program does not.

As a matter of law and policy, national forest managers are required to behave differently from private forest managers, so it does not make sense to judge their performance by private sector standards—profits.

If the Forest Service's goal was to maximize profits, contrary to the Multiple Use-Sustained Yield Act, the Forest Service would allow export of timber and sell it to the highest bidder worldwide in the global economy. But that would essentially outsource all of the value-added forest products industry of the United States, putting local mills out of business, eliminating jobs, and leaving local communities with few alternatives for revenue. Given our current economic climate, the United States cannot afford that policy.

I want to share a quote from President Roosevelt. Senator MURKOWSKI mentioned he established the Tongass National Forest. I think it is relevant today. He said:

> . . . First and foremost, you can never afford to forget for a moment what is the object of our forest policy. That is not to preserve forests because they are beautiful, though that is good in itself, not because they are refuges for the wild creatures of the wilderness, though that too is good in itself; but the primary object of our forest policy, as the land policy of the United States, is the making of prosperous homes.

This national forest concept was supposed to provide an alternative to the development of privately owned timber and be a yardstick for the management of timber resources in our country.

The construction of timber roads is important for both the economic and environmental health of our forests. They provide access to timber used for wood, paper products, and home construction. They enable citizens to access our forests for public recreation, and they enable Forest Service employees to manage those forests for the public good.

The timber road program in Alaska is managed in the same manner as the timber road program of every national forest in the United States. The only difference in our case is we provide special protections, such as culverts, to ensure safe fish passage, and we protect the terrain. We have learned from the mistakes of the past. We do not build roads the same as they do in other areas. We strive to strike a balance between conservation and economic development.

And now with this amendment, some Members of the Senate would penalize Alaska for doing the right thing. We have developed a basic approach to use our timber areas to protect other values besides timber harvests. We could seek to significantly reduce the amount of these protections required for our timber road system, and we could drastically reduce the funds required, but that would be inconsistent with proper stewardship of our national forest lands.

Because only 1 percent of Alaska's lands are privately owned, it is imperative that the Federal Government allow us to use some of our resources on Federal lands. The Federal Government manages, by the way, 235 million acres of Alaska's land.

We have a long, proud history as responsible stewards of our natural resources. Alaskans will always manage our lands in a way that ensures its vitality. Timber is a renewable resource. It can be—and will be—managed as such under the Tongass land management plan.

Much of Alaska will remain pristine wilderness. We have set aside a tremendous amount of it. But we need some certainty that we will be able to harvest small portions of the forest which are not already set aside. We need to know we will be able to sustain the timber industry today with the assurances of the past. We need assurances that our efforts will not be met by more resistance, such as the frivolous lawsuits and amendments such as this.

In order to give our communities a chance to be prosperous, Congress should allow the Tongass to be managed under the forest management plan without further unwarranted interference.

I remind the Senate, the same environmental groups that caused the Tongass to lose money through frivolous litigation and stalling tactics, as I said, are now calling for an end to the timber program under the guise of fiscal conservatism. It is disingenuous and duplicitous, and their approach is given sanction and credibility by this amendment. This amendment should be defeated.

I do hope that our colleagues will consider this: Taxpayers for Common Sense has repeatedly opposed Federal funds for the entire National Forest System. They argue that 105 of the 111 national forests spend more money in the operation of forests than they collected through timber sales. They want us to meet the cost of all multiple use values the cost of recreation, the cost of conservation, the cost of protecting wildlife—by the revenues coming in from the small amount of areas of the forest allowed to be harvested.

This group singled out several national forests as wasteful. I want to point out to the Senate that the Taxpayers for Common Sense attacked forests in California, Alaska, Montana, Oregon, Idaho, New Mexico, Arizona, Colorado, Washington, and Utah. I urge the Senators involved in this amendment to consider this. Why single out Alaska? Why is it that Alaskan roads cannot be built with Federal money? They are being built in all these other national forests deemed wasteful.

I am surprised my colleagues from New Hampshire and New Mexico would offer this amendment in view of the conditions of the forests in their own States. According to the Wilderness Society, the Forest Service's timber program in New Hampshire lost between $813,000 and $1.2 million. We are

being attacked for something that does not exist in Alaska alone.

In New Mexico, the timber program lost between $365,000 and $414,000.

The same economics are applied to the Tongass Timber Programs as in all National Forests. The difference in Alaska is that four times as many lawsuits are brought against Tongass timber sales than in the rest of the United States.

If this amendment is designed to protect the taxpayer, then restrictions on Federal funds for timber roads should apply to all forests in every State. And I think special interests will come after those other areas, if this amendment is passed.

I call this an ill-conceived amendment. I urge it not be adopted. It would add weight to the logic embraced by Taxpayers for Common Sense who have attacked, as I said, almost every forest in the United States. It will send us down a slippery slope by setting a precedent for halting road programs in national forests.

The roads designed and built by the Forest Service are in the best interests of the Nation because they protect all the values of the multiple-use concept of our national forests. This is not only important to the timber industry, but it is important to millions of Americans who rely on roads for access to national forests.

I do not want to encourage environmental groups to continue waging frivolous lawsuits in the hopes of making timber programs throughout the United States too expensive to continue. What they are doing is increasing the costs. Again, I point out, 75 percent of the costs in Alaska are involved in compliance with the National Environmental Policy Act and the appeals and litigation that ensue whenever the Forest Service offers a timber sale in the Tongass.

Adopting this amendment would unfairly and unjustly distinguish one State—our State—sending a sobering message to Alaskans: Despite Congress's statements and actions in the past, a Senator voting for this amendment will be telling Alaskans that their economic well-being is secondary to special interests, and when push comes to shove, Congress will forget about the commitments of the past, forget about the promises of the past, and move to satisfy this extreme environmental movement that is the basic cause of the problem as far as the forests are concerned.

If Congress chooses to adopt this amendment, none of our forests are safe. No forest can afford to sit idly by. These special interest groups are designing ways to destroy an important Federal program based on spurious allegations with regard the economics involved. Those economics are affected more by the environmental movement, which is challenging most timber sales in the Tongass, than by the forest actions themselves.

Above all, I ask the Senate to remember that this amendment goes back on congressional promises made to Alaska. In exchange for withdrawing over 100 million acres of land for parks, refuges, and forests, including 17 million acres in Tongass National Forest, Congress promised that it would leave intact sufficient land to maintain a robust timber industry in Alaska.

Unlike the timber industry in other States, Alaska's timber industry is reliant on the Tongass, which comprises 90 percent of Southeast Alaska. Only 676,000 acres are currently open for timber harvesting.

Since 1980, jobs in the Alaskan timber industry have shrunk from over 3,000 to less than 500 today. We have only four small family-owned timber mills left.

This amendment is not about fiscal responsibility, it is a back-door attack on the timber industry to benefit this extreme environmental movement.

As I said, 75 percent of the timber sale cost is from NEPA, the National Environmental Protection Act, compliance, appeals, and litigation. Without those, the Tongass would make a 13-percent profit.

Many of the national forests in the United States have monetary returns per dollar invested, which is less than the rate of return of the Tongass, and they are not considered at all in connection with this amendment. This amendment would set a precedent that litigation can make the cost of timber programs in all national forests too expensive to continue.

If this amendment was really about fiscal responsibility, then all national forests would be included. Most of the timber programs throughout the United States—as I said, 8 out of 10 of them—are not profitable. In fact, according to the Forest Service—and I close with this point—the Tongass is one the best managed forests in the Nation. It has one of the lowest costs per acre, including the timber program.

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

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

Mr. SUNUNU. Mr. President, I rise to speak on my amendment. I had an opportunity to present more complete remarks last night so I will try to speak briefly this evening.

I appreciate the work of both Senators from Alaska and understand that this is naturally an issue of great personal interest and commitment for them.

I wanted to address briefly a few of the general remarks that were made, especially those, for obvious reasons, that referred to me. First, I do not think I have ever been accused of being an extreme environmentalist. I certainly do not consider myself an extreme environmentalist.

In that regard, I believe one simply has to look at the basic premise of this amendment. It does not create a new wilderness designation. For my part, I have opposed President Clinton's roadless initiative. I have supported the multiuse concept in national forest land across the entire country and will continue to do so. So I just do not think it is fair or appropriate to throw around a label like that cavalierly, and I trust that it was not meant that way.

Second, I emphasize the point that from my perspective, this is about fiscal responsibility and fiscal restraint.

The suggestion was made a number of times that it was not. Frankly, I do not think that is quite appropriate because it suggests a set of motives that just are not there.

One does not have to go any further than the amendment I offered last week to the Energy bill to strike some of the more egregious taxpayer subsidies in that Energy legislation or my vote against the highway bill that broke the budget or my vote against a prescription drug bill that we knew then and we know now had costs far in excess of its prescribed $400 billion or my vote against the Energy bill in its final form today. I believe it is fair to stand on my record that the votes I have cast, the amendments I have offered of this type that have dealt with taxpayer subsidies, have all been motivated by one thing and one thing only, and that is doing what I believe is appropriate and right when we are handling taxpayer resources.

In the case of the support and the subsidies that go to private logging firms, I believe we have to draw a line somewhere. When we look at the Tongass and see $49 million in costs for a timber program that yields for the taxpayers $800,000 in revenues, something is not right. The opponents of the amendment will say: Well, only $15 million, $20 million, or $25 million is going directly for the cost of building roads. But in my book, $25 million for $800,000 in revenue is still a pretty bad deal.

There are a lot of reasons listed for the high cost of a timber program on the national forests, and I am very sympathetic to many of the concerns raised: high legal costs, an unbearable bureaucracy, regulatory costs associated with not just completing, in some cases, redundant environmental studies but then defending them in court. I am willing and I have voted in the past to support efforts to deal directly with those costs and to support efforts to allow appropriate consideration, but deliberate consideration, of those challenges. I will continue to do so.

Because there are such things as frivolous lawsuits that are in the pipeline does not justify a $15 million subsidy or a $25 million subsidy or a $35 million subsidy or a $48 million subsidy. The subsidy itself cannot and should not be used to defend or respond to bad behavior in other ways. So we need to fight those costs, the legal abuses, and burdensome environmental regulations

that are not appropriately applied, but those issues are separate from the question of whether we should use taxpayer funds to subsidize the construction of roads to support private timber firms.

Again, I come back to the basic point that this is about fiscal responsibility. When I hear that phrase, ''this is not about fiscal responsibility,'' it really has to be read as questioning my motives or, frankly, the motives of any of those who are supporting this amendment. I do not think the Senate floor is the appropriate place for that kind of a question.

The facts are pretty straightforward. In fiscal year 2004, the timber program on the Tongass cost $49 million, and $800,000 was yielded in revenues. That does not mean that profitability as applied to a private firm should be the standard for any multiuse effort or any effort to harvest timber on national forest lands because we know national forest lands are unique, and we know that the Forest Service has to be involved in doing things that many private timber firms either cannot or would not be asked to do in the private sector. So I recognize that.

The Senator from Alaska made a point that the loss in New Hampshire in the timber program was about $800,000. If so, I would hope that over time we can do better than that in my state, but there is a big difference between $800,000 and $48 million. The disparity of cost or the costs associated per million board feet taken out are similarly quite significant, the loss per million board feet in New Hampshire being approximately one-third of that in the Tongass in data that I have seen.

So profit should not be the standard, but at the same time it is hard for me to justify taxpayers paying the cost of the roads. I do not think asking private firms to pay for the cost of building the roads to access the timber they purchase is too much of a burden to bear.

Finally, with regard to the multiuse concept that was mentioned, I strongly support the development and application of forest plans that are put together locally using local stakeholders. It has been very successful in New Hampshire. I imagine it has been successful in other parts of the country. In New Hampshire, we enjoy national forest lands for recreation, hunting, fishing, economic interests, and a timber management program. But even where multiple use is concerned, we need to strike a balance, a balance between the taxpayers' interest and a balance between the long-term health of the forest itself. Where the taxpayers are concerned, a subsidy of $45 million or $48 million per year, stretching as far as the eye can see at this particular time, is unnecessary.

I ask my colleagues to support the amendment. I hope this at least can lay the foundation for looking at subsidies not just in this industry but in other areas with a little bit of a sharper eye. At a time when we have $300 billion or $400 billion deficits, I do not think there is any area of the budget that does not deserve tougher scrutiny.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to respond to several of the remarks raised by my colleague from New Hampshire. I start off my comments by stating very clearly it was certainly not my intention, nor do I believe it was the intention of Senator STEVENS, to question motives or to imply somehow our colleague is an environmental extremist.

If, in fact, that was perceived from the remarks, that the Senator from New Hampshire falls in that category, again from my perspective that was not my intention, and I certainly would not want him to think that I have put him in that category of those who, as the Senator from Oregon indicated, are engaged in ''professional environmental conflict,'' I think was the terminology he used.

I do wish to speak very briefly to a couple of the issues. The Senator from New Hampshire indicated that he was not, through his amendment, proposing any addition of wilderness designation. He stated that was not his intent. I understand that is not the intent. However, the practical effect, if we were to withhold any Federal dollars, any opportunity for Federal revenues to come in and help with the road building in that area, that would be the practical effect in the Tongass. It would put off limits those areas to any harvesting of the timber. If we cannot build a road in there, the harvesting will not happen.

As the Senator from Oregon mentioned, we are dealing with an incredible land mass. The acreage in the Tongass is 17.8 million acres. As has been said many times this evening, the area we are talking about that would be available for development is a small fraction of that. Just 4 percent of that would be available for any form of development, but still, if one is not able to put a road in, if they are not able to access the area, the harvesting does not happen, and in effect what is being created is an off-limits area, off-limits to development, off-limits to recreational use, off-limits to pretty much anything.

I was born in the Tongass. I was born in Ketchikan. At the time that I was born, Ketchikan was a very thriving timber community. The Tongass is not a place where one just goes to take a walk. It is an old growth forest that is as tangled and deep a forest as one can possibly imagine.

So those who would say, We want to make sure we have access to the Tongass for recreational purposes, the way that one is able to access for recreational purposes is through the roads that have been built as we have harvested in certain areas. My family goes out there and we want to use the area for hunting, but we do not go off the beaten track because it cannot be accessed. The animals are not in the areas that have not been cleared, to a certain extent. So for those who will engage in the multiple use of the Tongass, these roads are significant.

The statement was made that those of us who are in opposition to this amendment are saying that this really is not about the fiscal issue. I guess I have to just stop on that one and say, okay, if we really are looking at this from a cost perspective and we are looking to minimize the extent of Federal dollars going out and to be as cost efficient as we possibly can, why are we just looking at the Tongass alone? If what we are really talking about is to get those efficiencies, to make sure we do not have unnecessary subsidies, then tell me why this is just about one national forest in 1 State out of all of the 50 States. Because we are not going to balance the budget on what is happening in the Tongass in terms of the dollars that go out there.

I wish to speak just a little bit to the dollars. My colleague has indicated that the Tongass spent $49 million on its logging program and the logging roads in 2004. The total budget to operate the Tongassis is $49 million. In fact, the timber program on the Tongass cost $22.5 million. He has also indicated that the timber revenues on the Tongass in 2004 were $800,000. In fact, the timber revenues were nearly $2 million. So it is important to make sure we are using the right numbers.

Let us just look at what that $49 million buys us. Is this all about roads? No, it is not. Now, the road maintenance is an aspect of that, but it is also for bridge and road construction unrelated to timber harvesting, other engineering projects. The work that the Forest Service does in the Tongasssupports subsistence harvest, the fish and wildlife, basically keeping the grocery store open for thousands of rural Alaskans.

Senator STEVENS mentioned the fish culverts that are inserted to allow for the fish passage. We build those so fish can get to where they need to get. It is one of those things we do to make sure we are caring for the environment and are good stewards.

We developed an invasive species strategy to help prevent the nonnative plants from coming in and taking over, as we are seeing in some parts of the lower 48.

Basically, the bottom line is these dollars that are going out are not all directed at road building. They are dollars spent on recreation, visitor service, heritage, wilderness, minerals, vegetation, watershed, subsistence, wildlife, fish habitat, fire suppression, and land acquisition. And administrative costs are included in there, as well. So when we look to the Tongass and those costs, we must put it into perspective.

I spent a few minutes in my previous remarks looking at the costs per acre on other national forests across the 50 States, what is the dollar return on

your investment if we are trying to make that connection. These are important to recognize. What is very important to recognize is the Tongass is not so way out of whack in terms of its management and its costs that it should be sending off signals and red flags. In fact, my colleague from Alaska has indicated the Tongass has been singled out and has been declared the best managed national forest in the system. That ought to count for something.

For my colleagues who are saying this is simply a fiscal issue and we need to look at it from the numbers perspective, let's look at it from the numbers perspective. Let's use the right numbers, but let's also recognize there is something terribly wrong with an amendment that pulls one national forest out of all of our national forests and says: There is too much going to you; we have to shut it off.

Folks, that is not right. It is not fair. I certainly hope my colleagues, when we have an opportunity to take this up in the Senate, vote down this amendment.

I yield the floor.

Mr. REID. Mr. President, many States, especially those in the West, are dominated by Federal lands. For those States, and many others, the Interior appropriations bill is a singularly important piece of legislation because of the funding it provides for our public land agencies.

Take Nevada, for instance. While my State contains nearly 71 million acres within its borders, 61 million of those are managed by Federal agencies. That's 86 percent of my State, or nearly 9 out of every 10 acres. And if that number doesn't get your attention, consider the fact that two out of every three acres in Nevada are controlled by one Federal agency: the Bureau of Land Management.

I offer these statistics to highlight the significance of today's debate. While the Department of Interior may not be the center of attention in some areas of our country, in the West, the agencies funded under this bill have a measurable impact on our quality of life, our access to public resources, and the protection of our greatest public assets.

Senator BURNS and Senator DORGAN have done a good job crafting this bill. We all know that this year is especially tough in terms of overall funding allocations and that some tough decisions had to be made. Considering the constraints they faced, these two senators have produced impressive legislation. I commend them for the time and effort that they and the rest of the committee have put into this bill.

Particularly, I am pleased that the committee funded a number of priority projects in Nevada. One of the key projects that this bill provides funds for is the construction and improvement of the Jarbidge Canyon Road. This road in northern Elko County washed out over 10 years ago and has been a major source of controversy ever since.

With the funding that the committee has helped provide, we will finally be able to bring resolution to the issue in a way that ensures greater access to our public lands while also protecting a threatened population of bull trout and shielding the road against future floods. This is a win-win situation for sportsmen, for the county, for the U.S. Forest Service, and for local residents.

I am also pleased that the committee saw fit to provide funding for a number of sewer and water projects that are difficult and often impossible for small and rural communities to fund on their own. Even in some of Nevada's larger population areas, the amount of Federal land in those areas still makes raising funds for these projects very difficult. So I thank the committee for their efforts to provide EPA grant funding.

I also want to recognize their efforts to increase funding for the Payment-In-Lieu-of-Taxes program. ''PILT,'' as the program is popularly known, provides millions of essential dollars to Nevada's counties each year. Without these funds, the provision of basic local government services such as law enforcement and street repairs would be severely diminished. I look forward to the day when we will fully fund this program and finally live up to the responsibilities we have to our rural counties.

I am also strongly supportive of the increased funding levels contained in this bill for the National Endowment for the Arts, the National Endowment for the Humanities, and the Historic Preservation Fund. As our distinguished friend Senator BYRD has taught us on so many occasions, life can be not only enriched but measurably improved by a fuller understanding of our history, our cultural roots, and our common heritage. These programs deserve our respect and our support.

Before I close, let me remark briefly that we have a profound responsibility this year, and every year, to make sure that our public lands and our public resources are properly managed. As the demand for healthy outdoor recreation grows, so too must our commitment to proper stewardship.

I am concerned that in all too many places, budgets for agencies such as the BLM and the Park Service have stagnated or shrunk while the overall usage of our public resources has skyrocketed. The Lake Mead National Recreation Area, for instance, now sees nearly 8 million visitors a year, a strong increase from 10 years ago. But this same park has lost 40 rangers and support staff positions since 2002. We need to solve this and similar problems before our greatest natural treasures are lost or permanently compromised.

I look forward to a healthy debate on this bill and I hope Democrats have a chance to offer their amendments.

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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as in morning business.

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

AMENDMENT NO. 1052

Mr. DURBIN. Mr. President, the bill under consideration on the Senate floor is intended to provide appropriations for the Department of Interior. Unfortunately, we were forced by circumstances to shift our focus during the course of debating this bill to consideration of an emergency issue which faces our Nation that relates to funding for the Department of Veterans Affairs. This is because the President's budget did not provide enough funds to provide quality health care to veterans across America during the remainder of this fiscal year.

Last week, the Department of Veterans Affairs admitted to Congress that its budget for the current fiscal year will be at least $1 billion short of the amount needed. Part of the reason for this is reportedly that the Department based its budget needs on faulty estimates. Reportedly, the VA thought it would see a 2.3-percent increase in patient demand for services. In reality, they have experienced increases of 5.2 percent. In other words, the Bush administration miscalculated. Their estimate of veteran patient load was less than half of what actually proved to be the case.

Senator PATTY MURRAY of Washington has been our leader on this issue. Repeatedly in the Committee on the Budget and in the Senate she has said the Veterans' Administration was not asking for enough resources to take care of the veterans from other wars and the returning soldiers from Iraq and Afghanistan. She spoke at length in the Senate about the many opportunities we have had in the Senate over the last few months for the Bush administration officials to state their true budget needs. They repeatedly said they needed no more money this year. Now, belatedly, they admit they are at least $1 billion short of what they really need.

With the Murray amendment that Senator BYRD is joining and offering, the Senate has an opportunity to address this serious shortfall and to provide to America's veterans the real resources they need and deserve. One of the medical services that unquestionably, indeed, desperately needs funds is the treatment of post-traumatic stress disorder. The war in Iraq is producing a new generation of American veterans whose wounds are invisible. Already, we see recently returned veterans with depression, anxiety, substance abuse, and post traumatic-stress disorder.

As our men and women come home from battle, we must be ready to give them the help they need, the help they deserve, the help we promised. I have noted on numerous occasions the special need for additional VA capacity to treat returning veterans suffering from PTSD. Last year, the New England Journal of Medicine published data showing that roughly one in every six returning Iraqi veterans will likely suffer this debilitating mental health condition. With the number of troops having served in Iraq and Afghanistan now exceeding 1.1 million, it is absolutely clear—it has been clear for some time now—that the VA is going to see a big increase in the need for post-traumatic stress disorder treatment. Even the toughest warriors can have troubled feelings following the stress of combat. It is no sign of weakness. It is no sign of cowardice. It certainly is no sign of failure.

Frankly, they need to ask for help, and we need to give it. All our veterans need to know that services are available to them and they should not be ashamed to use them. Unfortunately, the VA's current capacity to help them is lacking. The Government Accountability Office reported last September that officials at six out of seven VA medical facilities said they may not be able to meet an increase in demand for PTSD services. Their own internal committee has made repeated recommendations about the need to expand PTSD treatment capability within the Department, but the GAO has also recorded that the Veterans' Administration has not fully implemented any of these recommendations.

