

Mr. DAYTON, Mr. MCCAIN, Mr. DODD, Ms. SNOWE, Mr. DURBIN, Mr. SPECTER, Mr. FEINGOLD, Mr. STEVENS, Mrs. FEINSTEIN, Mr. TALENT, Mr. HARKIN, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. PRYOR, and Mr. SCHUMER):

S. Res. 39. A resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. DURBIN, and Mr. SANTORUM):

S. Res. 40. A resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. REED, Mr. CHAFEE, Mr. DODD, and Mr. LIEBERMAN):

S. Res. 41. A resolution congratulating the New England Patriots on their victory in Super Bowl XXXIX; considered and agreed to.

By Mr. LUGAR:

S. Res. 42. A resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 5

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. BOND) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 5, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 11

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 11, a bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes.

S. 12

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 12, a bill to combat international terrorism, and for other purposes.

S. 13

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 13, a bill to amend titles 10 and 38, United States Code, to expand and enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes.

S. 50

At the request of Mr. INOUE, the names of the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's

tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 77

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 84

At the request of Mr. INOUE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 84, a bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation.

S. 98

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 103

At the request of Mr. TALENT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. CONRAD) 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. 196

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 196, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 256

At the request of Mr. GRASSLEY, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 256, a bill to amend title 11 of the United States Code, and for other purposes.

S. 267

At the request of Mr. CRAIG, the names of the Senator from Montana (Mr. BURNS), the Senator from Washington (Ms. CANTWELL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Washington (Mrs. MURRAY) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 294

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 294, a bill to strengthen the restrictions of the importation from BSE minimal-risk regions of meat, meat by-products, and meat food products from bovines.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Ms. MURKOWSKI) 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. RES. 26

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. MARTINEZ), the Senator from Nebraska (Mr. HAGEL), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 26, a resolution commending the people of Iraq on the election held on January 30, 2005, of a 275-member transitional National Assembly and of provincial and regional governments and encouraging further steps toward establishment of a free, democratic, secure, and prosperous Iraq.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUE:

S. 298. A bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

Mr. INOUE. Mr. President, I rise to introduce legislation to repeal the current 50 percent tax deduction for business meals and entertainment expenses, and to restore the tax deduction to 80 percent gradually over a five-year period. Restoration of this deduction is essential to the livelihood of small and independent businesses as

well as the food service, travel, tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of the 50 percent tax deduction.

Small businesses rely heavily on the business meal to conduct business, even more so than larger corporations. The Small Business Administration (SBA) Office of Advocacy, in releasing a study last May, "The Impact of Tax Expenditure Policies on Incorporated Small Business," found that small incorporated businesses benefit more than their larger counterparts from the meal and entertainment tax deduction. According to the study, small firms that take advantage of the business-meal deduction reduce their effective tax rate by 0.75 percent on average, while larger firms only receive a 0.11 percent reduction in their effective tax rate. More importantly, the study strongly suggests that full reinstatement of the business meal and entertainment deduction should be a major policy priority for small businesses.

Small companies often use restaurants as "conference space" to conduct meetings or close deals. Meals are their best and sometimes only marketing tool. Certainly, an increase in the meal and entertainment deduction would have a significant impact on a small businesses bottom line. In addition, the effects on the overall economy would be significant.

Accompanying my statement is the National Restaurant Association's, NRA, State-by-State chart reflecting the estimated economic impact of increasing the business meal deductibility from 50 percent to 80 percent. The NRA estimates that an increase to 80 percent would increase business meal sales by \$6 billion and create a \$13 billion increase to the overall economy.

I urge my colleagues to join me in co-sponsoring this important legislation. I ask unanimous consent that the NRA's State-by-State chart and the text of my bill be printed in the RECORD.

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

**ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%**

State	Increase in business meal spending, 50% to 80% deductibility (in millions)	Total economic impact in the state (in millions)
Alabama	\$86	\$177
Alaska	19	32
Arizona	128	254
Arkansas	46	92
California	970	2,149
Colorado	131	284
Connecticut	90	168
Delaware	24	43
District of Columbia	34	45
Florida	376	768
Georgia	215	481
Hawaii	44	84
Idaho	25	49
Illinois	315	738
Indiana	136	279
Iowa	54	115
Kansas	53	109
Kentucky	93	187
Louisiana	98	191
Maine	28	54

**ESTIMATED IMPACT OF INCREASING BUSINESS MEAL DEDUCTIBILITY FROM 50% TO 80%—Continued**

State	Increase in business meal spending, 50% to 80% deductibility (in millions)	Total economic impact in the state (in millions)
Maryland	133	277
Massachusetts	207	411
Michigan	223	435
Minnesota	123	278
Mississippi	49	94
Missouri	133	302
Montana	21	38
Nebraska	37	77
Nevada	77	135
New Hampshire	35	65
New Jersey	196	407
New Mexico	40	75
New York	439	858
North Carolina	196	411
North Dakota	13	24
Ohio	266	581
Oklahoma	74	158
Oregon	86	178
Pennsylvania	272	606
Rhode Island	35	64
South Carolina	98	195
South Dakota	17	33
Tennessee	140	306
Texas	551	1,287
Utah	44	95
Vermont	13	25
Virginia	164	346
Washington	168	342
West Virginia	31	54
Wisconsin	115	249
Wyoming	11	18

Source: National Restaurant Association estimates, 2005.

**S. 298**

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

**SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.**

(a) IN GENERAL.—Section 274(n)(1) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" and inserting "the applicable percentage".

(b) APPLICABLE PERCENTAGE.—Section 274(n) of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and inserting the following:

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined under the following table:

For taxable years beginning in calendar year—	The applicable percentage is—
2005	70
2006 or 2007	75
2008 or thereafter	80."

(c) CONFORMING AMENDMENT.—The heading for section 274(n) of the Internal Revenue Code of 1986 is amended by striking "ONLY 50 PERCENT" and inserting "PORTION".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

By Mr. WYDEN:

S. 299. A bill to make information regarding certain investments in the energy sector in Iran available to the public, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, in his inaugural address and again in the state of the union President Bush promised to take on tyranny around the world. There's one corner of the world where tyranny is the currency of the realm, and where one country stands head and shoulders above the rest for its record

of brutality towards its own people and hostility toward its neighbors. That country is Iran.

