MURKOWSKI) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 121

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 121, a bill to amend titles 10 and 38, United States Code, to improve the benefits provided for survivors of deceased members of the Armed Forces, and for other purposes.

S. 145

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was withdrawn as a cosponsor of S. 145, a bill to amend title 10, United States Code, to require the naval forces of the Navy to include not less than 12 operational aircraft carriers.

S. 172

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 172, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 185

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 187

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 187, a bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005–2006, published in the Federal Register on December 23, 2004.

S. 188

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 188, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 189

At the request of Mr. INHOFE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 189, a bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

S. RES. 28

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 28, a resolution designating the year 2005 as the ''Year of Foreign Language Study''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 257. A bill to amend title 23, United States Code, to provide grant eligibility for a State that adopts a program for the impoundment of vehicles operated by persons while under the influence of alcohol; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, this legislation addresses the serious national problem of drunk driving by helping to ensure that when drunken drivers are arrested, they can't simply get back into their car and put the lives of others in jeopardy. This is based on original legislation, known as ''John's Law,'' that I introduced in the Senate in the 108th Congress and that has already been enacted at the State level in New Jersey. I am proud that Senator LAUTENBERG will be co-sponsoring this legislation.

On July 22, 2000, Navy Ensign John Elliott was driving home from the United States Naval Academy in Annapolis for his mother's birthday when his car was struck by another car. Both Ensign Elliott and the driver of that car were killed. The driver of the car that caused the collision had a blood alcohol level that exceeded twice the legal limit.

What makes this tragedy especially distressing is that this same driver had been arrested and charged with driving under the influence of alcohol, DUI, just three hours before the crash. After being processed for that offense, he had been released into the custody of a friend who drove him back to his car and allowed him to get behind the wheel, with tragic results.

We need to ensure that drunken drivers do not get back behind the wheel before they sober up. With this legislation, States would be allowed to use some of their drunk driver prevention grant money from the Federal Government to impound the vehicles of drunk drivers for no less than 12 hours. This would help ensure that a drunk driver cannot get back behind the wheel until he is sober. And that would make our roads safer, and prevent the loss of many innocent lives.

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

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

S. 257

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 ''John's Law of 2005''.

SEC. 2. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

Section 410(b)(1) of title 23, United States Code, is amended by adding at the end the following:

''(H) PROGRAM FOR IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle for no less than 12 hours that is operated by a person who is arrested for operating the vehicle while under the influence of alcohol.''.

By Mr. DEWINE (for himself and Mr. DODD):

S. 258. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise along with Senator DODD to introduce the Training and Research in Urology Act—also known as the TRU Act. During my career in the U.S. Senate, I have supported the successful effort to double National Institutes of Health (NIH) research funding and have provided a strong voice for our children. This bill complements these past and continued efforts. It helps provide urologic scientists with the tools they need to find new cures for the many debilitating urologic diseases impacting men, women, and children. This legislation is important to my home state of Ohio and would impact many families in Ohio and nationwide who are afflicted with urologic diseases.

Ohio is a leader in urologic research. Researchers at the Children's Hospital of Cincinnati, the Cleveland Clinic, Case Western Reserve, and Ohio State University have made great strides toward achieving treatments. The fact is that urologic conditions affect millions of children and adults. Urology is a physiological system distinct from other body systems. Urologic conditions include incontinence, infertility, and impotence—all of which are extremely common, yet serious and debilitating. As many as 10 million children—more than 30,000 in Ohio—are affected by urinary tract problems, and some forms of these problems can be deadly. At least half of all diabetics have bladder dysfunctions, which can include urinary retention, changes in bladder compliance, and incontinence. Interstitial Cystitis (IC), a painful bladder syndrome, affects 200,000 people, mostly women. There are no known causes or cures, and few minimally effective treatments. Additionally, there are 7 million urinary tract infections in the United States each year.

Incontinence costs the healthcare system $25 billion each year and is a leading reason people are forced to enter nursing homes, impacting Medicare and Medicaid costs. Urinary tract infection treatment costs total more than $1 billion each year. Many urologic diseases, incontinence, erectile dysfunction, and cancer, increase in aging populations. Prostate cancer is the most common cancer in American men, and African-American men are at a greater risk for the disease. Medicare beneficiaries suffer from benign prostatic hyperplasia (BPH), which results in bladder dysfunction and urinary frequency. Fifty percent of men at age 60 have BPH. Treatment and surgery cost $2 billion per year.

Research for urologic disorders has failed to keep pace. Further delay translates into increased costs—in dollars, in needless suffering, and in the loss of human dignity. Incontinence costs the healthcare system $23 billion each year, yet only 90 cents per patient is spent on research—little more than the cost of a single adult undergarment. In 2002, only $5 million of the $88 million in new initiatives from the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) was designated to urologic diseases and conditions. Of that $5 million, no new initiatives were announced for women's urologic health problems. In 2001, we spent less than five cents per child on research into pediatric urologic problems. The medications currently used are very expensive and have unknown, long-term side effects.

The TRU Act establishes a Division of Urology at the NIDDK—the home of the urology basic science program—and expands existing research mechanisms, like the successful George O'Brien Urology Research Centers. This will give NIH new opportunities for investment in efforts to combat and vanquish these diseases.

This legislation is necessary to elevate leadership in urology research at the NIDDK. When the Institute was created in its current form nearly 20 years ago, Congress specifically provided for three separate Division Directors. Regrettably, the current statute fails to provide the NIDDK with the flexibility to create additional Division Directors when necessary to better respond to current scientific opportunities. This prescriptive statutory language is unique to the NIDDK. For example, the National Cancer Institute and the National Heart, Lung, and Blood Institute do not have any statutory language regarding Division Directors.

Mr. President, the basic science breakthroughs of the last decade are literally passing urology by. A greater focus on urological diseases is needed at the NIDDK and will be best accomplished with senior leadership with expertise in urology as provided in the TRU Act. This legislation is supported by the Coalition for Urologic Research & Education (CURE)—a group representing tens of thousands of patients, researchers and healthcare providers. I urge my colleagues to join me as cosponsors of the TRU Act.

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

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

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

S. 258

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 ''Training and Research in Urology Act of 2005''.

SEC. 2. RESEARCH, TRAINING, AND HEALTH INFORMATION DISSEMINATION WITH RESPECT TO UROLOGIC DISEASES.

(a) DIVISION DIRECTOR OF UROLOGY.—Section 428 of the Public Health Service Act (42 U.S.C. 285c–2) is amended—

(1) in subsection (a)(1), by striking ''and a Division Director for Kidney, Urologic, and Hematologic Diseases'' and inserting ''a Division Director for Urologic Diseases, and a Division Director for Kidney and Hematologic Diseases'';

(2) in subsection (b)—

(A) by striking ''and the Division Director for Kidney, Urologic, and Hematologic Diseases'' and inserting ''the Division Director for Urologic Diseases, and the Division Director for Kidney and Hematologic Diseases''; and

(B) by striking ''(1) carry out programs'' and all that follows through the end and inserting the following:

''(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 487) in the diagnosis, prevention, and treatment of diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training (with particular attention to programs geared to the needs of urology residents and fellows), graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs;

''(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training;

''(3) in cooperation with the urologic scientific and patient community, develop and submit to the Congress not later than January 1, 2006, a national urologic research plan that identifies research needs in the various areas of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases; and

''(4) in cooperation with the urologic scientific and patient community, review the national urologic research plan every 3 years beginning in 2009 and submit to the Congress any revisions or additional recommendations.''; and

(3) by adding at the end, the following:

''(c) There are authorized to be appropriated $500,000 for each of fiscal years 2006 and 2007 to carry out paragraphs (3) and (4) of subsection (b), and such sums as may be necessary thereafter.''.

(b) UROLOGIC DISEASES DATA SYSTEM AND INFORMATION CLEARINGHOUSE.—Section 427 of the Public Health Service Act (42 U.S.C. 285c–1) is amended—

(1) in subsection (c), by striking ''and Urologic'' and ''and urologic'' each place either such term appears; and

(2) by adding at the end the following:

''(d) The Director of the Institute shall—

''(1) establish the National Urologic Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with urologic diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing urologic diseases; and

''(2) establish the National Urologic Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of urologic diseases on the part of health professionals, patients, and the public through the effective dissemination of information.''.

(c) STRENGTHENING THE UROLOGY INTERAGENCY COORDINATING COMMITTEE.—Section 429 of the Public Health Service Act (42 U.S.C. 285c–3) is amended—

(1) in subsection (a), by striking ''and a Kidney, Urologic, and Hematologic Diseases Coordinating Committee'' and inserting ''a Urologic Diseases Interagency Coordinating Committee, and a Kidney and Hematologic Diseases Interagency Coordinating Committee'';

(2) in subsection (b), by striking ''the Chief Medical Director of the Veterans' Administration,'' and inserting ''the Under Secretary for Health of the Department of Veterans Affairs''; and

(3) by adding at the end the following:

''(d) The urology interagency coordinating committee may encourage, conduct, or support intra- or interagency activities in urology research, including joint training programs, joint research projects, planning activities, and clinical trials.

''(e) For the purpose of carrying out the activities of the Urologic Diseases Interagency Coordinating Committee, there are authorized to be appropriated $5,000,000 for each of fiscal years 2006 through 2010, and such sums as may be necessary thereafter.''.

(d) NATIONAL UROLOGIC DISEASES ADVISORY BOARD.—Section 430 of the Public Health Service Act (42 U.S.C. 285c–4) is amended by striking ''and the National Kidney and Urologic Diseases Advisory Board'' and inserting ''the National Urologic Diseases Advisory Board, and the National Kidney Diseases Advisory Board''.

(e) EXPANSION OF O'BRIEN UROLOGIC DISEASE RESEARCH CENTERS.—

(1) IN GENERAL.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c–5(c)) is amended in the matter preceding paragraph (1) by inserting ''There shall be no fewer than 15 such centers focused exclusively on research of various aspects of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases.'' before ''Each center developed''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended by adding at the end the following:

''(f) There are authorized to be appropriated for the urologic disease research centers described in subsection (c) $22,500,000 for each of fiscal years 2006 through 2010, and such sums as are necessary thereafter.''.

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c–5(c)) is amended at the beginning of the unnumbered paragraph—

(A) by striking ''shall develop and conduct'' and inserting ''(2) shall develop and conduct''; and

(B) by aligning the indentation of such paragraph with the indentation of paragraphs (1), (3), and (4).

(f) SUBCOMMITTEE ON UROLOGIC DISEASES.—Section 432 of the Public Health Service Act (42 U.S.C. 285c–6) is amended by striking ''and a subcommittee on kidney, urologic, and hematologic diseases'' and inserting ''a subcommittee on urologic diseases, and a subcommittee on kidney and hematologic diseases''.

(g) LOAN REPAYMENT TO ENCOURAGE UROLOGISTS AND OTHER SCIENTISTS TO ENTER RESEARCH CAREERS.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434A the following:

''LOAN REPAYMENT PROGRAM FOR UROLOGY RESEARCH

''SEC. 434B. (a) ESTABLISHMENT.—Subject to subsection (b), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals or other qualified scientists under which such health professionals or scientists agree to conduct research in the field of urology, as employees of the National Institutes of Health or of an academic department, division, or section of urology, in consideration of the Federal Government agreeing to repay, for each year of such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals or scientists.

''(b) LIMITATION.—The Secretary may not enter into an agreement with a health professional or scientist pursuant to subsection (a) unless the professional or scientist—

''(1) has a substantial amount of educational loans relative to income; and

''(2) agrees to serve as an employee of the National Institutes of Health or of an academic department, division, or section of urology for purposes of the research requirement of subsection (a) for a period of not less than 3 years.

''(c) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section, the provisions of subpart 3 of part D of title III apply to the program established under subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established under such subpart.''.