Given the failure of the VA to expand PTSD treatment, as its own experts have advised, given the failure of the VA to adequately see the coming increase in patient need, given the failure of the VA to budget for its real requirements, it is time for Congress to do something, to take strong corrective action.

I have introduced legislation to fill in the gaps in the VA's treatment structure for PTSD to ensure that counselors and PTSD teams are available in every veteran center and VA hospital. But even before we make these structural changes, we can provide the funding increases to prevent long delays in service. This amendment we will consider from Senator MURRAY and Senator BYRD is an important step toward that goal.

It is a sad fact under the Bush administration's leadership that the Department of Veterans Affairs has failed to adequately budget for the health care needs of American veterans. Sad, but it is true. Where the administration has failed, Congress must step in and correct the problem. This amendment will help fill the gap.

In less than 20 minutes, President Bush will be speaking to America. He will be talking about the situation in Iraq. He will give his speech in the company of some of the best and bravest men and women who serve in our Armed Forces. He will undoubtedly say to them, on behalf of all Members, that we stand behind them. His words will be heartfelt and they will truly represent the way we feel about the men and women in uniform. But our commitment to soldiers and to veterans has to go beyond statements on television. It has to go beyond speeches. It has to go beyond some of the things that are left in the CONGRESSIONAL RECORD each day as a tribute. It has to be shown in our deeds.

We will have a chance with the Murray amendment to put the necessary funds in the Veterans' Department so that the hospitals and clinics across America can help our veterans from other wars and our soldiers coming back from Iraq and Afghanistan. The assistance which they need can help right now. The longer a soldier is troubled, the longer a soldier suffers from PTSD and the stress and anxiety and depression that comes with it, the more difficult it is for them to finally break away and to return to a normal life. Quick, professional care is necessary.

Don't look beyond the fact that many of these soldiers have spouses and children who are affected by their problems. They need help, too. Family therapy from VA should be part of this commitment.

As I traveled around Illinois a few months back and met with the soldiers coming back from Iraq and Afghanistan, I was stunned. Some of the youngest, strongest, best-looking soldiers who returned, men and women, who appeared to have no concerns at all, back at home in civilian life, were struggling with demons inside, demons that were created by things that they saw, things that they did, things that they were exposed to which many of us, thank God, will never have to see. We need to help them. We need to make sure that our commitment to them goes beyond a cheer, goes beyond a kind word, goes to the deeds that are necessary to prove our true commitment to the men and women in uniform.

This last group I spoke to was the Veterans of Foreign Wars Convention, a statewide convention in Illinois in the city of Peoria. It was a good meeting. They were mainly veterans from other wars, from the Persian Gulf, Vietnam, Korea, World War II. These were primarily men but some women who had served our country and were coming together. Time and again, they asked us to not only stand behind our troops, but also stand behind our veterans. They challenged me. They said: Senator, be the best Senator we have ever had in this State for the veterans and soldiers. I will try to show them that I can live up to the challenge.

With this amendment, the Murray amendment which I have supported before, and which now should pass, the Senate can go on record on a bipartisan basis saying we stand behind our soldiers and our veterans.

IRAQ

Let me say a word, Mr. President, about the President's speech this evening about the war in Iraq. Once again, it goes without saying that we are all committed to the men and women in uniform. The last time there was a supplemental appropriations bill on the floor that the President asked for, in the range of $81 billion, for the war in Iraq, it passed unanimously 100 to 0. I think that tells the story. Whether you agreed with the President's policy beginning this war or disagreed, we all agree that our men and women in uniform should have everything they need to execute this war.

But it is a war unlike any that we fought in recent times. It is hard to claim territory and hold it. Fallujah, just a few months ago, was the scene of great carnage, as American troops went in to root out the insurgents and terrorists. We lost a lot of our wonderful soldiers in that battle. They achieved their goal. They cleared out Fallujah. Yet, just a few days ago, we lost more soldiers in that same city; in this case, several women soldiers who lost their lives in the terrorism that has now become too commonplace. So claiming and holding territory is obviously very difficult in Iraq.

It is also difficult to identify an enemy that does not wear a uniform, does not stand in formation, and wreaks its havoc with these roadside bombs and other terrorist devices they use. It is a different type of war.

We are concerned as well about the status of the Government in Iraq. It is a government in formation. They are trying to put together a constitution.

Two of my colleagues in the Senate, Senator CARL LEVIN of Michigan and Senator SUSAN COLLINS of Maine, a Democrat and a Republican, sent a letter to the President to urge him, in his speech tonight, to make it clear to the Iraqis they have to hold fast to the timetables to form their own government and take responsibility for their own future. Those two Senators, one from each political party, said if they failed to do that, we had to make it clear to them that we would have to reassess our commitment in Iraq.

Those are strong words, bipartisan words, but I think they represent the feelings of many Americans. We have done a great thing in Iraq in removing Saddam Hussein. That was never the issue. The question, of course, was, what would happen afterward. We had a good plan to win the military side of this conflict and to win the war. We did not have a good plan to win the peace. More than 2 years after our invasion of Iraq, more than 1,734 American soldiers have given their lives, more than 13,000 have been gravely wounded. And, unfortunately, those numbers will increase.

Tonight, the President will talk to us about his plan. If this, what we have seen to date, is what the President's plan is in Iraq, we clearly need a much

different plan. We need a plan for success, a plan for victory, a plan that will bring our troops home.

There is a feeling among many of us in this Chamber and across America that we do not have that plan today. The President has to be honest with us about the costs of this war, first in human terms and most certainly in dollar terms. Some of our early allies have picked up and left—more burden on American soldiers, more burden on American taxpayers.

Finally, this Congress needs to do its job, not just to provide the resources for those soldiers in Iraq and Afghanistan but to also make certain there is oversight. Yesterday, Senator BYRON DORGAN, Senator LAUTENBERG, and a few others, held a hearing from the Democratic Policy Committee on Halliburton. Halliburton is, of course, one of the largest contractors in Iraq. Hundreds of millions of dollars worth of contracts have gone their way without competitive bid and with precious little oversight.

What Senator DORGAN and others have disclosed in the course of those hearings is nothing short of shameful. We should be holding every contractor in Iraq accountable to produce good equipment, to produce good armaments, to provide our troops with what they need to succeed and come home safely. But this Congress, dominated by the President's political party, is loathe to even raise these difficult questions. So we have to hold a hearing on Monday mornings and hope that someone will notice as whistleblowers come forward and talk about some of the scandals that are occurring with the contractors in Iraq.

Congress has dropped the ball. We have a responsibility, regardless of who is in the White House and what political party he might belong to, to accept our congressional responsibility to ask hard questions.

President Harry Truman knew that. When he was a Senator from Missouri, he was the one asking the hard questions of Franklin Roosevelt's Democratic administration during World War II: Were they doing their job? Was there profiteering? Were there people taking advantage of taxpayers and our troops? Senator Truman was right with his Truman commission. Unfortunately, in today's Congress, there is nothing coming out of the Republican side of the aisle to ask those hard questions, to make sure our troops get what they truly deserve.

So tonight we will hear from the President that our goal is still democracy in Iraq. It is a good goal. It is one I hope we can achieve. But it is a difficult goal. And we have to understand that the Iraqis have premier responsibility for their own future.

Mr. President, 140,000 or 150,000 American troops, with their lives on the line every day in Iraq, remind us that we went into this war without a plan on how it would end, without an exit strategy. I hope the President will spell that out with some detail this evening. I am not expecting him to say there will be a timetable for withdrawal. He has already said he is not in favor of that. But we need to know what his plan for success will be.

Tomorrow, when we vote on this amendment on the Interior bill on the VA funding, I urge all my colleagues to support this measure for our veterans and for our soldiers. We must appropriate the funds the VA needs to provide our veterans the health care they deserve, to treat both the lasting battle scars that can be seen and those battle scars that remain invisible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1038, WITHDRAWN

Mr. SALAZAR. Mr. President, I call for the regular order in relation to amendment No. 1038.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SALAZAR. Mr. President, I, at the outset, thank both Senator BINGAMAN and Senator THOMAS for their willingness to sponsor this amendment, which is an important amendment for counties, especially in the western part of the United States where so much of our land is held in the hands of the Federal Government.

I would like to underscore the importance of the Payment in Lieu of Taxes Program. PILT funds are Federal payments to local governments. We all understand that property taxes are the main source of revenue for local governments. Anyone who has spent any time at all in Colorado or in the West will recognize that local governments there do not have a tax base because the Federal Government owns huge tracts of land in our States. In my State alone, approximately one-third of Colorado is owned by the Federal Government.

Earlier this spring, in my first Senate trip around our great State, I held meetings with local-elected officials. Time and time again, these local-elected officials—mayors and county commissioners—informed me about the importance of full PILT funding and that it is their No. 1 priority.

Sadly, PILT has never been fully funded by this Congress. Congress regularly shortchanges local governments with Federal lands by appropriating less than the authorized levels. To that end, one of the first bills I introduced as a U.S. Senator would make full funding of PILT a mandatory priority for this Congress every year.

In 2005, more than $226 million was distributed to approximately 1,850 local governments in 49 of our 50 States whose jurisdictions contain tax-exempt Federal lands. In my State of Colorado, over $16 million was paid to local communities for over 2.3 million acres of tax-exempt Federal lands. These funds have been used to help improve local schools, water, and road systems.

President Bush's budget request cut PILT funding for 2006 by $27 million. Fortunately, Congress has responded forcefully to that request. The House of Representatives passed a bill with $242 million for PILT funding, and the good work of the Appropriations subcommittee in the Senate has gotten us to $235 million, which is the proposal in this bill.

My amendment would increase PILT funding to $242 million from the current level of $235 million in the Interior appropriations bill. That increase would be offset with $7 million from the Department of Interior's overhead funds.

Earlier this afternoon, I spoke with Interior Secretary Norton and with Senators BURNS and DORGAN about my amendment and my strong desire to see PILT funding as close to full authorization levels as possible. I appreciate the consideration that Senators BURNS and DORGAN have given to my amendment and to the importance of the issue of PILT. I know they will represent the hopes and needs of rural counties in the conference committee and will work to ensure that the conference report is at least at the House level of $242 million for PILT.

Therefore, Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SALAZAR. I thank the Presiding Officer and yield the floor.

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

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

AMENDMENTS NOS. 1049, AS MODIFIED; 1060, AS MODIFIED; 1055, AS MODIFIED; 1061; 1030, AS MODIFIED; 1020, AS MODIFIED; 1031; AND 1058, EN BLOC

Mr. BURNS. Mr. President, I call up the following amendments en bloc: amendment 1049, offered by Senator KYL, as modified; amendment numbered 1060, offered by Senator LANDRIEU, as modified; amendment 1055, offered by Mr. BINGAMAN, as modified; amendment numbered 1061, offered by Senator OBAMA; amendment numbered 1030, offered by Mr. BINGAMAN, as modified; amendment 1020, offered by Senator COBURN, as modified; amendment numbered 1031, offered by Mr. BINGAMAN; and amendment 1058, offered by Mr. BINGAMAN.

I ask unanimous consent these amendments be agreed to en bloc.

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

The amendments (Nos. 1061, 1031, and 1058) were agreed to.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 1049, AS MODIFIED

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

On page 195, line 9, after the semicolon, insert the following: $1,500,000 may be for the

expansion of the wastewater treatment plant in Lake Havasu City, Arizona; $1,000,000 may be for the expansion of the wastewater treatment plant in Avondale, Arizona;''.

AMENDMENT NO. 1060, AS MODIFIED

Page 147, line 25 strike ''$72,500,000'' and insert ''$74,500,000.''

Page 148, line 1 after ''2007'' insert ''of which $2,000,000 is for Historically Black Colleges and Universities.

Page 172, line 4 strike ''$10,000,000'' and insert ''$12,000,000.''

AMENDMENT NO. 1055, AS MODIFIED

(Purpose: To provide for the consideration of the effect of competitive sourcing on wildland fire management activities)

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

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

AMENDMENT NO. 1030, AS MODIFIED

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

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

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

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

AMENDMENT NO. 1020, AS MODIFIED

(Purpose: To express the Sense of the Senate that defense spending should not be underfunded to support increases in non-defense spending)

At the appropriate place, insert the following:

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

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

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

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

(b) SENSE OF THE SENATE.—IT IS THE SENSE OF THE SENATE THAT:

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

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

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

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, I ask unanimous consent that other than a series of amendments which have been cleared by both managers, all other amendments be withdrawn, with the exception of the following amendments, and, further, that the amendments be considered as follows:

Boxer amendment No. 1023, regarding pesticides; I or my designee with a first degree relating to pesticides; further that there be 120 minutes equally divided to be used concurrently on both amendments, with a vote in relation to my amendment, followed by a vote in relation to the Boxer amendment;

Dorgan amendment No. 1025, regarding Indian health, 20 minutes equally divided;

Amendment No. 1026, offered by Mr. SUNUNU, regarding the Tongass, 30 minutes equally divided;

Senator MURRAY's amendment No. 1052, regarding veterans health; Senator SANTORUM's second-degree amendment to the Murray amendment relating to veterans health; provided that there be 110 minutes equally divided between the two leaders or their designees to be used concurrently on the first and second-degree amendments;

Senator DORGAN's amendment No. 1059, regarding Cuba travel, 20 minutes equally divided; provided that the vote occur in relation to the motion to suspend the rules relative to that amendment; further, that if the motion to suspend is agreed to, the amendment be subject to further debate and amendment;

Senator KYL's amendment No. 1050, 5 minutes for Senator KYL, with the amendment then withdrawn;

Senator SARBANES' amendment No. 1046, 5 minutes saved for Senator SARBANES.

Finally, I ask unanimous consent that the votes occur in relation to the above-listed amendments, with no second degrees in order to the amendments prior to the votes unless otherwise indicated; further that following the disposition of the above amendments, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

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

MORNING BUSINESS

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

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

VOTE EXPLANATION

Mr. FRIST. Mr. President, Senator DOLE is unable to vote on amendments this evening because she is in North Carolina where she testified early this afternoon before the BRAC Commission, and this evening is with the President at Ft. Bragg in Fayetteville, NC, where the President is addressing the Nation on the 1-year anniversary of the transfer of sovereignty to the Iraqi people.

Mr. CONRAD. Mr. President, last week I traveled to Grand Forks, ND, to organize and present testimony at a regional hearing of the Base Realignment and Closure, BRAC, Commission on the Grand Forks Air Force Base and Fargo's Air National Guard installation. These facilities are critically important to our national security and to my State's economy. As North Dakota's senior Senator, it was my pleasure and responsibility to host the Commission hearing. As a result, I was necessarily absent from the Senate and missed rollcall votes No. 145–153 on the Energy bill.

PRESIDENT'S ADDRESS TO AMERICA

Mr. KENNEDY. Mr. President, whatever our position on the Iraq war, we should all be concerned that the President does not have a winning strategy on Iraq. Our current strategy is not working, and Congress and the American people know it. I say this with sorrow and regret for our troops, for their families, and for our country.

Administration officials repeatedly claim that the insurgents are desperate, dead-enders, and in their last throes. The American people know they are not. Secretary Rumsfeld insists progress has been solid. With American casualties currently averaging nearly three a day, the American people know it is not. Secretary Rumsfeld insists the Army is not being stretched to the breaking point, but month after month recruiting goals go unmet and generals are sounding the alarm. Secretary Rumsfeld insists that we are not in a quagmire. The American people believe we are.

Secretary Rumsfeld says the administration is not painting a rosy picture. The American people know that they are. By last June, after the President declared mission accomplished, 852 American servicemembers had been killed in action. Today, the number has doubled to more than 1,700. By last June, 5,000 American servicemembers had been wounded in action. Today, the number has nearly tripled to over 13,000. A year ago, the United States had 34 coalition partners in Iraq. Today, we have just 25, and another 5 are scheduled to pull out by the end of the year.

The administration has been consistently wrong about Iraq. The American people know things are not going well and that we need to correct the course we are on. The administration statements do not square with reality, and the credibility gap continues to widen. It is ironic that Americans are learning

the truth not from our own administration but from an ally. The truth should come from the White House and not Downing Street.

More than anything else, what America hopes to hear from the President tonight is the unvarnished truth of what is really going on in Iraq, how he plans to put a new strategy in place and assure success. He needs to clearly articulate our goals, the benchmarks for measuring progress, and the game plan to win. When President Bush addresses the Nation tonight, all of us hope he will state a new and more realistic and more effective strategy for the United States to succeed in Iraq.

Our current strategy is not worthy of the sacrifices our men and women in uniform are making. The war has clearly made America less safe in the world. It has strengthened the support for al-Qaida and made it harder to win the real war against terrorism, the war against al-Qaida.

The President needs an effective strategy to accelerate the training of a capable Iraqi security force. The President needs an effective strategy to rescue the faltering reconstruction effort, create new jobs, new hope for the Iraqi people, and neutralize the temptation to join the insurgents. The President needs an effective strategy to bring the international community into Iraq and to achieve the adoption on schedule of a constitution that protects all the people of Iraq. He needs an effective strategy to give our troops the equipment they need to fight the war and to ensure that veterans returning from Iraq have access to the quality health care services they so richly deserve. He needs an effective strategy to repair the damage the war has caused to our military and to our reputation in the world.

Realism is hard medicine to swallow. President Bush must face the facts and accept them. Our men and women in uniform deserve no less. Our strategy is not working, and I hope the President will outline a winning strategy this evening.

SUPREME COURT

Mr. KENNEDY. Mr. President, on another matter, we all wish the very best to Chief Justice Rehnquist. He has made the quality of the Federal courts the special mission of his leadership, and the Nation and judiciary are grateful for that leadership. Hopefully, he will continue to serve as long as he wishes and is able.

In the event of a resignation, a new Justice should be someone who is committed to the rule of law and the rights and freedoms of all Americans and can therefore win broad support in the Senate and the Nation. Like many Presidents before him, the President can easily choose such a nominee if he follows the constitutional requirement that he obtain the Senate's advice as well as its consent. I hope President Bush chooses the path of consultation and consensus and not the path of confrontation and conflict.

The Constitution requires the Senate to be an independent check on the President, especially in protecting the independence and fairness of our judges. The Founders very deliberately made the appointment of Federal judges a shared responsibility of the Senate and the President. It is ridiculous for some on the other side to claim that the Founders would not have wanted such consultation to occur. In fact, the Founders came within a hair's breath of assigning the entire responsibility for appointing judges to the Senate. It was a last-minute compromise at the Constitutional Convention in Philadelphia in 1787 that gave the responsibility to the President but only with the advice and consent of the Senate.

As the chairman of the Senate Judiciary Committee has clearly pointed out, the advice function is as important as the consent function in the exercise of the shared power of the President and the Senate in appointing judges and Justices. Presidents all the way back to George Washington and right up to Bill Clinton have consulted with the Senate on Supreme Court nominations, and when they have done so the result has been a better Supreme Court.

The wise procedure was made even more explicit in the memorandum of understanding written by the 14 Senators from both parties last month when they urged the President to consult with Members of both parties in the Senate. Why are some of our Republican colleagues in the Senate so opposed to such consultation? Do they fear that if the President seeks the advice of a broad range of Senators, he may be persuaded to make a consensus nomination to the Supreme Court? Are they against consensus? Do they see the Supreme Court nominations merely as political footballs in their political games? Before any person can be appointed to the Federal court, the Senate and the President have to agree that the person will be best for the whole country, not just for a narrow ideological and radical faction.

Some Presidents have ignored the requirement to obtain the advice of the Senate, but no President can avoid the requirement to obtain the consent of the Senate. I certainly hope President Bush will not heed those who think consultation and consensus are obsolete. Whether the confirmation process goes smoothly will be determined by the President's selection.

He can pick judges with us as the Founders wanted or he can pick fights with us as some of his political advisers and Senate friends seem to want.

The President's choice is clear. He could follow the Constitution and seek the advice of the Senate before he makes a nomination. If he does that, the confirmation process is more likely to be expeditious, constructive, and a unifying force for the entire Nation. Or he can listen only to the advice of the fringe factions of his own party, people so extreme they have even called for the impeachment of six of the current nine Justices because those Justices refuse to bow to the ideological dictates of the rightwing. If he does that, the confirmation process will be divisive and corrosive and likely unsuccessful. There are hundreds if not thousands of excellent lawyers and judges who could be consensus choices for the Supreme Court, and Senators will help the President find them if he seeks our advice. If he takes our bipartisan advice, he will have no trouble obtaining our bipartisan consent.

The next person who serves on the Supreme Court will not just serve for the remainder of the Bush administration. The lives and freedoms and rights of our children and our grandchildren may well be directly affected by the decisions of that Justice in the coming decades. For their sake and the Nation's sake we cannot accept a choice based on partisan politics or ideological agendas. What the Court and the Nation need is a demonstrated commitment to the rule of law and the basic values of our Constitution. I urge President Bush to listen to a respected former Republican, Senator John Danforth:

> If he truly wants to appoint a conservative he should make sure it is a judicial conservative, someone who is going to apply the law, not his political or philosophical beliefs.

PRESIDENT BUSH'S IRAQ STATEMENT

Mr. KERRY. Mr. President, tonight, as we all know, President Bush is going to speak to the Nation about the situation in Iraq. I think that we all have a pretty good sense of much of what he is going to say. He will talk, as he should, about the extraordinary courage of our troops across the world; he will talk, as he should, about the march of democracy; and he will speak with pride about Iraqi elections and the end of tyranny. He will stress, as we all share, the importance of the war on terror. All of us in this Chamber stand in awe of the courage of our troops and all of us in this Chamber and in this country are passionate about democracy. But the fact is that honoring our troops and extolling the virtue of democracy, those words alone are not going to be enough to improve the situation and the reality of the perilous direction that we are currently headed in Iraq. What we need are not just the words extolling the virtues of things with which we all agree. What we need is a policy that is going to address the complex and in some ways self-inflicted predicament that we face today. The best way to honor troops, Mr. President, the best way to protect our troops, is to provide them with the best policy possible. The fact is that that is not what we have today. Yesterday, I attended the funeral of Christopher Piper of Marblehead, MA, special

forces, who died of wounds from an IED, and two other of his fellow soldiers died previously in that same incident. The overwhelming outpouring of emotion and patriotism—kids holding flags along the sides of the streets, people, good citizens, patriots all, coming out to say goodbye to their native son—was moving beyond words.

Christopher Piper, and all of the soldiers like him currently serving and all those who will go over there, deserve a Government leadership that makes the best decisions possible to be able to provide them the greatest security possible to accomplish the mission as rapidly and effectively as possible.