The lifeblood of the Iranian economy is oil. Oil accounts for 80 percent of Iran's export earnings, almost half of the government's budget and nearly one-fifth of the country's GDP. Every time the price of crude oil rises \$1 a barrel, Iran gains about \$900 million in export revenues. Crude oil prices rose around \$15 over the course of 2004, giving Iran a hurricane-force revenue windfall last year.

Although most U.S. energy companies ceased dealing with Iran when President Clinton imposed sanctions against the regime in 1995, some appear unable to resist the lure of investing in a country that holds 10 percent of the world's proven oil reserves, is OPEC's second largest producer and has the world's second largest natural gas reserves, behind Russia.

In June of last year, for example, a grand jury in the U.S. issued a subpoena to Halliburton seeking information on the work in Iran of its Cayman Islands subsidiary. The Department of Justice has an ongoing criminal investigation into whether Halliburton violated any laws by trading with Iran through a subsidiary. Just a few days ago, Halliburton's CEO announced the company would withdraw its employees from Iran and end its business activities there when it fulfills its ongoing contracts, including a \$35 million gas drilling project it just won last month. GE just made a similar announcement about its subsidiary's activities in Iran.

Foreign companies seeking profits from Iran's energy reserves do not have to worry about such impediments as economic sanctions. Indeed, their governments often bless and sometimes lend them a hand to help win lucrative contracts. When U.S.-based Conoco had to terminate its \$550 million contract to develop some offshore oil and gas fields in 1995, France's Total and Malaysia's Petronas jumped in. In March 1999, France's Elf Aquitaine and Italy's Eni/Agip won a \$1 billion contract for a secondary offshore recovery program. In April 1999, TotalFinaElf teamed up with Eni and Canada's Bow Valley Energy to develop an offshore oil field. Shell, BP and Lukoil are also frequently mentioned as being in the chase for Iranian oil and gas contracts. The Economist Intelligence Unit estimates Iran has attracted \$15-\$20 billion in combined foreign investment in hydrocarbons.

Not only are foreign companies heavily invested in Iran's hydrocarbon sector, but Iran ships some 2.6 million barrels of oil a day to Japan, China, South Korea, Taiwan and Europe.

If President Bush is serious about chasing down tyrants around the globe, he should use every possible means. The legislation I am introducing today, the Investor in Iran Accountability Act, would give the President a powerful tool by holding accountable those

who lend the Iranian regime crucial financial assistance by investing in its energy sector.

First, the legislation would shine a spotlight on those American companies, like Halliburton, which have used the loophole in the Iran sanctions act to continue to do business with Iran in the energy sector. The bill would require the Treasury Secretary to publish a list of the United States companies whose subsidiaries continue to do energy deals with Iran. While I personally do not believe there should be any more backdoor deals with Iran, my view is that an informed American public is best equipped to hold these companies accountable.

Second, the legislation would hold up to the light of public accountability those foreign companies that have more than \$1 million invested in Iran's energy interests by requiring the Treasury Department to publish a list of those companies as well. Third, the legislation would give American investors for the first time an idea of those U.S. pension and retirement plans, mutual funds and other financial instruments that hold investments in these U.S. and foreign companies by requiring the Treasury Department to publish a list of all public and private U.S. financial interests that hold more than \$100,000-worth of investment in these companies. Finally, because unilateral economic sanctions penalize American companies and open the field to foreign companies without inflicting any real economic pain on Iran, the bill directs the President to negotiate an end to foreign investment in Iran's energy sector with the appropriate foreign governments.

Some of my colleagues will remember that in the late 1970s and 1980s Congress struggled with ways to force the South African regime to abandon apartheid. One of the most effective tools in that fight was a public armed with information about which companies were doing business there so that American shareholders could choose to place their money elsewhere. The movement by American investors to rid their portfolios of holdings in companies that persisted in doing business with the apartheid regime in South Africa proved to be one of the most potent tools in the fight to end apartheid. This legislation will arm American investors with knowledge about which U.S. and foreign companies are supporting Iran's critical energy sector and which U.S. entities hold investments in them. With this knowledge, it is my hope that American investors will choose not to aid and abet the Iranian regime by continuing to hold shares in companies or funds that invest in the Iranian oil and gas sector.

The Iranian regime has made no secret of its desire to attract billions of dollars-worth of foreign investment, particularly to the energy sector. It even adopted a law in January 2003 specifically designed to attract foreign investors. Iran, which has recently dis-

covered some new reserves of 30 billion barrels of crude oil, has ambitious plans to expand oil production from around 3.9 million barrels a day in 2004 to 5 million barrels a day in 2009. But with deteriorating equipment and the natural decline rate of existing wells, it simply cannot achieve those goals without significant foreign help.

In closing, I would point out that the Securities and Exchange Commission has determined that significant corporate operations in countries subject to U.S. economic sanctions, such as Iran, can represent a material risk to United States investors and that such investments should be properly disclosed. My bill would make sure this information is disclosed to the American public.

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. 299

*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 "Investor in Iran Accountability Act of 2005".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Department of State's Patterns of Global Terrorism report for 2003 stated that "Iran remained the most active state sponsor of terrorism in 2003".

(2) That report further stated that—

(A) Iran continues to provide funding, safehaven, training, and weapons to known terrorist groups, including Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine; and

(B) the Government of Iran's poor human rights record continues to worsen.

(3) In 1979, in response to the Islamic Revolution in Iran and the holding of United States citizens as hostages in Iran, the United States imposed economic sanctions against Iran that prohibit virtually all trade and investment activities with Iran by citizens of the United States or United States companies.

(4) The United States does not prohibit foreign subsidiaries of United States companies from investing in Iran if the foreign subsidiary is independent of the United States parent company.

(5) A number of subsidiaries of United States companies appear to be taking advantage of this condition and are investing in the energy sector in Iran through such subsidiaries.

(6) According to the Energy Information Administration of the Department of Energy, Iran is the second largest oil producer in the Organization of the Petroleum Exporting Countries (OPEC) and holds 10 percent of the world's proven oil reserves.

(7) According to the Energy Information Administration, the economy of Iran relies heavily on revenues generated by the export of oil and such revenues account for approximately 80 percent of Iran's total annual export earnings, nearly one-half of the annual budget of the Government of Iran, and as much as one-fifth of the gross domestic product of Iran.