(h) AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) (as amended by subsection (g)) is further amended by inserting after section 434B the following:

''AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH.

''SEC. 434C. There are authorized to be appropriated to the Director of NIH for the purpose of carrying out intra- and interagency activities in urology research (including training programs, joint research projects, and joint clinical trials) $5,000,000 for each of fiscal years 2006 through 2010, and such sums as may be necessary thereafter. Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for such purpose.''.

Mr. DODD. Mr. President, I am pleased today to join my colleague, Senator MIKE DEWINE, in introducing the Training and Research in Urology Act—the ''TRU'' Act. Each day, millions of American men, women and children suffer with urologic conditions—children suffering from urological abnormalities, women living with painful urologic illnesses, the elderly for whom urologic conditions can present a wide variety of very serious health problems. The silent struggle of patients with urologic diseases has gone on too long. The legislation we introduce today seeks to ease the burden of millions of Americans suffering from urologic illnesses.

The amazing breakthroughs of the last decade in basic science have resulted in new treatments and even cures for some urologic conditions. Unfortunately, these exciting advancements often fail to reach many who suffer from urologic diseases. It is time to change the way we think and deal with urologic disease.

The TRU Act will create a new urology-specific division at the National Institute of Diabetes & Digestive & Kidney Diseases, NIDDK. Senior urology leadership at NIDDK will assure that urology receives adequate attention and will allow science to drive the research agenda. Federal legislation is necessary because more than 20 years ago Congress established the current three divisions within NIDDK. Unlike the other institutes at NIH, the director does not have the authority to establish new divisions when warranted. Urologic discoveries have advanced the science over the past two decades and I believe a urology division at NIDDK will assure continued progress in urology research.

I was surprised to learn that the most frequently occurring birth defects are related to urologic conditions. In fact, Spina Bifida alone affects approximately 4,000 newborns in the United States each year. The Spina Bifida Association of America informed me that those living ''with Spina Bifida often refer to the complications associated with neurogenic bowel and bladder as the most difficult for them both physically and socially. ''

The TRU Act would also charge NIDDK with creating a national urologic research plan and create an additional 10 centers for the study of urologic diseases, as well as recruit and retain talented investigators through a loan repayment program.

In Connecticut, as in many states, there is important urologic research being conducted currently. Researchers at Yale University have made great strides toward achieving treatments of benefit to all Americans. For example, Benign Prostatic Hyperplasia, BPH, commonly referred as an enlarged prostate, impacts more than 125,000 men in Connecticut and more than 50 percent of men 60 years of age and older. BPH is the second most common kidney or urologic condition requiring hospitalization and the fifth leading reason for physician visits. Yale University's Dr. Harris Foster, Jr. is studying the use of phytotherapy to relieve lower urinary tract symptoms, particularly BPH. The research supported by the TRU Act will support this and other important urologic research initiatives nationwide.

The TRU Act is supported by the Spina Bifida Association of America and the Urology Section of the American Academy of Pediatrics, as well as the Coalition for Urologic Research and Education, CURE, a group representing hundreds of thousands of patients, researchers and healthcare providers, including the Men's Health Network and the Society for Women's Health Research.

The TRU Act will lead urology research and training into the 21st century, and more important, it will lead to better the lives of millions of patients, young and old, struggling to live with urologic diseases. Therefore, I join my colleague in supporting this worthy measure and urge all of my colleagues to support this important legislation.

By Mr. INHOFE:

S. 260. A bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am introducing the Partners for Fish and Wildlife Act.

On August 26, 2004, President Bush signed Executive Order 13352 promoting a new approach to conservation within the Federal government's conservation and environmental departments. This Executive Order was offered to ensure that Federal agencies pursue cooperative conservation actions designed to involve private landowners rather than simply making mandates which private landowners must fulfill.

An example of this new cooperative conservation is the Partners for Fish and Wildlife Program. Since 1987, the Partners Program has been a successful voluntary partnership program that helps private landowners restore fish and wildlife habitat on their own lands.

Through 33,103 agreements with private landowners, the Partners Program has accomplished the restoration of 677,000 acres of wetlands, 1,253,700 acres of prairies and native grasslands, and 5,560 miles of riparian and in-stream habitat. Partners Program agreements are funded through contributions from the U.S. Fish and Wildlife Service along with cash and in-kind contributions from participating private landowners. Since 1990, the U.S. Fish and Wildlife Service has provided $3,511,121 to restore habitat in Oklahoma through the Partners Program, to which private landowners have contributed $12,638,272.

In Oklahoma, 97 percent of land is held in private ownership. Since 1990, a total of 124,285 acres in Oklahoma has been restored through 700 individual Partners Program voluntary agreements with private landowners. The U.S. Fish and Wildlife Service District Office in Tulsa currently reports that at least another 100 private landowners are waiting to enter into Partner's projects as soon as funds become available.

As chairman of the Senate Environment and Public Works Committee, a new approach to conservation is especially important to me. All conservation programs should create positive incentives to protect species and, above all, should hold sacred the rights of private landowners. A positive step toward those aims is authorization of the Partners for Fish and Wildlife Program which has already proven to be an effective habitat conservation program that leverages federal funds and utilizes voluntary private landowner participation. To date, the Partners Program has received little attention. My bill will build on this successful program to provide additional funding and added stability.

I am pleased to author legislation to authorize a program with a proven record in positive and actual conservation.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA):

S. 262. A bill to authorize appropriations to the Secretary of Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Angel Island Immigration Station Restoration and Preservation Act, with Senator BOXER as an original cosponsor.

This legislation authorizes the use of up to $15 million in Federal funds for ongoing efforts to restore and preserve the Angel Island Immigration Station located on Angel Island in San Francisco Bay.

I understand that Congresswoman LYNN WOOLSEY is introducing similar legislation in the House. In the 108th Congress, Congresswoman WOOLSEY's Angel Island bill passed the House.

The Angel Island Immigration Station is an important piece of American history, especially to our Nation's Asian American and immigrant communities.

From the mid 19th to early 20th century, millions of people came to America in pursuit of the American dream. Most people are familiar with Ellis Island and the stories of immigrants coming to America and seeing the Statue of Liberty in New York Harbor, but often forgotten are the experiences of those who made it to America through the West Coast by way of Angel Island. Just like those who came through Ellis Island, there are many stories of triumph and tribulation associated with Angel Island.

However, for the Chinese and those from other Asian countries who came through Angel Island Immigration Station the story goes a bit further.

The economic downturn in the 1870s brought political pressures to deal with the increasing population of Chinese who risked everything to travel to ''Gold Mountain'' in search of a better life. Amongst the harshest of measures taken was the passage of the Chinese Exclusion Act of 1882, the only legislation enacted by Congress to ban a specific ethnic population from entry into the United States.

To enforce this new law and subsequent legislation which excluded most Asian immigrants to this country, the Angel Island Immigration Station was established in 1910.

After a difficult journey across the Pacific Ocean, many new arrivals were brought to the Station where they faced separation from their family, embarrassing medical examinations, grueling interrogations and long detainments that lasted months, even years, in living deplorable conditions.

Testaments to these experiences can be found today on the wooden walls of the barracks. Many of the detainees told their stories through poems that they carved on the barrack walls. Using allegories and historical references, they described their aspirations for coming to America as well as expressed their anger and sadness at the treatment they received. However, this experience did not break the spirit of these new courageous immigrants. They endured and established new roots and made immeasurable contributions to this nation.

The Station was closed in 1940 and three years later Congress repealed the Chinese Exclusion Act. For the next 20 years the Station remained mostly unused except for a short term during World War II, when it was used as a prisoner of war camp.

In 1963, Angel Island became a State park and the California Department of Parks and Recreation assumed stewardship of the Immigration Station.

In the late 1990's, the Station was a declared a National Historic Landmark and named on ''America's 11 Most Endangered Historic Places.'' In 1998, Congress approved $300,000 to conduct a study to determine the feasibility and desirability of preserving sites within the Golden Gate National Recreation Area (GGNRA) which includes the Immigration Station. As a result, a historic three-party agreement was created between the National Park Service, California Department of Parks and the Angel Island Immigration Station Foundation to conduct this study. In 2000, Save America's Treasures named the Angel Island Immigration Station one of its Official Projects and provided $500,000 for the preservation of poems carved into the walls.

The Station is supported by the people of California as well as numerous private interests. The voters of California voted in 2000 to set aside $15 million for restoration of the Station through Proposition 12 and in addition approximately $1.1 million in private funds has been raised so far. Most recently, in December 2004, the California Cultural and Historical Endowment Board voted to reserve $3 million pending further staff findings for the Immigration Station.

The legislation limits Federal funding to 50 percent the total funds from all sources spent to restore the Angel Island Immigration Station. The remaining money will be provided through State bond funding and raised through private means, making this a true public private partnership.

Today, approximately 200,000 visits are made each year to Angel Island by ferry from San Francisco, Tiburon and Alameda. In addition, 60,000 visits are made to the Immigration Station, about half of which are students on guided tours.

The resources secured so far have set in motion designing, planning and initial restoration efforts of the Immigration Station but much more is needed, particularly to save the Immigration Station Hospital building, which is deteriorating.

The bill I am introducing today will authorize $15 million in Federal funding to complete the restoration of the Angel Island Immigration Station so the stories of these early Americans who courageously endured the experience at the Angel Island Immigration Station will be preserved for future generations.

I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 262

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 ''Angel Island Immigration Station Restoration and Preservation Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Angel Island Immigration Station, also known as the Ellis Island of the West, is a National Historic Landmark.

(2) Between 1910 and 1940, the Angel Island Immigration Station processed more than

1,000,000 immigrants and emigrants from around the world.

(3) The Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history.

(4) The Angel Island Immigration Station was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration.

(5) During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.

(6) More than 50,000 people, including 30,000 schoolchildren, visit the Angel Island Immigration Station annually to learn more about the experience of immigrants who have traveled to our shores.

(7) The restoration of the Angel Island Immigration Station and the preservation of the writings and drawings at the Angel Island Immigration Station will ensure that future generations also have the benefit of experiencing and appreciating this great symbol of the perseverance of the immigrant spirit, and of the diversity of this great Nation.

SEC. 3. RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $15,000,000 for restoring the Angel Island Immigration Station in the San Francisco Bay, in coordination with the Angel Island Immigration Station Foundation and the California Department of Parks and Recreation.

(b) FEDERAL FUNDING.—Federal funding under this Act shall not exceed 50 percent of the total funds from all sources spent to restore the Angel Island Immigration Station.

(c) PRIORITY.—(1) Except as provided in paragraph (2), the funds appropriated pursuant to this Act shall be used for the restoration of the Immigration Station Hospital on Angel Island.

(2) Any remaining funds in excess of the amount required to carry out paragraph (1) shall be used solely for the restoration of the Angel Island Immigration Station.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. DURBIN, Mr. ROBERTS, and Mr. INOUYE):

S. 263. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Paleontological Resources Preservation Act to protect and preserve the Nation's important fossil record for the benefit of our citizens. I am pleased to have Senators BAUCUS, FEINSTEIN, DURBIN, ROBERTS, and INOUYE join me as original cosponsors on this significant legislation.

This bill was reported favorably by the Senate Committee on Energy and Natural Resources, and approved by unanimous consent during the 108th Congress. A similar bill was introduced in the other body by Representative JAMES R. MCGOVERN, with 15 cosponsors, but was not reported by the Resources Committee. I hope we can pass this again quickly in the Senate and move the bill in the House of Representatives.

You may remember that in 1999, Congress requested that the Secretary of the Interior review and report on the Federal policy concerning paleontological resources on Federal lands. In its request, Congress noted that no unified Federal policy existed regarding the—treatment of fossils by Federal land management agencies, and emphasized Congress's concerns that a lack of appropriate standards would lead to the deterioration or loss of fossils, which are valuable scientific resources. Unfortunately, that situation remains the case today.