Today, I regret to say, the experience in Iraq has proven again and again to America and the world that we have no realistic comprehensive strategy to reduce the risks to our soldiers and to achieve our goals. While our military has done—and continues to do—a superb job, our civilian leadership has not, and our soldiers are paying the price every single day. It is time for a realistic plan for success.

To achieve that plan, we have to begin by tearing down the wall of arrogance. When the Vice President absurdly claims the insurgency is in its last throes, it insults the common sense and intelligence of the American people, and he diminishes our stature in the world. How can we expect the Iraqi people to take us seriously and do their part when the White House says the insurgency is fading, and yet Iraqis live in constant fear—explosions waking them up in the night, reminding them of the danger inherent in a short walk to work or to school the next morning.

I know that we should not dwell on mistakes. We need to understand, however, the consequences of the decisions we have made and our ability to effectively move forward because the only way you can move forward and have a comprehensive strategy is to understand where you have been. With allies reading the Downing Street memo and the American people increasingly aware that the rationalization for war changed midstream, it now becomes that much harder to rally the collective strength of the Nation and the world to our cause.

We have to acknowledge the past in order to overcome it because the truth is that, until this moment, the stubbornness of this administration has made a difference. It hurts our chances for success. It leads to frustrated expectations of Americans themselves. It makes it much more difficult for the Iraqi people to embrace the cause, and it makes it so much easier for sidelined nations to turn their back on a common interest and say: OK, it is their deal, let them go solve it because they don't seem to understand it.

The bottom line is that when it comes to war and the safety of American troops, there is no time for excuses. All of our troops deserve the best we can provide, and they deserve it now. This is the time for the administration to tell the truth about what is happening on the ground and be open to new ideas about how we are going to get the job done. Admitting mistakes is a necessary hurdle and a constructive tool for this administration if it wants to build the strength necessary to get it right in Iraq. Admitting mistakes paves the way for elected officials and the American people to come together and to move forward. Admitting mistakes actually lays the groundwork for the climate of cooperation that allows allies to add to our strength. Admitting mistakes eases the concerns of the Iraqi people and helps us make them understand that there will be no success unless they embrace the burden of their own future. And that includes acknowledging that Iraq today is something that it was not before the war—a breeding ground for jihadists. Today, there are 16,000 to 20,000 insurgents, and the number of jihadists among them is growing, according to our own estimates. So this is a growing challenge, and we need to take immediate steps to address it. Our officer corps reports that every time our troops kill or capture an insurgent, there are three more who just step forward to take his place. That is not a compelling strategy for success.

So I hope that tonight we hear something new from the President. I hope the President will recognize that the American people demand more than a communications strategy—they demand real leadership, with real decisions and real choices that provide a strategy for success and that get our troops home. If the President does this, he will begin to restore the confidence of the American people and the respect of the world. In showing real leadership, he will make it clear to the Iraqi people that it is time for them to take the lead.

I also hope the American people understand that there still can be a plan for success in Iraq if we move quickly, if we make the right choices, if we reach across the aisle for bipartisan effort, if we reach out to other nations. The mistakes that we have made do not change the fact that our military is the most powerful and competent in the world and that democracy is one of the world's most powerful ideas. The mistakes do not change the fact that the Iraqi people understand, through the powerful memory of generations, that they have a unique opportunity to shape their own future. If the President finally opens to these new ideas and gets this right, tells the truth about the complex challenge, and the Iraqi people get serious about doing their part and bearing the burden, we can have the success that we need and seek in Iraq.

So what can the President say tonight to get things right in Iraq and put us on the road to success? The President can start by immediately declaring that the United States does not seek permanent bases or any permanent military presence in Iraq. Erasing suspicion of indefinite occupation is critical to eroding support for the insurgency. Getting that right also means using the extraordinary leverage that we have to get the Iraqis to do their part. Our massive military presence is all that stands between the Iraqi people and complete chaos. Our special forces are protecting Iraqi leaders. With this kind of leverage, it is nothing short of shocking that the administration allowed 6 months to go by from the last election before including Sunnis in the political process. This was an obvious crucial prerequisite to success.

Yet there was no sense of urgency and minimal pressure applied. It is time for the administration to use its leverage to insist that the Iraqis do their part and establish a truly inclusive political process and meet the deadlines for finishing the Constitution and holding new elections in December. There can be no wavering from those dates.

Getting it right also means putting together a real plan for training Iraqi troops and following through on it. This should be our top priority. It is the key to getting our troops home and avoiding a humiliating withdrawal. It is time to move beyond fudging the numbers and finally put the training of Iraqi troops on a true 6-month wartime footing. That includes ensuring that the Iraqi Government has the full budget necessary to be able to deploy and continue the training.

It is also time to stop using the in-country training requirement as an excuse for refusing offers made by Egypt, Jordan, France, and Germany to do more. Why would we turn down the opportunity of other countries to help us do more? Why would we turn down the opportunity to be able to give our troops the relief they deserve?

Getting it right also means drawing up a detailed plan—a real plan, shared with the Congress of the United States—with the clear milestone of transfer of military and police responsibilities to the Iraqis after the December elections.

The administration's plan should take into account both political and security objectives, including Iraqi force structure and capacity, and it should be specifically tied to a series of specific tasks and responsibilities. This plan must have more than just dates and numbers. It must make it clear to the Iraqi Government that American patience is limited.

The Iraqi people need to understand that in America, today, when we see Army recruitments suffering, families organizing to protect their kids from recruiters, and when we see the divorce rate for military officers skyrocketing—I am told the divorce rate among officers for the last year is up some 70-plus percent; and since the year 2000, up over 300 percent—when we see this kind of damage to the long-term capacity of the American military, we need to take it seriously. I

know the Iraqi people already understand that our troops are skilled and brave. Now they need to understand we must see legitimate progress that offers a real chance of American troops beginning to come home.

At the same time, if the administration wants the Iraqis to bear the burden, they need to move beyond the hollow ''stay as long as it takes no matter what'' talk that provides an endless security blanket—a disincentive for Iraqis to stand up for Iraq—and, instead, they must talk forcefully about the transfer of responsibility.

If the administration gets this plan right, and the Iraqis succeed in adopting a new constitution and holding elections as planned, trained Iraqi security forces should be ready to take on more responsibility at the critical moment when support for the insurgency is diminishing. That is the kind of careful, strategic planning we need to set the stage for American forces to be able to be reduced in number, as the Iraqi security forces assume more of the mission. But, again, this simply will not happen unless the Iraqi forces themselves assume more of their part. We must make the Iraqi Government understand the patience of America is finite, and that real progress must be achieved. We all understand that deploying capable Iraqi security forces is imperative to success. It always has been imperative to success. Yet the numbers we have been given again and again have been false. But the administration would also have us believe Iraqi forces alone could end the insurgency. That is simply not true. I hope the President strikes a different tone tonight and commits to work simultaneously, equally, forcefully on all fronts—security, economic, and political.

The administration should know by now that overly optimistic predictions for Iraq and rebuilding Iraq have actually been a drag on our mission. Reconstruction lags behind even in the Shiite south and in the Kurdish north, where security is far less of an issue. This sends the wrong message to those whom we ask to sacrifice for freedom.

We need to speed up work in these areas in order to demonstrate that progress will be made in the rest of Iraq. If Iraqis, particularly Sunnis, who fear being left out in the cold, see electricity flowing, jobs being created, infrastructure being built, and a government of their own choosing being formed, the lure of the insurgency will diminish. The violence and risk to our troops will decrease. To get it right in Iraq, we must show all Iraqis they are fighting not only for a future of freedom but for a tangibly improved future for their lives on a day-to-day basis, and for their children.

Getting it right also means understanding the neighborhood. It means getting those with an interest in Iraq, such as the Saudis, to act now.

Iraq is surrounded by Sunni neighbors with significant resources, yet complaints fall from these neighbors about being left out and about their concerns falling on deaf ears. Many of these countries could do much more to help, and we should encourage them to do so. Even short-term improvements, such as providing electricity from their grids, or supplying diesel fuel—an offer that has been made but is yet unfulfilled by the Saudis—would go a long way.

But we have to do our part and address their legitimate concerns. If we want these nations to step up to the plate and help us to secure Iraq's borders and help, particularly because of their Sunni background, to bring Sunnis into the political process or help to rebuild Iraq's economy and infrastructure, then we have to offer a coherent, strategic security plan for their region. We have to address their fears of an Iran-dominated crescent, and their concerns about our sporadic mediation between Israel and the Palestinians. This administration needs to show it understands there has to be some give-and-take in the process.

The administration could also give a significant boost to the rebuilding effort by recognizing the great untapped potential of private sector contributions. The conference that just took place in Brussels was a donor conference. What we need is more than donors; we need investment. The administration, working with the Iraqi Government, should organize a development conference for Iraqi businessmen and their regional counterparts who wish to invest in Iraq. Regional investment would not only strengthen Iraq's economy, it would give neighboring governments a greater stake in Iraq's success and another incentive for them to be able to provide more help. And the administration might want to consider the effect on regional businessmen when they read headlines about Halliburton's extraordinary dominance of local contracts.

Much of what I have discussed today—from administration mistakes, to the steps we need to move forward—all deals with laying the groundwork for long-term success. But the reality is, the elections are 6 months off. Iraq is not going to be rebuilt overnight, and it is going to take time to get the Iraqi troops ready.

In the coming months, even with perfect planning, there will be violence, turmoil, and hardship. That is why tonight it is critical that President Bush make clear there are actions we can take in the short term to ease the burden on our troops. He needs to get this right, not only to save American lives, but to elevate the confidence of the American people. For this to happen, the President must reconsider some hastily brushed aside options.

To date, the administration has been unwilling to entertain the idea of empowered militias, instead singularly focusing on a unified Iraqi security force. But Iraq, like Afghanistan, has numerous tribal, religious, and ethnic militias, such as the Kurdish Peshmerga or the Shiite Badr Army.

The fact is, these forces are structured, and, most importantly, they are accepted by the provincial populations. They are capable of providing protection while helping with reconstruction. In the interim, while a fully capable Iraqi security force is established, these forces could meet some of the critical security needs. They could fill the gap. If they can help do the job, why not let them?

It is time for the administration to put aside its concerns and prod the Iraqi Government to give the militias legitimacy. We can do this by integrating them into a kind of national guard, a force that would provide security in their own areas where they are respected and accepted.

The administration also needs to get it right on border security. For 2 years now, Senators and others have been commenting on the absence of adequate border security. The jihadists have been able to move in at will. If we want to ease the burden on our troops in the short term, we need to put that kind of adequate border security force in place. The truth is, it has been absent since day one, which is a shame, because that is precisely where our allies could help.

As opposed to providing security in urban areas, border security is generally much less risky for troops. The administration needs to work with the Iraqi Government to reach out to the world and establish a multinational force to secure Iraq's borders. Such a force, if sanctioned by the U.N. Security Council, could attract participation by Iraq's neighbors and powerful nations with a vested interest, such as India.

The administration has narrowed our options in Iraq, but there are still better choices available to us. There is still time to get it right in Iraq, and I hope, for the sake of our troops, the President will do so tonight.

We are at a critical juncture in this conflict, both at home and abroad. The last thing we need is the administration growing even more stubborn or more defensive. Today, our Nation needs honest, open leadership, and a comprehensive strategy for success. It is time for the President to reach out and work across the aisle and across the globe to clean up this mess.

The President must seize this opportunity to move forward, as the next months are so critical to the future of Iraq and to the future of our security. If the administration fails to take the steps that are available to them, and fails to hold the Iraqis accountable, we will stumble along, our troops at greater risk, casualties rising, the patience of the American people wearing thin, and the specter of quagmire staring us in the face.

Every misstep, every measure untaken, every wise course not followed carries an unbearable cost. The American people have a right to expect

accountability. We need to decrease the risk to our troops and strengthen our chances for success. Our troops deserve better than they are getting. They deserve leadership that is equal to their sacrifice.

BONE MARROW AND CORD BLOOD THERAPY AND RESEARCH ACT OF 2005

Mr. BURR. Mr. President, I rise today to strongly support The Bone Marrow and Cord Blood Therapy and Research Act of 2005. I introduced this legislation with Senators HATCH, DODD, ENSIGN, and REED yesterday and I appreciate their interest in this important legislation.

The Bone Marrow and Cord Blood Therapy and Research Act will help provide adult stem cell transplant material for those patients who need them, and also provide adult stem cells for scientific research.

The House has passed similar legislation and we need to act in a timely matter on this bill. The legislation that we introduced yesterday also reauthorizes the National Marrow Donor Program, an important program helping to provide adult bone marrow to sick individuals. Unfortunately, thousands of Americans have died because there was not an appropriate donor of bone marrow. However, umbilical cord blood may provide an alternative to bone marrow transplantation. Ultimately, given the current limitations of bone marrow transplantation, cord blood could become a more widespread lifesaving therapy.

I am proud of the valuable work and research taking place in North Carolina. In particular, Dr. Joanne Kurtzberg of Duke University, the director of the Pediatric Blood and Marrow Transplant Program, is leading the fight on monumental diseases such as diabetes and Alzheimer's. Dr. Kurtzberg and her team are pioneers in the field, having already performed more than 600 cord blood transplants with unrelated donors more than anyone else in the world.

Cord blood transplantation has already been used to treat a number of diseases including leukemia, lymphoma, and sickle cell anemia. The legislation we introduced yesterday will establish an inventory of 150,000 new cord blood stem cell units that reflects the diversity of the people of the United States. The goal of this legislation is to create a network so that 95 percent of Americans who need a transplant will be able to receive an appropriately matched transplant. Calling transplants the ''ultimate in recycling,'' Dr. Kurtzberg believes, as I do, that cord blood has the potential to save the lives of countless patients nationwide.

The Bone Marrow and Cord Blood Therapy and Research Act establishes a network of qualified cord blood banks to collect, test, and preserve cord blood stem cells. Additionally, this legislation will help match donors and recipients. I am hopeful that this legislation will provide facilities like the Carolinas Cord Blood Bank at Duke with the ability to save thousands of lives as the number of bone marrow donors and cord blood units increases.

The Senate needs to move forward on this legislation so that the Federal Government can help provide the infrastructure allowing these therapies to be extensively used. I stand ready to work with my colleagues so that we can enact this legislation quickly.

HONORING OUR ARMED FORCES

HONORING ARMY SPECIALIST NICK IDALSKI

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Crown Point. Nick Idalski 23 years old, died on June 21 during combat operations west of Baghdad near Ramadi. With his entire life before him, Nick risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2001 graduate from Crown Point High School, Nick was killed in combat just 1 month before he was scheduled to return home. He had been in the Army for less than 2 years, first being sent to South Korea for a short time before his deployment to Iraq. His family recounted to a local newspaper Nick's passion for being a soldier and helping other people, saying that he died doing something he truly loved. They shared their memories of how selfless, jolly, and determined Nick was, and their pride in him when he decided to join the Army. I stand here today to express the same feelings of pride and gratitude for this young Hoosier's sacrifices and those made by his family on behalf of our country.

Nick was killed while serving his country in Operation Iraqi Freedom. He was a member of the Army's 2nd Infantry Division, and had been stationed in Ramadi since August. This brave young soldier leaves behind his mother and stepfather, Kim and Richard Greenberg; his father, Tony Idalski; his two brothers, Steve and Nathan Idalski; his stepbrother, Kevin Greenberg; two stepsisters; and his longtime girlfriend, Lisa Wheeler.

Today, I join Nick's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Nick, a memory that will burn brightly during these continuing days of conflict and grief.

Nick was known for his dedication to his family and his love of country. Today and always, Nick will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Nick's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Nick's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Nick Idalski in the official Record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Nick's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Nick.

NATIONAL HISTORY DAY PROGRAM

Mr. OBAMA. Mr. President, from June 12–16, 2005, students from the great State of Illinois were invited to Washington, DC, by the National History Day Program to present original history projects. This scholarly group of students used their critical thinking and research skills to create exhibits, documentaries, and performances on the theme, ''Communication in History: The Key to Understanding.''

Congratulations to the national qualifiers and finalists from Illinois: Audrey Auyeung, Zoe Netter, Charlotte Cook, Eric Jacobson, David Gainski, Lucy Honold, Chelsea Farmer, Brandon Jakub, Kyle Schoenfelt, Dakota Smith, Erich Grundman, Charlie Curran, Jonathan Taub, Alicia Patten, Peter Contos, Honghe Li, Sebastian Prokuski, Laura Muller-Soppart, Tomas Manghi, Elizabeth May, Aruj Chaudhry, Kyle Johnson, Kathryn Evans, Laura Guzman, Rebecca Strauss, Andriy Matyukha, Sean Gallagher, Brendon Gallagher, Dan Burasinsanga, Gian Santos, Mary Kowalkowski, Ellie Terrell, Lauren Brown, Nadine Ibrahim, Annika Kolasa, Courtney Kolbe, Marissa Suchyta, David Bailey, Joseph Tepper, Tamara Vaughn, Stephanie Ebbs, Lena Walker, Maria Carvell, Robby Krajewski, Allyson Schroeder, Elizabeth Hamman, Emily Dennis, Lisa Furby, Katie Damron, Andrea Martinelli, Cristen Sawicki, Kelsey McMahon, Amelia Wallace, Allison Nichols, Sarah Siegel, Eliseo Martinez, and Jessica Drachenberg.

Special congratulations to Marrissa Suchyta, the second place winner in the junior individual documentary category, and Aruj Chaudhry, the third place winner in the senior individual paper category.

Finally, dedicated Illinois teachers worked throughout the academic year with these students so that they could be successful in competing with over 500,000 students nationwide.

Congratulations to their teachers: Angie Carr, Balazs Dibuz, Mario Garcia, Melissa Craig, Ron Solberg, Carlton Oquendo, Betsy Brown, Patricia Grunde, Ann Patricia Duffy, Leslie Contos, David Barber, Sherri Massa, Chris Salituro, Aggie Nowak, Cathy Bednar, Peggy Hall-Heineman, Patricia Grimmer, Sandra Koehler, Janet Kelsey, Chris DeMato, Barry Bradford, Claire Finn, Therese Hawkins, Sandra Koehler, and Claire Finn.

I commend these students on their achievements and encourage them to continue their pursuit of academic excellence.

ADDITIONAL STATEMENTS

MAYOR-ELECT ANTONIO VILLARAIGOSA

● Mrs. BOXER. Mr. President, today I rise to salute a wonderful and historic event that is about to take place in my home State. On Friday, July 1, 2005, Antonio Villaraigosa will be sworn in as mayor of the great city of Los Angeles, CA.

With nearly 4 million residents, Los Angeles is a huge and dynamic city, and running it well will be a huge challenge. But Antonio Villaraigosa is ready, willing, and able to do the job.

I believe that Mayor Villaraigosa has the intelligence, talent, energy, courage, compassion, imagination, and experience needed to unite Los Angeles and move it forward to new greatness.

Antonio has shown this ability throughout his career as a labor leader, civic leader, and elected official. He has worked with Democrats and Republicans from all backgrounds and all parts of California to improve education, protect the rights of working families, expand health care coverage, and make our communities safer, better places to live.

Time and again, he has demonstrated the leadership skills that will help him make Los Angeles one of the world's great cities of the 21st century.

Antonio Villaraigosa has already made history by becoming the first Latino mayor of Los Angeles since 1872, but he has set his sights even higher. He hopes to make history by making Los Angeles work for all its residents, and I will do all I can to help him.●

TRIBUTE TO DR. PHYLLIS LEVENSTEIN

● Mrs. CLINTON. Mr. President, on May 28, New York and our Nation lost one of its finest child advocates, innovators, and clinicians. Dr. Phyllis Levenstein, longtime Wantagh, NY, resident and founder of The Parent-Child Home Program, an international early literacy, school readiness program, passed away shortly after returning to Long Island to celebrate the program's 40th anniversary.

She was born Phyllis Aronson in Boston and grew up in Detroit. After graduating from Wayne State University in 1937, she taught in Detroit before coming to New York, where she earned a master's degree in social work in 1944 and a doctorate from Columbia University in 1969. She met her husband, Sidney Levenstein while working as a social worker in Manhattan during World War II. They married in 1946 and moved to Wantagh in 1957. Sidney, an Adelphi University Professor, who died in 1974, helped Phyllis develop The Parent-Child Home Program model.

In 1965, she identified parent-child interaction as the key to the development of early language skills and working with her husband, a statistician, created a pioneering model program. The Parent-Child Home Program, which Dr. Levenstein first piloted in Freeport, NY, in 1965, is a home-visiting program for families with 2- and 3-year-olds challenged by poverty and low levels of education. The program encourages parent-child verbal interaction through talking, reading, and playing and helps families create a language-rich environment in their homes. Longitudinal research shows that children who complete the 2-year program enter school ready to learn and graduate high school at the same rate as middle-income students. The program that began serving just 5 Long Island families in 1965 will reach 5,000 disadvantaged families across the country this year.

Dr. Levenstein's genius was in seeing the critical importance of parents engaging in continual verbal interaction with their young children through talking, reading, playing, and asking questions.

Over the years, she conducted and published significant research on the program's design and outcomes. The 88-year-old clinical psychologist was working on an expanded edition of her 1988 book about parent-child verbal interaction, ''Messages from Home,'' when she passed away. A practicing clinical psychologist, Dr. Levenstein was in private practice in Wantagh for 44 years and continued to see patients up until her death. She also was affiliated with Stony Brook University and a number of Long Island mental health and child guidance centers.

Dr. Levenstein was a fellow of the American Orthopsychiatric Association and the American Psychological Association and a member of the American Educational Research Association and the Nassau County and New York State psychological associations.

Her children describe her as a person who derived true joy from helping people and say that her soft touch was well-matched by her scientific toughmindedness. Her principled humanism led as well to a lifelong impassioned advocacy of peace and social justice. Her colleagues will remember her great intelligence, intensity, and wisdom, coupled with integrity, warmth, and humility.●

McCROSSAN BOYS RANCH CELEBRATES 50 YEARS

● Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate the McCrossan Boys Ranch of Sioux Falls, SD, as it celebrates 50 years of outstanding service on June 29, 2005.

Established by Melinda Bell McCrossan, as the result of trust she created in honor of her late husband, the McCrossan Boys Ranch is a private, not-for-profit organization ''dedicated to providing a place for boys to grow into men.'' Since its inception, Mrs. McCrossan determined that the ranch would be ''a home where boys find a new hope for a better life.''

In 1953, money from the trust was used to purchase four hospital buildings from the Sioux Falls Air Force Base that had been used during World War II. The buildings were transported 8 miles northwest of Sioux Falls, to the current location of the McCrossan Ranch. In 1955, the McCrossan Boys Ranch came to fruition as a working horse and sheep ranch designed to help boys between the ages of 10 and 18 handle the conflict in their lives and successfully live up their own potential.