(8) According to the Energy Information Administration, Iran is actively seeking sig-

nificant new foreign investment in the energy sector and experts believe that with sufficient investment Iran could increase its crude oil production capacity significantly.

(9) The Department of Justice is conducting a criminal investigation into whether United States companies have violated any law by trading or investing with Iran through a subsidiary company that may not be completely independent of the parent company.

(10) The Securities and Exchange Commission has determined that significant corporate operations in countries subject to economic sanctions, such as Iran, can represent a material risk to investors in the United States and that such investments should be properly disclosed.

#### SEC. 3. POLICY OF THE UNITED STATES.

It is the policy of the United States—

(1) to enforce fully existing economic sanctions imposed by United States law against Iran, including sanctions imposed under the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) on persons that make certain investments that contribute to Iran's ability to develop and exploit its petroleum and natural gas resources;

(2) to make available to the public information regarding a United States person or a person that is controlled in fact by a United States person who maintains any direct or indirect investment in the energy sector in Iran; and

(3) to seek international cooperation in fully enforcing economic sanctions against Iran and in prohibiting any direct or indirect investment in Iran until Iran ceases to support international terrorism.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) CONTROLLED IN FACT.—The term "controlled in fact" includes—

(A) with respect to a corporation, the holding of at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) with respect to a legal entity other than a corporation, the holding of interests representing at least 50 percent of the capital structure of the entity.

(2) ENERGY SECTOR.—The term "energy sector" means any research, exploration, development, production, sale, distribution, or advertising of natural gas, oil, or petroleum resources or nuclear power.

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(4) UNITED STATES PERSON.—The term "United States person" means any citizen of the United States, permanent resident alien, or entity organized under the laws of the United States or of any State, wherever located (including foreign branches).

#### SEC. 5. PUBLICATION OF INFORMATION ON INVESTMENTS.

(a) REQUIREMENT TO PUBLISH.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury shall publish in the Federal Register and make available to the public on the Internet website of the Department of the Treasury—

(1) a list of each United States person or each person that is controlled in fact by a United States person that maintains any direct or indirect investment in the energy sector in Iran;

(2) a list of each foreign person that owned investments in the energy sector in Iran with a total value of more than \$1,000,000 during the 12-month period ending on the date of the publication in the Federal Register; and

(3) a list of—

(A) any United States person that holds the securities of a person described in paragraph (1) or (2) valued at more than \$100,000;

(B) any investment company registered under section 8 of the Investment Company Act of 1940 that invests, reinvests, or trades in the securities of a person described in paragraph (1) or (2);

(C) any pension plan or other Federal or State retirement plan that invests in the securities of persons described in paragraph (1) or (2); and

(D) such other investors in the securities of persons described in paragraph (1) or (2) as the Secretary determines is appropriate to carry out the policy set out in section 3.

(b) **REQUIREMENT OF UPDATE.**—The Secretary of the Treasury shall update the lists described in paragraphs (1) through (3) of subsection (a) at least once during each calendar year. Such updates shall be published in the Federal Register and made available to the public on the Internet website of the Department of the Treasury.

#### SEC. 6. INTERNATIONAL COOPERATION.

The President, acting through the Secretary of the Treasury, the Secretary of State, or the head of any other appropriate Federal department or agency, shall undertake negotiations with the government of a foreign country to prohibit any direct or indirect investment in the energy sector in Iran by any person that is controlled in fact by that foreign country.

#### SEC. 7. EXTENSION OF THE IRAN AND LIBYA SANCTIONS ACT OF 1996.

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking "10" and inserting "15".

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. LUGAR, Ms. LANDRIEU, Mr. BURNS, Ms. MURKOWSKI, Mr. BOND, Mr. THOMAS, Mr. COCHRAN, Mr. SANTORUM, Mrs. LINCOLN, Mr. JEFFORDS, Mr. CONRAD, and Mr. LEAHY):

S. 300. A bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Medicare Rural Home Health Payment Fairness Act to extend the additional payment for home health services in rural areas for 2 years. This 5 percent add-on payment is currently scheduled to sunset on April 1st of this year.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled—and often technically complex—services that our Nation's home health caregivers provide have enabled millions of our most frail and vulnerable older and disabled citizens to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. I have accompanied several of Maine's caring home health nurses on their visits to some of their patients. I have seen first hand the difference that they are making for Maine's elderly.

Surveys have shown that the delivery of home health services in rural areas can be as much as 12 to 15 percent more costly because of the extra travel time

required to cover long distances between patients, higher transportation expenses, and other factors. Because of the longer travel times, rural caregivers are unable to make as many visits in a day as their urban counterparts. The Executive Director of the Visiting Nurses of Aroostook in Northern Maine, where I am from, tells me her agency covers 6,600 square miles with a population of only 73,000. Her costs are understandably much higher than other agencies' due to the long distances her staff must drive to see clients. Moreover, her staff is not able to see as many patients in one day as she would like.

Agencies in rural areas are also frequently smaller than their urban counterparts, which means that their relative costs are higher. Smaller agencies with fewer patients and fewer visits mean that fixed costs, particularly those associated with meeting regulatory requirements, are spread over a much smaller number of patients and visits, increasing overall per-patient and per-visit costs.

Moreover, in many rural areas, home health agencies are the primary caregivers for homebound beneficiaries with limited access to transportation. These rural patients often require more time and care than their urban counterparts, and are understandably more expensive for agencies to serve. If the extra rural payment is not extended, agencies may be forced to make decisions not to accept rural patients with greater care needs. That could translate into less access to health care for ill, homebound seniors. The result also would likely be that these seniors would be hospitalized more frequently and would have to seek care in nursing homes, adding considerable cost to the system.

Failure to extend the rural add-on payment will only put more pressure on rural home health agencies that are already operating on very narrow margins and could force some of these agencies to close their doors altogether. Many home health agencies operating in rural areas are the only home health providers in large geographic areas. If any of these agencies were forced to close, the Medicare patients in that region could lose all their access to home care.