In the past year alone, there have been compelling finds of fossils that are helping us unlock the mysteries of the past from the earth, whether violent tectonic cataclysms or depletion of oxygen in the oceans and consequent drastic changes in species. The National Parks Conservation Association NPCA, a bipartisan non-profit organization dedicated to protecting and enhancing National Parks, recently called for ''stronger laws, better enforcement, and better education programs . . . to more fully protect these valuable [fossil] relics.'' In its Fall 2004 issue of National Parks, the article described the discovery at Wind Cave National Park, South Dakota, in July 2003, of fossilized remains of a 5-foot tall hornless rhinoceros, a collie-sized horse, and a foot-tall, deer-like mammal.

National Parks are the home of many extraordinary fossil discoveries already, such as the graveyards of 20-million-year old camels and rhinos at Agate Fossil Beds National Monument in Nebraska, the only pygmy island-dwelling mammoth at Channel Islands National Park in California; and tropical dinosaurs in what are now the arid lands of the Painted Desert of southern Arizona.

Besides the National Park Service, other Federal land management agencies have a number of regulations and directives on paleontological resources, but they are not consistent and there is no clear statutory language providing direction in protecting and curating fossils. I would like to commend to my colleagues two reports recently published by the Congressional Research Service, CRS, which we know as an impartial, non-partisan legislative research service that provides analysis for Congress. The CRS American Law Division published two reports entitled ''Federal Management and Protection of Fossil Resources on Federal Lands'' and, ''Paleontological Resources Protection Act: Proposal for the Management and Protection of Fossil Resources Located on Federal Lands.''

These two reports analyze the status and activities of Federal agencies with paleontological responsibilities, the statutory authorities for fossils, the case law supporting them, and the bills recently introduced on fossils such as S. 546 in the 108th Congress. The reports point out that several Federal agencies have management authority for the protection of fossil resources on the lands under their jurisdiction—the Department of the Interior's Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service, and the U.S. Department of Agriculture's U.S. Forest Service. The report also points out that the U.S. Geological Survey, Department of Defense, and Smithsonian Institution have some fossil responsibilities. The reports further find that agency enforcement and prosecution policies differ greatly and there is only limited and scattered authority for Federal management and protection of fossil resources on Federal lands.

The report concludes that the scattered authorities result in case law on fossil protection that is not well developed and not necessarily consistent. The cases do not provide clear case precedent and are not necessarily applicable to broader protection, regulation, management, and marketing issues.

Both reports conclude that there is an absence of uniform regulations for paleontological resources on Federal lands—as shown by an absence of precise uniform definitions of key terms—and that there is no comprehensive statute or management policy for the protection and management of fossils on Federal lands.

The Paleontological Resources Preservation Act embodies the principles recommended by an interagency group in a 2000 report to Congress entitled ''Assessment of Fossil Management on Federal and Indian Lands.'' The bill provides the paleontological equivalent of protections found in the Archaeological Resources Preservation Act. The bill finds that fossil resources on Federal lands are an irreplaceable part of the heritage of the United States and affirms that reasonable access to fossil resources should be provided for scientific, educational, and recreational purposes. The bill acknowledges the value of amateur collecting and provides an exception for casual collecting of invertebrate fossils, but protects vertebrate fossils found on Federal lands under a system of permits. The fossil bill does not restrict access of the interested public to fossils on public lands but rather will help create opportunities for involvement. For example, there are many amateur paleontologists volunteering to assist in the excavation and curation of fossils on national park lands already.

Finally, I would like to emphasize that this bill in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Rehabilitation Act. They are exempted because they are very different types of resources This bill covers only paleontological remains—fossils on Federal lands.

As we look toward the future, public access to fossil resources will take on a new meaning, as digital images of fossils become available worldwide. Discoveries in paleontology are made

more frequently than we realize. They shape how we learn about the world around us. In January of this year, Science Express, the on-line version of the journal Science, reported two studies using paleontological data to understand the causes of the ''Great Dying,'' or mass extinctions that occurred about 250 million years ago in the Permian-Triassic period. The Paleontological Resources Preservation Act would create a legacy for the production of scientific knowledge for future generations.

The protections offered in this act are not new. Federal land management agencies already have individual regulations prohibiting theft of government property. However, the reality is that U.S. attorneys are reluctant to prosecute cases involving fossil theft because they are difficult. The National Park Service reported 721 incidents of vandalism; and visitors annually take up to 12 tons of petrified wood from Petrified Forest National Park, a fact that has lead the NPCA to place the Petrified National Forest on its ''Ten Most Endangered National Parks'' lists in 2000 and 2001.

Congress has not provided a clear statute stating the value of paleontological resources to our Nation, as has been provided for archaeological resources. Fossils are too valuable to be left within the general theft provisions that are difficult to prosecute, and they are too valuable to the education of our children not to ensure public access. We need to work together to make sure that we fulfill our responsibility as stewards of public lands, and as protectors of our Nation's natural resources.

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

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

S. 263

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 ''Paleontological Resources Preservation Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term ''casual collecting'' means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms ''reasonable amount'', ''common invertebrate and plant paleontological resources'' and ''negligible disturbance'' shall be determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) INDIAN LANDS.—The term ''Indian Land'' means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) STATE.—The term ''State'' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) PALEONTOLOGICAL RESOURCE.—The term ''paleontological resource'' means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological

resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 11.

SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 9 or 10—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 264. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today with the senior Senator from Hawaii to introduce legislation to authorize three important water reclamation projects in the State of Hawaii. This legislation, the Hawaii Water Resources Act of 2005, is identical to legislation considered in the 108th Congress that passed the Senate by unanimous consent on May 19, 2004.

Although one usually does not readily associate the State of Hawaii as a place with drought problems, Hawaii has been experiencing drought conditions since 1998. The Hawaii Water Resources Act of 2005 builds upon the Hawaii Water Resources Act of 2000 P.L. 106–566 that authorized the Bureau of Reclamation to survey irrigation and water delivery systems in Hawaii and

identify new opportunities for reclamation and reuse of water and wastewater for agriculture and non-agricultural purposes. While the Act resulted in the development of the initial Hawaii Drought Plan in 2000, which was updated this past year to incorporate comments and recommendations made by the Bureau of Reclamation, more needs to be done.

Although Hawaii is just beginning to recover from a multi-year drought, the National Weather Service has indicated that due to a mild El Niño effect in the Pacific Ocean, Hawaii may again experience another period of drought. It is imperative for Hawaii to improve its ways to reduce consumption of drinking water. The legislation that I am introducing today, the Hawaii Water Resources Act of 2005, will help the State of Hawaii to be proactive by authorizing projects that will address the demand on our freshwater supply, especially on the islands of Oahu, Maui, and Hawaii.

The legislation authorizes three projects. The first project, in Honolulu, will provide reliable potable water through resource diversification to meet existing and future demands, particularly in the Ewa area of Oahu where water demands are outpacing the availability of drinking water. The second project, in North Kona, will address the issue of effluent being discharged into a temporary disposal sump from the Kealakehe Wastewater Treatment Plant. The project would utilize subsurface wetlands to naturally clean the effluent and convey the recycled water to a number of users. The third project, in Lahaina, will reduce the use of potable water by extending the County of Maui's main recycled water pipeline.

The Hawaii Water Resources Act of 2005 will begin the next phase of ensuring that the State of Hawaii will continue to have a supply of fresh drinking water. It is vitally important for the State to begin working on these water reclamation projects and I urge my colleagues to support this legislation which is important to communities in Hawaii.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. JEFFORDS, Mr. TALENT, Mrs. MURRAY, and Mrs. CLINTON):

S. 265. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, each year, nearly 1 of every 10 Americans is injured and requires medical attention. Injuries are the fifth leading cause of death in the United States. Trauma kills more people between the ages of one and 44 than any other disease or illness.

While injury prevention programs have greatly reduced death and disability, severe injuries will continue. Given the mass trauma events of September 11, 2001 and our Nation's renewed focus on enhancing disaster preparedness, it is critical that the Federal Government increase its commitment to strengthening programs governing trauma care system planning and development.

The direct and indirect cost of injury is estimated to be about $224 billion a year, according to the Centers for Disease Control and Prevention. The death rate from unintentional injury is more than 50 percent higher in rural areas than in urban areas. Only one fourth of the U.S. population lives in an area served by a trauma care system. Studies of conventional trauma care show that as many as 35 percent of trauma patient deaths could have been prevented if optimal acute care had been available. It is essential that all Americans have access to a trauma system that provides needed care as quickly as possible.

Since 1990, Congress has sought to improve care through the Trauma Care Systems Planning and Development Act. This Act provides grants for planning, implementing, and developing statewide trauma care systems. This critical program must be reauthorized. Therefore, I am introducing bipartisan legislation today, along with Senators KENNEDY, ROBERTS, JEFFORDS, TALENT, CLINTON, and MURRAY to reauthorize this program.

Despite our past investments, one half of the States in the country are still without a statewide trauma care system. Clearly we can do better. We must respond to the goals put forth by the Institute of Medicine in 1999—that Congress ''support a greater national commitment to, and support of, trauma care systems at the federal, state, and local levels.''

The ''Trauma Care Systems Planning and Development Act of 2005'', reauthorizes this program with several improvements: first, it improves the collection and analysis of trauma patient data with the goal of improving the overall system of care for these patients; second, the bill reduces the amount of matching funds that states will have to provide to participate in the program so that we can extend quality trauma care systems across the nation; third, the legislation provides a self-evaluation mechanism to assist states in assessing and improving their trauma care systems; fourth, it authorizes the Institute of Medicine to study the state of trauma care and trauma research; and finally, it doubles the funding available for this program to allow additional states to participate.

I appreciate the support of my cosponsors. I look forward to working with them, and with Senator ENZI, the Chairman of the Senate Health, Education, Labor, and Pensions Committee, to see this bill passed this year.

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

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

S. 265

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 ''Trauma Care Systems Planning and Development Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Federal Government and State governments have established a history of cooperation in the development, implementation, and monitoring of integrated, comprehensive systems for the provision of emergency medical services.

(2) Trauma is the leading cause of death of Americans between the ages of 1 and 44 years and is the third leading cause of death in the general population of the United States.

(3) In 1995, the total direct and indirect cost of traumatic injury in the United States was estimated at $260,000,000,000.

(4) There are 40,000 fatalities and 5,000,000 nonfatal injuries each year from motor vehicle-related trauma, resulting in an aggregate annual cost of $230,000,000,000 in medical expenses, insurance, lost wages, and property damage.

(5) Barriers to the receipt of prompt and appropriate emergency medical services exist in many areas of the United States.

(6) The number of deaths from trauma can be reduced by improving the systems for the provision of emergency medical services in the United States.

(7) Trauma care systems are an important part of the emergency preparedness system needed for homeland defense.

SEC. 3. AMENDMENTS.

(a) ESTABLISHMENT.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting '', acting through the Administrator of the Health Resources and Services Administration,'' after ''Secretary'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following:

''(3) collect, compile, and disseminate information on the achievements of, and problems experienced by, State and local agencies and private entities in providing trauma care and emergency medical services and, in so doing, give special consideration to the unique needs of rural areas;'';

(D) in paragraph (4), as redesignated by subparagraph (B)—

(i) by inserting ''to enhance each State's capability to develop, implement, and sustain the trauma care component of each State's plan for the provision of emergency medical services'' after ''assistance''; and

(ii) by striking ''and'' after the semicolon;

(E) in paragraph (5), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(6) promote the collection and categorization of trauma data in a consistent and standardized manner.'';

(2) in subsection (b), by inserting '', acting through the Administrator of the Health Resources and Services Administration,'' after ''Secretary''; and

(3) by striking subsection (c).

(b) CLEARINGHOUSE ON TRAUMA CARE AND EMERGENCY MEDICAL SERVICES.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by striking section 1202; and

(2) by redesignating section 1203 as section 1202.