Education has always been one of the ranch's top priorities, as the organization stresses formal education, which includes academic and vocational instruction, as well as productive work and life skills. Prior to 1978, all residents on the ranch attended local public schools. However, now that the ranch operates its own on-campus approved special education program through a partnership with East Dakota Educational Cooperative, 85 percent of all residents attend the ranch's school. The other 15 percent attend local public schools, as reintegration into the public school system is the ranch's ultimate goal for all the boys.

Although residents are there for a myriad of reasons, the McCrossan Boys Ranch makes certain to provide each student with ample individual attention, in addition to the required weekly group goals sessions. Anger management, corrective thinking, victim empathy and various other issues are also addressed through these workshops.

In early 2004, McCrossan Boys Ranch received national accreditation from the American Corrections Association, with a 99.6 percent rating. This honor makes the ranch one of only three correctional facilities in all of South Dakota to hold this prestigious accreditation. In fact, only 1,500 correctional organizations throughout the Nation maintain this accreditation.

I am proud to have this opportunity to recognize the McCrossan Boys Ranch for its 50 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to education McCrossan Boys Ranch provides. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

HONORING THE CITY OF CORSICA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 100th anniversary of Corsica, SD. It is at this time that I would like to draw attention to and commemorate the achievements and history of this charming city on the South Dakota prairie, which stands as an enduring tribute to the fortitude and pioneer spirit of the Dakotans.

Corsica, located in northern Douglas County in southeastern South Dakota, was founded out of a need to service a new railroad built several miles from the existing towns of Harrison and Armour. On August 17, 1905, Corsica officially became a town when 25 acres of prairie where auctioned off to the highest bidders. It was suggested by several of the railroad company's employees that the town be named Corsica in honor of the island of Corsica, their native home, and the new residents agreed.

Corsica grew rapidly and within weeks included the Floete Lumber Company, a grocery store, the Hafsaas boarding house, Corsica State Bank, Farmers State Bank, a newspaper office, and several restaurants. The town was incorporated on January 24, 1905, and local elections quickly followed to select city officials.

After 2 years, Corsica's population was estimated at nearly 500 people, and the town then boasted three general stores, a furniture store, two newspapers, two hotels, two livery stables, two churches, a water system, and a public hall.

The history of Corsica is, however, marked with its share of tragedy, as well. On October 16, 1907, the first fire of which there is a record burned one of the town's most prosperous businesses to the ground. John Van Ommeren's livery barn was completely destroyed and five horses, several buggies, and other personal belongings were all lost. Additionally, 8 years later, on July 15, 1915, a tornado struck the community, resulting in severe damage. Despite the devastation, Corsica's dedicated and resilient residents committed themselves to the rebuilding effort with undaunted determination.

One of Corsica's unique landmarks is the Priscilla Club Library, established in 1912. The library began as a book club, the Priscilla Club, comprised of 12 women sharing a dozen books between themselves. It evolved into an organization of women selling their embroidery and holding suppers in order to raise funds and purchase additional volumes. This small but well intentioned club amassed an immense collection of literature and cultural artifacts requiring an entire building to accommodate it all. The library now houses more than 10,500 books and hundreds of audiovisual materials. For a community of only 625 residents, this collection is a tremendous accomplishment and treasure.

Through the years, the proud residents of Corsica have demonstrated great flexibility and perseverance in their ability to thrive on the prairie of the Dakotas. I take this opportunity to recognize the history of the small city of Corsica and congratulate its residents as they celebrate their vibrant, century-long history on July 2–4, 2005.●

HONORING COMMISSIONER PAT KLABO

● Mr. JOHNSON. Mr. President, it is with great pride that I stand today in recognition of the long career of public service had by a very special woman, Aberdeen City Commissioner Pat Klabo, who is retiring from her position on June 30 after 18 years of dedicated service in city government. A tireless advocate for the health and well-being of her community, Commissioner Klabo's presence will surely be missed by residents of South Dakota's third-largest city.

Commissioner Klabo's rise to prominence in local government was not something preordained. As in most stories of American democracy, her call to lead was motivated not by personal ambition or pedigree but by the calls of those around her to take up the mantel of leadership. Her first foray into public service began when these calls of concerned citizens were beckoning her to bid for the Aberdeen mayor's office back in 1987. After a spirited campaign, she was defeated by fellow city commissioner Tim Rich, but was then appointed to fill out the remainder of Mr. Rich's term. Ever since that appointment, Commissioner Klabo has become a veritable fixture in Aberdeen politics.

In her position as commissioner of the water and wastewater departments for the last 17 years, Commissioner Klabo has proven to be a very capable leader on a number of issues that impact the vitality of both Aberdeen and the entirety of northeastern South Dakota. She was instrumental in overseeing the improvements made to Aberdeen's water treatment plant, an act that will prove key to the city's prospects for growth in the new millennium. Commissioner Klabo also oversaw the city's expanded use and development of wells on private lands, a partnership between public service and private enterprise that has proven beneficial to all in the community.

Even with such dedication to local government, Commissioner Klabo still somehow finds the time and energy to engage in other pursuits that benefit the community. Her work as a part of the group Persons With Disabilities is a prime example of this. Forty years of service helping some of society's most vulnerable individuals speaks to the highest character of humanity. Commissioner Klabo is also a founding member of the Aberdeen Mayor's Committee for Persons with Disabilities, a body on which she has now served for more than a decade. In this position, she has ensured that people with disabilities have a voice at the table when important decisions are made at city hall.

It is my great pleasure to share a few words about Ms. Klabo's accomplishments with my colleagues and to note in the public records her contributions to my home State. It will be difficult to lose such a committed civil servant, especially one who has proven to be such an asset to her community. On the behalf of all South Dakotans, I would like to wish her the very best for her retirement.●

HONORING THE COMMUNITY OF STICKNEY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly recognize the 100th anniversary of the founding of the town of Stickney, SD. On July 4, 2005, Stickney residents look back on their community's proud past and look forward to a promising future.

Located in southeastern South Dakota in Aurora County, Stickney was platted August 17, 1905. Like many towns in South Dakota, Stickney got its start with help from the railroad, specifically the Milwaukee Railroad. In fact, the town was named for the oldest railroad agent in the United States, John B. Stickney of Mazomanie, Wisconsin.

Just before Christmas, 1905, construction of the tracks was finally complete. Shortly thereafter, on January 1, 1906, ''Maude,'' the line's first train, ventured into town. Following Maude's arrival, Stickney quickly flourished. By mid-1906, the town boasted three lumber companies, two hardware stores, two livery barns, a funeral home, a general store, a post office, a hotel, a pool hall, a blacksmith shop, two banks, and four grain elevators.

On June 29, 1906, John McNeil published Stickney's first newspaper, Postal Card. Not long after its inception, McNeil sold the paper to J.S. Schuldt, who converted the printing shop into a schoolhouse. Grade school classes were held in the rear of the building, while high school classes were taught in the front. This establishment, like the paper, was also short lived, as a new school was constructed in 1907 to better accommodate the rapidly increasing number of students.

In the century since its founding, Stickney has proven its ability to thrive. Stickney's more than 300 proud residents celebrate the community's 100th anniversary on July 4, 2005, and it

is with great pleasure that I share with my colleagues the history of this great community.●

TRIBUTE TO THE FAYETTEVILLE PUBLIC LIBRARY

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor the Fayetteville Public Library which was recently named the 2005 ''Library of the Year'' by Thomson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and leadership. Thompson Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association's annual conference in Chicago, IL.

I would like to recognize Louise Schapter, executive director of the Fayetteville Public Library, and her outstanding staff, for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter's tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,658, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment.

I would also like to mention that the library has more than 160 regular volunteers, who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

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

H.R. 358. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

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

H.R. 1084. An act to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes.

H.R. 1412. An act to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes.

H.R. 1428. An act to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes.

H.R. 1512. An act to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes.

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel, Jr. Post Office Building''.

H.R. 2362. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

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

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month.

H. Con. Res. 152. Concurrent resolution commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year.

H. Con. Res. 155. Concurrent resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections.

H. Con. Res. 188. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

The message further announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group: Mr. PETRI, Chairman, and Mr. BOOZMAN, Vice Chairman.

The message also announced that the House has passed the following bill, without amendment:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 458. An act to prevent the sale of abusive insurance and investment products to military personnel, and for other purposes.

MEASURES REFERRED

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

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 458. An act to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Energy and Natural Resources.

H.R. 1084. An act to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1412. An act to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1428. An act to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1512. An act to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the ''John J. Hainkel Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2362. An act to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month; to the Committee on the Judiciary.

H. Con. Res. 152. Concurrent resolution commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year; to the Committee on the Judiciary.

H. Con. Res. 155. Concurrent resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections; to the Committee on Foreign Relations.

H. Con. Res. 188. Concurrent resolution honoring the members of the United States

Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

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–2792. A communication from the Secretary of Veterans Affairs, transmitting, a report relative to a recommended change to 38 U.S.C. 8110(a); to the Committee on Veterans' Affairs.

EC–2793. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the continuation of the waiver of certain provisions of the Trade Act with respect to Turkmenistan; to the Committee on Finance.

EC–2794. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Expiration Date for Several Body System Listings'' (RIN0960–AG27) received on June 23, 2005; to the Committee on Finance.

EC–2795. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Tariff Treatment Related to Disassembly Operations Under the North American Free Trade Agreement'' (RIN1505–AB41) received on June 27, 2005; to the Committee on Finance.

EC–2796. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the Dominican Republic-Central America-United States Free Trade Agreement, a report of the Environmental Review of the Dominican Republic-Central America-United States Free Trade Agreement, a report of the United States Employment Impact Review of the Dominican Republic-Central America-United States Free Trade Agreement, and the Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua Labor Rights Report; to the Committee on Finance.

EC–2797. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Annual Earnings Test for Retirement Beneficiaries'' (RIN0960–AF62) received on June 23, 2005; to the Committee on Finance.

EC–2798. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Revenue Procedure 90–11'' (Rev. Proc. 2005–40) received on June 27, 2005; to the Committee on Finance.

EC–2799. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Network Upgrade Payments Made to Utilities'' (Rev. Proc. 2005–35) received on June 27, 2005; to the Committee on Finance.

EC–2800. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Termination of Tobacco Quotas and Price Support Programs'' (Rev. Proc. 2005–51) received on June 27, 2005; to the Committee on Finance.

EC–2801. A communication from the counsel for the National Tropical Botanical Garden (''Garden''), transmitting, pursuant to law, the audit report for the Garden for the period from January 1, 2004 through December 31, 2004; to the Committee on the Judiciary.

EC–2802. A communication from the Acting Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report entitled ''Plutonium Storage at the Department of Energy's Savannah River Site''; to the Committee on Energy and Natural Resources.

EC–2803. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for the Strategic Petroleum Reserve covering calendar year 2004; to the Committee on Energy and Natural Resources.

EC–2804. A communication from the Chairman, Southeast Compact Commission for Low-Level Radioactive Waste Management, transmitting, the Commission's 2003–2004 Annual Report including the Annual Audit; to the Committee on Energy and Natural Resources.

EC–2805. A communication from the Attorney, Office of Legislation and Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Small Business Programs'' received on June 27, 2005; to the Committee on Energy and Natural Resources.

EC–2806. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, the designation of an Acting General Counsel, and the name of a nominee to fill the vacancy; to the Committee on Energy and Natural Resources.

EC–2807. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Fossil Energy and the designation of an Acting Assistant Secretary, Fossil Energy; to the Committee on Energy and Natural Resources.

EC–2808. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Director, Office of Civilian Radioactive Waste Management and the designation of an Acting Director for the position; to the Committee on Energy and Natural Resources.

EC–2809. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary and the designation of an Acting Under Secretary; to the Committee on Energy and Natural Resources.

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. CORNYN:

S. 1318. A bill to protect States and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 1319. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. FEINGOLD, Mr. LUGAR, and Mr. OBAMA):

S. 1320. A bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. CRAPO, Mr. SMITH, and Mr. HAGEL):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1322. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1323. A bill to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska as the ''Dorothy and Connie Hibbs Post Office Building''; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 1324. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Ms. COLLINS, Mr. ALEXANDER, Mr. LUGAR, Ms. MURKOWSKI, and Mr. STEVENS):

S. 1325. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 1326. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft; 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. COLEMAN (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ALLEN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. REED, Mr. SALAZAR, and Ms. MIKULSKI):

S. Res. 182. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself, Mrs. LINCOLN, and Ms. SNOWE):

S. Res. 183. A resolution recognizing the achievements and contributions of the Migratory Bird Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 206

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 330

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 330, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 340

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 369

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 369, a bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media.

S. 391

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 391, a bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

S. 457

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 593

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 601

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 611

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 618

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 618, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. 691

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 731

At the request of Mr. CONRAD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 731, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 756

At the request of Mr. BENNETT, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 776

At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 850

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 850, a bill to establish the Global Health Corps, and for other purposes.

S. 860

At the request of Mr. ALEXANDER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 860, a bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) 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. 1082

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005–2006.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1283

At the request of Mrs. CLINTON, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. ENSIGN), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. KYL), the Senator from Wyoming (Mr. THOMAS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HATCH, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. TALENT), the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Ohio (Mr. VOINOVICH), the Senator from Iowa (Mr. HARKIN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of 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.

S.J. RES. 18

At the request of Mr. SUNUNU, his name 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 name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S.J. Res. 18, supra.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 154

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as ''National Mammography Day''.

S. RES. 155

At the request of Mr. BIDEN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 155, supra.

AMENDMENT NO. 1010

At the request of Mr. VOINOVICH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Mr. VITTER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 1010 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1023

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1023 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1026

At the request of Mr. SUNUNU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1026 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1036

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1036 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1037

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1037 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1038

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1038 proposed to

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

AMENDMENT NO. 1052

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. NELSON), the Senator from Minnesota (Mr. DAYTON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. BYRD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

AMENDMENT NO. 1053

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. OBAMA), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY), the Senator from Kansas (Mr. ROBERTS), the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1053 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. MARTINEZ, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

AMENDMENT NO. 1060

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1060 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 1060 proposed to H.R. 2361, supra.

At the request of Ms. LANDRIEU, the names of the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. TALENT), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 1060 proposed to H.R. 2361, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 1318. A bill to protect States and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce important legislation to protect State and Federal judges against civil lawsuits, by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority.

To put it mildly, these are not easy days for members of the State and Federal judiciary. I am unaware of any member of this body who has not, at one time or another, criticized a member of the State or Federal judiciary for issuing one ruling or another—including the numerous controversial rulings that have captured the Nation's attention in recent years. Indeed, in each of the two previous Congresses, the Senate unanimously approved strongly worded resolutions ''strongly disapprov[ing]'' the infamous decision of the U.S. Court of Appeals for the Ninth Circuit striking down the voluntary recitation of the Pledge of Allegiance in public schools. See S. Res. 71 (108th Cong.) and S. Res. 292 (107th Cong.).

To be sure, judges are supposed to follow and apply the law—not legislate from the bench. On numerous occasions, I have spoken out against instances of judicial activism. But there are appropriate and inappropriate ways to register one's disapproval and disagreement.

The First Amendment guarantees every American the right to express disagreement with government officials—including State and Federal judges. There is certainly nothing inappropriate about criticizing judicial rulings with which one sharply disagrees. But it is entirely inappropriate to threaten the impeachment and removal of judges simply for issuing rulings with which one disagrees. It is inappropriate to file lawsuits against judges in the hope of pestering or bankrupting them in retaliation for judicial actions one does not like. And it is absolutely deplorable for any person to undertake violence, threats of violence, or other illegal acts against judges.

As a former State trial judge and State supreme court justice of 13 years, who has a number of close personal friends who still serve on the bench today, I am outraged by recent acts of courthouse violence. I personally know judges and their families who have been victims of violence. I have grieved with those families. And during the Easter recess earlier this year, I met with an old friend, a Federal judge in Texas, to make sure that we are doing everything that we can to protect our judges and courthouse personnel against further acts of violence. So I look forward to legislation that will soon be introduced to strengthen courthouse security and to otherwise bolster protections against violence for judges, their staff, and their families.

Today I would like to introduce legislation to protect State and Federal judges against a different kind of threat—a lesser threat than violence to be sure, but an important one nonetheless: the threat of civil litigation in retaliation for unpopular judicial actions. For centuries, our common law

has protected judges against civil litigation by conferring upon them courtroom immunity. It has long been understood that judicial immunity is an essential element of protecting judicial independence and ensuring that judges have the ability and freedom to do their jobs. As the Senate Judiciary Committee noted less than a decade ago: ''Even when cases are routinely dismissed, the very process of defending against those actions is vexatious and subjects judges to undue expense. More importantly, the risk to judges of burdensome litigation creates a chilling effect that threatens judicial independence and may impair the day-to-day decisions of the judiciary in close or controversial cases.'' Federal Courts Improvement Act of 1996—S. 1887, S. Rep. No. 104–366 at 37 (1996).

Throughout its legal existence, judicial immunity has been for the most part a creature of the common law. But there have been times when Congress has seen fit to step in and to strengthen judicial immunity—particularly when the courts have undertaken an unduly narrow view. In 1996, for example, Congress enacted the Federal Courts Improvement Act—important legislation that included a provision reversing a U.S. Supreme Court decision in order to expand the protections of judicial immunity.

It is appropriate for Congress once again to consider legislation to strengthen judicial immunity. This time, I hope Congress will respond to a recent decision by a Federal district court in Fort Worth, TX. That decision applied recent Supreme Court precedents in good faith, but in a manner that leaves judges potentially exposed to vexatious civil litigation. In Alexander v. Tarrant County, the Federal district court held that traditional judicial immunity does not protect State judges acting in their administrative capacities. Specifically, the court held that State judges authorized under State law to supervise local correctional facilities could not claim judicial immunity against suit. As a recent news report and editorial by the San Antonio Express-News make clear, that decision has left judges throughout the State of Texas in a state of uncertainty and anxiety about their exposure to lawsuits and liability. As the editorial rightly argues, the Alexander ruling, and I quote, ''has sent shock waves through the judiciary. . . . Judges have a tough job. They should not be burdened with defending themselves for the administrative duties they perform.'' I ask unanimous consent that a copy of those articles be printed in the RECORD at the close of my remarks.

The legislation I introduce today is simple and straightforward. It protects State and Federal judges against civil lawsuits, by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority. Specifically, it provides that State and Federal judges shall be immune against any Federal civil cause of action respecting the discharge of any legislatively or constitutionally authorized duty, except for actions involving malice. The legislation would not preempt any judicial immunity that already exists under current law.

This legislation was drafted with the support of two Texas State judges—the Honorable Dean Rucker, who presides over the 318th District Court in MidIand, and who chairs the Judicial Section of the State Bar of Texas, and the former chairman, the Honorable Mark Atkinson of the Harris County Criminal Court. I want to thank them both for their service to Texas and for their help with this legislation, and I ask unanimous consent that their letter of support be printed in the RECORD at the close of my remarks. I am also grateful for the technical assistance provided by the Administrative Office of the U.S. Courts, as well as by the office of Texas Attorney General Greg Abbott, which has been intimately involved in the defense State judges against vexatious litigation. Finally, I am especially grateful for the support of the Chief Justice of the Texas Supreme Court, Wallace Jefferson, and I ask unanimous consent that his letter of support likewise be printed in the RECORD at the close of my remarks.

I hope that legislation to protect judges against deplorable acts and threats of violence will soon be introduced and quickly be enacted, and I hope that the legislation I introduce today to protect judges against vexatious litigation will likewise be considered favorably by my colleagues.

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

JUDGES SKITTISH WITHOUT IMMUNITY

(By Zeke MacCormack)

KERRVILLE.—Becky Harris didn't get far with her most recent status report to the Kerr County Juvenile Board on the detention center she manages.

After just two words, she was stopped by state District Judge Steve Ables, who said such a briefing could leave him and other board members ''buck naked'' and personally liable in the event of a lawsuit.

The concern stemmed from a recent federal judge's ruling that ''judicial immunity'' enjoyed by judges for courtroom duties doesn't necessarily extend to administrative duties they perform.

Judges still have qualified immunity as elected officials, but a ruling last fall by U.S. District Judge Terry Means in a lawsuit against 19 criminal court judges in Tarrant County has sent a chill across the Texas bench.

''It's got judges spooked all over the state,'' Kerr County Judge Pat Tinley, one of three judges on the juvenile board, said last week. ''Until the Legislature reduces their (judges') exposure, they're all going to be as jumpy as the dickens.''

Legislation now pending in Austin offers only a partial fix. It would bolster protections for judges acting in regard to adult probation departments, but not on juvenile matters, such as the aborted April 13 briefing in Kerr County.

''If we know what Becky's doing, and it turns out that something goes south, and there's a huge incident, the fact that we knew about it puts us maybe in a role of getting sued,'' Ables said, according to a transcript of the meeting.

Until legislation can solidify immunity for judges, he said, ''we're telling everybody who's dealing with any type of administrative duty, 'Stay as far away from it as you can. Don't make any decisions.' ''

State District Judge Karl Prohl, another member of the juvenile board, suggested Harris instead brief county commissioners, who assumed oversight of the center Feb. 14 when the county closed on the $1.9 million purchase of it.

But, he told her, ''we can visit on an individual basis as friends.''

Dean Rucker, a district judge in Midland who is chairman of the State Bar of Texas judicial section board, said he's ''always had some concern about how far our judicial immunity went,'' adding the federal ruling ''seems to indicate it has some limits.''

The Tarrant County case stems from the 2001 pneumonia death of Bryan Alexander, 18, of Arlington, a detainee at a 350-bed detention center in Mansfield run by Correctional Services Corp.

Serving a six-month sentence on a misdemeanor, Alexander died after days of coughing up blood and seeking medical help. A nurse at the center was convicted in 2002 of negligent homicide for failing to give adequate care, got four years of probation and was ordered to pay $11,000 in restitution.

In 2003, Alexander's family won $38 million in a negligence lawsuit in state court against the nurse and Correctional Services. That's on appeal.

The family then filed a federal civil rights lawsuit against all Tarrant County judges with criminal court jurisdiction, in their individual capacity.

Last fall, Means let the lawsuit continue after denying a motion to dismiss that was based on a claim of judicial immunity. Means said the lawsuit's allegations are that judges performed administrative acts that fell outside their statutorily required duties regarding the center.

The local government code in Texas law says district judges trying criminal cases shall create community supervision and corrections departments and are entitled to help manage them. ''What Judge Means is saying is, 'If you're going to assume those administrative duties, act responsibly,' '' said Mark Haney, attorney for Alexander's family.

He said the Tarrant County judges approved an inadequate budget for the center, hired an operator for it who had problems elsewhere, and approved a policy that said ill detainees could not seek outside medical help until they'd taken over-the-counter drugs for three days. ''You can't just give out a budget and then turn a blind eye to consequences,'' Haney said.

Assistant Attorney General David Harris, who is helping defend the judges, said ''most judges were under the impression, I believe, that as long they were performing tasks assigned to them by the Legislature and making their best efforts, they would be protected by judicial immunity.''