The bipartisan legislation that I am introducing today with Senators FEINGOLD, LUGAR, BOND, LANDRIEU, BURNS, MURKOWSKI, THOMAS, COCHRAN, SANTORUM, LINCOLN, JEFFORDS, CONRAD and LEAHY will help to ensure that Medicare patients in rural areas continue to have access to the home health services they need. I urge all of our colleagues to join us as cosponsors.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. GREGG, and Mr. SUNUNU):

S. 301. A bill to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational ac-

tivities in the Connecticut River watershed of the States of New Hampshire and Vermont; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I am pleased to introduce today the Upper Connecticut River Partnership Act. This legislation will help bring recognition to New England's largest river ecosystem and one of our Nation's fourteen American Heritage Rivers.

The purpose of this legislation is to help the communities along the river protect and enhance their rich cultural history, economic vitality, and the environmental integrity of the river.

From its origin in the mountains of northern New Hampshire, the Connecticut River runs over 400 miles and eventually empties into Long Island Sound. The river forms a natural boundary between my home state of Vermont and New Hampshire, and travels through the States of Massachusetts and Connecticut. The river and surrounding valley have long shaped and influenced development in the New England region. This river is one of America's earliest developed rivers, with European settlements going back over 350 years. The industrial revolution blossomed in the Connecticut River Valley, supported by new technologies such as canals and mills run by hydropower.

I am pleased that the entire Senate delegations from Vermont and New Hampshire have cosponsored this bill. For years, our offices and our States have worked together to help communities on both sides of the river develop local partnerships to protect the Connecticut River valley of Vermont and New Hampshire. And, while great improvements have been made to the river, its overall health remains threatened by water and air pollution, habitat loss, hydroelectric dams, and invasive species such as the zebra mussel.

Historically, the people throughout the Upper Connecticut River Valley have functioned cooperatively and the river serves to unite Vermont and New Hampshire communities economically, culturally and environmentally.

Citizens on both sides of the river know just how special this region is and have worked side by side for years to protect it. Efforts have been underway for some time to restore the Atlantic salmon fishery, protect threatened and endangered species, and support urban riverfront revitalization.

In 1993, Vermont and New Hampshire came together to create the Connecticut River Joint Commissions—a unique partnership between the states, local businesses, all levels of government within the two states and citizens from all walks of life. This partnership helps coordinate the efforts of towns, watershed managers and other local groups to implement the Connecticut River Corridor Management Plan. This Plan has become the blueprint for how communities along the river can work with one another with Vermont and New Hampshire and with

the federal government to protect the river's resources.

The Upper Connecticut River Partnership Act would help carry out the recommendations of the Connecticut River Corridor Management Plan, which was developed under New Hampshire law with the active participation of Vermont citizens and communities.

This Act would also provide the Secretary of the Interior with the ability to assist the States of New Hampshire and Vermont with technical and financial aid for the Upper Connecticut River Valley through the Connecticut River Joint Commissions. The Act would also assist local communities with cultural heritage outreach and education programs while enriching the recreational activities already active in the Connecticut River Watershed of Vermont and New Hampshire.

Lastly, the bill will require that the Secretary of the Interior establish a Connecticut River Grants and Technical Assistance Program to help local community groups develop new projects as well as build on existing ones to enhance the river basin.

Over the next few years, I hope this bill will help bring renewed recognition and increased efforts to conserve the Connecticut River as one of our nation's great natural and economic resources.

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. 301

*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 "Upper Connecticut River Partnership Act".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the upper Connecticut River watershed in the States of New Hampshire and Vermont is a scenic region of historic villages located in a working landscape of farms, forests, and the mountainous headwaters and broad fertile floodplains of New England's longest river, the Connecticut River;

(2) the River provides outstanding fish and wildlife habitat, recreation, and hydropower generation for the New England region;

(3) the upper Connecticut River watershed has been recognized by Congress as part of the Silvio O. Conte National Fish and Wildlife Refuge, established by the Silvio O. Conte National Fish and Wildlife Refuge Act (16 U.S.C. 668dd note; Public Law 102-212);

(4) the demonstrated interest in stewardship of the River by the citizens living in the watershed led to the Presidential designation of the River as 1 of 14 American Heritage Rivers on July 30, 1998;

(5) the River is home to the bistate Connecticut River Scenic Byway, which will foster heritage tourism in the region;

(6) each of the legislatures of the States of Vermont and New Hampshire has established a commission for the Connecticut River watershed, and the 2 commissions, known collectively as the "Connecticut River Joint Commissions"—

(A) have worked together since 1989; and

(B) serve as the focal point for cooperation between Federal agencies, States, communities, and citizens;

(7) in 1997, as directed by the legislatures, the Connecticut River Joint Commissions, with the substantial involvement of 5 bistate local river subcommittees appointed to represent riverfront towns, produced the 6-volume Connecticut River Corridor Management Plan, to be used as a blueprint in educating agencies, communities, and the public in how to be good neighbors to a great river;

(8) this year, by Joint Legislative Resolution, the legislatures have requested that Congress provide for continuation of cooperative partnerships and support for the Connecticut River Joint Commissions from the New England Federal Partners for Natural Resources, a consortium of Federal agencies, in carrying out recommendations of the Connecticut River Corridor Management Plan;

(9) this Act effectuates certain recommendations of the Connecticut River Corridor Management Plan that are most appropriately directed by the States through the Connecticut River Joint Commissions, with assistance from the National Park Service and United States Fish and Wildlife Service; and

(10) where implementation of those recommendations involves partnership with local communities and organizations, support for the partnership should be provided by the Secretary.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary to provide to the States of New Hampshire and Vermont (including communities in those States), through the Connecticut River Joint Commissions, technical and financial assistance for management of the River.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means—

(A) the State of New Hampshire; or

(B) the State of Vermont.

#### SEC. 4. CONNECTICUT RIVER GRANTS AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Connecticut River Grants and Technical Assistance Program to provide grants and technical assistance to State and local governments, nonprofit organizations, and the private sector to carry out projects for the conservation, restoration, and interpretation of historic, cultural, recreational, and natural resources in the Connecticut River watershed.

(b) CRITERIA.—The Secretary, in consultation with the Connecticut River Joint Commissions, shall develop criteria for determining the eligibility of applicants for, and reviewing and prioritizing applications for, grants or technical assistance under the program.

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a grant project under subsection (a) shall not exceed 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project may be provided in the form of in-kind contributions of services or materials.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$1,000,000 for each fiscal year.