(c) ESTABLISHMENT OF PROGRAMS FOR IMPROVING TRAUMA CARE IN RURAL AREAS.—Section 1202(a) of the Public Health Service Act, as such section was redesignated by subsection (b), is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', such as advanced trauma life support,'' after ''model curricula'';

(2) in paragraph (4), by striking ''and'' after the semicolon;

(3) in paragraph (5), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(6) by increasing communication and coordination with State trauma systems.''.

(d) REQUIREMENT OF MATCHING FUNDS FOR FISCAL YEARS SUBSEQUENT TO FIRST FISCAL YEAR OF PAYMENTS.—Section 1212 of the Public Health Service Act (42 U.S.C. 300d–12) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon; and

(B) by striking subparagraph (B) and inserting the following:

''(B) for the third fiscal year of such payments to the State, not less than $1 for each $1 of Federal funds provided in such payments for such fiscal year;

''(C) for the fourth fiscal year of such payments to the State, not less than $2 for each $1 of Federal funds provided in such payments for such fiscal year; and

''(D) for the fifth fiscal year of such payments to the State, not less than $2 for each $1 of Federal funds provided in such payments for such fiscal year.''; and

(2) in subsection (b)—

(A) in paragraph (1), by adding ''and'' after the semicolon;

(B) in paragraph (2), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (3).

(e) REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF ALLOTMENTS.—Section 1213 of the Public Health Service Act (42 U.S.C. 300d–13) is amended—

(1) in subsection (a)—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''nationally recognized'' after ''contains'';

(B) in paragraph (5), by inserting ''nationally recognized'' after ''contains'';

(C) in paragraph (6), by striking ''specifies procedures for the evaluation of designated'' and inserting ''utilizes a program with procedures for the evaluation of'';

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by inserting ''in accordance with data collection requirements developed in consultation with surgical, medical, and nursing specialty groups, State and local emergency medical services directors, and other trained professionals in trauma care'' after ''collection of data'';

(ii) in subparagraph (A), by inserting ''and the number of deaths from trauma'' after ''trauma patients''; and

(iii) in subparagraph (F), by inserting ''and the outcomes of such patients'' after ''for such transfer'';

(E) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(F) by inserting after paragraph (9) the following:

''(10) coordinates planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''concerning such'' and inserting ''that outline resources for optimal care of the injured patient''; and

(ii) in subparagraph (D), by striking ''1992'' and inserting ''2005''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''1991'' and inserting ''2005''; and

(ii) in subparagraph (B), by striking ''1992'' and inserting ''2005''; and

(3) in subsection (c), by striking ''1990, the Secretary shall develop a model plan'' and inserting ''2005, the Secretary shall update the model plan''.

(f) REQUIREMENT OF SUBMISSION TO SECRETARY OF TRAUMA PLAN AND CERTAIN INFORMATION.—Section 1214(a) of the Public Health Service Act (42 U.S.C. 300d–14(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''1991'' and inserting ''2005''; and

(B) by inserting ''that includes changes and improvements made and plans to address deficiencies identified'' after ''medical services''; and

(2) in paragraph (2), by striking ''1991'' and inserting ''2005''.

(g) RESTRICTIONS ON USE OF PAYMENTS.—Section 1215(a)(1) of the Public Health Service Act (42 U.S.C. 300d–15(a)(1)) is amended by striking the period at the end and inserting a semicolon.

(h) REQUIREMENTS OF REPORTS BY STATES.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by striking section 1216 and inserting the following:

''SEC. 1216. [RESERVED].''.

(i) REPORT BY THE SECRETARY.—Section 1222 of the Public Health Service Act (42 U.S.C. 300d–22) is amended by striking ''1995'' and inserting ''2007''.

(j) FUNDING.—Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended to read as follows:

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts A and B, there are authorized to be appropriated $12,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.''.

(k) CONFORMING AMENDMENT.—Section 1232(b)(2) of the Public Health Service Act (42 U.S.C. 300d–32(b)(2)) is amended by striking ''1204'' and inserting ''1202''.

(l) INSTITUTE OF MEDICINE STUDY.—Part E of title XII of the Public Health Service Act (20 U.S.C. 300d–51 et seq.) is amended—

(1) by striking the part heading and inserting the following:

''PART E—MISCELLANEOUS PROGRAMS'';

and

(2) by adding at the end the following:

''SEC. 1254. INSTITUTE OF MEDICINE STUDY.

''(a) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another appropriate entity, to conduct a study on the state of trauma care and trauma research.

''(b) CONTENT.—The study conducted under subsection (a) shall—

''(1) examine and evaluate the state of trauma care and trauma systems research (including the role of Federal entities in trauma research) on the date of enactment of this section, and identify trauma research priorities;

''(2) examine and evaluate the clinical effectiveness of trauma care and the impact of trauma care on patient outcomes, with special attention to high-risk groups, such as children, the elderly, and individuals in rural areas;

''(3) examine and evaluate trauma systems development and identify obstacles that prevent or hinder the effectiveness of trauma systems and trauma systems development;

''(4) examine and evaluate alternative strategies for the organization, financing, and delivery of trauma care within an overall systems approach; and

''(5) examine and evaluate the role of trauma systems and trauma centers in preparedness for mass casualties.

''(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2005 and 2006.''.

(m) RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.—Section 1251(c) of the Public Health Service Act (42 U.S.C. 300d–51(c)) is amended by striking ''1993 through 1995'' and inserting ''2005 through 2009''.

(n) STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended in the section heading by striking ''**DEMONSTRATION**''.

(o) INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (a), by striking ''conducting basic'' and all that follows through the period at the end of the second sentence and inserting ''basic and clinical research on trauma (in this section referred to as the 'Program'), including the prevention, diagnosis, treatment, and rehabilitation of trauma-related injuries.'';

(2) by striking subsection (b) and inserting the following:

''(b) PLAN FOR PROGRAM.—The Director shall establish and implement a plan for carrying out the activities of the Program, taking into consideration the recommendations contained within the report of the NIH Trauma Research Task Force. The plan shall be periodically reviewed, and revised as appropriate.'';

(3) in subsection (d)—

(A) in paragraph (4)(B), by striking ''acute head injury'' and inserting ''traumatic brain injury''; and

(B) in subparagraph (D), by striking ''head'' and inserting ''traumatic'';

(4) by striking subsection (g);

(5) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(6) in subsection (h), as redesignated by paragraph (5), by striking ''2001 through 2005'' and inserting ''2005 through 2009''.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. CORZINE, Mrs. CLINTON, Mr. DORGAN, Mrs. MURRAY, Mr. JOHNSON, Mr. REED, Mr. LIEBERMAN, and Mr. LEAHY):

S. 266. A bill to stop taxpayer funded Government propaganda; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to put an end to the spate of propaganda we are seeing across our government. In my view, it is a practice that is inconsistent with democracy, and we have to put a stop to it.

That is why Senator KENNEDY and I have drafted the ''Stop Government Propaganda Act'' which we are introducing today, along with our cosponsors, Senators DURBIN, CORZINE, CLINTON, DORGAN, MURRAY, JOHNSON, JACK REED, LIEBERMAN and LEAHY.

Our bill will shut down the Administration's propaganda mill once and for all.

Propaganda had its place in Saddam's Iraq. Propaganda was a staple of the old Soviet Union. But covert government propaganda has no place in the United States Government.

In the last few weeks, we have seen revelations that a number of conservative columnists are actually on the Bush Administration's payroll to push the President's agenda.

Armstrong Williams was paid to improve the image of President Bush's education programs, and the columnists Maggie Gallagher and Mike McManus were paid to promote the President's ''marriage initiative.''

Some have called it the ''pundit payola'' scandal. But this scandal goes well beyond these particular payments to journalists.

In fact, these secret payments are only the latest in a series of covert propaganda activities conducted by this Administration.

Last year, we discovered that the Administration was paying a public relations firm to creat fake television news stories. These fake news stories touting the new Medicare law made their way onto local news shows on forty television stations across the country.

These fake news stories even featured a fake reporter—Karen Ryan ''reporting from Washington.'' While Karen Ryan does exist, she's not a reporter. She is a public relations consultant based here in Washington.

Worse, the viewers who watched these fake news stories thought they were hearing real news. But what they were watching was Government-produced propaganda.

The Government Accountability Office investigated the legality of these fake news stories and came back with a clear decision: it was illegal propaganda. The GAO also said that the Administration must officially report the misspent funds to Congress.

But the Bush Administration simply ignored GAO's legal ruling. The Administration said that because of the separation of powers, the GAO can't tell them what to do.

So, in other words, the Administration has said that they will ignore the current law on the books. That is why we are introducing new legislation today that will put real teeth in the anti-propaganda law.

Our bill, the Stop Government Propaganda Act, does two major things:

First, it makes the Anti-Propaganda law permanent.

Right now, the anti-propaganda law is passed year to year as a ''rider'' in our appropriations bills. Making the law permanent will show that we are serious about it and want it obeyed.

Also, our bill has real consequences for violations by the Administration. The current law is enforced by GAO, and the Administration is obviously ignoring their rulings. That has to change.

Our bill calls for the Justice Department to pursue these violations. But in cases where DOJ fails to act, our bill authorizes citizen lawsuits to enforce the law.

And we also give added power to the GAO. Right now, the Administration ignores the GAO's legal decisions. But our bill will make it downright painful for the Administration to ignore the GAO.

When the GAO finds that taxpayer funds are misspent for propaganda purposes, and the agency fails to follow the GAO's ordered actions, our bill would call for the head of that agency's salary to be withheld.

Our bill establishes a point of order against any appropriations bill that fails to enforce the salary reduction.

Last week, President Bush said he agrees that it is wrong to pay journalists and that the practice must stop. But at the same time, the Bush Administration continues to ignore GAO's rulings on their propaganda violations.

And while the attention was on Armstrong Williams, the Administration has been ramping up propaganda efforts at the Social Security Administration. In fact, last week, the Democratic Policy Committee heard testimony from two Social Security employees who revealed how they are being forced to push the White House agenda on the public.

Rather than concentrate on getting benefits out or servicing people on Social Security, the White House is using SSA employees to spread its false propaganda message of a ''crisis'' in Social Security.

That is why we must act now to put a stop to all of these practices. I urge my colleagues to support our bill, the Stop Government Propaganda Act.

As we seek to establish democracy in Iraq, let's first remove this taint from our own democracy.

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

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

S. 266

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 ''Stop Government Propaganda Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1951, the following prohibition on the use of appropriated funds for propaganda purposes has been enacted annually: ''No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by Congress.''.

(2) On May 19, 2004, the Government Accountability Office (GAO) ruled that the Department of Health and Human Services violated the publicity and propaganda prohibitions by creating fake television new stories for distribution to broadcast stations across the country.

(3) On January 4, 2005, the GAO ruled that the Office of National drug Control Policy violated the publicity and propaganda prohibitions by distributing fake television news stories to broadcast stations from 2002 to 2004.

(4) In 2003, the Department of Education violated publicity and propaganda prohibitions by using of taxpayer funds to create fake television news stories promoting the ''No Child Left Behind'' program violated the propaganda prohibition.

(5) An analysis of individual journalists, paid for by the Department of Education in 2003, which ranked reporters on how positive their articles portrayed the Administration and the Republican Party, constituted a gross violation of the law prohibiting propaganda and the use of taxpayer funds for partisan purposes.

(6) The payment of taxpayer funds to journalist Armstrong Williams in 2003 to promote Administration education policies violated the ban on covert propaganda.

(7) The payment of taxpayer funds to journalist Maggie Gallagher in 2002 to promote Administration welfare and family policies violated the ban on covert propaganda.