The judges had no direct management role in the center, he said, and relied on the operator and staff to act responsibly.

Harris has spoken to judges at conferences on how the case might affect them. ''They need to be aware of the fact that they are not always acting in a judicial capacity, even if they think they are,'' he said.

He wouldn't comment on the deliberations of the Kerr County Juvenile Board. ''I'm not advocating that any of them shirk their responsibility as a judge. I want them to approach their duties informatively, and to act discreetly and with an eye toward liability,'' he said.

Harris is slated to testify Tuesday before the Senate criminal justice committee on a bill sponsored by Sen. John Whitmire, D-Houston.

A Whitmire aide said the bill, which passed the House last month, clarifies that judges have judicial immunity when forming an adult probation department, passing its budget, naming its director and approving a community justice plan.

But it doesn't address juvenile boards that judges also serve on, because those duties are covered by a different statute, the aide said.

Haney said insulating judges from liability could backfire. ''If there is no accountability, then I think it invites irresponsible behavior,'' said Haney, who expressed amazement at the Kerr Juvenile Board discussion. ''That is just as irresponsible as acting with deliberate indifference,'' he said.

Some Kerr County commissioners also expressed concern about it, with Commissioner Jonathan Letz describing the juvenile board's posture as ''head in the sand.''

Commissioner Buster Baldwin said limited oversight by the judges might have fostered the financial woes that left the county with the choice of buying the insolvent juvenile center or losing it.

Reacting later, Ables, the district judge, said the juvenile board was more closely involved in supervising the facility before it was sold.

''Everybody (on the board) felt we could be involved because we had judicial immunity,'' until word of the Tarrant County ruling circulated early this year, he said.

[From The San Antonio Express-News]

EXTEND IMMUNITY FOR JUDGES

State lawmakers should protect judges from litigation spawned by the administrative duties they perform off the bench.

A federal court recently ruled that the immunity judges have for the duties they perform in the courtroom does not extend to their administrative actions, a decision that could have a big impact across the state.

In many counties, district court judges who try criminal cases are charged by state law with establishing community supervision and corrections departments.

However, the law does not provide the judges with protection from litigation for the decisions they make in that capacity.

As Express-News staff writer Zeke MacCormack reported, a federal court judge's ruling in a Tarrant County case has sent shock waves through the judiciary.

In that case, U.S. District Judge Terry Means denied a motion to dismiss a lawsuit filed against the 19 Tarrant County criminal court judges by the family of a man who died in custody.

The judges claimed judicial immunity. Means ruled they did not possess it for administrative acts.

Legislation pending in Austin would give judges judicial immunity when administering an adult probation department and providing a community justice plan.

However, it doesn't address their actions as members of the juvenile boards that oversee juvenile detention centers and juvenile probation departments across the state.

Judges have a tough job. They should not be burdened with defending themselves for the administrative duties they perform.

JUDICIAL SECTION,
STATE BAR OF TEXAS,
San Antonio, Texas, June 27, 2005.

Senator JOHN CORNYN,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR CORNYN: On behalf of the judges of the State of Texas, we would like to thank you for your proposed legislation addressing the important issue of immunity for judges in the performance of their duties.

The issue of judicial immunity for the performance of certain administrative duties was one of the Texas judiciary's highest legislative priorities during the recent regular session of the legislature. Governor Perry has now signed legislation that provides judicial immunity to Texas judges in the oversight of their local community supervision and corrections departments.

Your efforts to address the issue of judicial immunity at the federal level are of the utmost importance to Texas judges. If adopted, the legislation you have crafted will provide comprehensive immunity for judges in the performance of their statutorily and constitutionally authorized duties.

We extend our heartfelt appreciation for your efforts and for your steadfast support of the judiciary.

Yours very truly,

DEAN RUCKER,
Chair, Judicial Section, State Bar of Texas.
MARK ATKINSON,
Chair, Criminal Justice Legislative Committee Judicial Section, State Bar of Texas.

THE SUPREME COURT OF TEXAS,
Austin, TX, June 27, 2005.

Senator JOHN CORNYN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CORNYN: The Supreme Court of Texas is aware that Texas judges are concerned about a recent federal judge's ruling that the immunity judges have traditionally been accorded, does not necessarily extend to administrative duties they perform. So worried are Texas judges, in fact, that the Judicial Section of the State Bar of Texas made judicial immunity for administrative duties one of the its highest legislative priorities during the recent regular session of the Texas Legislature.

As Chief Justice of The Supreme Court of Texas, constitutionally charged with the responsibility of overseeing the administration of justice in the State, I share these concerns. The practical impact of limiting a doctrine that has offered protection for well over a century in this country—and centuries before in England—may be a reluctance by Texas judges to discharge their administrative duties, many of which are critical to a healthy, functioning judicial branch.

Texas citizens will be the unwilling victims of this reluctance. Contrary to suggestions in the media, judicial immunity was not fashioned for the protection or benefit of judges. Rather, the doctrine was intended to benefit the public, who has a keen interest in a judiciary that functions with independence and without fear of the personal consequences of discharging their duties.

I commend the leaders within the Texas judiciary who worked hard this session to press for legislation that protects the independence of the judiciary, through these reform efforts and others. I likewise applaud the Governor and our distinguished legislators who, through the stroke of a pen and the casting of a vote, tell Texas judges that they support judicial independence, not only with impressive rhetoric, but through recordable actions.

Despite these successes on the state level, more comprehensive reform may be in order. I support your efforts to do so at the federal level and extend my sincere appreciation for your continued support of the judiciary.

Sincerely,

WALLACE B. JEFFERSON,
Chief Justice.

By Mr. DEWINE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. FEINGOLD, Mr. LUGAR, and Mr. OBAMA):

S. 1320. A bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, in our search for ways to eliminate the crushing poverty that afflicts billions of people around the world, experience has taught us to be humble. There is no single policy or program that can deal with the underlying causes and symptoms of poverty.

But as the Hippocratic Oath reminds us, in the search for cures, ''First, do no harm.''

Right now, the burden of debt owed by the poorest nations of the world to the richest does harm not only to them, but to us.

In our new global environment, countries whose peoples live in abject poverty are not just a moral challenge to those of us who are blessed with affluence.

They can threaten the entire edifice of political and economic stability.

New technologies that have brought so much good to the world have shrunk the gaps in time and distance that once allowed us the luxury of inattention.

Now the very symbols of the technological superiority of our age, from the cell phone to the internet to jet airliners, have been transformed into weapons in the hands of those who are the declared enemies of our way of life.

They allow stateless actors to reach out from the shadows, from weak and failed states, to attack us here at home.

Poverty-stricken states are fertile ground for drug production and trafficking, feeding our own drug problems here.

With the scourge of AIDS and other diseases loose in the world, we cannot afford the existence of more states that cannot feed, house, educate, or innoculate their citizens.

For all of these reasons, we ignore the poverty that plagues other nations at our own peril.

That is why we need the legislation I am introducing today, with Senators DEWINE, FEINGOLD, LUGAR, and OBAMA, the Multilateral Debt Relief Act of 2005.

This legislation takes a first step in addressing that poverty it relieves the poorest nations of the world, specifically those who qualify for the Heavily Indebted Poor Country initiative of over a billion dollars a year in debt service payments that they are obliged to send the World Bank, the IMF, and the African Development Bank.

Since I worked with the President Clinton on the Enhanced HIPC initiative in 1999, we have searched for a

workable definition of ''sustainable debt'' an amount that would not cripple a country's ability to take care of its own citizens and achieve economic growth.

In the end, it became clear that definition would continue to elude us. Whatever the best use of the limited resources of the poorest nation may be, sending checks to the multilateral banks established by the richest nations of the world is nowhere near the top of the list.

With the strong leadership of Prime Minister Blair, who will preside over the upcoming G8 Summit in July, we have cut the Gordian Knot of debt owed by the poorest nations of the world.

The announcement of the G8 Finance Ministers earlier this month on 100 percent debt relief cuts through years of debate and opens the way for a fresh start.

One hundred percent debt relief for those countries who meet the HIPC qualifications gets that debt out of the way of the many tasks before those countries in their search for economic growth.

None of our own foreign assistance programs will work to their best advantage if we send that assistance into nations who will turn around and send some of their money right back here to Washington, to the World Bank, to the IMF.

We must remember that this is indeed only the first step on a long path. With the funds this legislation will authorize, a burden of debt will be lifted, but we will still need to promote health, education, and other pillars of economic development.

We will need a more creative approach to trade with the poorest nations, who represent no economic threat, except for the threat that comes from their poverty itself. We have nothing to fear from a world in which fewer people wake up hungry, sick, and uneducated.

But with as much as $40 billion in outstanding debt stock owed by 18 countries to be removed from the books right away, our efforts in those areas have a greater chance to succeed. Up to $56 billion will be forgiven under this plan, once all 38 eligible countries are fully qualified.

I am pleased to note that this is a bipartisan initiative, one I share with Senators DEWINE, FEINGOLD, LUGAR, and OBAMA, an effort that began with the Clinton Administration and has progressed to this historic agreement under President Bush.

This legislation authorizes the funds needed for our share of the debt relief. It provides for further relief for other countries as they become eligible.

It lifts not only a debt burden from poor countries, but a moral obligation from our shoulders.

The poverty reduction it will promote will help millions around the globe and contribute materially to a more stable and secure world.

I urge my colleagues to join us in supporting it.

By Mr. SANTORUM (for himself, Mr. CRAPO, Mr. SMITH, and Mr. HAGEL):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce the Telephone Excise Tax Repeal Act of 2005, a bill that would abolish a tax that is severely outdated.

The telephone excise tax originated on long distance service under the Spanish American War Act of 1898. At that time, only the wealthy had telephones, the U.S. had no income tax, and the country relied on excise taxes to fund the war. However, you would not know the intent of this tax by looking at your phone bill. The charge on your phone bill doesn't say ''luxury tax'' or ''war tax.'' So why does this tax still exist?

Although created to cover war expenses in 1898, the revenue from the telephone excise tax goes into the general receipts of the U.S. Treasury and is not earmarked for any particular government function or service. From its inception, the federal telephone excise tax was repeatedly imposed on a temporary basis. However since 1932, the tax has continuously been imposed. This tax has been scheduled to expire—partially or completely—at least 17 different times. In 1990, and just before the tax was set to expire, Congress made the tax permanent at 3 percent of local and long distance services.

The Joint Committee on Taxation stated in its January 2005 report ''there is no compelling policy argument for imposing taxes on communications services.'' The Congressional Budget Office took this a step further by stating in February 2005 that the tax ''has harmful effects on economic policy.''

Repeal of this tax provides consumers with two main benefits—removal of a regressive tax and elimination of an ''invisible tax.'' First, the tax is considered a regressive tax because lower-income individuals spend a higher percentage of their income on the taxed item than those with higher-incomes. A 1987 study by the CBO concluded that excise taxes on telephone service had a greater impact on low-income families than did excise taxes on alcoholic beverages and tobacco products. Studies have shown that individuals and families with income less than $10,000 spend almost 10 percent of their income on telephone bills. Individuals and families earning $50,000 spend two percent of their income for telephone service.

Second, repeal eliminates this ''invisible'' tax that consumers pay through their telephone companies. Because phone companies collect the tax from their customers, the government is spared the expense. However, this convenience for the government makes the tax ''invisible'' to consumers by tying it to the payment of their phone bills. Additionally, any administrative costs associated with the collection of this tax are most likely passed forward to the consumers, artificially raising the cost of telecommunications with no benefit from the additional taxes.

Telephone service providers lose as well under the current tax, and its repeal would further reduce the cost of telecommunications for consumers. Providers carry the administrative costs of being the government's tax collector. Additionally, while providers do not bear this tax directly, the tax raises the cost of services for consumers and in turn reduces both the number of subscribers and the amount of services requested.

Common sense dictates that repeal of the telephone excise tax is long overdue. Communication is not a luxury. Rather, communications have become part of the basic fabric of our social and economic life. The growth of the technologies on which communications rides and the widespread use of communications in general should be encouraged and not taxed. The telephone tax is a regressive, inequitable, inefficient and unnecessary tax that Congressional policy makers have found to serve no rational policy purpose. I strongly urge my Senate colleagues to join me in supporting the repeal of the telephone excise tax.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1322. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today, I am joined by Senators LEAHY, KENNEDY, and FEINGOLD in introducing the American Neighborhoods Taking the Initiative Guarding Against Neighborhood Gangs (ANTI–GANG) Act, which is a comprehensive bill that will help State and local prosecutors prevent, investigate, and prosecute gang crimes.

Gang violence is a serious, nationwide program. The National Youth Gang Survey estimated that in 2002 there were 21,500 gangs comprised of 731,500 members in the United States. The FBI has noted that ''[s]treet gangs and other loosely knit groups are responsible for a substantial portion of the increase in violent crime in the United States.'' The problem is clearly felt in Chicago, IL, where over 40 percent of the homicides last year were gang-related. The Chicago Police Department is currently tracking 68 identified gangs, with an estimated 68,000 members.

I would like to commend the State and local prosecutors and law enforcement agencies for their work in fighting this problem. The ANTI–GANG Act would authorize $862.5 million in grants over the next five years to provide them with the tools they need and have

specifically requested of Congress to combat violent gangs.

For example, the National District Attorneys Association (NDAA) wrote the following: ''We must find new methods of protecting those individuals brave enough to come forward as witnesses. Our biggest problem is getting the financial help to establish, and run, meaningful witness protection programs.'' The National Alliance of Gang Investigators (NAGI) also has identified a trend in witness intimidation that is ''dramatically affecting the prosecution of violent gang offenders.'' The ANTI–GANG Act responds by authorizing $300 million over five years for the protection of witnesses and victims of gang crimes. This bill also would allow the Attorney General to provide for the relocation and protection of witnesses in state gang, drug, and homicide cases, and it would allow States to obtain the temporary protection of witnesses in State gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services.

The ANTI–GANG Act also authorizes $250 million over five years for grants to develop gang prevention, research, and intervention services. However, these grants should not be limited to those areas already identified as ''high intensity'' interstate gang activity areas. The NAGI also has identified a trend of gangs migrating from larger cities to smaller communities, which is fueled in large part by an increase in gang involvement in drug trafficking. This may be related to the spread of methamphetamine, which is the fastest-growing drug in the United States and, according to Illinois Attorney General Lisa Madigan, the ''single-greatest threat to rural America today.'' In response to these trends, the ANTI–GANG Act would allow rural communities and other jurisdictions to apply for these grants, to prevent gang violence from occurring in the first place. The ANTI–GANG Act also authorizes $262.5 million over five years for the cooperative prevention, investigation, and prosecution of gang crimes. Most of this funding would be for criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities that would investigate and prosecute criminal street gangs in high intensity interstate gang activity areas (HIIGAAs). Importantly, this bill would allow HIIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIIDTAs), to avoid conflicts in those areas where the two entities would coexist.

The ANTI-GANG Act also authorizes $50 million over five years for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors;

In addition to these new resources, the ANTI-GANG Act will effectively strengthen the ability of prosecutors to prosecute violent street gangs, by creating a stronger Federal criminal gang prosecution offense. This new offense criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. At the same time, it responds to concerns raised by the NDAA regarding potential conflicts with local investigation and prosecution efforts, by requiring certification by the Department of Justice before any prosecution under this bill could be undertaken in Federal court.

The ANTI-GANG Act also promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees. Almost a third of prosecutors' offices across the country have problems with recruiting or retaining staff attorneys, and low salaries were cited as the primary reason for recruitment and retention problems. This proposed loan forgiveness program is supported by the American Bar Association, the NDAA, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, and the American Council of Chief Defenders.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, State, and Federal level to prosecute violent street gangs, and it will give State and local governments the resources they need to protect witnesses and prevent youth from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences, which conservative jurists such as Justice Anthony Kennedy have criticized as ''unfair, unjust, unwise.'' It also does not unnecessarily expand the Federal death penalty—a measure which has been included in other Federal gang legislation but is opposed by the Leadership Conference on Civil Rights, NAACP, ACLU, and National Association of Criminal Defense Lawyers.

Finally, the Juvenile Justice and Delinquency Prevention Coalition has raised the following concerns regarding Federal gang legislation that would allow more juveniles to be prosecuted as adults in the Federal system: ''[T]he fact remains that transfer of youth to the adult system, simply put, is a failed public policy. Comprehensive national research on the practice of prosecuting youth in the adult system has shown conclusively that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. In fact, study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offense histories but remained in the juvenile justice system. Moreover, national data show that young people incarcerated with adults are five times as likely to report being a victim of rape, twice as likely to be beaten by staff and 50 percent more likely to be assaulted with a weapon than youth held in juvenile facilities. A Justice Department report also found that youth confined in adult facilities are nearly eight times more likely to commit suicide than youth in juvenile facilities.''

In light of these concerns, the ANTI-GANG Act provides Congress with the necessary data to decide whether to expand the Federal role in prosecuting juvenile offenders, by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners. The American Bar Association has written that this study is ''the more prudent course of action at this time.''

The ANTI-GANG Act is a comprehensive, common-sense approach to fight gang violence. I urge my colleagues to join me in support of this important legislation.

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

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

THE AMERICAN NEIGHBORHOODS TAKING THE INITIATIVE—GUARDING AGAINST NEIGHBORHOOD GANGS (ANTI-GANG) ACT

OVERVIEW

The American Neighborhoods Taking the Initiative—Guarding Against Neighborhood Gangs (ANTI-GANG) Act of 2005 is a comprehensive, tailored bill that will help State and local prosecutors prevent, investigate, and prosecute gang crimes in their neighborhoods. This bill contains four major provisions:

(1) It gives State and local prosecutors the tools they need and have specifically requested of Congress to combat violent gangs by authorizing $52.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $10 million for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors; $60 million for the protection of witnesses and victims of gang crimes; and $50 million for grants to develop gang prevention, research, and intervention services.

2. It replaces the current provision on criminal street gangs in Federal law, a seldom-used penalty enhancement, with a stronger measure that criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. The ANTI-GANG Act targets gang violence and gang crimes in a logical, straightforward manner.

3. It will provide Congress with the necessary data to decide whether to expand the federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners.

4. It promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan

forgiveness program modeled after the current program for Federal employees.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, State, and Federal level to prosecute violent street gangs, and it will give State and local governments the resources they need to protect witnesses and prevent kids from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences, which conservative jurists such as Justice Anthony Kennedy have criticized as ''unfair, unjust, unwise''. It also respects the traditional principles of federalism, by requiring certification by the Department of Justice before any prosecution under this bill may be undertaken in Federal court and by not unnecessarily expanding the Federal death penalty.

SECTION-BY-SECTION SUMMARY OF THE ANTI-GANG ACT

Title I—Criminal Street Gangs

Sec. 101. Criminal Street Gamgs—Definitions. Defines a criminal gang as a preexisting and ongoing entity, e.g. having already committed crimes; targets violent criminal street gangs by requiring that at least one predicate gang crime be a violent gang crime; establishes evidentiary relevance of gang symbolism in prosecutions; and allows Federal prosecution of neighborhood gang activity when those activities substantially affect interstate commerce.

Sec. 102. Criminal Street Gangs—Prohibited Acts, Penalties, and Forfeiture. Creates three new Federal crimes to prosecute cases involving violent criminal street gangs. 1. It prohibits the recruitment and forced retention of gang members, including harsher penalties if an adult recruits a minor or prevents a minor from leaving a criminal street gang. 2. It prohibits participation in a criminal street gang if done with the intent to further criminal activities of the gang or through the commission of a single predicate gang crime. 3. It prohibits witness intimidation and tampering in cases and investigations related to gang activity. Before the Federal government may undertake a prosecution of these offenses, the Department of Justice must certify that it has consulted with State and local prosecutors before seeking an indictment and that federal prosecution is ''in the public interest and necessary to secure substantial justice.''

Sec. 103. Clerical Amendments.

Sec. 104. Conforming Amendments.

Sec. 105. Designation of and Assistance for ''High Intensity'' Interstate Gang Activity Areas. Requires the Attorney General, after consultation with the governors of appropriate States, to designate certain locations as ''high intensity'' interstate gang activity areas (HIIGAAs) and provide assistance in the form of criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each designated area. The ANTI-GANG bill also allows for HIIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIIDTAs), to avoid conflicts and bureaucratic morasses in those areas where the two entities would coexist. Subsection (c) authorizes funding of $40 million for each fiscal year 2006 through 2010.

Sec. 106. Gang Prevention Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments, and qualified private entities to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. Subsection (f) authorizes $50 million for each fiscal year 2006 through 2010. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 107. Gang Prevention Information Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments to fund technology, equipment, and training for state and local sheriffs, police agencies, and prosecutor offices to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors. Subsection (f) authorizes $10 million for each fiscal year 2006 through 2010. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 108. Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs. Expands the Project Safe Neighborhood program to require United States Attorneys to identify and prosecute significant gangs within their district; to coordinate such prosecutions among all local, State, and Federal law enforcement agencies; and to coordinate criminal street gang enforcement teams in designated ''high intensity'' interstate gang activity areas. Subsection (b) authorizes the hiring of 94 additional Assistant United States Attorneys and funding of $7.5 million for each fiscal year 2006 through 2010 to carry out the provisions of this section.

Sec. 109. Additional Resources Needed by the Federal Bureau of Investigation to Investigate and Prosecute Violent Criminal Street Gangs. Requires the Federal Bureau of Investigation to increase funding for the Safe Streets Program and to support the criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes $5 million for each fiscal year 2006 through 2010 to expand the FBI's Safe Streets Program.

Sec. 110. Expansion of Federal Witness Relocation and Protection Program. Amends 18 U.S.C. 3521(a)(1), which governs the Federal witness relocation and protection program, to make clear that the Attorney General can provide for the relocation and protection of witnesses in State gang, drug, and homicide cases. Current law authorizes Federal relocation and protection for witnesses in State cases involving ''an organized criminal activity or other serious offense.''

Sec. 111. Grants to States and Local Prosecutors to Protect Witnesses and Victims of Crime. Authorizes the Attorney General to make grants available to State and local prosecutors and the U.S. Attorney for the District of Columbia for the purpose of providing short-term protection to witnesses in cases involving an organized criminal activity, criminal street gang, serious drug offense, homicide, or other serious offense. State and local prosecutors will have the option of either providing the witness protection themselves or contracting with the United States Marshals Service for use of the Federal witness protection and relocation program. Subsection (d) authorizes $60 million for each fiscal year 2006 through 2010 to fund the program. By providing significantly increased resources and flexibility for State and local prosecutors, this provision responds in a meaningful way to the need for effective witness protection emphasized by prosecutors during the September 17, 2003, hearing in the Judiciary Committee.

Sec. 112. Witness Protection Services. Amends 18 U.S.C. 3526 to allow States to obtain the temporary protection of witnesses in State gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services. Currently, complex reimbursement procedures deter State and local prosecutors from obtaining witness protection services from the Federal government in emergency circumstances.