By Mr. KENNEDY (for himself,  
Mr. GREGG, Mr. ENZI, Mr.  
FRIST, and Mr. BINGAMAN):

S. 302. A bill to make improvements in the Foundation for the National Institutes of Health; to the Committee

on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator FRIST, Senator ENZI, Senator GREGG, and Senator BINGAMAN in introducing the Foundation for the National Institutes of Health Improvement Act.

Our bill makes several improvements in the 1990 law that established the Foundation. Most significant, it assures the Foundation at least \$500,000 annually from the NIH to support its administrative and operating expenses. These funds will enable the Foundation to use its own resources for the actual support of projects to strengthen NIH programs, rather than raise money for its own expenses. As the bill makes clear, the NIH Director and the Commissioner of Food and Drugs are ex officio members of the Foundation's board of directors.

Congress established the Foundation to raise private funds to support the research of the NIH. For every dollar the Foundation received from the NIH in 2003, it raised \$426 in private funds. Since its creation, the Foundation has raised \$270 million, or \$68 in private support for every dollar from the NIH.

The Foundation is currently managing 37 programs supported by \$270 million generated from private contributions. For example, the Edmond J. Safra Family Lodge on the NIH campus gives families of patients receiving inpatient treatment at the NIH Clinical Center a place to stay, at no cost to them.

In addition, the Foundation has formed partnerships with the NIH to develop new cancer treatments, to identify biochemical signs of osteoarthritis and Alzheimer's Disease, and to build on the promise of genomics. Through a public-private partnership, the Foundation helped accelerate the sequencing of the mouse genome. The Foundation is also collecting private funds to study drugs in children. In 2003, Bill Gates announced a gift to the Foundation of \$200 million over the next 10 years to support research on global health priorities. Clearly, the Foundation's partnership with the NIH will grow productively in the coming years.

I urge my colleagues in the Senate to support this legislation, so that the Foundation can continue its effective support of the work and mission of the NIH.

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. 302

*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 "Foundation for the National Institutes of Health Improvement Act".

## SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISHMENT AND DUTIES.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—  
(A) in paragraph (1)—  
(i) by amending subparagraph (D)(ii) to read as follows:

“(i) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board.”; and

(ii) in subparagraph (G), by inserting “appointed” after “that the number of”;

(B) by amending paragraph (3)(B) to read as follows:

“(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board.”; and

(C) in paragraph (5), by inserting “appointed” after “majority of the”;

(2) in subsection (j)—  
(A) in paragraph (2), by striking “(d)(2)(B)(i)(II)” and inserting “(d)(6)”; and

(B) in paragraph (10), by striking “of Health.” and inserting “of Health and the National Institutes of Health may accept transfers of funds from the Foundation.”; and

(3) by striking subsection (l) and inserting the following:

“(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer not less than \$500,000 to the Foundation.”.

By Mr. LAUTENBERG (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. LEVIN, Mr. KOHL, Mr. CORZINE, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Ms. MIKULSKI, and Mr. AKAKA):

S. 304. A bill to amend title 18, United States Code, to prohibit certain interstate conduct gng to exotic animals; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Sportsmanship in Hunting Act of 2005. This bill would prohibit the barbaric and unsporting practice of “canned hunts.” I am pleased to be joined by my cosponsors, Senators BIDEN, KENNEDY, LEVIN, CORZINE, FEINGOLD, KOHL, DURBIN, SCHUMER, MIKULSKI, and AKAKA.

Canned hunts, also called canned shoots, take place on private land under circumstances that virtually assure a customer of a kill. Although they are advertised under a variety of names, such as hunting preserves or game ranches, canned hunts have two things in common: they charge a fee for killing an animal; and they violate the generally accepted practices of the hunting community, which are based on the concept of “fair chase.” Some canned hunts specialize in native species, such as white-tailed deer or elk, while others deal in exotic—non-native—animals that are either bred on-site or bought from dealers or breeders.

Exotic animals include surplus animals bought from wild animal parks, circuses, and petting zoos. Many canned hunts offer both native and exotic species to their customers. The Humane Society of the United States estimates that there are more than 1000 canned hunt operations in at least 25 States.

Canned hunts cater to persons who lack the time, and sometimes the skill, for normal sports hunting. They do not require skill in tracking or shooting. For a price, many canned hunts guarantee a shooter a kill of the animal of his or her choice. A wild boar “kill” may sell for up to \$1,000, a water buffalo for \$3,500, and a red deer for up to \$6,000.

The “hunt” of these tame animals occurs within a fenced enclosure, leaving the animal virtually no chance for escape. Fed and cared for by humans, these animals have often lost their instinctive impulse to flee from shooters who “stalk” them. In addition to fencing, canned hunts use other practices to assure their customers a kill. For example, they may bait them, using feeding stations to attract animals and make them easy targets from nearby shooting blinds or stands. These practices are prohibited by many State game commissions.

Canned hunts violate the principles of the sport of hunting. The Boone and Crockett Club, a hunting organization founded by Teddy Roosevelt, defines “fair chase” as the “ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American game animal in a manner that does not give the hunter an improper advantage over such animals.” Surely exotic animals held in canned hunt facilities can in no way be considered “free-ranging,” and the hunters at such facilities clearly have an enormous “improper advantage” over animals. As a result, many real hunters are opposed to the practice of canned hunting, believing it to make a mockery of their sport.

Canned hunts are strongly condemned by animal protection groups. Often, in order to preserve the animal as a “trophy,” customers will fire multiple shots into nonvital organs, condemning the animal to a slow and painful death. Because the animal cannot escape, the shooter has the time to place his shots. The Fund for Animals has launched a national campaign against what it calls a “cruel, unsporting, and egregious type of hunting.” The Humane Society says that “There is no more repugnant hunting practice than shooting tame, exotic mammals in fenced enclosures for a fee in order to obtain a trophy.” The group believes that Federal legislation is needed “to halt the cruel and unsportsmanlike business of canned hunts.”

In addition to being unethical, canned hunts may pose a serious health and safety threat to domestic livestock and native wildlife. Accidental escapes of exotic animals from game ranches is not uncommon, posing

a danger to nearby livestock and indigenous wildlife. A dire threat to native deer and elk populations in this country is chronic wasting disease, the deer equivalent of cow disease. In some states, experts believe that canned hunts, with their high concentrations of animals, are encouraging transmission of this disease.