(8) Payment for and construction of 8 little red schoolhouse facades at the entranceways to the Department of Education headquarters in Washington, DC to boost the image of the ''No Child Left Behind'' program was an inappropriate use of taxpayer dollars.

(9) Messages inserted into Social Security Administration materials in 2004 and 2005 intended to further grassroots lobbying efforts in favor of President Bush's Social Security privatization plan is an inappropriate use of taxpayer funds.

(10) The Department of Health and Human Services ignored the Government Accountability Office's legal decision of May 19, 2004, and failed to follow the GAO's directive to report its Anti-Deficiency Act violation to Congress and the President, as provided by section 1351 of title 31, United States Code.

(11) Despite numerous violations of the propaganda law, the Department of Justice has not acted to enforce the law or follow the requirements of the Anti-Deficiency Act.

(12) In order to protect taxpayer funds, stronger measures must be enacted into law to require actual enforcement of the ban on the use of taxpayer funds for propaganda purposes.

SEC. 3. DEFINITION.

In this Act, the term ''publicity'' or ''propaganda'' includes—

(1) a news release or other publication that does not clearly identify the Government agency directly or indirectly (through a contractor) financially responsible for the message;

(2) any audio or visual presentation that does not continuously and clearly identify the Government agency directly or indirectly financially responsible for the message;

(3) an Internet message that does not continuously and clearly identify the Government agency directly or indirectly financially responsible for the message;

(4) any attempt to manipulate the news media by payment to any journalist, reporter, columnist, commentator, editor, or news organization;

(5) any message designed to aid a political party or candidate;

(6) any message with the purpose of self-aggrandizement or puffery of the Administration, agency, Executive branch programs or policies, or pending congressional legislation;

(7) a message of a nature tending to emphasize the importance of the agency or its activities;

(8) a message that is so misleading or inaccurate that it constitutes propaganda; and

(9) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before Congress or any State legislature, except in presentation to Congress or any State legislature itself.

SEC. 4. PROHIBITION ON PUBLICITY OR PROPAGANDA AND ENFORCEMENT.

(a) IN GENERAL.—The senior official of an Executive branch agency who authorizes or directs funds appropriated to such Executive branch agency for publicity or propaganda purposes within the United States, unless authorized by law, is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, plus 3 times the amount of funds appropriated.

(b) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—The Attorney General diligently shall investigate a violation of subsection (a). If the Attorney General finds that a person has violated or is violating subsection (a), the Attorney General may bring a civil action under this section against the person.

(c) ACTIONS BY PRIVATE PERSONS.—

(1) IN GENERAL.—A person may bring a civil action for a violation of subsection (a) for the person and for the United States Government. The action shall be brought in the name of the Government. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.

(2) NOTICE.—A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

(3) DELAY OF NOTICE.—The Government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure.

(4) GOVERNMENT ACTION.—Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Government shall—

(A) proceed with the action, in which case the action shall be conducted by the Government; or

(B) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) LIMITED INTERVENTION.—When a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

(d) RIGHTS OF THE PARTIES.—

(1) GOVERNMENT ACTION.—If the Government proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in paragraph (2).

(2) LIMITATIONS.—

(A) DISMISSAL.—The Government may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the Government of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

(B) SETTLEMENT.—The Government may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(C) PROCEEDINGS.—Upon a showing by the Government that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the Government's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as—

(i) limiting the number of witnesses the person may call;

(ii) limiting the length of the testimony of such witnesses;

(iii) limiting the person's cross-examination of witnesses; or

(iv) otherwise limiting the participation by the person in the litigation.

(D) LIMIT PARTICIPATION.—Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(3) ACTION BY PERSON.—If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at the Government's expense). When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the Government to intervene at a later date upon a showing of good cause.

(4) INTERFERENCE.—Whether or not the Government proceeds with the action, upon a showing by the Government that certain actions of discovery by the person initiating the action would interfere with the Government's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than 60 days. Such a showing shall be conducted in camera. The court may extend the 60-day period upon a further showing in camera that the Government has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) GOVERNMENT ACTION.—Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to the Government, including any administrative proceeding to determine a civil money penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under this section. For purposes of the preceding sentence, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the United States, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(e) AWARD TO PRIVATE PLAINTIFF.—

(1) GOVERNMENT ACTION.—If the Government proceeds with an action brought by a person under subsection (c), such person shall, subject to the second sentence of this paragraph, receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action.

(2) NO GOVERNMENT ACTION.—If the Government does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(3) FRIVOLOUS CLAIM.—If the Government does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(f) GOVERNMENT NOT LIABLE FOR CERTAIN EXPENSES.—The Government is not liable for expenses which a person incurs in bringing an action under this section.

(g) FEES AND EXPENSES TO PREVAILING DEFENDANT.—In civil actions brought under this section by the United States, the provisions of section 2412 (d) of title 28 shall apply.

(h) WHISTLEBLOWER PROTECTION.—

(1) IN GENERAL.—Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole.

(2) RELIEF.—Relief under this subsection shall include reinstatement with the same seniority status such employee would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate district court of the United States for the relief provided in this subsection.

SEC. 5. JUDICIAL NOTICE.

The courts of the United States shall take cognizance and notice of any legal decision of the Government Accountability Office interpreting the application of this Act.

SEC. 6. POINT OF ORDER.

(a) IN GENERAL.—

(1) REDUCTION OF SALARY.—It shall not be in order in the House of Representatives or the Senate to consider a bill, amendment, or resolution providing an appropriation for an agency that the Government Accountability

Office has found in violation of this Act unless the appropriations for salary and expenses for the head of the relevant agency contains a provision reducing the salary of the head by an amount equal to the illegal expenditure identified by the Government Accountability Office. If the illegal expenditure exceeds the annual salary of the agency head, then the point of order shall continue until the remaining amount is subtracted from the salary of the agency head.

(2) COMPLIANCE.—Paragraph (1) shall not apply if the agency is complying with the decision of the Government Accountability Office.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. KENNEDY. Mr. President, we have to stop right now all the taxpayer-financed propaganda put out by our government to influence the American people. We need to expedite the investigations, begin congressional hearings, and pass specific new legislation to prevent the administration from using persons paid to pose as legitimate journalists to push for the Bush political agenda.

Last week, we found out, according to the Washington Post, that another commentator, Maggie Gallagher, was paid $21,500 by the Department of Health and Human Services to promote the Bush administration's marriage agenda—a fact she didn't disclose to her readers while writing on the issue.

As most of us now know, thanks to USA Today, the outgoing leadership of the Education Department secretly, and still unapologetically, paid $241,000 to commentator Armstrong Williams to influence his broadcasts. Mr. Williams was paid to comment favorably on the President's No Child Left Behind Act education reform plan, to conduct phony ''interviews'' with administration officials, and to encourage his colleagues in the media to do the same.

The Gallagher and Williams payments were part of a multimillion dollar, taxpayer-funded public relations scheme to influence and undermine America's free press. Journalists were ranked on the favorability of their news coverage of President Bush on education. Phony video reports and interviews about the President's Medicare prescription drug law were broadcast as independent news on local television.

All parties agree that this type of secret government paid journalism is wrong. Yet Ms. Gallagher and Mr. Williams continue to retain their $21,500 and $241,000 bribes.

I am pleased to join Senator LAUTENBERG, who has been our leader on this issue, in introducing legislation to permanently prohibit the use of taxpayer funds for the type of manipulative payments that Ms. Gallagher and Mr. Williams received. Our legislation will prohibit agencies from issuing news releases, video news releases, and internet messages that do not clearly identify the government as financially responsible for the information.

It will enforce these prohibitions by creating a mechanism to dock the pay of any Cabinet Secretary or agency head responsible, and by authorizing private citizens to bring a court action to recover taxpayer funds.

Propaganda by the Department of Health and Human Services, the Department of Education, and the Office of Drug Control and Policy has to stop now, before the infection spreads. We cannot sit still in Congress while the administration corrupts the first amendment and freedom of the press.

By Mr. CRAIG (for himself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 267. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to join my colleagues and friends, Senator WYDEN of Oregon and Senator FEINSTEIN of California, to reauthorize a law that has stabilized payments to rural forest counties and, more important, has brought communities together to accomplish projects on the ground that improve watersheds and enhance habitat.

It should be remembered that the National Forest System was formed in 1905 from the Forest Reserves, which were established between 1891 and 1905 by Presidential proclamation. During that time, 153 million acres of forestlands were set aside in Forest Reserves and removed from future settlement and economic development. This imposed great hardships on those counties that were in and adjacent to these new reserves. In many cases, 65 to 90 percent of the land in a county was sequestered in the new forest reserves, leaving little land for economic development and diminishing the potential tax base to support essential community infrastructure such as roads and schools. There was considerable opposition in the forest counties to establishing these reserves.

In 1908, in response to the mounting opposition to the reserves in the West, Congress passed a bill which created a revenue sharing mechanism to offset for forest counties the effects of removing these lands from economic development. The 1908 act specified that 10 percent of all revenues generated from the multiple-use management of our National Forests would be shared with the counties to support public roads and public schools. Several years later that percentage was increased to 25 percent. People in our forest counties refer to this as the ''Compact with the People of Rural Counties'' which was part of the foundation for establishing our National Forest System.

It was the intent of Congress in establishing our National Forests, that they would be managed in a sustained multiple-use manner in perpetuity, and that they would provide revenues for local counties and the Federal treasury in perpetuity as well. And, from 1908 until about 1993, this revenue sharing mechanism worked extremely well. However, from 1986 to the present, we have, for a variety of reasons, reduced our sustained active multiple-use management of the National Forests and the revenues have declined precipitously. Most counties have seen a decline of more than 85 percent in actual revenues generated on our National Forests and therefore an 85 percent reduction in 25 percent payments to counties which are used to help fund schools and county road departments.

And more important, they have seen a 60-percent reduction in the economic activity that the federal timber sale programs generated in these counties. The Forest Service in its 1997 TSPIRS report estimates the total economic activity in these rural counties to be more than $2.1 billion, compared to more than $5.5 billion as recently as 1991.

In 2000, Congress passed the Secure Rural Schools and Community Self Determination Act to address the needs of the National Forest counties and to focus on creating a new cooperative partnership between citizens in forest counties and our Federal land management agencies to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

This Act restored the 1908 compact between the people of rural America and the Federal Government, and it has been an enormous success in achieving and even surpassing the goals of Congress.

This is a remarkable success story for rural forest communities. These funds have restored and sustained essential infrastructure such as county schools and county roads through title I. Essential forest improvement projects have been completed through title II projects funded by forest counties, and planned by diverse stakeholder resource advisory committees. In Idaho, resource advisory committees are partnering with the Forest Service and other organizations to fight the spread of weeds on the Nez Perce National Forest, make road improvements in Hells Canyon National Recreation Area, and repair culverts and improve fish habitat on the Caribou-Targhee National Forest.

These groups are reducing management gridlock and building collaborative public lands decisionmaking capacity in counties across America. These resource advisory committees are a real and working compact between the Federal land management agencies and rural communities that includes all interest groups; they represent a true coupling of community with land managers that is good for the land and good for the communities.

Finally, essential services are being supported and developed in forest counties by investing title III funds. In Idaho, counties are using the funding as directed for search and rescue operations and youth employment and educational opportunities.

The impact of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties and their schools, and continue to contribute to improving the health of our National Forests.

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

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

S. 267

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 ''Secure Rural Schools and Community Self-Determination Reauthorization Act of 2005''.

SEC. 2. REAUTHORIZATION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) EXTENSION THROUGH FISCAL YEAR 2013.—The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note) is amended—

(1) in sections 101(a), 203(a)(1), 207(a), 208, 303, and 401, by striking ''2006'' each place it appears and inserting ''2013'';

(2) in section 208, by striking ''2007'' and inserting ''2014''; and

(3) in section 303, by striking ''2007'' and inserting ''2014,''.