Title II—Related Matters Involving Violent Crime Prosecution

Sec. 201. Study on Expanding Federal Authority for Juvenile Offenders. This section requires the General Accounting Office to do a comprehensive report on the advantages and disadvantages of increasing Federal authority for the prosecution of 16- and 17–year-old offenders. Some have proposed indicting and prosecuting more juveniles in Federal courts as a step in combating gang violence. Although there is insufficient data to support this proposition, it is appropriate for the GAO to review the current treatment of such offenders by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners. With this review, Congress can knowledgeably consider whether to expand the Federal role in prosecuting juveniles.

Sec. 202. Prosecutors and Defenders Incentive Act. This section establishes a student loan repayment program for prosecutors and public defenders that is modeled after the program currently available to federal employees. This would increase the ability of Federal, State, and local prosecutors and public defenders to recruit and retain highly-qualified attorneys. Attorneys in this program must agree to serve for a minimum of three years. Participants can receive up to $10,000 per year and a total of up to $60,000; these amounts are identical to the limitations in the program for federal employees. Subsection (h) authorizes $25 million for fiscal year 2006 and such sums as may be necessary for each succeeding fiscal year.

Mr. LEAHY. Mr. President, I am pleased to co-sponsor the introduction of the ANTI-Gang Act with my good friends on the Judiciary Committee, Senators DURBIN, KENNEDY and FEINGOLD.

The American Neighborhoods Taking the Initiative-Guarding Against Neighborhood Gangs Act of 2005 is a bill carefully crafted to target violent criminal street gangs whose activities extend beyond the neighborhood and have a substantial impact on Federal interests.

As a former county prosecutor, I have long expressed concern about making Federal crimes out of every offense that comes to the attention of Congress. I know that States have competent and able police departments, county sheriffs' offices, prosecutors and judges. Gangs are, more often than not, locally-based, geographically-oriented criminal associations, and our local communities are on the front lines of the fight against gang violence. We should be supplementing the work of our State and local law enforcement officers, not usurping them. This is why this bill specifically targets only those gangs where there is a provable Federal interest. This is why this bill requires consultation with our State and local counterparts before embarking on a Federal prosecution of historically State crimes. And this is why major provisions of the bill are directed toward helping State and local law enforcement officers prevent, investigate, and prosecute gang crimes in their own neighborhoods.

There are four major sections of the bill: first, the bill gives State and local prosecutors financial resources to guard against neighborhood gangs by authorizing $62.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $50 million for grants to develop gang prevention, research, and intervention services; and $60 million for the protection of witnesses and victims of gang crimes. Federal funds are provided for hiring new Assistant U.S. Attorneys and to fund technology, equipment and training grants to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate state and federal coordination.

The first defense in protecting our youth against gang influence is a good offense. I have long thought that programs aimed at combating gang activity must incorporate gang prevention and education—programs that would examine why our youth choose to associate in gangs and prey on others—to be effective. When Senator HATCH appropriately targeted gang violence as a subject for a full Judiciary Committee hearing in 2003, all agreed that we should be doing more to deter our youth from joining gangs in the first place. This bill heeds that call.

Another unifying theme of the expert witnesses at the Committee's hearing was the serious need for Federal assistance in protecting witnesses who will provide information about and testify against gangs from intimidation. Our bill not only provides funding to help protect witnesses, it also makes it a Federal crime to intimidate witnesses in certain State prosecutions involving gang activity.

Second, the bill defines a Federal criminal street gang by using well-established legal principles and providing recognizable limits. Rather than create yet another cumbersome and broad-reaching Federal crime that overlaps with numerous existing Federal statutes, this bill actually targets the problem that needs to be addressed: violent criminal street gangs. It recognizes that gangs are ongoing entities whose members commit crimes more easily simply because of their association with one another. Gangs prove the old adage: there is safety in numbers. Gang members can be sheep-like in their loyalty and allegiance to the gang. In this regard, the bill also explicitly and evenhandedly addresses the evidentiary significance of gang symbolism in gang prosecutions

In addition to witness intimidation, other important crimes established by this bill include: 1. participation in criminal street gangs by any act that is intended to effect the criminal activities of the gang; 2. participation by committing a crime in furtherance of or for the benefit of the gang, and 3. recruitment and retention of gang members. There are increased penalties for those who target minors for recruitment in a criminal street gang.

Third, the bill requires a comprehensive report on the current treatment of juveniles by the States, and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners, so that Congress can make an informed decision about whether or not to expand the Federal role in prosecuting juvenile offenders.

Some have suggested that the Federal Government has been unable to proceed effectively against gang crime because of Federal law's protections for juvenile offenders. I have not seen sufficient evidence to support this claim, but I think that Congressional consideration of this issue would benefit greatly from a comprehensive General Accounting Office study on this topic. We need to know both whether justice would be served by increasing the Federal role, and whether the Federal system—including both our prosecutors and the Bureau of Prisons—is prepared for such a step.

Fourth, the bill promotes the recruitment and retention of highly-qualified State and local prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees.

We have worked very hard in crafting this legislation not to further blur the lines between Federal and State law enforcement responsibilities or to add more burdens to the FBI as the primary Federal investigative agency. Federal law enforcement has been faced with a unique challenge since the September 11 attacks. The FBI is no longer just an enforcement agency, but also has a critical terrorism prevention mission. This mission is a daunting one, and our Federal law enforcement resources are not limitless. I, for one, do not want the FBI or U.S. Attorneys to focus these limited resources on cases that are best handled at the local level.

Combating gang violence should not be a partisan battle. The tragedy of gang violence affects too many. No community can afford to lose a single youth to the arms of a waiting gang. No gang should be allowed to flourish without consequence in our communities. I urge the Senate's support for this important bill.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues Senator DURBIN, Senator LEAHY, and Senator FEINGOLD in introducing this important legislation, the ANTI-GANG Act.

Gang violence is a serious problem in many communities across the Nation, and it deserves a serious response by Congress. The keys to success include aggressive steps to take guns out of the hands of criminal gang members and other violent juvenile offenders, and effective prevention programs that discourage gang membership and provide realistic alternatives for at-risk youth.

As one example of what works, I urge my colleagues to consider the innovative, cooperative crime-fighting strategy developed in Boston. It engaged the entire community, including police and probation officers, clergy and community leaders, and even gang members in a united effort to reduce gang violence, strengthen after-school prevention programs, and take guns out of the hands of juvenile offenders.

The project also established new and effective channels of communication between the police and neighborhood leaders. This strategy was very successful—juvenile homicides dropped 80 percent from 1990 to 1995. It succeeded without prosecuting more juveniles as adults, without housing nonviolent juvenile offenders in adult facilities, and without spending large sums of money on new juvenile facilities.

The Massachusetts Legislature's Joint Committee on Public Safety issued a report last January which concluded unequivocally that successful anti-gang programs depend on a ''wide variety of solutions.'' Relying on recommendations by the Office of Juvenile Justice and Delinquency Prevention, the report noted that ''preventing youth from joining gangs is the most cost-effective long-term strategy.'' Reflecting the input from an investigative hearing and a working group of ten mayors in metropolitan Boston, the report recognized that there is ''no silver bullet for combating gang violence.''

It would be a mistake for Congress to ignore these successful efforts to stop gang violence. Since different communities may find different ways to combat these difficult issues, the bill does not adopt a one-size-fits-all approach that will only make the current problem of gang violence worse. Instead of ignoring the primary role of State and local governments in fighting violent gang crimes in their communities, our ANTI-GANG Act strengthens that role, by giving local law enforcement and prosecutors the resources they need by authorizing $862 million in grants over the next 5 years.

The provisions in the bill for witness relocation and protection are particularly important. Our bill meets this need by authorizing $60 million in assistance. The urgency of preventing witness intimidation in gang-related cases can not be overstated. Effective prosecution of such violence depends upon it.

In addition, our bill amends the current law on Federal witness relocation and protection to make clear that the Attorney General can use these provisions to protect witnesses in State gang, drug, and homicide cases. We also permit States to obtain the temporary protection of witnesses in gang cases, without any requirement of reimbursement. The current complex reimbursement procedures deter State and local prosecutors from obtaining assistance for witness protection from the Federal government, even in emergencies.

The ANTI-GANG Act respects the primary role of State and local governments in fighting street crime, but it

also recognizes that violent gangs can have a substantial impact on Federal interests. According to the most recent National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in communities throughout the United States. Such gang activity interferes with lawful commerce and undermines the freedom and security of entire communities.

The Act strengthens the ability of prosecutors at all levels—Federal, State and local—to prosecute violent street gangs, and it does so without increasing mandatory minimum sentences or unnecessarily expanding the Federal death penalty to include State murder offenses.

Finally, the Act encourages the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled on the current program for Federal employees. According to the National District Attorneys Association, this provision ''would allow prosecutors to relieve the crushing burden of student loans that now cause so many young attorneys to abandon public service.'' The provision is also strongly supported by the National Legal Aid and Defender Association and the American Council of Chief Defenders.

I commend my colleagues for their leadership in developing this important legislation to protect American communities from gang violence without undermining fundamental principles of fairness and Federal-State relations. I urge the Senate to adopt this approach, and resist any suggestion that we need to federalize the State and local juvenile justice systems in our country.

Mr. FEINGOLD. Mr. President, I am pleased to support the ANTI-GANG Act, introduced today by the Senator from Illinois, Senator DURBIN. This critical legislation will provide State and Federal law enforcement with the tools and resources needed to successfully fight the expanding presence of violent gangs that bring drugs like methamphetamine into our communities.

Time and time again, we in Congress have heard the call of prosecutors and law enforcement for more resources to combat the problem of gang violence. The ANTI-GANG Act gives local prosecutors and law enforcement what they have asked Congress for most—targeted financial assistance. The bill will help combat the growth and proliferation of violent gangs by authorizing funds for the cooperative prevention, investigation, and prosecution of gang crimes. In addition, grant money will be made available for the protection of witnesses and victims of gang violence. These funds will not be tied to restrictive formulas that would keep the majority of the assistance from reaching suburban and rural communities. This money will be able to go to the communities in Wisconsin and the rest of the country where rural and smaller law enforcement agencies are financially limited in their ability to deal with the exploding increase in gang violence associated with methamphetamines and other narcotics.

The ANTI-GANG Act also promotes hiring and long-term service of highly qualified prosecutors and public defenders by establishing a student loan forgiveness program. Prosecuting gangs is some of the most demanding and challenging work a prosecutor will tackle. Loan forgiveness will allow the recruitment of the very best Assistant District Attorneys and Assistant Attorneys General and allow them to remain in public service longer so they can use their wealth of experience to combat gang violence.

The ANTI-GANG Act also replaces the current Federal RICO statute, which was never intended to be used against violent street gangs, with a tough statute that not only criminalizes participation in criminal street gangs, but also addresses the serious problem of the recruitment and retention of gang members. The ANTI-GANG Act targets gang violence and gang crimes in a logical, straightforward manner. The bill also recognizes that the vast majority of gang investigations and prosecutions have been and will continue to be done at the State and local level. The bill requires that Federal prosecutors consult with State and local law enforcement and certify that a Federal prosecution is in the public interest

Finally, the ANTI-GANG Act will provide Congress with the data necessary to decide whether to expand the Federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on more juvenile cases and to house additional young prisoners. Some have proposed indicting and prosecuting more juveniles in Federal courts as a way of combating gang violence. It is very hard to know whether this will work, and what effect if might have on the criminal justice system. With the review required by the ANTI-GANG Act, Congress can intelligently consider whether to expand to Federal role in prosecuting juveniles.

We all know that the gang problem is a serious one, and that it is only getting worse. Other members of Congress have proposed different approaches to combating the gang problem, and the House of Representatives has passed its own gang bill. But the ANTI-GANG Act is the approach most responsive to the needs of State and local prosecutors who are on the ground fighting this problem, day in and day. Other approaches go down the wrong path.

State and Federal prosecutors have not demanded unchecked and increased Federal jurisdiction over State crimes that diminishes the States' historic and primary role in fighting violent street gangs. They did not come to us seeking new and expanded Federal death penalty crimes, but rather effective laws that focus on the recruitment and retention of gang members. They never mentioned needing a massive and unwarranted reworking of the Federal rules used to prosecute juveniles as adults, regardless of whether the juvenile is in a gang or not. And, to my knowledge, no prosecutors have put increased mandatory minimums targeted at first offenders on their wish list. All of these approaches sound tough, but they aren't what prosecutors and law enforcement have asked for and they won't solve the gang problem.

Our citizens should be able to send their children to school, use their parks, and walk their streets without fearing that gang violence will grow unfettered in their community. The ANTI-GANG Act is an important step towards making all of our neighborhoods safe. I am proud to cosponsor it and I urge my colleagues to support it.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1323. A bill to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the ''Dorothy and Connie Hibbs Post Office Building''; to the Committee on Banking, Housing, and Urban Affairs.

Mr. STEVENS. Mr. President, Dorothy Hibbs came to Girdwood in 1952 and was its Postmaster from 1954–1976. During this time, the Post Office was housed in a two-story hotel called The Little Dipper. Mail came into Girdwood via train. The train would slow down and throw the sack of mail to Dorothy who would be waiting by the tracks. Unfortunately, this building burned down during the 1964 earthquake. After the Post Office burned, the operation moved to Dorothy's home until another building could be acquired.

Connie Hibbs began her love for the post office at a young age when her mother, Dorothy, was Postmaster of Girdwood. Because of her hard work and efforts, Connie became the Girdwood Postmaster in 1979 and held that position until 2005.

Connie came with her mother to Girdwood in 1952 and remained for 52 years. While her mother was Postmaster, Connie helped in the Post Office and at the age of thirteen began making money orders and sorting mail. Girdwood and the Post Office have always been a part of Connie's life. Connie says she loves Girdwood. It is her town. She spent the most wonderful years of her life there as the Postmaster and a ''Post Office Kid.''

Connie and Dorothy believe in the importance of the Postal Service and the need to enhance the service in Girdwood. It is only appropriate that we honor them by dedicating the Girdwood Post Office after them.

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

S. 1324. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Ms. COLLINS, Mr. ALEXANDER, Mr. LUGAR, Ms. MURKOWSKI, and Mr. STEVENS):

S. 1325. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, obesity ranks among the most serious health problems facing America today.

Since 1970, the percentage of overweight children between 6 and 19 has quadrupled. Today, nearly one out of three children is overweight and about one in six is obese.

Obese children develop type II diabetes at an alarming rate and they can begin puberty as early as age seven. Over 70 percent of obese children become overweight or obese adults. And, obesity in adults can have catastrophic effects—including heart disease, cancer, and stroke at very high rates. The medical profession knows this.

In the last several weeks, the American Medical Association has issued new guidelines for fighting obesity. And earlier this week, a group of economists reported that nearly 12 percent of all health care spending stems from obesity.

Obesity threatens our health, it threatens our future. And successfully addressing it requires action.

Dealing with it requires national leadership and community level commitment.

Through continued public education campaigns, we have reduced youth smoking. And I'm convinced we can do the same with obesity. That's why I'm reintroducing two bills to confront the challenge.

The first is called the Childhood Obesity Reduction Act: it will give the obesity crisis the attention it deserves. I am grateful to my colleague Senator WYDEN for his work in cosponsoring it.

The bill has two major components: first, it will establish a bi-partisan Congressional Council on Childhood Obesity which will evaluate plans to fight this health problem and give awards to ''Congressional Challenge Winners.''

Second, it will establish a private, non-profit foundation to fight obesity around the country.

The second bill, the Improved Nutrition and Physical Activity Act of 2005, or IMPACT, will provide the resources we need to fight obesity everywhere in the country.

This bill, which Senators BINGAMAN, DODD, and CLINTON have joined me in sponsoring, commits us to three policies: first, we'll train more health professionals in the problems associated with being overweight and ways that they can help Americans fight obesity.

Second, we will mobilize America's community organizations to fight this problem. Through education, outreach, and intervention, schools, non-profits, and churches will get the resource they need to fight obesity. We will also give States more flexibility to use existing grant programs to fight obesity.

Finally, we will redouble our efforts to collect information about obesity's extent, consequences, costs, and the ways we can deal with them.

Obesity stems from a combination of behavior, environment, and genetics. We cannot and should not expect any single Federal effort to end it. Much of the work in fighting obesity will depend on families and communities.

And both the Childhood Obesity Reduction Act and IMPACT 2005 bill will give this crisis the attention . . . and the resources . . . it deserves.

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

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1324

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 ''Childhood Obesity Reduction Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Centers for Disease Control and Prevention, obesity may soon overtake tobacco as the leading preventable cause of death.

(2) In 1999, 13 percent of children aged 6 to 11 years and 14 percent of adolescents aged 12 to 19 years in the United States were overweight. This prevalence has nearly tripled for adolescents in the past 2 decades.

(3) Risk factors for heart disease, such as high cholesterol and high blood pressure, occur with increased frequency in overweight children and adolescents compared to children with a healthy weight.

(4) Type 2 diabetes, previously considered an adult disease, has increased dramatically in children and adolescents. Overweight and obesity are closely linked to type 2 diabetes.

(5) Obesity in children and adolescents is generally caused by a lack of physical activity, unhealthy eating patterns, or a combination of the 2, with genetics and lifestyle both playing important roles in determining a child's weight.

(6) Overweight adolescents have a 70 percent chance of becoming overweight or obese adults.

(7) The 2001 report ''The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity'' suggested that obesity and its complications were already costing the United States $117,000,000,000 annually.

(8) Substantial evidence shows that public health risks can be reduced through increased public awareness and community involvement.

(9) Congress needs to challenge students, teachers, school administrators, and local communities to voluntarily participate in the development and implementation of activities to successfully reduce and prevent childhood obesity.

TITLE I—CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY

SEC. 101. CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY.

(a) ESTABLISHMENT OF COUNCIL.—There is established a ''Congressional Council on Childhood Obesity'' (referred to in this title as the ''Council'').

(b) PURPOSES.—The purposes of the Council shall be—

(1) to encourage every elementary school and middle school in the United States, whether public or private, to develop and implement a plan to reduce and prevent obesity, promote improved nutritional choices, and promote increased physical activity among students; and

(2) to provide information as necessary to secondary schools.

SEC. 102. MEMBERSHIP OF THE COUNCIL.

(a) COMPOSITION OF THE COUNCIL.—The Council shall be composed of 8 members as follows:

(1) The majority leader of the Senate or the designee of the majority leader of the Senate.

(2) The minority leader of the Senate or the designee of the minority leader of the Senate.

(3) The Speaker of the House of Representatives or the designee of the Speaker of the House of Representatives.

(4) The minority leader of the House of Representatives or the designee of the minority leader of the House of Representatives.

(5) 4 citizen members to be appointed in accordance with subsection (b).

(b) APPOINTMENT OF CITIZEN COUNCIL MEMBERS.—

(1) METHOD OF APPOINTMENT.—For the purpose of subsection (a)(5), each of the 4 members described in paragraphs (1) through (4) of subsection (a) shall appoint to the Council a citizen who is an expert on children's health, nutrition, or physical activity.

(2) DATE OF APPOINTMENT.—The appointments made under paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the manner in which the original appointment was made under subsection (a).

(d) CHAIRPERSON.—The members of the Council shall elect, from among the members of the Council, a Chairperson.

(e) INITIAL MEETING.—The Council shall hold its first meeting not later than 120 days after the date of enactment of this Act.

SEC. 103. RESPONSIBILITIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall engage in the following activities:

(1) Work with outside experts to develop the Congressional Challenge to Reduce and prevent Childhood Obesity, which shall include the development of model plans to reduce and prevent childhood obesity that can be adopted or adapted by elementary schools or middle schools that participate.

(2) Develop and maintain a website that is updated not less than once a month on best practices in the United States for reducing and preventing childhood obesity.

(3) Assist in helping elementary schools and middle schools in establishing goals for the healthy reduction and prevention of childhood obesity.

(4) Consult and coordinate with the President's Council on Physical Fitness and other Federal Government initiatives conducting activities to reduce and prevent childhood obesity.

(5) Reward elementary schools, middle schools, and local educational agencies promoting innovative, successful strategies in reducing and preventing childhood obesity.

(6) Provide information to secondary schools.

(b) CONGRESSIONAL CHALLENGE WINNERS.—

(1) IN GENERAL.—The Council shall—

(A) evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2);

(B) designate the plans submitted under paragraph (2) that meet the criteria under paragraph (3) as Congressional Challenge winners; and

(C) post the plans of the Congressional Challenge winners designated under subparagraph (B) on the website of the Council as model plans for reducing and preventing childhood obesity.

(2) SUBMISSION OF PLANS.—Each elementary school, middle school, or local educational agency that desires to have the plan to reduce and prevent childhood obesity of such entity designated as a Congressional Challenge winner shall submit to the Council such plan at such time, in such manner, and accompanied by such information as the Council may reasonably require.

(3) SELECTION CRITERIA.—

(A) IN GENERAL.—The Council shall evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2) and shall designate as Congressional Challenge winners the plans that—

(i) show promise in successfully increasing physical activity, improving nutrition, and reducing and preventing obesity; or

(ii) have maintained efforts in assisting children in increasing physical activity, improving nutrition, and reducing and preventing obesity.

(B) CRITERIA.—The Council shall make the determination under subparagraph (A) based on the following criteria:

(i) Strategies based on evaluated interventions.

(ii) The number of children in the community in need of assistance in addressing obesity and the potential impact of the proposed plan.

(iii) The involvement in the plan of the community served by the school or local educational agency.

(iv) Other criteria as determined by the Council.

(c) MEETINGS.—The Council shall hold not less than 1 meeting each year, and all meetings of the Council shall be public meetings, preceded by a publication of notice in the Federal Register.

SEC. 104. ADMINISTRATIVE MATTERS.

(a) PAY AND TRAVEL EXPENSES.—

(1) PROHIBITION OF PAY.—Members of the Council shall receive no pay, allowances, or benefits by reason of their service on the Council.

(2) TRAVEL EXPENSES.—

(A) COMPENSATION FOR TRAVEL.—Each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council, to the extent funds are available under subparagraph (B) for such expenses.

(B) LIMIT ON TRAVEL EXPENSES.—Travel expenses under subparagraph (A) shall be appropriated from the amounts appropriated to the legislative branch and shall not exceed $1,000,000.

(b) STAFF.—The Chairperson of the Council may appoint and terminate, as may be necessary to enable the Council to perform its duties, not more than 5 staff personnel, all of whom shall be considered employees of the Senate.

SEC. 105. TERMINATION OF COUNCIL.

The Council shall terminate on September 30 of the second full fiscal year following the date of enactment of this Act.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,200,000 for each of fiscal years 2006 and 2007.

TITLE II—NATIONAL FOUNDATION FOR THE PREVENTION AND REDUCTION OF CHILDHOOD OBESITY

SEC. 201. ESTABLISHMENT AND DUTIES OF FOUNDATION.

(a) IN GENERAL.—There shall be established in accordance with this section a nonprofit private corporation to be known as the National Foundation for the Prevention and Reduction of Childhood Obesity (referred to in this title as the ''Foundation''). The Foundation shall not be an agency or instrumentality of the Federal Government, and officers, employees, and members of the board of the Foundation shall not be officers or employees of the Federal Government.

(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support and carry out activities for the prevention and reduction of childhood obesity through school-based activities.

(c) ENDOWMENT FUND.—

(1) IN GENERAL.—In carrying out subsection (b), the Foundation shall establish a fund for providing endowments for positions that are associated with the Congressional Council on Childhood Obesity and the Department of Health and Human Services (referred to in this title as the ''Department'') and dedicated to the purpose described in such subsection. Subject to subsection (g)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

(2) AUTHORIZED EXPENDITURES OF FUND.—The provision of endowments under paragraph (1) shall be the exclusive function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

(d) CERTAIN ACTIVITIES OF FOUNDATION.—In carrying out subsection (b), the Foundation may provide for the following with respect to the purpose described in such subsection:

(1) Evaluate and make known the effectiveness of model plans used by schools to reduce and prevent childhood obesity.

(2) Create a website to assist in the distribution of successful plans, best practices, and other information to assist elementary schools, middle schools, and the public to develop and implement efforts to reduce and prevent childhood obesity.

(3) Participate in meetings, conferences, courses, and training workshops.

(4) Assist in the distribution of data concerning childhood obesity.

(5) Make Challenge awards, pursuant to subsection (e), to elementary schools, middle schools, and local educational agencies for the successful development and implementation of school-based plans.

(6) Other activities to carry out the purpose described in subsection (b).

(e) CHALLENGE AWARDS.—

(1) PROGRAM AUTHORIZED.—The Foundation may provide Challenge awards to elementary schools, middle schools, and local educational agencies that submit applications under paragraph (2).

(2) APPLICATION.—Each elementary school, middle school, or local educational agency that desires to receive a Challenge award under this subsection shall submit an application that includes a plan to reduce and prevent childhood obesity to the Foundation at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require.

(3) SELECTION CRITERIA.—In the program authorized under paragraph (1), the Foundation shall provide Challenge awards based on—

(A) the success of the plans of the elementary schools, middle schools, and local educational agencies in meeting the plans' stated goals;

(B) the number of children in the community served by the elementary school, middle school, or local educational agency who are in need of assistance in addressing obesity; and

(C) other criteria as determined by the Foundation.

(f) GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.—

(1) BOARD OF DIRECTORS.—The Foundation shall have a board of directors (referred to in this title as the ''Board''), which shall be established and conducted in accordance with subsection (g). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

(2) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director (referred to in this title as the ''Director''), who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation in carrying out subsection (b).

(3) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

(A) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

(B) is, under subsection (a) of such section, exempt from taxation.

(g) BOARD OF DIRECTORS.—

(1) CERTAIN BYLAWS.—

(A) INCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation include bylaws for the following:

(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

(ii) Policies, including ethical standards, for the acceptance and disposition of donations to the Foundation and for the disposition of the assets of the Foundation.

(iii) Policies for the conduct of the general operations of the Foundation.

(iv) Policies for writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation.

(B) EXCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation (and activities carried out under the bylaws) do not—

(i) reflect unfavorably upon the ability of the Foundation, or the Department, to carry out its responsibilities or official duties in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such program.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 7 individuals, appointed in accordance with paragraph (4), who collectively possess education or experience appropriate for representing the fields of children's health, nutrition, and physical fitness or organizations active in reducing and preventing childhood obesity. Each such individual shall be a voting member of the Board.

(B) GREATER NUMBER.—The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be a greater number than the number specified in subparagraph (A).

(3) CHAIRPERSON.—The Board shall, from among the members of the Board, designate an individual to serve as the Chairperson of the Board (referred to in this subsection as the ''Chairperson'').

(4) APPOINTMENTS, VACANCIES, AND TERMS.—Subject to subsection (k) (regarding the initial membership of the Board), the following shall apply to the Board:

(A) Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chairperson and the Director regarding the appointments. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

(B) The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years. A member of the Board may continue to serve after the expiration of the term of the member until the expiration of the 180-day period beginning on the date on which the term of the member expires.

(C) A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(5) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(h) CERTAIN RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—In carrying out subsection (f)(2), the Director shall carry out the following functions:

(1) Hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees.

(2) Accept and administer donations to the Foundation, and administer the assets of the Foundation.

(3) Establish a process for the selection of candidates for holding endowed positions under subsection (c).

(4) Enter into such financial agreements as are appropriate in carrying out the activities of the Foundation.

(5) Take such action as may be necessary to acquire patents and licenses for devices and procedures developed by the Foundation and the employees of the Foundation.

(6) Adopt, alter, and use a corporate seal, which shall be judicially noticed.

(7) Commence and respond to judicial proceedings in the name of the Foundation.

(8) Other functions that are appropriate in the determination of the Director.

(i) GENERAL PROVISIONS.—

(1) AUTHORITY FOR ACCEPTING FUNDS.—The Secretary of Health and Human Services (referred to in this title as the ''Secretary'') may accept and utilize, on behalf of the Federal Government, any gift, donation, bequest, or devise of real or personal property from the Foundation for the purpose of aiding or facilitating the work of the Department. Funds may be accepted and utilized by the Secretary under the preceding sentence without regard to whether the funds are designated as general-purpose funds or special-purpose funds.

(2) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES.—

(A) IN GENERAL.—The Secretary may accept, on behalf of the Federal Government, any voluntary services provided to the Department by the Foundation for the purpose of aiding or facilitating the work of the Department. In the case of an individual, the Secretary may accept the services provided under the preceding sentence by the individual for not more than 2 years.

(B) NON-FEDERAL GOVERNMENT EMPLOYEES.—The limitation established in subparagraph (A) regarding the period of time in which services may be accepted applies to each individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation.

(3) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board may exercise any administrative or managerial control over any Federal employee.

(4) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Secretary specifying that the individual—

(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by the Department, including standards under this Act, the Ethics in Government Act of 1978 (5 U.S.C. App.), and the Federal Technology Transfer Act of 1986 (Public Law 9909502; 100 Stat. 1785); and

(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Secretary determines is appropriate, except such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter.

(5) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

(A) any direct or indirect financial interest of the individual; or

(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

(6) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

(A) provide for biennial audits of the financial condition of the Foundation; and

(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(7) REPORTS.—

(A) IN GENERAL.—Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

(B) INCLUSIONS.—With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description, of all gifts to the Foundation of real or personal property, and the source and amount of all gifts to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts to the Foundation may be used.

(C) PUBLIC INSPECTION.—The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

(8) LIAISONS.—The Secretary shall appoint liaisons to the Foundation from relevant Federal agencies, including the Office of the Surgeon General and the Centers for Disease Control and Prevention. The Secretary of Agriculture shall designate liaisons to the Foundation as appropriate.

(9) INCLUSION OF THE PRESIDENT'S COUNCIL.—The Foundation shall ensure that the President's Council on Physical Fitness is included in the activities of the Foundation.

(j) FEDERAL FUNDING.—

(1) AUTHORITY FOR ANNUAL GRANTS.—

(A) IN GENERAL.—The Secretary shall—

(i) for fiscal year 2006, make a grant to an entity described in subsection (k)(9) (relating to the establishment of a committee to establish the Foundation);

(ii) for fiscal years 2007 and 2008, make a grant to the committee established under such subsection, or if the Foundation has been established, to the Foundation; and

(iii) for fiscal year 2009 and each subsequent fiscal year, make a grant to the Foundation.

(B) RULES ON EXPENDITURES.—A grant under subparagraph (A) may be expended—

(i) in the case of an entity receiving the grant under subparagraph (A)(i), only for the purpose of carrying out the duties established in subsection (k)(9) for the entity;

(ii) in the case of the committee established under subsection (k)(9), only for the purpose of carrying out the duties established in subsection (k) for the committee; and

(iii) in the case of the Foundation, only for the purpose of the administrative expenses of the Foundation.

(C) RESTRICTION.—A grant under subparagraph (A) may not be expended to provide amounts for the fund established under subsection (c).

(D) UNOBLIGATED GRANT FUNDS.—For the purposes described in subparagraph (B)—

(i) any portion of the grant made under subparagraph (A)(i) for fiscal year 2006 that remains unobligated after the entity receiving the grant completes the duties established in subsection (k)(9) for the entity shall be available to the committee established under such subsection; and

(ii) any portion of a grant under subparagraph (A) made for fiscal year 2006 or 2007 that remains unobligated after such committee completes the duties established in such subsection for the committee shall be available to the Foundation.

(2) FUNDING FOR GRANTS.—

(A) IN GENERAL.—For the purpose of grants under paragraph (1), there is authorized to be appropriated $2,200,000 for each fiscal year.

(B) PROGRAMS OF THE DEPARTMENT.—For the purpose of grants under paragraph (1),

the Secretary may for each fiscal year make available not more than $2,200,000 from the amounts appropriated for the fiscal year for the programs of the Department. Such amounts may be made available without regard to whether amounts have been appropriated under subparagraph (A).

(3) CERTAIN RESTRICTION.—If the Foundation receives Federal funds for the purpose of serving as a fiscal intermediary between Federal agencies, the Foundation may not receive such funds for the indirect costs of carrying out such purpose in an amount exceeding 10 percent of the direct costs of carrying out such purpose. The preceding sentence may not be construed as authorizing the expenditure of any grant under paragraph (1) for such purpose.

(k) COMMITTEE FOR ESTABLISHMENT OF FOUNDATION.—

(1) IN GENERAL.—There shall be established, in accordance with this subsection and subsection (j)(1), a committee to carry out the functions described in paragraph (2) (referred to in this subsection as the ''Committee'').

(2) FUNCTIONS.—The functions referred to in paragraph (1) for the Committee are as follows:

(A) To carry out such activities as may be necessary to incorporate the Foundation under the laws of the State involved, including serving as incorporators for the Foundation. Such activities shall include ensuring that the articles of incorporation for the Foundation require that the Foundation be established and operated in accordance with the applicable provisions of this title (or any successor to this title), including such provisions as may be in effect pursuant to amendments enacted after the date of enactment of this Act.

(B) To ensure that the Foundation qualifies for and maintains the status described in subsection (f)(3) (regarding taxation).

(C) To establish the general policies and initial bylaws of the Foundation, which bylaws shall include the bylaws described in subsections (f)(3) and (g)(1).

(D) To provide for the initial operation of the Foundation, including providing for quarters, equipment, and staff.

(E) To appoint the initial members of the Board in accordance with the requirements established in subsection (g)(2)(A) for the composition of the Board, and in accordance with such other qualifications as the Committee may determine to be appropriate regarding such composition. Of the members so appointed—

(i) 2 shall be appointed to serve for a term of 3 years;

(ii) 2 shall be appointed to serve for a term of 4 years; and

(iii) 3 shall be appointed to serve for a term of 5 years.

(3) COMPLETION OF FUNCTIONS OF COMMITTEE; INITIAL MEETING OF BOARD.—

(A) COMPLETION OF FUNCTIONS.—The Committee shall complete the functions required in paragraph (1) not later than September 30, 2008. The Committee shall terminate upon the expiration of the 30-day period beginning on the date on which the Secretary determines that the functions have been completed.

(B) INITIAL MEETING.—The initial meeting of the Board shall be held not later than November 1, 2008.

(4) COMPOSITION.—The Committee shall be composed of 5 members, each of whom shall be a voting member. Of the members of the Committee—

(A) no fewer than 2 of the members shall have expertise in children's health, nutrition, and physical activity; and

(B) no fewer than 2 of the members shall have broad, general experience in nonprofit private organizations (without regard to whether the individuals have experience in children's health, nutrition, and physical activity).

(5) CHAIRPERSON.—The Committee shall, from among the members of the Committee, designate an individual to serve as the Chairperson of the Committee.

(6) TERMS; VACANCIES.—The term of members of the Committee shall be for the duration of the Committee. A vacancy in the membership of the Committee shall not affect the power of the Committee to carry out the duties of the Committee. If a member of the Committee does not serve the full term, the individual appointed by the Secretary to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(7) COMPENSATION.—Members of the Committee may not receive compensation for service on the Committee. Members of the Committee may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Committee.

(8) COMMITTEE SUPPORT.—The Secretary may, from amounts available to the Secretary for the general administration of the Department, provide staff and financial support to assist the Committee with carrying out the functions described in paragraph (2). In providing such staff and support, the Director may both detail employees and contract for assistance.

(9) GRANT FOR ESTABLISHMENT OF COMMITTEE.—

(A) IN GENERAL.—With respect to a grant under paragraph (1)(A)(i) of subsection (j) for fiscal year 2006, an entity described in this paragraph is a private nonprofit entity with significant experience in children's health, nutrition, and physical activity. Not later than 180 days after the date of enactment of this Act, the Secretary shall make the grant to such an entity (subject to the availability of funds under paragraph (2) of such subsection).

(B) CONDITIONS.—The grant referred to in subparagraph (A) may be made to an entity only if the entity agrees that—

(i) the entity will establish a committee that is composed in accordance with paragraph (4); and

(ii) the entity will not select an individual for membership on the Committee unless the individual agrees that the Committee will operate in accordance with each of the provisions of this subsection that relate to the operation of the Committee.

(C) AGREEMENT.—The Secretary may make a grant referred to in subparagraph (A) only if the applicant for the grant makes an agreement that the grant will not be expended for any purpose other than carrying out subparagraph (B). Such a grant may be made only if an application for the grant is submitted to the Secretary containing such agreement, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Secretary determines to be necessary to carry out this paragraph.

S. 1325

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 ''Improved Nutrition and Physical Activity Act'' or the ''IMPACT Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In July 2004, the Secretary of Health and Human Service recognized ''obesity is a critical public health problem in our country'' and under the medicare program language was removed from the coverage manual stating that obesity is not an illness.

(2) The National Health and Nutrition Examination Survey for 2002 found that an estimated 65 percent of adults are overweight and 31 percent of adults are obese and 16 percent of children and adolescents in the United States are overweight or obese.

(3) The Institute of Medicine reported in ''Preventing Childhood Obesity'' (2004) that approximately 60 percent of obese children between 5 and 10 years of age have at least one cardiovascular disease risk factor and 25 percent have two or more such risk factors.

(4) The Institute of Medicine reports that the prevalence of overweight and obesity is increasing among all age groups. There is twice the number of overweight children between 2 and 5 years of age and adolescents between 12 and 19 years of age, and 3 times the number of children between 6 and 11 years of age as there were 30 years ago.

(5) According to the 2004 Institute of Medicine report, obesity-associated annual hospital costs for children and youth more than tripled over 2 decades, rising from $35,000,000 in the period 1979 through 1981 to $127,000,000 in the period 1997 through 1999.

(6) The Centers for Disease Control and Prevention reports have estimated that as many as 365,000 deaths a year are associated with being overweight or obese. Overweight and obesity are associated with an increased risk for heart disease (the leading cause of death), cancer (the second leading cause of death), diabetes (the 6th leading cause of death), and musculoskeletal disorders.

(7) According to the National Institute of Diabetes and Digestive and Kidney Diseases, individuals who are obese have a 50 to 100 percent increased risk of premature death.

(8) The Healthy People 2010 goals identify overweight and obesity as one of the Nation's leading health problems and include objectives for increasing the proportion of adults who are at a healthy weight, reducing the proportion of adults who are obese, and reducing the proportion of children and adolescents who are overweight or obese.

(9) Another goal of Healthy People 2010 is to eliminate health disparities among different segments of the population. Obesity is a health problem that disproportionally impacts medically underserved populations.

(10) The 2005 Surgeon General's report ''The Year of the Healthy Child'' lists the treatment and prevention of obesity as a national priority.

(11) The Institute of Medicine report ''Preventing Childhood Obesity'' (2004) finds that ''childhood obesity is a serious nationwide health problem requiring urgent attention and a population-based prevention approach . . .''.

(12) The Centers for Disease Control and Prevention estimates the annual expenditures related to overweight and obesity in adults in the United States to be $264,000,000,000 (exceeding the cost of tobacco-related illnesses) and appears to be rising dramatically. This cost can potentially escalate markedly as obesity rates continue to rise and the medical complications of obesity are emerging at even younger ages. Therefore, the total disease burden will most likely increase, as well as the attendant health-related costs.

(13) Weight control programs should promote a healthy lifestyle including regular physical activity and healthy eating, as consistently discussed and identified in a variety of public and private consensus documents, including the 2001 U.S. Surgeon General's report ''A Call To Action'' and other documents prepared by the Department of Health and Human Services and other agencies.

(14) The Institute of Medicine reports that poor eating habits are a risk factor for the development of eating disorders and obesity. In 2002, more than 35,000,000 Americans experienced limited access to nutritious food on a regular basis. The availability of high-calorie, low nutrient foods have increased in low-income neighborhoods due to many factors.

(15) Effective interventions for promoting healthy eating behaviors should promote healthy lifestyle and not inadvertently promote unhealthy weight management techniques.

(16) The National Institutes of Health reports that eating disorders are commonly associated with substantial psychological problems, including depression, substance abuse, and suicide.

(17) The National Association of Anorexia Nervosa and Associated Disorders estimates there are 8,000,000 Americans experience eating disorders. Eating disorders of all types are more common in women than men

(18) The health risks of Binge Eating Disorder are those associated with obesity and include heart disease, gall bladder disease, and diabetes.

(19) According to the National Institute of Mental Health, Binge Eating Disorder is characterized by frequent episodes of uncontrolled overeating, with an estimated 2 to 5 percent of Americans experiencing this disorder in a 6-month period.

(20) Additionally, the National Institute of Mental Health reports that Anorexia Nervosa, an eating disorder from which 0.5 to 3.7 percent of American women will suffer in their lifetime, is associated with serious health consequences including heart failure, kidney failure, osteoporosis, and death. According to the National Institute of Mental Health, Anorexia Nervosa has one of the highest mortality rates of all psychiatric disorders, placing a young woman with Anorexia Nervosa at 12 times the risk of death of other women her age.

(21) In 2001, the National Institute of Mental Health reported that 1.1 to 4.2 percent of American women will suffer from Bulimia Nervosa in their lifetime. Bulimia Nervosa is an eating disorder that is associated with cardiac, gastrointestinal, and dental problems, including irregular heartbeats, gastric ruptures, peptic ulcers, and tooth decay.

(22) On the 2003 Youth Risk Behavior Survey, 6 percent of high school students reported recent use of laxatives or vomiting to control their weight.

TITLE I—TRAINING GRANTS

SEC. 101. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSION STUDENTS.

Section 747(c)(3) of the Public Health Service Act (42 U.S.C. 293k(c)(3)) is amended by striking ''and victims of domestic violence'' and inserting ''victims of domestic violence, individuals (including children) who are overweight or obese (as such terms are defined in section 399W(j)) and at risk for related serious and chronic medical conditions, and individuals who suffer from eating disorders''.

SEC. 102. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSIONALS.

Section 399Z of the Public Health Service Act (42 U.S.C. 280h–93) is amended—

(1) in subsection (b), by striking ''2005'' and inserting ''2007'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to train primary care physicians and other licensed or certified health professionals on how to identify, treat, and prevent obesity or eating disorders and aid individuals who are overweight, obese, or who suffer from eating disorders.

''(2) APPLICATION.—An entity that desires a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the use of funds that may be awarded and an evaluation of the training that will be provided.

''(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through such grant to—

''(A) use evidence-based findings or recommendations that pertain to the prevention and treatment of obesity, being overweight, and eating disorders to conduct educational conferences, including Internet-based courses and teleconferences, on—

''(i) how to treat or prevent obesity, being overweight, and eating disorders;

''(ii) the link between obesity, being overweight, eating disorders and related serious and chronic medical conditions;

''(iii) how to discuss varied strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to avoid obesity, being overweight, and eating disorders;

''(iv) how to identify overweight, obese, individuals with eating disorders, and those who are at risk for obesity and being overweight or suffer from eating disorders and, therefore, at risk for related serious and chronic medical conditions;

''(v) how to conduct a comprehensive assessment of individual and familial health risk factors; and

''(B) evaluate the effectiveness of the training provided by such entity in increasing knowledge and changing attitudes and behaviors of trainees.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010.''.

TITLE II—COMMUNITY-BASED SOLUTIONS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS

SEC. 201. GRANTS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by striking section 399W and inserting the following:

''SEC. 399W. GRANTS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, the Secretary of Education, the Secretary of Agriculture, the Secretary of the Interior, the Director of the National Institutes of Health, the Director of the Office of Women's Health, and the heads of other appropriate agencies, shall award competitive grants to eligible entities to plan and implement programs that promote healthy eating behaviors and physical activity to prevent eating disorders, obesity, being overweight, and related serious and chronic medical conditions. Such grants may be awarded to target at-risk populations including youth, adolescent girls, health disparity populations (as defined in section 485E(d)), and the underserved.

''(2) TERM.—The Secretary shall award grants under this subsection for a period not to exceed 4 years.

''(b) AWARD OF GRANTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a plan describing a comprehensive program of approaches to encourage healthy eating behaviors and healthy levels of physical activity;

''(2) the manner in which the eligible entity will coordinate with appropriate State and local authorities, including—

''(A) State and local educational agencies;

''(B) departments of health;

''(C) chronic disease directors;

''(D) State directors of programs under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(E) governors' councils for physical activity and good nutrition;

''(F) State and local parks and recreation departments; and

''(G) State and local departments of transportation and city planning; and

''(3) the manner in which the applicant will evaluate the effectiveness of the program carried out under this section.

''(c) COORDINATION.—In awarding grants under this section, the Secretary shall ensure that the proposed programs are coordinated in substance and format with programs currently funded through other Federal agencies and operating within the community including the Physical Education Program (PEP) of the Department of Education.

''(d) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a city, county, tribe, territory, or State;

''(2) a State educational agency;

''(3) a tribal educational agency;

''(4) a local educational agency;

''(5) a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4));

''(6) a rural health clinic;

''(7) a health department;

''(8) an Indian Health Service hospital or clinic;

''(9) an Indian tribal health facility;

''(10) an urban Indian facility;

''(11) any health provider;

''(12) an accredited university or college;

''(13) a community-based organization;

''(14) a local city planning agency; or

''(15) any other entity determined appropriate by the Secretary.

''(e) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds made available through the grant to—

''(1) carry out community-based activities including—

''(A) city planning, transportation initiatives, and environmental changes that help promote physical activity, such as increasing the use of walking or bicycling as a mode of transportation;

''(B) forming partnerships and activities with businesses and other entities to increase physical activity levels and promote healthy eating behaviors at the workplace and while traveling to and from the workplace;

''(C) forming partnerships with entities, including schools, faith-based entities, and other facilities providing recreational services, to establish programs that use their facilities for after school and weekend community activities;

''(D) establishing incentives for retail food stores, farmer's markets, food co-ops, grocery stores, and other retail food outlets that offer nutritious foods to encourage such stores and outlets to locate in economically depressed areas;

''(E) forming partnerships with senior centers, nursing facilities, retirement communities, and assisted living facilities to establish programs for older people to foster physical activity and healthy eating behaviors;

''(F) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

''(G) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

''(2) carry out age-appropriate school-based activities including—

''(A) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

''(i) after hours physical activity programs;

''(ii) increasing opportunities for students to make informed choices regarding healthy eating behaviors; and

''(iii) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

''(B) providing education and training to educational professionals regarding a healthy lifestyle and a healthy school environment;

''(C) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

''(D) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity;

''(3) carry out activities through the local health care delivery systems including—

''(A) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

''(B) providing patient education and counseling to increase physical activity and promote healthy eating behaviors; and

''(C) providing community education on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; or

''(4) other activities determined appropriate by the Secretary (including evaluation or identification and dissemination of outcomes and best practices).

''(f) MATCHING FUNDS.—In awarding grants under subsection (a), the Secretary may give priority to eligible entities who provide matching contributions. Such non-Federal contributions may be cash or in kind, fairly evaluated, including plant, equipment, or services.

''(g) TECHNICAL ASSISTANCE.—The Secretary may set aside an amount not to exceed 10 percent of the total amount appropriated for a fiscal year under subsection (k) to permit the Director of the Centers for Disease Control and Prevention to provide grantees with technical support in the development, implementation, and evaluation of programs under this section and to disseminate information about effective strategies and interventions in preventing and treating obesity and eating disorders through the promotion of healthy eating behaviors and physical activity.

''(h) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity awarded a grant under this section may not use more than 10 percent of funds awarded under such grant for administrative expenses.

''(i) REPORT.—Not later than 6 years after the date of enactment of the Improved Nutrition and Physical Activity Act, the Director of the Centers for Disease Control and Prevention shall review the results of the grants awarded under this section and other related research and identify programs that have demonstrated effectiveness in promoting healthy eating behaviors and physical activity in youth. Such review shall include an identification of model curricula, best practices, and lessons learned, as well as recommendations for next steps to reduce overweight, obesity, and eating disorders. Information derived from such review, including model program curricula, shall be disseminated to the public.

''(j) DEFINITIONS.—In this section:

''(1) ANOREXIA NERVOSA.—The term 'Anorexia Nervosa' means an eating disorder characterized by self-starvation and excessive weight loss.

''(2) BINGE EATING DISORDER.—The term 'binge eating disorder' means a disorder characterized by frequent episodes of uncontrolled eating.

''(3) BULIMIA NERVOSA.—The term 'Bulimia Nervosa' means an eating disorder characterized by excessive food consumption, followed by inappropriate compensatory behaviors, such as self-induced vomiting, misuse of laxatives, fasting, or excessive exercise.

''(4) EATING DISORDERS.—The term 'eating disorders' means disorders of eating, including Anorexia Nervosa, Bulimia Nervosa, and binge eating disorder.

''(5) HEALTHY EATING BEHAVIORS.—The term 'healthy eating behaviors' means—

''(A) eating in quantities adequate to meet, but not in excess of, daily energy needs;

''(B) choosing foods to promote health and prevent disease;

''(C) eating comfortably in social environments that promote healthy relationships with family, peers, and community; and

''(D) eating in a manner to acknowledge internal signals of hunger and satiety.

''(6) OBESE.—The term 'obese' means an adult with a Body Mass Index (BMI) of 30 kg/m2 or greater.

''(7) OVERWEIGHT.—The term 'overweight' means an adult with a Body Mass Index (BMI) of 25 to 29.9 kg/m2 and a child or adolescent with a BMI at or above the 95th percentile on the revised Centers for Disease Control and Prevention growth charts or another appropriate childhood definition, as defined by the Secretary.

''(8) YOUTH.—The term 'youth' means individuals not more than 18 years old.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $60,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2010. Of the funds appropriated pursuant to this subsection, the following amounts shall be set aside for activities related to eating disorders:

''(1) $5,000,000 for fiscal year 2006.

''(2) $5,500,000 for fiscal year 2007.

''(3) $6,000,000 for fiscal year 2008.

''(4) $6,500,000 for fiscal year 2009.

''(5) $1,000,000 for fiscal year 2010.''.

SEC. 202. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m)(4)(B), by striking ''subsection (n)'' each place it appears and inserting ''subsection (o)'';

(2) by redesignating subsection (n) as subsection (o); and

(3) by inserting after subsection (m) the following:

''(n)(1) The Secretary, acting through the Center, may provide for the—

''(A) collection of data for determining the fitness levels and energy expenditure of children and youth; and

''(B) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

''(2) In carrying out paragraph (1), the Secretary, acting through the Center, may make grants to States, public entities, and nonprofit entities.

''(3) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.''.

SEC. 203. HEALTH DISPARITIES REPORT.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director of the Agency for Healthcare Research and Quality shall review all research that results from the activities carried out under this Act (and the amendments made by this Act) and determine if particular information may be important to the report on health disparities required by section 903(c)(3) of the Public Health Service Act (42 U.S.C. 299a–91(c)(3)).

SEC. 204. PREVENTIVE HEALTH SERVICES BLOCK GRANT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–93(a)(1)) is amended by adding at the end the following:

''(H) Activities and community education programs designed to address and prevent overweight, obesity, and eating disorders through effective programs to promote healthy eating, and exercise habits and behaviors.''.

SEC. 205. REPORT ON OBESITY AND EATING DISORDERS RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on research conducted on causes and health implications (including mental health implications) of being overweight, obesity, and eating disorders.

(b) CONTENT.—The report described in subsection (a) shall contain—

(1) descriptions on the status of relevant, current, ongoing research being conducted in the Department of Health and Human Services including research at the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and other offices and agencies;

(2) information about what these studies have shown regarding the causes, prevention, and treatment of, being overweight, obesity, and eating disorders; and

(3) recommendations on further research that is needed, including research among diverse populations, the plan of the Department of Health and Human Services for conducting such research, and how current knowledge can be disseminated.

SEC. 206. REPORT ON A NATIONAL CAMPAIGN TO CHANGE CHILDREN'S HEALTH BEHAVIORS AND REDUCE OBESITY.

Section 399Y of the Public Health Service Act (42 U.S.C. 280h–92) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) REPORT.—The Secretary shall evaluate the effectiveness of the campaign described in subsection (a) in changing children's behaviors and reducing obesity and shall report such results to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.''.

Mr. WYDEN. Mr. President, across this country, on couches in front of televisions and video game consoles, a silent killer called obesity is stalking America's youngsters—in epidemic numbers. Today, Senator FRIST and I are introducing a bipartisan bill, ''The Childhood Obesity Reduction Act'', to jump-start a nationwide, community-based campaign against this menace and help our children grow up healthy.

In my home State of Oregon, obesity may well become the number-two killer of our citizens—after tobacco, also the number-one killer nationally. According to the Oregon Department of Human Services, fully 22 percent of the adults in Oregon are obese and 60 percent are overweight. Even more tragic, and why we are here today, is that U.S. Centers for Disease Control and Prevention (CDC) says at least 31 percent of low income children between two and five years of age in Oregon are overweight or at risk of becoming overweight. A lot of those overweight kids are going to become overweight and obese adults if we just sit on our hands today. Our children are beginning to show signs of devastating diseases that will only lead to a life-long illnesses and increased health care costs. And no statistic can measure the emotional toll that illness takes on a child, their families and others who love them.

The Frist-Wyden legislation, ''The Childhood Obesity Reduction Act'', will work to turn the tide against childhood obesity in two ways. First, it will give teachers, parents and other community leaders a one-stop shop to fight obesity. The Congressional council created by this bill will launch a comprehensive website to help everyone from Physical Education teachers to scout leaders learn what's working in schools and public-private programs. It will also offer information about how to connect with those successful programs and how to adapt them in their own schools.

For example, when a teacher wants to see what can be done to help kids get 30 minutes of activity, something that studies have shown helps to combat childhood obesity, that teacher could go to the website and see what others in a similar situation have done. They would be able to see there are partners like Nike who are willing to step up to the plate and help with programs. But that teacher might also see that physical activity is only one part of the solution and they might find ways to bring in the nutritional aspect as well through other programs that have already proven successful.

The website will also offer help in establishing goals for cutting childhood obesity at that school or in that community—and all these plans will have been evaluated by outside experts for their effectiveness.

Second, after two years, the Congressional council turns the work over to a brand-new foundation. The foundation will keep the one-stop website up and running. But at the same time, they'll be able to raise money, and use it to reward programs that work and fund programs that are sorely needed where childhood obesity threatens most.

Here's an example of how the second component of our bill would work: say an urban school wants to work on getting kids to choose vegetables instead of French fries. When they visit the Web site, they may find a successful program about actually growing fresh vegetables—so they don't think vegetables just come from a freezer or a can. The Foundation will have the wherewithal to do more than just share that information—they may be able to provide the seed money, literally, for a school garden that will grow fresh produce, and change the way those children look at food.

It is not realistic to think that children won't be in a situation where unhealthy choices for foods and snacks are available. The goal ought to be to help them know what the healthy choices are, how to balance what they eat and drink and to know that they need exercise. And the Foundation can keep pursuing those goals for the long term.

I believe that our bipartisan bill is significant for two reasons. First, it emphasizes both sides of the equation—the need for proper nutrition and the need for physical activity. Second, it and because it will create an immediate, one-stop resource, in the form of a Web site, about what we know is working now so that individuals can begin to mobilize their communities and help their children. These are also important steps in assisting our children to become healthy adults.

All of us have the same, simple goal here: getting America's children healthy. There are a lot of folks competing for our kids' attention in this arena. A lot of the competition is pretty attractive: food that's not so nutritious but sure tastes good, and video games that don't burn any calories but can occupy you for an entire afternoon. It's tough for kids to make good choices on their own. That's why it's time to mobilize this nation—and particularly this Congress, by way of legislation—to beat the epidemic of obesity plaguing our children.

Mrs. CLINTON. Mr. President, I am proud to reintroduce the Improved Nutrition and Physical Activity Act or the IMPACT Act today with my colleagues Senators FRIST, BINGAMAN, and DODD. This legislation would take several important steps toward promoting healthy eating and physical activity and combating obesity and eating disorders. Eating disorders and obesity have become serious and 2 growing public health concerns in our country. Childhood obesity has emerged as an important issue in the public, as we have seen a significant increase in the number of Americans who are overweight or obese. Today, more than 15 percent of children and adolescents are considered seriously overweight. We know that obesity and the lack of exercise are directly linked with a broad array of health problems, including heart disease, high blood pressure, diabetes, arthritis-related disabilities, depression and some cancers.

In New York State alone, almost 60 percent of adults are overweight or obese, while 43 percent of the children in New York City's public elementary schools are overweight and a quarter qualify as obese. Obese adults incur significantly higher annual medical expenditures than those of normal weight adults. The cost now rivals that attributable to smoking. I believe that while nutrition education is one part of the solution to the obesity problem facing our youth, it is not enough to simply say that childhood obesity is caused by eating too much junk food. Instead, we must be aware of the complex environmental, genetic, and behavioral factors that have influenced the epidemic.

Included among the factors that affect children's eating habits and activity levels are increased hours in front of the TV or computer, working parents spending more hours at the office trying to make ends meet, deteriorating healthfulness or foods available in schools, reduced access to recess and physical education in schools, changes in the physical design of neighborhoods and communities, and low self esteem. And sadly, as the number of people battling obesity has increased, eating disorders have also reached epidemic proportions in the United States. It is estimated that between 8 and 10 million people experience an eating disorder, with millions of new cases being diagnosed each year. Eating disorders do not discriminate—they affect men and women or all ages, racial and ethnic backgrounds, socioeconomic classes, and religions.

Eating disorders are linked to a variety of health problems including heart failure, kidney failure, osteoporosis, gastric ruptures, and death. Eating disorders are also often associated with a variety of mental health problems including depression, substance abuse, and suicide. The age of onset for these disorders is getting younger and younger. According to the Center for Mental Health Services, 90 percent of those who have an eating disorder are women between the ages of 12 and 25.

Research indicates that 50 percent of females between the ages of 11 and 13 see themselves as overweight, and by the age of 13, eighty percent have attempted to lose weight. We know that the most common behavior that will lead to an eating disorder is dieting. In fact, 51 percent of 9 and 10 year old

girls report feeling better about themselves when they are on a diet. It is estimated that currently as many as 17 percent of high school students have been diagnosed with an eating disorder. Our youth today are striving to reach an unrealistic body ideal. Fears of falling short of this ideal are leading to dire consequences. That is why I am proud to co-sponsor of the IMPACT Act.

This legislation would take several important steps toward promoting healthy eating and physical activity to combat obesity and eating disorders. This legislation addresses the growing public health problems of increasing rates of obesity and eating disorders by: training students and health professionals to diagnose, treat and prevent obesity, overweight, and eating disorders; funding demonstration programs that promote healthy eating behaviors and physical activity to prevent eating disorders, obesity and being overweight, and related serious and chronic medical conditions; directing the Center for Disease Control to collect information regarding fitness levels and energy expenditure among children; authorizing the Director of the Agency for Healthcare Research and Quality to review all research carried out under this act and include such information, where it is relevant, in its health disparities report; allowing states to use their Preventive Services Block Grant money to address and prevent overweight, obesity, and eating disorders; mandating a report on obesity and eating disorders research; authorizing a report on the effectiveness of a National Public Education Campaign on changing children's behaviors and reducing obesity.

Each of these steps is needed to address our country's growing problems of obesity and eating disorders. Any comprehensive approach to promote healthy lifestyles and prevent disordered eating in our youth must be multifaceted. It must include education about nutrition and physical activity, and most importantly, it must encourage open communication about body image and self esteem. Such an effort will require the leadership and resources of healthcare providers, local communities, advocacy organizations, parents and families, and schools.

It is time that we promote and celebrate healthy bodies and healthy lifestyles regardless of size, weight indexes, or arbitrary numbers on a scale. This is a delicate task and we must make sure not to let an unhealthy emphasis on thinness jeopardize the health of our children. I look forward to working with all of my Senate colleagues to promote healthy lifestyles across the lifespan.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 182—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. COLEMAN (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ALLEN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. REED, Mr. SALAZAR, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 182

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

Mr. COLEMAN. Mr. President, over 12,000 children are diagnosed with cancer each year and sadly, cancer will claim the lives of over 2,000 of these children each year. Today, I am proud to be submitting the Childhood Cancer Awareness Resolution with my friends Senators LIEBERMAN, BROWNBACK, ALLEN, LINCOLN, LANDRIEU, SALAZAR, REED, and MIKULSKI to help raise awareness about childhood cancer and support children and their families who are suffering from this terrible disease.

Cancer is the number one disease killer of children. Every day 43 children will be diagnosed and approximately 10 of those children will not survive.

Until we meet the day when every child can live a life free of cancer, we must continue to promote awareness and strengthen our investment in childhood cancer research, diagnosis and treatment.

I urge my fellow colleagues to join me in raisipg awareness of childhood cancer by supporting The Childhood Cancer Awareness Resolution.

SENATE RESOLUTION 183—RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE MIGRATORY BIRD COMMISSION ON THE OCCASION OF ITS 72ND ANNIVERSARY AND THE FIRST DAY OF SALE OF THE 2005–2006 MIGRATORY BIRD HUNTING AND CONSERVATION STAMP

Mr. COCHRAN (for himself, Mrs. LINCOLN, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the 2005–2006 Migratory Bird Hunting and Conservation Stamp, popularly known as the ''Duck Stamp'', marks the Migratory Bird Conservation Commission's 72nd anniversary;

Whereas June 30, 2005, will be the first day of sale for the 2005–2006 Duck Stamp;

Whereas the Migratory Bird Conservation Commission was created by Congress in 1929 to consider and approve any areas of land or water recommended by the Secretary of the Interior for purchase or rental by the United States Fish and Wildlife Service under the Migratory Bird Hunting and Conservation Stamp Act, and to consider the establishment of new waterfowl refuges;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005 and is featured on the 2005–2006 Duck Stamp; and

Whereas since its inception in 1934, the Federal Duck Stamp Program has raised over $700,000,000 through the sale of Duck Stamps to hunters, stamp collectors, and conservationists to help purchase 5,200,000 acres of wetlands habitat for the National Wildlife Refuge System: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Migratory Bird Conservation Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp;

(2) expresses strong support for the continued success of the Migratory Bird Hunting and Conservation Stamp;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding of, and appreciation for, the Migratory Bird Hunting and Conservation Stamp and the National Wildlife Refuge System by increasing partnerships on behalf of the National Wildlife Refuge System that will contribute to increased growth and development of the system; and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1065. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1066. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1029 proposed by Mr. DORGAN (for Mr. KERRY) to the bill H.R. 2361 supra; which was ordered to lie on the table.

SA 1067. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1010 proposed by Mr. BURNS (for Mr. VOINOVICH) to the bill H.R. 2361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1065. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, strike ''$1,420,000,000'' and insert ''$1,600,000,000''.

On page 1, line 7, strike ''$420,000,000'' and insert ''$600,000,000''.

SA 1066. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1029 proposed by Mr. DORGAN (for Mr. KERRY) to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 4, strike ''$600,000,000'' and insert ''$1,600,000,000''.

SA 1067. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1010 proposed by Mr. BURNS (for Mr. VOINOVICH) to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, insert ''and the legislature'' after ''Governor''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate at 10 a.m. on Tuesday, June 28, 2005, in SR–328A, the Russell Senate Office Building. The purpose of this hearing will be to review the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

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

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, June 28, 2005, at 9 a.m. to consider favorably reporting S. 1307, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, and S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

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

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 28, 2005, at 10 a.m., to hear testimony on ''Medicaid Waste, Fraud and Abuse: Threatening the Health Care Safety Net.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Commission on Indian Affairs be authorized to meet on Tuesday, June 28, 2005, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Regulation of Indian Gaming.

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

COMITTEE ON VETERANS' AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, June 28, 2005, for a committee hearing titled ''Emergency Hearing to Examine the Shortfall in VA's Medical Care Budget.''. The hearing will take place in Room 418 of the Russell Senate Office Building at 10:30 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. BURNS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, Tuesday, June 28, 2005, from 2:30 p.m.–5 p.m. in Dirksen G50 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, June 28th, 2005, at 10 a.m.

The purpose of the hearings is to receive testimony on the following bills: S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; S. 556, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; S. 588, a bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona trail as a national scenic trail or a national historic trail; and S. 955, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the national park system certain sites in Williamson County, Tennessee, relating to the battle of Franklin.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, June 28, 2005 at 10 a.m. for a hearing entitled, ''Access Delayed: Fixing the Security Clearance Process.''

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Drake Bailey, an intern in my office, be granted the privileges of the floor today.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Eric Boehm, in my office, be granted the privileges of the floor throughout the session today.

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

RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE MIGRATORY BIRD COMMISSION ON THE OCCASION OF ITS 72ND ANNIVERSARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 183, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) recognizing the achievements and contributions of the Migratory Bird Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 183

Whereas the 2005–2006 Migratory Bird Hunting and Conservation Stamp, popularly known as the ''Duck Stamp'', marks the Migratory Bird Conservation Commission's 72nd anniversary;

Whereas June 30, 2005, will be the first day of sale for the 2005–2006 Duck Stamp;

Whereas the Migratory Bird Conservation Commission was created by Congress in 1929 to consider and approve any areas of land or water recommended by the Secretary of the Interior for purchase or rental by the United States Fish and Wildlife Service under the Migratory Bird Hunting and Conservation Stamp Act, and to consider the establishment of new waterfowl refuges;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005 and is featured on the 2005–2006 Duck Stamp; and

Whereas since its inception in 1934, the Federal Duck Stamp Program has raised over $700,000,000 through the sale of Duck Stamps to hunters, stamp collectors, and conservationists to help purchase 5,200,000 acres of wetlands habitat for the National Wildlife Refuge System: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Migratory Bird Conservation Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp;

(2) expresses strong support for the continued success of the Migratory Bird Hunting and Conservation Stamp;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding of, and appreciation for, the Migratory Bird Hunting and Conservation Stamp and the National Wildlife Refuge System by increasing partnerships on behalf of the National Wildlife Refuge System that will contribute to increased growth and development of the system; and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

NATIONAL MAMMOGRAPHY DAY

NATIONAL VETERANS AWARENESS WEEK

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of S. Res. 154 and S. Res. 155 and that the Senate proceed en bloc to their consideration.

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

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 154) designating October 21, 2005, as ''National Mammography Day''.

A resolution (S. Res. 155) designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolutions and preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

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

The resolution (S. Res. 154) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 154

Whereas according to the American Cancer Society, in 2005, 212,930 women will be diagnosed with breast cancer and 40,410 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21, 2005, as ''National Mammography Day''; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

The resolution (S. Res. 155) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 155

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 9, 2004, President George W. Bush issued a proclamation urging all the people of the United States to observe November 7 through November 13, 2004, as ''National Veterans Awareness Week'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week''; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

ORDERS FOR WEDNESDAY, JUNE 29, 2005

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 a.m. on Wednesday, June 29; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate 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. 2361, the Interior appropriations bill, as provided under the previous order.

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

PROGRAM

Mr. BURNS. Tomorrow, following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous order, we will be debating the amendments and voting throughout the day

until final passage. I hope that all the debate time provided under the agreement will not be necessary. We have a lot of additional business ahead of us before we close this week, and every hour counts. Senators should anticipate these scheduled votes throughout the day until we complete the Interior appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, June 29, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2005:

DEPARTMENT OF DEFENSE

PHILLIP JACKSON BELL, OF GEORGIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS, VICE DIANE K. MORALES, RESIGNED.

RONALD M. SEGA, OF COLORADO, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE PETER B. TEETS, RESIGNED.

DEPARTMENT OF COMMERCE

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE KENNETH I. JUSTER, RESIGNED.

DARRYL W. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JULIE L. MYERS.

ENVIRONMENTAL PROTECTION AGENCY

SUSAN P. BODINE, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE MARIANNE LAMONT HORINKO, RESIGNED.

DEPARTMENT OF STATE

JOHN HILLEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE LINCOLN P. BLOOMFIELD, JR., RESIGNED.

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, BUSINESS, AND AGRICULTURAL AFFAIRS), VICE ALAN PHILIP LARSON, RESIGNED.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MACEDONIA.

MICHAEL RETZER, OF MISSISSIPPI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

SMALL BUSINESS ADMINISTRATION

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE HAROLD DAMELIN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE 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 8034 AND 601:

To be general

LT. GEN. JOHN D. W. CORLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD J. HOFFMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ANN E. RONDEAU, 0000