In recognition of these threats, several States have banned canned hunting of mammals. Unfortunately, most States lack laws to outlaw this practice. Because interstate commerce in exotic animals is common, federal legislation is essential to control these cruel practices.

My bill is essentially the same as legislation that was introduced in the 108th Congress, S. 2731, and legislation reported by the Judiciary Committee in the 107th Congress and sponsored by Senator BIDEN, S. 1655. It is similar to legislation that I introduced in the 106th, S. 1345, 105th, S. 995, and 104th, S. 1493, Congresses. The legislation that I am introducing today will target only canned hunt facilities that allow the hunting of exotic (nonnative) mammals. It is important to note what the bill does and does not do: 1. The bill does not regulate the hunting of native mammals, such as white-tail deer; 2. The bill does not regulate the hunting of any birds; 3. The bill protects only exotic (non-native) mammals in areas where they do not have an opportunity to avoid hunters, smaller than 1000 acres; and 4. The bill regulates the conduct of persons who operate canned hunts or traffic in exotic mammals used in such hunts, not the hunters who patronize canned hunt facilities. In summary, my bill would merely ban the transport and trade of non-native, exotic mammals for the purpose of staged trophy hunts.

The idea of a defenseless animal meeting a violent end as the target of a canned hunt is, at the very least, distasteful to many Americans. In an era when we are seeking to curb violence in our culture, canned hunts are certainly one form of gratuitous brutality that does not belong in society. I urge my colleagues to join me in supporting this legislation, which will help end this needless practice.

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. 304

*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 “Sportsmanship in Hunting Act of 2005”.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) The ethic of hunting involves the consideration of fair chase, which allows the animal the opportunity to avoid the hunter.

(2) At more than 1,000 commercial canned hunt operations across the country, trophy

hunters pay a fee to shoot captive exotic animals, from African lions to giraffes and blackbuck antelope, in fenced-in enclosures.

(3) Clustered in a captive setting at unusually high densities, confined exotic animals attract disease more readily than more widely dispersed native species who roam freely.

(4) The transportation of captive exotic animals to commercial canned hunt operations can facilitate the spread of disease across great distances.

(5) The regulation of the transport and treatment of exotic animals on shooting preserves falls outside the traditional domains of State agriculture departments and State fish and game agencies.

(6) This Act is limited in its purpose and will not limit the licensed hunting of any native mammals or any native or exotic birds.

(7) This Act does not aim to criticize those hunters who pursue animals that are not enclosed within a fence.

(8) This Act does not attempt to prohibit slaughterhouse activities, nor does it aim to prohibit the routine euthanasia of domesticated farm animals.

### SEC. 3. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS FOR PURPOSES OF KILLING OR INJURING THEM.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 49. Exotic animals

“(a) PROHIBITION.—

“(1) IN GENERAL.—Whoever, in or substantially affecting interstate or foreign commerce, knowingly transfers, transports, or possesses a confined exotic animal, for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy, shall be fined under this title, imprisoned not more than 1 year, or both.

“(2) EXCEPTION.—This section shall not apply to the killing or injuring of an exotic animal in a State or Federal natural area reserve undertaking habitat restoration.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘confined exotic animal’ means a mammal of a species not historically indigenous to the United States, that has been held in captivity, whether or not the defendant knows the length of the captivity, for the shorter of—

“(A) the majority of the animal’s life; or

“(B) a period of 1 year; and

“(2) the term ‘captivity’ does not include any period during which an animal lives as it would in the wild—

“(A) surviving primarily by foraging for naturally occurring food;

“(B) roaming at will over an open area of not less than 1,000 acres; and

“(C) having the opportunity to avoid hunters.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—Any person authorized by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may—

“(A) without a warrant, arrest any person that violates this section (including regulations promulgated under this section) in the presence or view of the arresting person;

“(B) execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce this section; and

“(C) with a search warrant, search for and seize any animal taken or possessed in violation of this section.

“(2) FORFEITURE.—Any animal seized with or without a search warrant shall be held by the Secretary or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the Secretary of the Interior in accordance with law.

“(3) ASSISTANCE.—The Director of the United States Fish and Wildlife Service may use by agreement, with or without reimbursement, the personnel and services of any other Federal or State agency for the purpose of enforcing this section.”.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

“Sec. 49. Exotic animals.”.

By Mr. CRAIG:

S. 305. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with or facilitate the activities of various agencies and offices of the Department of the Interior; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Department of Interior Volunteer Recruitment Act of 2005. This bill would allow the Department of the Interior to recruit and use volunteers in the Bureau of Indian Affairs and the Offices of the Secretary. It also addresses some problems with existing volunteer authorities at the Bureau of Reclamation and the U.S. Geological Survey.

The Department of the Interior is a leader in the Federal Government in providing opportunities for volunteer service, and this bill significantly enhances our ability to provide volunteer opportunities to interested Americans. The bill provides for appropriate ethics and tort claims coverage for DOI volunteers and ensures against the displacement of employees by volunteers. Last, the bill contains provisions which explicitly protect private property rights.

By making it easier for people to volunteer in more Department of the Interior bureaus, this legislation contributes a crucial piece to the President’s call to all Americans to volunteer in their communities and to the Secretary’s Take Pride in America program, which is working in concert with that call. There is wide support for the bill and there is no known opposition.

I look forward to working with my colleagues to move this excellent bill through the legislative process quickly.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. GREGG, Mr. KENNEDY, Mr. ENZI, Mr. JEFFORDS, Mr. DODD, Mr. HARKIN, Ms. COLLINS, Mr. TALENT, Mr. BINGAMAN, Mr. HATCH, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. CLINTON):

S. 306. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOW. Mr. President, I rise today to introduce the Genetic Information Nondiscrimination Act of 2005 and I am joined in doing so by a number of my colleagues including, Majority Leader FRIST, Senator JEFFORDS, Senator GREGG as well as the chairman

and ranking member of the Senate HELP Committee, Senators ENZI and KENNEDY. The bill we are introducing today is the result of a collaborative effort spanning more than 8 years and I know I speak for my colleagues when I say that it is my hope that this bill will again receive the unanimous support of the Senate this year and that this will allow the House of Representatives to act swiftly in considering this bill this session.

This day has been a long time coming and, over the years, we have not only retraced our steps in some respects but—most importantly—forged ahead on new ground.