(b) AUTHORITY TO RESUME RECEIPT OF 25- OR 50-PERCENT PAYMENTS.—

(1) 25-PERCENT PAYMENTS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in paragraph (1), by inserting ''of the Treasury'' after ''Secretary''; and

(B) in paragraph (2)—

(i) in the first sentence, by inserting '', including such an election made during the last quarter of fiscal year 2006 under this paragraph,'' after ''25-percent payment''; and

(ii) in the second sentence, by striking ''fiscal year 2006'' and inserting ''fiscal year 2013, except that the Secretary of the Treasury shall give the county the opportunity to elect, in writing during the last quarter of fiscal year 2006, to begin receiving the 25-percent payment effective with the payment for fiscal year 2007''.

(2) 50-PERCENT PAYMENTS.—Section 103(b)(1) of such Act is amended by striking ''fiscal year 2006'' and inserting ''fiscal year 2013, except that the Secretary of the Treasury shall give the county the opportunity to elect, in writing during the last quarter of fiscal year 2006, to begin receiving the 50-percent payment effective with the payment for fiscal year 2007''.

(c) CLARIFICATION REGARDING SOURCE OF PAYMENTS.—

(1) PAYMENTS TO ELIGIBLE STATES FROM NATIONAL FOREST LANDS.—Section 102(b)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) by striking ''trust fund,'' and inserting ''trust funds, permanent funds,'';

(B) by inserting a comma after ''and''; and

(C) by adding at the end the following new sentence: ''If the Secretary of the Treasury determines that a shortfall is likely for a fiscal year, all revenues, fees, penalties, and miscellaneous receipts referred to in the preceding sentence, exclusive of required deposits to relevant trust funds, permanent funds, and special accounts, that are received during that fiscal year shall be reserved to make payments under this section for that fiscal year.''.

(2) PAYMENTS TO ELIGIBLE COUNTIES FROM BLM LANDS.—Section 103(b)(2) of such Act is amended—

(A) by striking ''trust fund,'' and inserting ''trust funds'';

(B) by inserting a comma after ''and''; and

(C) by adding at the end the following new sentence: ''If the Secretary of the Treasury determines that a shortfall is likely for a fiscal year, all revenues, fees, penalties, and miscellaneous receipts referred to in the preceding sentence, exclusive of required deposits to relevant trust funds and permanent operating funds, that are received during that fiscal year shall be reserved to make payments under this section for that fiscal year.''.

(d) TERM FOR RESOURCE ADVISORY COMMITTEE MEMBERS; REAPPOINTMENT.—Section 205(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(1) in the second sentence, by striking ''The Secretary concerned may reappoint members to'' and inserting ''A member of a resource advisory committee may be reappointed for one or more''; and

(2) by adding at the end the following new sentence: ''Section 1803(c) of Food and Agriculture Act of 1977 (7 U.S.C. 2283(c)) shall not apply to a resource advisory committee established by the Secretary of Agriculture.''.

(e) REVISION OF PILOT PROGRAM.—Section 204(e)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(1) in subparagraph (A), by striking ''The Secretary'' and all that follows through ''approved projects'' and inserting ''At the request of a resource advisory committee, the Secretary concerned may establish a pilot program to implement one or more of the projects proposed by the resource advisory committee under section 203'';

(2) by striking subparagraph (B);

(3) in subparagraph (C), by striking ''by the Secretary concerned'';

(4) in subparagraph (D)—

(A) by striking ''the pilot program'' in the first sentence and inserting ''pilot programs established under subparagraph (A)''; and

(B) by striking ''the pilot program is'' in the second sentence and inserting ''pilot programs are''; and

(5) by redesignating subparagraphs (C), (D), and (E), as so amended, as subparagraphs (B), (C), and (D).

(f) NOTIFICATION AND REPORTING REQUIREMENTS REGARDING COUNTY PROJECTS.—

(1) ADDITIONAL REQUIREMENTS.—Section 302 of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended by adding at the end the following new subsection:

''(c) NOTIFICATION AND REPORTING REQUIREMENTS.—

''(1) NOTIFICATION.—Not later than 90 days after the end of each fiscal year during which county funds are obligated for projects under this title, the participating county shall submit to the Secretary concerned written notification specifying—

''(A) each project for which the participating county obligated county funds during that fiscal year;

''(B) the authorized use specified in subsection (b) that the project satisfies; and

''(C) the amount of county funds obligated or expended under the project during that fiscal year, including expenditures on Federal lands, State lands, and private lands.

''(2) REVIEW.—The Secretary concerned shall review the notifications submitted under paragraph (1) for a fiscal year for the purpose of assessing the success of participating counties in achieving the purposes of this title.

''(3) ANNUAL REPORT.—The Secretary concerned shall prepare an annual report containing the results of the most-recent review conducted under paragraph (2) and a summary of the notifications covered by the review.

''(4) SUBMISSION OF REPORT.—The report required by paragraph (3) for a fiscal year shall be submitted to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Resources of the House of Representatives not later than 150 days after the end of that fiscal year.''.

(2) DEFINITION OF SECRETARY CONCERNED.—Section 301 of such Act is amended by adding at the end the following new paragraph:

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture, with respect to county funds reserved under section 102(d)(1)(B)(ii) for expenditure in accordance with this title;

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior, with respect to county funds reserved under section 103(c)(1)(B)(ii) for expenditure in accordance with this title.''.

(3) REFERENCES TO PARTICIPATING COUNTY.—Section 302(b) of such Act is amended—

(A) by striking ''An eligible county'' each place it appears in paragraphs (1), (2), and (3) and inserting ''A participating county''; and

(B) by striking ''A county'' each place it appears in paragraphs (4), (5), and (6) and inserting ''A participating county''.

(g) TECHNICAL CORRECTION.—Section 205(a)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended by striking the comma after ''the Secretary concerned may''.

Mr. WYDEN. Mr. President, I rise today to join my very dear friend and colleague, Senator CRAIG of Idaho, as his principal cosponsor on legislation to reauthorize a law that has spawned a revolution in forest dependent communities in 42 States and in over 700 counties across the country. Our bill will reauthorize the Secure Rural Schools and Community Self Determination Act of 2000.

This bill is short and simple but also extraordinary: it renews the original law and its programs for 8 more years. It also makes some technical and grammatical corrections to the original law and adds an oversight report on some of the projects done under this Act. As we introduce this bill today in the Senate, our friends and colleagues in the House are introducing the exact same bill with the same, bi-partisan spirit.

The reason we can pursue reauthorization of such a far reaching law with such little language is because the folks that it affects, the forest dependent communities, as well as the educators, the county leaders and the environmentalists in those communities, have made this law work. The reason we want to reauthorize this legislation is because these same folks want to continue the work this law allows

them to do together, on federal and private lands, and in rural communities.

The Secure Rural Schools and Community Self Determination Act of2000 is sustaining rural communities as well as encouraging industry and creating jobs based on natural resources. If I may paraphrase a famous commercial to describe this legislation, I'd say:

Stabilization of payments to counties for roads and schools—millions of dollars; Additional investments and the creation of new jobs through forest related projects—thousands of projects; Improving cooperative relationships among the people that use and care for federal lands: Priceless.

Title I of the Act stabilizes funding for public education in rural communities. It also fortifies local government budgets that provide health and safety services in rural America, as well as maintains the transportation corridors that move people and material to and from forest communities.

Title II of the Act provides resources for community-based stewardship for local federal lands. By establishing Resource Advisory Committees, RACs, tasked with reviewing and recommending to the Forest Service and Bureau of Land Management projects to be completed on Federal lands that benefit the community and the federal lands associated with that RAC, this Act has resulted in over a thousand projects making Federal lands more environmentally healthy today than before this Act passed in 2000. RACs enlist community members representing environmental interests, recreations users, farmers, local officials and forest products industry. This collaborative planning of management of local Federal lands has put people to work building fish-friendly culverts; reducing hazardous fuel loads; enhancing picnic, camping and hiking facilities; and removing debris and noxious plant species.

The kinds of projects the RACs have supported are varied: watershed restoration and maintenance; wild life habitat restoration; native fisheries habitat enhancement; forest health improvements; wild land fire hazard reduction; control of noxious weeds; removal of trash and illegal dumps; road maintenance and obliteration; trail maintenance and obliteration; and campground maintenance.

Title III of the Act supports activities protecting federal infrastructure and the forest ecosystem. Fire Planning, emergency response, law enforcement and search and rescue services make federallands safe. They reinforce county government's commitment to the partnership between the Federal Government and local communities. These funds are being used to respond to forest fires conduct search and rescue missions and improve forest health while teaching at-risk children and rehabilitating prisoners in prison-work camp programs. Title III projects, like Title II projects, are also helping to develop cooperative projects between counties, local, State and Federal officials and agencies.

The Act's greatest financial footprint is felt in the West, but financial benefits flow to counties nationwide. Significant investment in Federal lands has taken or will take place: $121 million from Title II and $124 million from Title III. At least 1,168 Title II projects were approved during the Act's first two years.

Under the reauthorization we are sponsoring the payment amount will continue to be based on the average of timber receipts for the three top federal land timber production years: FY 1985 through FY 2000. Currently, on lands where there is no harvest and no safety net, the communities get no money. For those lands, funds will be provided from the general treasury. For others, there would be funds available, first from receipts but then from the general treasury. Still, for counties where the status quo is their best source of funds, they could stay with the status quo until they feel the need to use the safety net. No longer will there be an absolute a reliance on receipts, thus decreasing pressure on land managers to produce timber harvest for schools and counties. While there is widespread application of the Act, 86 percent of counties nationwide have opted for the ''stable payment;'' under the reauthorization bill, if a county that has been part of this Act would like to opt out it may do so. It is only fair to allow this, given that the county may have opted in by assuming the law would only last through 2006.

Very strong support exists across the nation from stakeholders for renewal of the Act past fiscal year 2006.

I urge my colleagues to work with me and my colleague across the aisle on this bi-partisan, bi-cameral effort to renew a law that is actually working on the ground.

By Mr. HARKIN (for himself, Mrs. CLINTON, Mr. COCHRAN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LUGAR, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, today I am introducing legislation, the Training for Realtime Writers Act of 2005, on behalf of myself and my colleagues, Senators CLINTON, COCHRAN, KOHL, LAUTENBERG, LEAHY, LUGAR, ROCKEFELLER, and WYDEN.

The 1996 Telecom Act required that all television broadcasts were to be captioned by 2006 and all Spanish language programming was to be captioned by 2010. This was a much needed reform that has helped millions of deaf and hard-of-hearing Americans to be able to take full advantage of television programming. Sadly, we have yet to meet that demand. It has been estimated that 3,000 captioners are needed to fulfill the 2006 mandate, and that number continues to increase as more and more broadband stations come online. Unfortunately, the United States has fallen behind in training these individuals. We must jump start training programs to get students in the pipeline and begin to address the need for Spanish language broadcasting.

This is an issue that I feel very strongly about because my late brother, Frank, was deaf. I know personally that access to culture, news, and other media was important to him and to others in achieving a better quality of life. More than 28 million Americans, or 8 percent of the population, are considered deaf or hard of hearing and many require captioning services to participate in mainstream activities. In 1990, I authored legislation that required all television sets to be equipped with a computer chip to decode closed captioning. This bill completes the promise of that technology, affording deaf and hard of hearing Americans the same equality and access that captioning provides.

But let me emphasize that the deaf and hard of hearing population is only one of a number of groups that will benefit from the legislation. The audience for captioning also includes individuals seeking to acquire or improve literacy skills, including approximately 27 million functionally illiterate adults, 3 to 4 million immigrants learning English as a second language, and 18 million children learning to read in grades kindergarten through 3. I see people using closed captioning to stay informed everywhere—from the gym to the airport. Here in the Senate, I would wager that many individuals on our staff have the captioning turned on right now to follow what is happening on the Senate floor while they go about conducting the meetings and phone calls that advance legislation. Captioning helps people educate themselves and helps all of us stay informed and entertained when audio isn't the most appropriate medium.