Since April of 1996, when I introduced for the first time the Genetic Information Nondiscrimination in Health Insurance Act, science has continued to hurtle forward, further opening the door to early detection and medical intervention through the discovery and identification of specific genes linked to diseases like breast cancer, Huntington’s Disease, glaucoma, colon cancer, and cystic fibrosis. That 1996 bill recognized that with progress in the field of genetics accelerating at a breathtaking pace, we needed to ensure that with the scientific advances to come, we would advance the treatment and prevention of disease—without advancing a new basis for discrimination.

The following year, with the commitment of Senators FRIST and JEFFORDS to addressing this issue, I introduced a bill to ensure we would effectively address the need for protections against genetic discrimination in the health insurance industry. In turn, that bill was the basis for an amendment offered by Senator JEFFORDS, to the fiscal year 2001 Departments of Labor, Health and Human Services Appropriations bill which passed the Senate by a vote of 58-40.

While that victory was a notable step forward, unfortunately, it was not followed by the enactment of our bill. It did, however, respark the debate—which helped lay the foundation for our subsequent efforts.

Indeed, in March 2002, I was again joined by Senators FRIST and JEFFORDS in introducing an updated version of our bill with the new support of Senators GREGG and ENZI. That bill not only addressed what had become the real threat of employment discrimination but also captured the changing world of science as this was the first bill to include what we had learned with the completion of the Genome Project.

I think back to when Representative LOUISE SLAUGHTER and I had first introduced our bills in the 103rd Congress, and the completion of the Genome still seemed years away. Yet it was only four years later when everything changed with the unveiling of the first working draft of our entire genetic code. As we had known—and as with so many other scientific breakthroughs in history—the completion of the Genome not only brought about

the prospect of medical advances, such as improved detection and earlier intervention, but also the potential for harm and abuse. Every day since—absent enactment of a law such as the bill we are introducing—has been a day the American people have been left unprotected from this type of discrimination. Every day since we have left the full potential of the Genome untapped.

The very real fear of repercussions from one's genetic makeup was brought home to me through the real life experience of one of my constituents, Bonnie Lee Tucker. In 1997, Bonnie Lee wrote me about her fear of having the BRCA test for breast cancer, even though she has nine women in her immediate family who were diagnosed with breast cancer, and she herself is a survivor. She wrote to me about her fear of having the BRCA test, because she worried it will ruin her daughter's ability to obtain insurance in the future. And Bonnie Lee isn't the only one who has this fear. When the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer risk declined to take it citing concerns about health insurance discrimination. What good is scientific progress if it cannot be applied to those who would most benefit?

I recall the testimony before Congress of Dr. Francis Collins, the Director of the National Human Genome Research Institute, without whom we wouldn't have reached this day. In speaking of the next step for those involved in the Genome project, he explained that the project's scientists were engaged in a major endeavor to "uncover the connections between particular genes and particular diseases," to apply the knowledge they just unlocked. In order to do this, Dr. Collins said, "we need a vigorous research enterprise with the involvement of large numbers of individuals, so that we can draw more precise connections between a particular spelling of a gene and a particular outcome." Well, this effort cannot be successful if people are afraid of possible repercussions of their participation in genetic testing.

The bottom line is that, given the advances in science, there are two separate issues at hand. The first is to restrict discrimination by health insurers. The second is to prevent employment discrimination based simply upon an individual's genetic information.

The bill we are introducing again today addresses both these issues based on the firm foundation of current law. With regard to health insurance, the issues are clear and familiar, and something the Senate has debated before, in the context of the consideration of larger privacy issues. Indeed, as Congress considered what is now the Health Insurance Portability and Accountability Act of 1996, we also addressed the issues of privacy of medical information.

Moreover, any legislation that seeks to fully address these issues must con-

sider the interaction of the new protections with the privacy rule which was mandated by HIPAA—and our legislation does just that. Specifically, we clarify the protections of genetic information as well as information about the request or receipt of genetic tests, from being used by the insurer against the patient.

Because the fact of the matter is, genetic information only detects the potential for a genetically linked disease or disorder—and potential does not equal a diagnosis of disease. At the same time, it is critical that this information be available to doctors and other health care professionals when necessary to diagnose, or treat, an illness. This is a distinction that begs our acknowledgment, as we discuss ways to protect patients from potential discriminatory practices by insurers.

On the subject of employment discrimination, unlike our legislative history on debating health privacy matters, the issues surrounding protecting genetic information from workplace discrimination is not as extensive. To that end, our bipartisan bill creates these protections in the workplace—and there should be no question of this need.

As demonstrated by the Burlington Northern case, the threat of employment discrimination is very real, and therefore it is essential that we take this information off the table, so to speak, before the use of this information becomes widespread. While Congress has not yet debated this specific type of employment discrimination, we have a great deal of employment case law and legislative history on which to build.

Indeed, as we considered the need for this type of protection, we agreed that we must extend current law discrimination protections to genetic information. We reviewed current employment discrimination law and considered what sort of remedies people would have for instances of genetic discrimination and if these remedies would be different from those available to people under current law—for instance under the ADA or the EEOC. The bill we introduce today creates new protections by paralleling current law and clarifies the remedies available to victims of discrimination. Ensuring that regardless of whether a person is discriminated against because of their religion, their race or their DNA, these people will all receive the same strong protections under the law.

It has been more than 3 years since the completion of the working draft of the Human Genome. Like a book which is never opened, the wonders of the Human Genome are useless unless people are willing to take advantage of it. This bill is the product of more than 16 months of bipartisan negotiations and is a shining example of what we can accomplish if we set aside partisan differences in order to address the challenges facing the American people. Certainly this bill was only possible due to

the commitment of each of the Members here today to work together to come to a successful end and for that I am grateful.

I urge my colleagues to support this bill as they have in the past and that its broad support will be seen as a clarification call by the House of Representatives that it is time for us to do our part so that the President can sign this bill into law and finally ensure the American public is protected from this newest form of discrimination.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SNOWE, Senator PRIST, Senator GREGG, and Senator ENZI in introducing the Genetic Information Non-Discrimination Act. Today we take another step in our national journey to a fairer and more just America.

I particularly commend our colleague from Maine, Senator SNOWE, for her dedication to this vital issue. Senator SNOWE first proposed legislation on genetic discrimination in 1996. Hopefully, the bipartisan momentum we have built up in recent years will produce a consensus bill we can enact into law this year.

Two years ago, we celebrated an accomplishment that once seemed unimaginable—deciphering the entire sequence of the human DNA code. This amazing accomplishment will affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century. But the extraordinary promise of science to improve health and relieve suffering is in jeopardy if our laws fail to provide adequate protections against misuse of genetic information.

Our bipartisan legislation prohibits health insurers from using genetic information to deny health coverage or raise premiums. It bars employers from using genetic information to make employment decisions.

Few kinds of information are more personal or more information than a person's genetic makeup. This information should not be shared by insurers or employers or be used in decisions about health coverage or a job. It should only be used by patients and their doctors to help them make the best possible decisions on diagnosis and treatment.

Breakthroughs in genetic science are bringing remarkable new opportunities for improving health care. But it also carries the danger that genetic information will be used as a basis for discrimination. I hope we can all agree that discrimination on the basis of a person's genetic traits is as unacceptable as discrimination on the basis of race or religion. No American should be denied health insurance or fired from a job because of a genetic test.

The vast potential of genetic knowledge to improve health care may go unfulfilled, if patients fear that information about their genetic characteristics will be used against them. Congress has a responsibility to guarantee

that genetic information remains private and is not used for improper purposes.

Experts in genetics are united in calling for strong protections to prevent this misuse and abuse of science. The HHS advisory panel on genetic testing—with experts in law, science, medicine, and business—recommended unambiguously that Federal legislation is needed to prohibit discrimination in employment or health insurance based on genetic information. Last fall, witnesses testified about their first hand accounts of genetic discrimination. Heidi Williams' children were denied health insurance because they were carriers for a genetic disorder. Phil Hardt's children feared discrimination so much that they sought genetic tests in secret, paying out of their own pockets and not using their real names.

Francis Collins, the leader of the NIH project to sequence the human genome, said, "Genetic information and genetic technology can be used in ways that are fundamentally unjust. Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information."

Genetic tests are becoming even cheaper and more widely available. If we don't ban discrimination now, it may soon be routine for employers to use genetic tests to deny jobs to employees, based on their risk for disease.

When Congress enacts clear protections against genetic discrimination in employment health insurance, all Americans will be able to enjoy the benefits of genetic research, free from the fear that their personal genetic information will be used against them. If Congress fails to see that genetic information is used only for legitimate purposes, we will squander the vast potential of genetic research to improve the Nation's health.

Effective enforcement will be essential. It makes no sense to enact legislation giving the American people the promise of protection against this form of discrimination and then deny them the reality of that protection.

President Bush recognizes the seriousness of this problem, and supports a ban on genetic discrimination. In his words, "genetic information should be an opportunity to prevent and treat disease, not an excuse for discrimination. Just as our Nation addressed discrimination based on race, we must now prevent discrimination based on genetic information." I commend the President for his support, and I look forward to working with the administration to see that a strong bill on genetic discrimination is signed into law this year.

It is time for Congress to act, and I urge the Senate to do so without delay.

By Mr. SANTORUM:

S. 307. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend national dairy market loss payments; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Mr. President I rise today to introduce a bill to extend the Milk Income Loss Contract, MILC program, the MILC Extension Act. In the 106th Congress, I called for a programmatic solution to market instability, when I introduced S. 2706, the National Dairy Farmers Fairness Act of 2000. S. 2706 was designed to eliminate the need for Congress to provide supplemental market loss payments to dairy producers by setting up a counter cyclical payment based on the market price of class III milk. Elements of S. 2706 were later borrowed to construct the MILC program, which was included in the 2002 Farm Bill.

My bill would extend MILC for 2 years at current support levels. All commodity support programs, except MILC, were authorized for the full length of the current Farm Bill. As constructed, the MILC program provides a safety net for all dairy producers by providing a payment whenever the minimum monthly market price for Class I milk price in Boston falls below \$16.94 per hundredweight, cwt. MILC represents a broad regional compromise and while it is not perfect, I recognize its importance as a safety net for dairy producers. As such I am working to extend the program until 2007 when Congress will consider the next Farm Bill.

Budget constraints and compliance with our trade agreements requires us to reexamine the role of the federal government in agriculture. During this session of Congress I will engage in a focused effort to decrease direct payments and countercyclical programs. These discussions and reforms will be forthcoming, but allowing an important program that acts as a safety net for small farmers to expire would be too drastic of a first step.

Others have suggested that we grow this program. I will be steadfast in my opposition to growing this program. Growing the size of this program sends a potentially dangerous signal to our producers. At a time when the experts are predicting that the market may soften over coming months, Congress should not send a signal to producers to increase production. Dairy producers should look to the market, not to Washington, DC, for guidance as they manage their businesses.

As a member of the Senate Agriculture Committee who represents the fourth largest dairy producing state in the nation, I am committed to preserving the viability of Pennsylvania's dairy farmers. This legislative proposal represents a commonsense approach in the often-heated debate of dairy policy. I look forward to working with my colleagues, the President and the Secretary of Agriculture to extend this important program.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 38—COM-MENDING THE PEOPLE OF IRAQ ON THE JANUARY 30, 2005, NATIONAL ELECTIONS

Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 38

Whereas on January 30, 2005, Iraq held its first democratic elections in nearly half a century;

Whereas after more than 3 decades of enduring harsh repression and lack of freedom, millions cast ballots on January 30, 2005, to determine the future of their country in an election widely recognized as a success by the international community;

Whereas the hard work, contributions, vision, and sacrifices of the Interim Iraqi Government in undertaking major political, economic, social, and legal reforms and, in conjunction with the efforts of the Iraqi Independent Electoral Commission, in ensuring that Iraq held nationwide elections on January 30, and in not being intimidated by terrorist and insurgent forces resulted in the successful elections of January 30;

Whereas on January 30, President George W. Bush stated that the election in Iraq was a "milestone" in Iraq's history and that the "world is hearing the voice of freedom from the center of the Middle East";

Whereas the January 30 election is another step in the process of developing a free and democratic Iraq;

Whereas the people of Iraq cast votes to freely choose the 275-member Transitional National Assembly that will serve as the national legislature of Iraq for a transition period, name a Presidency Council, and select a Prime Minister;