Although the 2006 deadline is only 23 months away, our nation is facing a serious shortage of captioners. Over the past decade, student enrollment in programs that train court reporters to become realtime writers has decreased by 50 percent causing such programs to close on many campuses. Yet the need for these skills continues to rise. In fact, the rate of job placement upon graduation nears 100 percent. In addition, the majority of closed captioners are independent contractors. They are the small businesses that run the American economy and we should do everything we can to promote the creation and support of those businesses.

That is why my colleagues and I are introducing this vital piece of legislation. The Training for Realtime Writers Act of 2005 would establish competitive grants to be used toward training real time captioners. This is necessary to ensure that we meet our goal set by the 1996 Telecom Act.

The Senate Commerce Committee reported this bill unanimously last session, the full Senate has passed this Act without objection twice now, and we stand here today, once again at the beginning of the process. I ask my colleagues to join us once again in support of this legislation and join us in our effort to win its passage into law. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 268

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 'Training for Realtime Writers Act of 2005'.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned in English by 2006 and Spanish by 2010.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and (D) 30,000,000 people for whom English is a second language.

(7) Over the past decade, student enrollment in programs that train realtime writers and closed captioners has decreased by 50%, even though job placement upon graduation is 100%.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REAL TIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection

(b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) further develop and implement both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) mentor students to ensure successful completion of the realtime training and provide assistance in job placement;

(6) encourage individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grant amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include

a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $20,000,000 for each of fiscal years 2006, 2007, and 2008.

(2) Such sums as may be necessary for fiscal year 2009.

By Mr. KERRY (for himself, Mr. REED, Mr. DODD, Mr. BINGAMAN, Mr. KOHL, Mr. JEFFORDS, Ms. CANTWELL, Mr. JOHNSON, Mr. PRYOR, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, and Mr. OBAMA):

S. 269. A bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, tonight the President will deliver his fifth State of the Union address. It is expected that he will, in that address, talk about his plan to expand the ownership of businesses, as he did in his Inaugural Address. As a long-time member of the Senate Committee on Small Business & Entrepreneurship, I hope that the administration will also tend to the needs of small businesses that already exist, in particular those struggling to make ends meet with the record high cost of heating fuels. It could be done very easily by making those small businesses eligible to apply for low-cost disaster loans through the Small Business Administration's Economic Injury Disaster Loan Program. And by making small farms and agricultural businesses eligible for loans through a similar loan program at the Department of Agriculture.

There has been a bipartisan push for this assistance in Congress twice in the past few years, most recently in November during the consideration of the mega funding bill, the FY2005 Omnibus Appropriations Conference Report. It makes no sense that out of 3,000 pages of legislation and almost $400 billion in spending, the White House and the Republican leadership, opposing members in their own party, refused to help the little guy. While it would have been most helpful to these businesses—from small heating oil dealers to small manufacturers—to enact the legislation in November when the prices were at an all-time high, we can still be helpful now.

In that spirit, together with Senator REED and 17 of my colleagues, I am reintroducing the Small Business and Farm Energy Emergency Relief Act. I thank Senators REED, DODD, BINGAMAN, KOHL, JEFFORDS, CANTWELL, JOHNSON, PRYOR, LEAHY, LEVIN, SCHUMER, LIEBERMAN, CLINTON, HARKIN, KENNEDY, BAYH and OBAMA. In the past, this assistance has been supported by many Republicans, and I hope they will again cosponsor the legislation. I have reached out to them in hopes that they will once again work in a bipartisan way to help our small businesses. I know the heating oil issue is important to Senator SNOWE, my colleague and chairman of the Committee on Small Business & Entrepreneurship, and I look forward to working with her. I am hopeful that she will cosponsor this bill and agree to take action on it in Committee as soon as possible.

We have built a very clear record over the years on how this legislation would work and why it is needed. Let me take a few minutes to summarize those conclusions. The Small Business and Farm Energy Emergency Relief Act of 2005 would provide emergency relief, through affordable, low-interest SBA and USDA Disaster loans, to small businesses adversely affected by, or likely to be adversely affected by, significant increases in the prices of four heating fuels—heating oil, propane, kerosene, and natural gas. This would be helpful, because for those businesses in danger of or already suffering from significant economic injury caused by crippling increases in the costs of heating fuel, they need access to capital to mitigate or avoid serious losses. However, commercial lenders typically won't make loans to these small businesses because they often don't have the increased cash flow to demonstrate the ability to repay the loan.

Economic injury disaster loans give affected small businesses necessary working capital until normal operations resume, or until they can restructure or change the business to address the market changes. These are direct loans, made through the SBA, with interest rates of 4 percent or less. The SBA tailors the repayment of each economic injury disaster loan to each borrower's financial capability, enabling them to avoid the robbing Peter to pay Paul syndrome, as they juggle bills.

In practical terms, SBA considers economic injury to be when a small business is unable, or likely to be unable, to meet its obligations as they mature or to pay its ordinary and necessary operating expenses. To be eligible to apply for an economic injury loan,

you must be a small business that has been the victim of some kind of disaster,

you must have used all reasonably available funds,

and you must be unable to obtain credit elsewhere.

Under this program, the disaster must be declared by the President, the SBA Administrator, or a governor at the discretion of the Administrator. Small businesses will have nine months to apply from October 1, 2004 or, for future disasters, from the day a disaster is declared.

This bill differs from the legislation we put forward in 2001 in that it uses a different trigger to define a disaster. For this legislation, Senator REED worked closely with the Department of Energy to identify what would be considered extreme price jumps in the heating fuels of heating oil, natural gas, and propane. Therefore, the assistance under this bill would become available when the price jumps 40 percent, when compared to the same period for the two previous years, when absorbing the cost becomes nearly impossible.

Mr. President, I again ask that my colleagues get behind this bill and make it law as soon as possible. I ask unanimous consent that a copy of a bipartisan letter of support, a copy of the cosponsors from the 107th Congress, and a copy of the bill be printed in the RECORD.

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

NOVEMBER 16, 2004.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. JUDD GREGG,
Chairman, Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, U.S. Senate, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. FRITZ F. HOLLINGS,
Ranking Member, Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS STEVENS, BYRD, GREGG AND HOLLINGS: We are writing to request you include a provision in the fiscal year 2005 Omnibus Appropriations Conference Report to make heating oil distributors and other small businesses harmed by substantial increases in energy prices eligible for Small Business Administration (SBA) disaster loans. Many small businesses are being adversely affected by the substantial increases in the prices of heating oil, propane, kerosene and natural gas. The recent volatile and substantial increases in the cost of these fuels is placing a tremendous burden on the financial resources of small businesses, which typically have small cash flows and narrow operating margins.

Heating oil and propane distributors, in particular, are being impacted. Heating oil and propane distributors purchase oil through wholesalers. Typically, the distributor has 10 days to pay for the oil. The money is pulled directly from a line of credit either at a bank or with the wholesaler. Given the high cost of heating oil, distributors' purchasing power is much lower this year compared to previous years. In addition, the distributors often do not receive payments from customers until 30 days or more after delivery; therefore, their financial resources for purchasing oil for customers and running their business are limited. Heating oil and propane dealers need to borrow money on a short-term basis to maintain economic viability. Commercial lenders

typically will not make loans to these small businesses because they usually do not have the increased cash flows to demonstrate the ability to repay the loan. Without sufficient credit, these small businesses will struggle to purchase the heating fuels they need to supply residential customers, businesses and public facilities, such as schools. These loans would provide affected small businesses with the working capital needed until normal operations resume or until they can restructure to address the market changes.

SBA's disaster loans are appropriate sources of funding to address this problem. The hurricanes that caused significant damage to the Gulf Coast along with the current instability in Iraq, Nigeria and Russia caused a surge in the price of oil and important refined products, especially heating fuels. The conditions restricting these small businesses' access to capital are beyond their control and SBA loans can fill this gap when the private sector does not meet the credit needs of small businesses.

A similar provision passed the Small Business Committee and Senate with broad bipartisan support during the 10th Congress when these small businesses faced a substantial increase in energy prices. In addition, there is precedence for this proposal, as a similar provision was enacted in the 104th Congress to help commercial fisheries failures.

Thank you for your consideration. Please find enclosed suggested draft language for the proposal. If your staff has questions about the proposal or the impacts of the current energy price increases on small businesses, please ask them to contact Kris Sarri at 224–0606.

Sincerely,
JACK REED,
JOHN F. KERRY,
ARLEN SPECTER,
CHRISTOPHER J. DODD,
EDWARD M. KENNEDY,
JAMES M. JEFFORDS,
EVAN BAYH,
SUSAN M. COLLINS,
JEFF BINGAMAN,
PATRICK J. LEAHY,
LINCOLN D. CHAFEE,
FRANK LAUTENBERG,
JOSEPH I. LIEBERMAN,
CHARLES E. SCHUMER,
PAUL S. SARBANES,
HILLARY RODHAM CLINTON,
BARBARA A. MIKULSKI.

BILL SUMMARY AND STATUS FOR THE 107TH CONGRESS

Title: A bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

Sponsor: Sen Kerry, John F. [D–MA] (introduced 2/8/2001); Cosponsors: 34.

Committees: Senate Small Business and Entrepreneurship; House Small Business; House Agriculture.

Senate Reports: 107–4.

Latest Major Action: 5/1712001—Referred to House subcommittee. Status: Referred to the Subcommittee on Conservation, Credit, Rural Development and Research.

COSPONSORS, ALPHABETICAL

Sen Akaka, Daniel K. [D–HI]
Sen Bayh, Evan [D–IN]
Sen Bond, Christopher S. [R–MO]
Sen Chafee, Lincoln D. [R–RI]
Sen Clinton, Hillary Rodham [D–NY]
Sen Corzine, Jon [D–NJ]
Sen Dodd, Christopher J. [D–CT]
Sen Edwards, John [D–NC]
Sen Harkin, Tom [D–IA]
Sen Jeffords, James M. [R–VT]
Sen Kennedy, Edward M. [D–MA]
Sen Landrieu, Mary [D–LA]
Sen Levin, Carl [D–MI]
Sen Murray, Patty [D–WA]
Sen Schumer, Charles E. [D–NY]
Sen Snowe, Olympia J. [R–ME]
Sen Torricelli, Robert G. [D–NJ]
Sen Baucus, Max [D–MT]
Sen Bingaman, Jeff [D–NM]
Sen Cantwell, Maria [D–WA]
Sen Cleland, Max [D–GA]
Sen Collins, Susan M. [R–ME]
Sen Daschle, Thomas A. [D–SD]
Sen Domenici, Pete V. [R–NM]
Sen Enzi, Michael B. [R–WY]
Sen Inouye, Daniel K. [D–HI]
Sen Johnson, Tim [D–SD]
Sen Kohl, Herb [D–WI]
Sen Leahy, Patrick J. [D–VT]
Sen Lieberman, Joseph I. [D–CT]
Sen Reed, John F. [D–RI]
Sen Smith, Bob [R–NH]
Sen Specter, Arlen [R–PA]
Sen Wellstone, Paul D. [D–MN]

S. 269

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business and Farm Energy Emergency Relief Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) a significant number of small businesses in the United States, non-farm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small businesses dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983–1984, 1988–1989, 1996–1997, 1999–2000, 2000–2001, and 2004–2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small businesses.

SEC. 3. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

''(4)(A) In this paragraph—

''(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

''(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

''(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

''(iv) the term 'significant increase' means—

''(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

''(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

''(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel.

''(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

''(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

''(E) For purposes of assistance under this paragraph—

''(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

''(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

''(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.''.

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting '', significant increase in the price of heating fuel'' after ''civil disorders''; and

(2) by inserting ''other'' before ''economic''.

SEC. 4. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking ''operations have'' and inserting ''operations (i) have''; and

(B) by inserting before '': *Provided,*'' the following: '', or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and

(II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary'';

(2) in the third sentence, by inserting before the period at the end the following: ''or by an energy emergency declared by the President or the Secretary''; and

(3) in the fourth sentence—

(A) by inserting ''or energy emergency'' after ''natural disaster'' each place that term appears; and

(B) by inserting ''or declaration'' after ''emergency designation''.

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from natural disasters .

SEC. 5. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this Act and the amendments made by this Act.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iv)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iv)(II)).

SEC. 6. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under section 5, and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 5, and annually thereafter, the Secretary shall submit to the Committee on Small Business and Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act (15 U.S.C. 636(b)(4)); and

(2) contains recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

SEC. 7. EFFECTIVE DATE.

(a) SMALL BUSINESS.—The amendments made by this Act shall apply during the 4–year period beginning on the date on which guidelines are published by the Administrator of the Small Business Administration under section 5, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this Act, to economic injury suffered or likely to be suffered as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004; or

(b) AGRICULTURE.—The amendments made by section 4 shall apply during the 4–year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 5.

By Mr. LUGAR:

S. 270. A bill to provide a framework for consideration by the legislative and executive branches of proposed unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the Sanctions Policy Reform Act.

The fundamental purpose of my bill is to promote good governance through thoughtful deliberation on those proposals involving unilateral economic sanctions directed against other countries. My bill lays out a set of guidelines and requirements for a careful and deliberative process in both branches of government when considering new unilateral sanctions. It does not preclude the use of economic sanctions nor does it change those sanctions already in force. It is based on the principle that if we improve the quality of our policy process and public discourse, we can improve the quality of the policy itself.

Numerous studies have shown that unilateral sanctions rarely succeed and often harm the United States more than the target country. Sanctions can jeopardize billions of dollars in U.S. export earnings and hundreds of thousands of American jobs. They frequently weaken our international competitiveness by yielding to other countries those markets and opportunities that we abandon. They also can undermine our ability to provide humanitarian assistance abroad.

Unilateral sanctions often appear to be cost-free, but they have many unintended victims—the poor in the target countries, American companies, American labor, American consumers and, quite frankly, American foreign policy. Sanctions can weaken our international competitiveness, lower our global market share, abandon our established market to others and jeopardize billions in export earnings—the key to our economic growth. They may also impair our ability to provide humanitarian assistance. They sometimes anger our friends and call our international leadership into question. In many cases, unilateral sanctions are well-intentioned, but impotent, serving only to create the illusion of U.S. action. In the worst cases, unilateral sanctions are actually undermining our own interests in the world.

Unilateral sanctions do have a place in our foreign policy. There will always be situations in which the actions of other countries are so egregious or so threatening to the United States that some response by the United States, short of the use of military force, is needed and justified. In these instances, sanctions can be helpful in getting the attention of another country, in showing U.S. determination to change behaviors we find objectionable, or in stimulating a search for creative solutions to difficult foreign policy problems.

But decisions to impose them must be fully considered and debated. Too frequently, this does not happen. Unilateral sanctions are often the result of a knee-jerk impulse to take action, combined with a timid desire to avoid the risks and commitments involved in more potent foreign policy steps that have greater potential to protect American interests. We must avoid putting U.S. national security in a straight-jacket, and we must have a clear idea of the consequences of sanctions on our own security and prosperity before we enact them.

To this end, I am offering this bill to reform the U.S. sanctions decision-making process. The bill will establish procedural guidelines and informational requirements that must be met prior to the imposition of unilateral economic sanctions. For example, before imposing unilateral sanctions, Congress would be required to consider findings by executive branch officials that evaluate the impact of the proposed sanctions on American agriculture, energy requirements, and capital markets. The bill mandates that we be better informed about the prospects that our sanctions will succeed, about the economic costs to the United States, and about the sanctions' impact on other American objectives.

In addition, this sanctions policy reform bill provides for more active consultation between the Congress and the President and for Presidential waiver authority if the President determines it is in our national security interests. It also establishes an executive branch Sanctions Review Committee, which will be tasked with evaluating the effect of any proposed sanctions and providing appropriate recommendations to the President prior to the imposition of such sanctions.

The bill would have no effect on existing sanctions. It would apply only to new sanctions that are enacted after this bill became law. It also would apply only to sanctions that are unilateral and that are intended to achieve foreign policy goals. As such, it excludes trade remedies or trade sanctions imposed because of market access restrictions, unfair trade practices, or violations of U.S. commercial or trade laws.

Let me suggest a number of fundamental principles that I believe should

shape our approach to unilateral economic sanctions: unilateral economic sanctions should not be the policy of first resort (to the extent possible, other means of persuasion ought to be exhausted first); if harm is to be done or is intended, we must follow the cardinal principle that we plan to harm our adversary more than we harm ourselves; when possible, multilateral economic sanctions and international cooperation are preferable to unilateral sanctions and are more likely to succeed, even though they may be more difficult to obtain; we ought to avoid double standards and be as consistent as possible in the application of our sanctions policy; to the extent possible, we ought to avoid disproportionate harm to the civilian population (we should avoid the use of food as a weapon of foreign policy and we should permit humanitarian assistance programs to function); our foreign policy goals ought to be clear, specific and achievable within a reasonable period of time; we ought to keep to a minimum the adverse affects of our sanctions on our friends and allies; we should keep in mind that unilateral sanctions can cause adverse consequences that may be more problematic than the actions that prompted the sanctions—a regime collapse, a humanitarian disaster, a mass exodus of people, or more repression and isolation in the target country, for example; we should explore options for solving problems through dialogue, public diplomacy, and positive inducements or rewards; the President of the United States should always have options that include both sticks and carrots that can be adjusted according to circumstance and nuance (the Congress should be vigilant by ensuring that his options are consistent with Congressional intent and the law); and in those cases where we do impose sanctions unilaterally, our actions must be part of a coherent and coordinated foreign policy that is coupled with diplomacy and consistent with our international obligations and objectives.

An unexamined reliance on unilateral sanctions may be appropriate for a third-rate power whose foreign policy interests lie primarily in satisfying domestic constituencies or cultivating a self-righteous posture. But the United States is the world's only superpower. Our own prosperity and security, as well as the future of the world, depend on a vigorous and effective assertion of our international interests.

The United States should never abandon its leadership role in the world, nor forsake the basic values we cherish. We must ask, however, whether we are always able to change the actions of other countries whose behavior we find disagreeable or threatening. If we are able to influence those actions, we need to ponder how best to proceed. In my judgment, unilateral economic sanctions will not always be the best answer. But, if they are the answer, they should be structured so that they do as little harm as possible to our global interests. By improving upon our procedures and the quality and timeliness of our information when considering new sanctions, I believe U.S. foreign policy will be more effective.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Ms. SNOWE, Ms. COLLINS, and Mr. SALAZAR):

S. 271. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my good friends and colleagues Senators FEINGOLD from Wisconsin, and LOTT from Mississippi, and our good friends who lead the campaign finance reform fight in the House, Representatives SHAYS and MEEHAN, in introducing a bill to end the illegal practice of 527 groups spending soft money on ads and other activities to influence Federal elections.

As my colleagues know, a number of 527 groups raised and spent a substantial amount of soft money in a blatant effort to influence the outcome of last year's Presidential election. These activities are illegal under existing laws, and yet once again, the Federal Election Commission, FEC, has failed to do its job and has refused to do anything to stop these illegal activities. Therefore, we must pursue all possible steps to overturn the FEC's misinterpretation of the campaign finance laws, which is improperly allowing 527 groups whose purpose is to influence Federal elections to spend soft money on these efforts.

According to an analysis by campaign finance scholar Tony Corrado, Federally oriented 527s spent $423 million on the 2004 elections. The same analysis shows that ten donors gave at least $4 million each to 527s involved in the 2004 elections and two donors each contributed over $20 million.

In September, we filed a lawsuit to overturn the FEC's failure to issue regulations to stop these illegal practices by 527 groups. President Bush and his campaign filed a similar lawsuit against the FEC as well, and I also appreciate President Bush's support for the legislative effort we begin today on 527s. Today, we are introducing legislation that will accomplish the same result. We are going to follow every possible avenue to stop 527 groups from effectively breaking the law, and doing what they are already prohibited from doing by longstanding laws.

The bill we introduce today is simple. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization efforts effecting both Federal and local races and, therefore, use both a Federal and a non-Federal account under FEC regulations. The new rules would prevent unlimited soft money from being channeled into Federal election activities by these Federal political committees.

Under the new rules, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-Federal account would have to come from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-Federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to finance these activities.

Let me be perfectly clear on one point here. Our proposal will not shut down 527s, it will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if it weren't for the abject failure of the FEC to enforce existing law. As my colleagues well know, some organizations, registered under section 527 of the Internal Revenue Code, had a major impact on last year's presidential election by raising and spending illegal soft money to run ads attacking both President Bush and Senator KERRY. The use of soft money to finance these activities is clearly illegal under current statute, and the fact that they have been allowed to continue unchecked is unconscionable.

The blame for this lack of enforcement does not lie with the Congress, nor with the Administration. The blame for this continuing illegal activity lies squarely with the FEC. This agency has a duty to issue regulations to properly implement and enforce the Nation's campaign laws—and the FEC has failed, and it has failed miserably to carry out that responsibility. The Supreme Court found that to be the case in its McConnell decision, and Judge Kollar-Kotelly found that to be the case in her decision overturning 15 regulations incorrectly adopted by the FEC to implement the Bipartisan Campaign Reform Act of 2002, BCRA. That is why a Los Angeles Times editorial stated that, ''her decision would make a fitting obituary for an agency that deserves to die.'' We are not going to allow the destructive FEC to continue

to undermine the Nation's campaign finance laws as it has been consistently doing for the past two decades.

Opponents of campaign reform like to point out that the activities of these 527s serve as proof that BCRA has failed in its stated purpose to eliminate the corrupting influence of soft money in our political campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the 1974 law and the failure of the FEC to do its job and properly regulate the activities of these groups.

As further evidence of the FEC's lack of capability, let me quote from a couple of court decisions which highlight this agency's shortcomings. First, in its decision upholding the constitutionality of BCRA in McConnell v. FEC, the U.S. Supreme Court stated that the FEC had ''subverted'' the law, issued regulations that ''permitted more than Congress had ever intended,'' and ''invited widespread circumvention'' of FECA's limits on contributions. Additionally, in September, a Federal district court judge threw out 15 of the FEC's regulations implementing BCRA. Among the reasons for her actions were that one provision ''severely undermines FECA'' and would ''foster corruption'', another ''runs completely afoul'' of current law, another would ''render the statute largely meaningless'' and, finally, that another had ''no rational basis.''

The track record of the FEC is clear and, by their continued stonewalling, the Commission has proven itself to be nothing more than a bureaucratic nightmare, and the time has come to put an end to its destructive tactics. The FEC has had ample, and well documented, opportunities to address the issue of the 527's illegal activities, and each time they have taken a pass, choosing instead to delay, postpone, and refuse to act.

Enough is enough. It is time to stop wasting taxpayer's dollars on an agency that runs roughshod over the will of the Congress, the Supreme Court, the American people, and the Constitution. We've fought too long and too hard to sit back and allow this worthless agency to undermine the law.

So, here is the bottom line: If the FEC won't do its job, and its commissioners have proven time and time again that they won't, then we'll do it for them. The bill Senators FEINGOLD, LOTT and I introduce today will put an end to the abusive, illegal practices of these 527s.

I urge my colleagues to support swift passage of this bill and put an end to this problem once and for all.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENZI submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $4,545,576, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $7,981,411, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $3,397,620, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006 and February 28, 2007, respectively.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 35—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 35

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,394,529, of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual