were added as cosponsors of S. 2082, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2082, supra.

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wisconsin (Mr. KOHL) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2082, supra.

S. 2083

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2109

At the request of Mr. ENSIGN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2109, a bill to provide national innovation initiative.

S. 2113

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2113, a bill to promote the widespread availability of communications services and the integrity of communication facilities, and to encourage investment in communication networks.

S. 2118

At the request of Mr. SUNUNU, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2118, a bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of the Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006 and to combat methamphetamine abuse.

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Colorado (Mr. SALAZAR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 2119. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2006, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am here to introduce bill to provide a 6-month extension of the Nation's largely successful welfare program. It is known as the Temporary Assistance for Needy Families Program, or TANF.

Congress enacted the TANF program in 1996, to help welfare recipients gain work skills and to help low-income families become economically self-sufficient.

Welfare reform has mostly succeeded. States have adopted creative policies to support low-income families making the transition from welfare to work. Millions have moved to self-sufficiency.

But the TANF law expired in 2002. And Congress has failed to reauthorize it. Instead, Congress has extended TANF on a short-term basis, 12 times. The latest short-term extension expires in just over 2 weeks.

This bill is a simple extension of the current welfare program. It would provide stability for the States to operate their welfare programs. And it would continue our successful partnership with the States in supporting needy families as they move from welfare to work.

Earlier this week, the Senate voted 64–27 to keep the welfare program out of the budget cutting reconciliation bill that the House has passed. The Senate voted instead to build on the bipartisan Finance Committee bill that Chairman GRASSLEY and I worked diligently on this year. That bill is called the Personal Responsibility Individual Development for Everyone or PRIDE Act. The Finance Committee reported it out in March with near unanimous support. The PRIDE Act has been awaiting full Senate consideration since then.

Despite broad support in the Finance Committee, the Senate has not taken this measure up for debate. Despite the broad support of governors, the Senate has not taken this measure up for debate. The Republican Governors Association said that TANF reauthorization ''is too important to leave to the limitations of the reconciliation process.'' But the Senate has not taken this measure up for debate.

This vote was a vote to debate this bill on the Senate floor. It was a vote to build on the broadly-supported bill from the Finance Committee. We are going to need some time to complete that debate.

The 6-month extension that I offer this afternoon will keep the welfare program operating. The 6-month extension will allow us the time to debate, pass, and go to conference on a fully considered PRIDE Act.

I urge my colleagues to do the responsible thing. I urge my colleagues to support this extension. I urge my colleagues to keep this important safety net program operating.

By Mr. OBAMA (for himself, Mr. BROWNBACK, Mr. DURBIN, and Mr. DEWINE):

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo; to the Committee on Foreign Relations.

Mr. OBAMA. Mr. President, I rise today, on behalf of Senator BROWNBACK, Senator DURBIN, and Senator DEWINE to introduce the Democratic Republic of the Congo Relief, Security and Democracy Promotion Act.

As we try to conclude our business for the year here in the Senate, we are in the midst of sharp debates on a large number of issues. In the foreign policy arena alone, the Administration and Congress are consumed with nurturing a political process and defeating insurgents in Iraq, attempting to halt proliferation by Iran and North Korea, and trying to end the bloodshed in Darfur, Sudan.

But there is another country embroiled in conflict that has not yet received the high-level attention or resources it needs. It's the Democratic Republic of Congo, and right now it is in the midst of a humanitarian catastrophe.

An International Rescue Committee report from 2004 found that 31,000 people were dying in the Congo each month and 3.8 million—3.8 million—people had died in the previous 6 years. This means that this conflict, which still smolders and burns in some regions, has cost more lives than any other conflict since World War II.

Beyond the humanitarian catastrophe, resolving the problems in the Congo will be critical if Africa is to achieve its promise. The country, which is the size of Western Europe, lies at the geographic heart of Africa and borders every major region across the continent. If left untended, Congo's tragedy will continue to infect Africa—from North to South; from East to West.

I believe that the United States can make a profound difference in this crisis. According to international aid agencies, there are innumerable cost-effective interventions that could be quickly undertaken—such as the provision of basic medical care, immunization and clean water—that could save thousands of lives. On the political front, sustained U.S. leadership could fill a perilous vacuum.

The bill that we are introducing here today is an important step on the long road towards bringing peace and prosperity to the Congo. I am proud to be a part of a collaborative, bipartisan effort with some of the Senate's leading voices on Africa—Senators BROWNBACK, DURBIN and DEWINE.

This bill establishes 14 core principles of U.S. policy across a range of issues; authorizes a 25 percent increase in U.S. assistance for the Democratic Republic of the Congo; calls for a Special Envoy to resolve the situation in Eastern Congo; and urges the Administration to use its voice and vote at the

United Nations Security Council to strengthen the U.N. peacekeeping force that is providing security in parts of the Congo.

The legislation has been endorsed by a number of faith-based and humanitarian nongovernmental organizations, including some with extensive field operations in Congo: CARE, Catholic Relief Services, Global Witness, International Crisis Group, International Rescue Committee, and Oxfam America. I ask unanimous consent that these letters of support be printed in the RECORD.

I want to stress something before closing. We are under no illusion that enacting the policies in this bill would be a panacea for Congo's many ills. But the one thing we do know is that the one way to ensure that a complex problem will not be resolved is to accept the status quo.

The other thing we know is that status quo in the Democratic Republic of Congo is unacceptable—unacceptable to the women and children caught up in the crossfire, unacceptable to the civilians being felled by preventable disease, unacceptable to a continent that is making great strides, and unacceptable to our country, the United States, which has the financial and diplomatic resources to make a profound difference.

I look forward to working with my colleagues and the administration to enacting this bill and working to promote peace and prosperity in the Congo.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CATHOLIC RELIEF SERVICES,
Baltimore, MD, December 2, 2005.

Hon. BARACK OBAMA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR OBAMA: Catholic Relief Services would like to commend you for your leadership in writing in ''Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005''. We also want to sincerely thank you and your staff for giving us the opportunity to comment on an early draft of the bill and for incorporating some of our recommendations.

As an agency active on the ground in the Democratic Republic of the Congo (DRC) for many years, we support this legislation as a vehicle for elevating the priority of the DRC among lawmakers and policy makers. The bill advances key U.S. policy objectives for promoting peace, justice, democracy, and development in the DRC, and also allocates much-needed additional funds for the DRC.

We look forward to working with you and your staff to gain support for the bill and advance its goals.

Sincerely,

KEN HACKETT,
President.

DECEMBER 9, 2005.

Hon. BARACK OBAMA,
Senate Hart Building, Washington, DC.

DEAR SENATOR OBAMA: As representatives of humanitarian, civil society and conflict prevention organizations, we are writing to express our support for the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2005, and our appreciation of your efforts to ensure that the longstanding conflict in the region receives the attention it demands.

As stated in the legislation, the conflict in the eastern Democratic Republic of the Congo touches every major region of the continent and is one of the deadliest since World War II. Some 3.8 million people have lost their lives due to the conflict in the last six years.

Despite these troubling statistics, the DRC is not without hope. Landmark elections are planned for next year and, with strong support from the international community, they have the potential to help end the longstanding violence and put the country on the path toward peace and stability. Your legislation would ensure the active participation of the United States and authorizes critical funding to address humanitarian and development needs, promote good governance and rule of law, and help ensure transparent management of natural resource revenues.

We look forward to continuing work with you and your staff on this important issue and in particular, would like to note the effort Mr. Mark Lippert has made to reach out to our community and incorporate our recommendations.

Sincerely,

CARE USA,
Global Witness, International Rescue Committee, Oxfam America.

INTERNATIONAL CRISIS GROUP,
Washington, DC, December 8, 2005.

Senator BARACK OBAMA,
U.S. Senate, Hart Senate Office Building, Washington DC.

DEAR SENATOR OBAMA: The International Crisis Group strongly supports the Democratic Republic of Congo Relief, Security, and Democracy Promotion Act of 2005 and your efforts to raise the visibility of and define new policies to respond to this largely overlooked, longstanding, and deadly conflict.

The conflict in the Democratic Republic of Congo has had far reaching regional consequences and resulted in the loss of an estimated 4 million lives since 1998. The situation in the country, especially in the eastern region where armed groups continue to assault local communities, remains most precarious and in need of urgent action.

The country is now on the brink of landmark elections scheduled for next year. Crisis Group has advocated comprehensive action to stop the suffering of the Congolese people and ensure the success of the transition by June 2006.

Your legislation would ensure the active participation of the United States in this effort and help in promoting good governance and justice. It would further authorize critical funding to address development needs and provide life-saving humanitarian assistance to millions of conflict-affected civilians in the Democratic Republic of Congo.

Your leadership in introducing this legislation is greatly appreciated and we look forward to continue to work with you and your staff on this important issue.

Yours sincerely,

MARK L. SCHNEIDER,
Senior Vice President, International Crisis Group.

By Mrs. CLINTON (for herself, Mr. LIEBERMAN, and Mr. BAYH):

S. 2126. A bill to limit the exposure of children to violent video games; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I rise today to introduce a bill to help parents protect their children against violent and sexual media. In rising, I stand with the parents and children of New York and of the Nation, all of whom are being victimized by a culture of violence.

As parents, we monitor the kind of people who interact with our children. We attend parent night at school. We meet our children's teachers. We look over their textbooks to make sure they are installing our values and attitudes in our children. We meet our children's friends and their parents to make sure they are a positive source of influence.

If somebody is exposing our children to material we find inappropriate, we remove our children from that person.

If you hired a babysitter who exposed your children to violence and sexual material that you thought was inappropriate, what would you do? If you are like me, you would fire that babysitter and never invite him or her to come back.

Yet our children spend more time consuming media than doing anything else but sleeping and attending school. Media culture is like having a stranger in your house, and it exerts a major influence over your children.

It is this attack on the sensibilities of our children that is the subject of the bill I introduce today. It is a bill that I consider to be of tremendous importance to our families.

This bill would take an important step towards helping parents protect their children against influences they often find to be inappropriate—violent and sexually explicit video games. Quite simply, the bill would put teeth into the video game industry's rating system, which specifies which video games are inappropriate for young people under 17. By fining retailers who do not abide by the ratings system, this bill sends a message that the ratings system is to be taken seriously.

I know many of my colleagues, myself included, don't play video games and aren't aware of exactly what is contained in these games. So, I hope you will listen as I describe a few scenes so we know what is at issue here today.

Consider the following scenario: You have been captured by a demented film-maker who drops you into a gang-infested slum. While the gangs think they are hunting you, they don't know the real plot: that you are hunting them, while the director records each act of murder on film. Since you are outnumbered and could easily be mobbed, you cannot just jump in and fight everyone. Rather, you must be silent and patient, tracking your prey so that you can strike from behind. You strangle a villain with a sharp wire, and a finely rendered mist of blood sprays from his severed carotid artery. . . .

This is just one scene from one game. It happens not to be a game that has gotten a tremendous amount of attention lately. Frankly, I don't know if it's one of the most popular games out

there or not. But I do know, if my daughter was still young, I wouldn't want her playing it.

Here is another one: Carl Johnson long ago escaped the hardships of street life in San Andreas. Now his mother is murdered, his old buddies are in trouble, and Carl must come home to clean up the mess—San Andreas style. That means spraying people with uzi bullets, blowing them up, or sniper shooting them from the top of buildings. It also means killing police officers and visiting prostitutes.

No one doubts that this material is inappropriate for children. The video game industry itself developed and implemented the ratings system that parents rely on today. They are responsible for developing the ''M'' for Mature or ''AO'' for Adults Only labels, which signal to parents that the content is too violent and/or sexually explicit for a child to play.

Unfortunately, enforcement has been lax and minors can purchase Mature-rated games with relative ease. A 2001 study by the Federal Trade Commission showed that 85 percent of unaccompanied minors, ages 13 to 16, could purchase games rated Mature. A study by the National Institute on Media and the Family found that nearly half of children, as young as age 9, succeed in buying Mature-rated games. And close to a quarter of retailers did not understand the ratings system and half did not provide any training to their employees.

This is a terrible problem that needs to be fixed. And this bill does just that.

I want to be clear—this bill is not an attack on video games. Video games are a fun part of the lives of millions of Americans, young and old alike. They can teach coordination and strategy. They can introduce children to computer technology. They can provide practice in learning to problem solve and they can help children hone their fine motor and spatial skills.

This bill is also not an attack on free and creative expression. Relying on the growing body of scientific evidence that demonstrates a causal link between exposure to these games and antisocial behavior in our children, this bill was carefully drafted to pass constitutional strict scrutiny.

Furthermore, nothing in this bill limits the production or sale of these games beyond current practice. If retailers are following the rules—established voluntarily by the video game industry—then this bill will have absolutely no impact on them.

And this bill does not overlook or undervalue the critical role parents play in protecting their children, and instilling in them, their own values. This bill is designed to buoy the efforts of parents, who too often feel like they are fighting an uphill battle against the violent and sexually explicit messages that are just a trip to the mall away.

The unfortunate truth is there is a darkside to some video games, which has lead to a universal agreement—among parents, advocates, policymakers, and the gaming industry—that some games are not suitable for children. What we are seeking to do today is to ensure that that value judgment is meaningful.

Much of the public concern about the exposure of children to M-rated games focuses on sexually explicit content. Parents are rightly worried about this content and we should come together to take steps to keep these games out of the hands of our kids. But let's not discount the awful effect of violence in the media because, frankly, the evidence on this point is overwhelming and deserves more of our attention.

Consider the Joint Statement on the Impact of Entertainment Violence on Children from the Congressional Public Health Summit in July of 2000. I quote: ''Well over 1,000 studies—including reports from the Surgeon General's office, the National Institute of Mental Health, and numerous studies conducted by leading figures within our medical and public health organizations . . . point overwhelmingly to a causal connection between media violence and aggressive behavior in some children,'' states their report.

The American Academy of Pediatrics stated, in a report entitled Media Exposure Feeding Children's Violent Acts, ''Playing violent video games is to an adolescent's violent behavior what smoking tobacco is to lung cancer.'' I ask to have printed in the RECORD a resolution adopted by the American Psychological Association about the effect of violence in video games and interactive media.

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

RESOLUTION ON VIOLENCE IN VIDEO GAMES AND INTERACTIVE MEDIA

Whereas, decades of social science research reveals the strong influence of televised violence on the aggressive behavior of children and youth (APA Task Force On Television and Society; 1992 Surgeon General's Scientific Advisory Committee on Television and Social Behavior, 1972); and

Whereas, psychological research reveals that the electronic media play an important role in the development of attitude, emotion, social behavior and intellectual functioning of children and youth (APA Task Force On Television and Society, 1992; Funk, J. B., et al. 2002; Singer, D. G. & Singer, J. L. 2005; Singer, D. G. & Singer, J. L. 2001); and

Whereas, there appears to be evidence that exposure to violent media increases feelings of hostility, thoughts about aggression, suspicions about the motives of others, and demonstrates violence as a method to deal with potential conflict situations (Anderson, C.A., 2000; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Gentile, D. A., Lynch, P. J., Linder, J. R., & Walsh, D. A., 2004; Huesmann, L. R., Moise, J., Podolski, C. P., & Eron, L. D., 2003; Singer, D. & Singer, J., 2001); and

Whereas, perpetrators go unpunished in 73% of all violent scenes, and therefore teach that violence is an effective means of resolving conflict. Only 16% of all programs portrayed negative psychological or financial effects, yet such visual depictions of pain and suffering can actually inhibit aggressive behavior in viewers (National Television Violence Study, 1996); and

Whereas, comprehensive analysis of violent interactive video game research suggests such exposure a.) increases aggressive behavior, b.) increases aggressive thoughts, c.) increases angry feelings, d.) decreases helpful behavior, and, e.) increases physiological arousal (Anderson, C.A., 2002b; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Anderson, C.A., & Dill, K. E., 2000; Bushman, B.J., & Anderson, C.A., 2002; Gentile, D. A, Lynch, P. J., Linder, J. R., & Walsh, D. A., 2004); and

Whereas, studies further suggest that sexualized violence in the media has been linked to increases in violence towards women, rape myth acceptance and anti-women attitudes. Research on interactive video games suggests that the most popular video games contain aggressive and violent content; depict women and girls, men and boys, and minorities in exaggerated stereotypical ways; and reward, glamorize and depict as humorous sexualized aggression against women, including assault, rape and murder (Dietz, T. L., 1998; Dill, K. E., & Dill, J. C., 2004; Dill, K. E., Gentile, D. A, Richter, W. A., & Dill, J.C., in press; Mulac, A., Jansma, L. L., & Linz, D. G., 2002; Walsh, D., Gentile, D. A., VanOverbeke, M., & Chasco, E., 2002); and

Whereas, the characteristics of violence in interactive video games appear to have similar detrimental effects as viewing television violence; however based upon learning theory (Bandura, 1977; Berkowitz, 1993), the practice, repetition, and rewards for acts of violence may be more conducive to increasing aggressive behavior among children and youth than passively watching violence on TV and in films (Carll, E. K., 1999a). With the development of more sophisticated interactive media, such as virtual reality, the implications for violent content are of further concern, due to the intensification of more realistic experiences, and may also be more conducive to increasing aggressive behavior than passively watching violence on TV and in films (Calvert, S. L., Jordan, A. B., Cocking, R. R. (Ed.) 2002; Carll, E. K., 2003; Turkle, S., 2002); and

Whereas, studies further suggest that videogames influence the learning processes in many ways more than in passively observing TV: a.) requiring identification of the participant with a violent character while playing video games, b.) actively participating increases learning, c.) rehearsing entire behavioral sequences rather than only a part of the sequence, facilitates learning, and d.) repetition increases learning (Anderson, C.A., 2002b; Anderson, C.A., Carnagey, N. L., Flanagan, M., Benjamin, A. J., Eubanks, J., Valentine, J. C., 2004; Anderson, C.A. & Dill, K. E., 2000); and

Whereas the data dealing with media literacy curricula demonstrate that when children are taught how to view television critically, there is a reduction of TV viewing in general, and a clearer understanding of the messages conveyed by the medium. Studies on media literacy demonstrate when children are taught how to view television critically, children can feel less frightened and sad after discussions about the medium, can learn to differentiate between fantasy and reality, and can identify less with aggressive characters. on TV, and better understand commercial messages (Brown, 2001; Hobbs, R. & Frost, R., 2003; Hortin, J.A., 1982; Komaya, M., 2003; Rosenkoetter, L.J., Rosenkoetter, S.E., Ozretich, R.A., & Acock, A.C., 2004; Singer & Singer, 1998; Singer & Singer, 1994)

Therefore be it Resolved that APA advocate for the reduction of all violence in

videogames and interactive media marketed to children and youth.

Be it further Resolved that APA publicize information about research relating to violence in video games and interactive media on children and youth in the Association's publications and communications to the public.

Be it further Resolved that APA encourage academic, developmental, family, and media psychologists to teach media literacy that meets high standards of effectiveness to children, teachers, parents and caregivers to promote ability to critically evaluate interactive media and make more informed choices.

Be it further Resolved that APA advocate for funding to support basic and applied research, including special attention to the role of social learning, sexism, negative depiction of minorities, and gender on the effects of violence in video games and interactive media on children, adolescents, and young adults.

Be it further Resolved that APA engage those responsible for developing violent video games and interactive media in addressing the issue that playing violent video games may increase aggressive thoughts and aggressive behaviors in children, youth, and young adults and that these effects may be greater than the well documented effects of exposure to violent television and movies.

Be it further Resolved that APA recommend to the entertainment industry that the depiction of the consequences of violent behavior be associated with negative social consequences.

Be it further Resolved that APA (a) advocate for the development and dissemination of a content based rating system that accurately reflects the content of video games and interactive media, and (b) encourage the distribution and use of the rating system by the industry, the public, parents, caregivers and educational organizations.

Mrs. CLINTON. In June, a groundbreaking study by researchers at the University of Indiana School of Medicine, which was published in the Journal of Clinical Psychology, concluded that adolescents exposed to high levels of violent media were less able to control and to direct their thoughts and behavior, to stay focused on a task, to plan, to screen out distractions, and to use experience to guide inhibitions.

A 2004 meta-analysis of over 35 research studies that included over 4,000 participants, found similar results. It concluded that playing violent video games significantly increases aggressive behavior, physiological arousal and feelings of anger and hostility, and significantly decreases pro-social helping behavior.

And according to testimony by Craig Andersen before the Commerce Committee in 2000, violent video games have been found to increase violent adolescent behavior by 13 to 22 percent. Eighty-six percent of African American females in the games are victims of violence. And, the most common role for women in video games is prostitutes.

Research also demonstrates the opposite—reducing exposure to violence reduces aggressive behavior. A 2001 study by Stanford University School of Medicine found that reducing TV and video violence consumption to under one hour per day reduces verbal aggression by 50 percent and physical aggression by 40 percent among 3rd and 4th grade children.

Now, if you don't find the scientists compelling, consider a child named Devon Thompson, who shot three police officers after being brought in under suspicion of driving a stolen car. He grabbed one of the officer's guns, shot three men and then jumped into a police car, a scene remarkably like one found in the game Grand Theft Auto. When Thompson was apprehended he said ''Life is a video game. You've got to die sometime.''

In the face of this mountain of scientific and anecdotal evidence, the same company that developed Grand Theft Auto is coming out with a new game called Bully. In Bully, the player is a student who beats up other students in school.

Again, I am not here to argue that these games shouldn't be developed or made available. But, I am here to ask, can't we as a society do better by our kids? Can't we give parents the tools to make sure they know what may fall into the hands of their children?

That is what this bill is all about and I urge my colleagues to join me in supporting it.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 2128. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. MCCAIN. Mr. President, today I introduce legislation to provide greater transparency into the process of influencing our Government and ensure greater accountability among public officials.

The legislation does a number of things. It provides for faster reporting and greater public access to reports filed by lobbyists and their employers under the Lobbying Disclosure Act of 1995.

It requires greater disclosure of the activities of lobbyists, including for the first time grassroots lobbying firms.

The bill also requires greater disclosure from both lobbyists and Members and employees of Congress about travel that is arranged or financed by a lobbyist or his client.

To understand more thoroughly the actions lobbyists take to influence elected officials, the bill requires lobbying firms, lobbyists, and their political action committees to disclose their campaign contributions to Federal candidates and officeholders, their political action committees and political party committees. It further mandates disclosure of fundraisers hosted, cohosted, or otherwise sponsored by these entities, and disclosure of contributions for other events involving legislative and executive branch officials.

To get behind anonymous coalitions and associations and discover who actually is seeking to influence Government, the bill requires registrants to list as clients those entities that contribute $10,000 or more to a coalition or association. The bill expressly keeps intact, however, existing law governing the disclosure of the identities of members and donors to organizations designated as 501(c) groups under the Internal Revenue Code.

To address the problem of the revolving door between Government and the private sector, the bill lengthens the period during which senior members of the executive, Members of Congress, and senior congressional staff are restricted from lobbying.

The bill also modifies the provision in current law that exempts from the revolving door laws former employees who go to work for Indian tribes by applying these laws to those employees retained by tribes as outside lobbyists and agents.

To ensure compliance with congressional restrictions on accepting gifts, the bill requires registrants under the Lobbying Disclosure Act to report gifts worth $20 or more. I repeat that: The person who gives the gift is now responsible for reporting a gift of $20 or more.

To accurately reflect the true value of benefits received, the bill also requires Members of Congress and staff to pay the fair market value for travel on private planes and the value of sports and entertainment tickets and skyboxes at the cost of the highest priced ticket in the arena. The legislation increases the penalty for violating the reporting requirements, and it contains other provisions on enforcement and oversight.

This bill is regrettably necessary. Over the past year and a half, the Committee on Indian affairs has unearthed a story of excess and abuse by former lobbyists of a few Indian tribes. The story is alarming in its depth and breadth of potential wrongdoing. It has spanned across the United States, sweeping up tribes throughout Indian country. It has taken us from tribal reservations across America to luxury skyboxes in town, from a sham international think tank in Rehoboth Beach, DE, to a sniper workshop in Israel and beyond. It involves tens of millions of dollars that we know about and likely more that we do not.

Much of what the committee learned was extraordinary. Yet much of what we uncovered in the investigation was, unfortunately, the ordinary way of doing business in this town.

The bill I am introducing today seeks to address business as usual in the Nation's Capital. How these lobbyists sought to influence policy and opinionmakers is a case study in the ways lobbyists seek to curry favor with legislators and their aides. For example, they sought to ingratiate themselves with public servants with tickets to plush skyboxes at the MCI Center, FedEx Field, and Camden Yards for sports and entertainment events. They

arranged extravagant getaways to tropical islands, the famed golfing links of St. Andrews and elsewhere. They regularly treated people to meals and drinks. Fundraisers and contributions abounded. The bill casts some disinfectant on those practices by simply requiring greater disclosure. If there is nothing inherently wrong with such activities, then there is no good reason to hide them from public scrutiny. The American people deserve no less.

During its investigation, the committee also learned about unscrupulous tactics employed to lobby Members and to shape public opinion. We found a sham international think tank in Rehoboth Beach, DE, established in part to disguise the true identity of clients. We saw phony Christian grassroots organizations consisting of a box of cell phones and a desk drawer.

I submit that in the great marketplace of ideas we call public discourse, truth is a premium that we cannot sacrifice. Through these practices, the lobbyists distorted the truth not only with false messages but also with fake messengers.

I hope by having for the first time disclosure of grassroots activities in the financial interests beyond misleading front groups that such a fraud on Members and voters can be avoided. Many cast blame only on the lobbying industry. But we should not forget that we as Members owe it to the American people to conduct ourselves in a way that reinforces rather than diminishes the public's faith and confidence in Congress.

The bill thus requires more accurate accounting of the benefits and privileges that sometimes come with public office. Requiring lobbyists to disclose all gifts over $20 will cause not only the lobbyist but also the recipient to more scrupulously adhere to existing gift limits. Fair evaluation of tickets to sporting and entertainment events and for air travel aboard private planes is another way of giving real effect to the gift rules of Congress.

I have read news reports that the Department of Justice is investigating job negotiations that some public officials may have had with lobbying firms while still in Government, negotiations that may have compromised their job performance. I have long been concerned with the revolving door between public service and the private sector, how that door is spun to personal gain, and the corrupting influences that can creep through that door into Government decisionmaking. To address the problem, I am proposing to expand the cooling off period to 2 years for Members of Congress and senior staff and certain executive branch officials. And to ensure a level playing field, I am seeking to close a loophole that has existed in Federal conflict-of-interest laws for those who represent Indian tribes.

Informed citizenry is essential to a thriving democracy. A democratic government operates best in the disinfecting light of the public eye. The approach on this bill is thus one of greater disclosure of and transparency into the interactions of lobbyists with our public officials.

The bill is intended to balance the right of the public to know with its right to petition Government, the ability of lobbyists to advocate their clients' cause with a need for truthful public discourse, and the ability of Members to legislate with the imperative that our Government must be free from corrupting influences, both real and perceived.

We must act now to ensure that the erosion we see today in the public's confidence in Congress does not become a collapse of confidence. That is why I would hope my colleagues would carefully examine this measure. I have had conversations with numerous other Members of this body, and I hope that both Republican and Democrat can join together on this issue.

I noted in today's—Friday, December 16—Congress Daily, there is a little chart in the corner, and it says: ''2005 Congressional Approval Ratings.'' I notice a very interesting trend. On February 1 of this year, approximately 40-some percent—about 44 percent—of the people approved, and about 43 percent disapproved. Those numbers have changed somewhat dramatically to a disapproval rating, in the last couple of days, of 64 percent, with a 26-percent approval rating. I repeat: 64 percent disapprove, 26 percent approve.

Now, I am not sure that is divided up between Democrats and Republicans. From my travels—and I have been traveling a lot lately in the last few weeks around the country—I find that disapproval is nonpartisan in nature. I think there are a number of reasons for that disapproval, and many of them I will not chronicle here. But one of them is that there is a deep perception that we do not act on the priorities of the American people, that special interests set our agenda here rather than the people's interest.

Now, I do not pretend that a lobbying reform bill will be the panacea for all the ills that I think beset this Capitol of ours, but I do believe it is part of an effort we all need to make—and seriously make—in order to try to turn these kinds of numbers around, not only for our individual well-being but for the well-being of the people of the United States because it will be more difficult to act effectively if we do not have at least a significant amount of support from the people whom we purport to represent.

I would like to say another word about lobbyists. Lobbying is an honorable profession. I have no problem with it. I have no problem with people working in order to bring the people's interests and agenda and priorities to the attention of Congress. Almost all of us who I know of rely on their input on various issues. Many supply us with policy papers, with data, et cetera.

But, Mr. President—Mr. President—when we have the behavior that we highlighted, what actually was brought to our attention during our Indian Affairs Committee hearings, it is not believable: luxury sports boxes, a sham international think tank in Rehoboth Beach, a sniper workshop in Israel, the list goes on and on. And, of course, the way the Native Americans were treated was especially insulting.

Congress, according to the Constitution, has a special obligation in regard to Indian affairs. But I will tell you what, I greatly fear that these practices we have uncovered concerning Native Americans are far more widespread than just lobbying efforts on behalf of Native Americans—or exploitation of Native Americans is probably the better description.

I do not think there is any doubt that one of the reasons the American people mistrust us is they think there is wrongdoing, if not corruption, in this town. We have an obligation to fix this system as well as we can, and I believe that one of the measures that needs to be taken is to have a lobbying transparency and accountability that can give us confidence.

I note the presence of my friend from Connecticut on the floor whom I have had discussions with on this issue. I have had them with my colleague, Senator FEINGOLD, and many others. I hope we can, over the recess, think about this issue and be prepared to address it as early as possible. We have a long way to go to restore accountability, transparency, and the confidence of the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

Mr. President, I came to the floor to thank my friend from Arizona not just for the legislation he has just introduced but for his characteristically courageous investigation of the events surrounding a particular lobbyist, Jack Abramoff, and the way in which they demonstrate the extent to which the system has gone out of control.

The direct victims here, of course, are those whose money was essentially taken without cause, who were cheated. But the indirect, yet very real, victims of these abuses are the Members of Congress, and the extent to which there has been abuse of a classic and very critical function of our Government—lobbying—the extent to which there has been abuse of that role breaks the public trust in Congress itself.

Disclosures, investigations such as Senator MCCAIN and his committee have been involved in, fearlessly, are critically important, but these disclosures and revelations and abuses cry out to us now to take some legislative action. I have not had the opportunity yet to review fully the provisions of the legislation Senator MCCAIN has introduced. I look forward to doing that

over the recess. I hope that will put me in a position to join him as a sponsor of this legislation. It would be an honor and a privilege to work with him on this matter, as it has been to work on so many other matters.

For today, I did not want this moment to go by without thanking him for coming forward with this legislation. It makes the point we are due—perhaps, in fact, overdue—for a review of our lobbying and disclosure laws. They need strengthening, and they need strengthening because it is right to do so and it is necessary to do so to restore the public trust in our Government.

Mr. President, I am privileged to serve as the ranking member on the Homeland Security and Governmental Affairs Committee. In the normal course of the Senate rules, I believe this legislation would be referred to our committee, and there I look forward, along with the chairman, Senator COLLINS, to reviewing it. But in a personal sense, I want to work with Senator MCCAIN and his staff and mine over the recess and hope that I can join him as a cosponsor of this legislation after the first of the year.

I thank my friend, Senator DURBIN, for yielding me these few moments. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join in echoing the comments of the Senator from Connecticut about what we just heard from the Senator from Arizona. He has really touched an important issue. There is no doubt in my mind there is a crisis in confidence in terms of the integrity of Congress. Unless and until we deal with that directly, little else we might do will be noticed or believed. I believe he is on the right track.

But I would suggest to him there is something more to the story. It is not just a question of lobbyists larding Members of Congress with gifts, trips to Scotland for golf outings or lavish meals or whatever it happens to be. There is more to the story, and it really goes to the heart of the issue about how we get to Congress and how we get to the Senate.

It is no longer ''Mr. Smith Goes to Washington,'' if it ever was. It is no longer a matter of putting your candidacy before the people of the State and asking that they consider you and wait for the consequence. It is a money chase. It is a huge money chase. And unless you happen to be one of the fortunate few and independently wealthy, you have to spend an awful lot of time chasing it, an awful lot of time raising money.

If you come from a State, as I do, like Illinois, you know an ordinary Senate campaign in my State is going to cost anywhere from $5 million to $20 million to $40 million. Now, imagine, if you will, for a moment that you had to raise that sum of money, and the largest contribution was in the range of $4,000. It takes a lot of time, and it takes a lot of contacts, and it takes a lot of commitment. So what you find is that as people of the Senate are running for reelection, for example, they are spending more and more and more time on the road raising money. They are finding precious little time to dedicate to their constituents or to the work of Congress because they are out raising huge sums of money.

That is part of the reality of the relationship between Members of Congress and lobbyists. Many of these lobbyists also are fundraisers, so to have them on your side is to guarantee they will not only buy you diner, if that is what you are looking for, but also help you in this fundraising effort. I think real, ethical reform, which gets to the heart of the issue, has to get to the issue of how we finance these campaigns.

Unless and until we bring campaigns for election and reelection to the U.S. Senate and the House of Representatives to a level where they are affordable for common people, I am afraid we are going to continue to be enslaved by the current system, which requires us to raise so much money from so many people.

I can recall when the Republican leader TOM DELAY announced he was starting something called the K Street project. He was a House leader, and he said he was going to set out to make sure that the lobbyists who came to see him were all loyal Republicans, loyal contributors. He didn't want to see Democratic lobbyists. He prevailed on major associations and organizations not to hire anybody other than a Republican who had met with his approval.

For those of us who have been around this Hill for a while, it was pretty clear what he was creating. He was creating a very generous network of people, who would lobby him on legislation, whom he would possibly reward and then find their support in his campaign. It had built into it some very perilous opportunities. I won't talk about his situation in Texas. Let that be decided in Texas. But unless and until we get to the heart of the issue, the financing of campaigns, I am afraid we are not going to be able to deal forthrightly with the charges of corruption against Congress.

Let me add why campaigns cost so much money. Certainly in Illinois and most other States, it is all about television. It is all about millions of dollars which I have to raise to then give to television stations in my State. It troubles me because what those television stations are selling to me is something I own, something all Americans own—the airwaves. So we are paying premium dollars to television stations to run our ads for election and reelection. We are raising millions of dollars to make sure that we transfer this money as if it were a trust fund from our contributors directly to TV stations. It is about time we change the fundamentals in America. In changing the fundamentals, we can bring real reform.

I supported McCain-Feingold. Senators MCCAIN and FEINGOLD talked about limiting soft money. That is the tip of the iceberg. It is insidious, the soft money that came into campaigns, but the real problem is the cost of campaigns and the millions you have to raise to pay for television. If we said basically that in our country incumbents and challengers will have access to a certain amount of television to deliver their message at an affordable rate, we would dramatically drop the cost of campaigns, dramatically reduce the need to fund raise, and dramatically reduce our dependence on the sources of funds, whether they are generous individuals, special interest groups, or lobbyists.

We have to get to the heart of the issue. It isn't an appetite for golfing in Scotland; it is an appetite for money you need to run your campaign.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2129. A bill to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce a bill today to formally convey title a portion of the American Falls Reservoir District from the Bureau of Reclamation to the National Park Service. The Minidoka Internment National Monument Draft General Management Plan and Environment Impact Statement proposes the transfer of these two publicly owned parcels of land, which are both within and adjacent to the existing 73-acre NPS boundary, and have been identified as important for inclusion as part of the monument. The sites were both within the original 33,000-acre Minidoka Relocation Center that was operated by the War Relocation Authority, where approximately 13,500 Japanese and Japanese Americans were held from 1942 through 1945.

The smaller 2.31-acre parcel is located in the center of the monument in the old warehouse area and includes three historical buildings and other important cultural features. The Draft General Management Plan proposes to use this site for visitor services, including a Visitor Contact Station within an original warehouse to greet visitors and provide orientation for the monument. The other, a 7.87-acre parcel, is on the east end of the monument and was undeveloped during WWII. The NPS proposes to use this area for special events and to provide a site for the development of a memorial for the Issei, first-generation Japanese immigrants. These two publicly-owned properties are critical for long-term development, visitor services, and protection and preservation of historical structures and features at Minidoka Internment National Monument.

I would like to add that this legislation was developed with and is strongly supported by both the agencies involved and the local communities. I ask my colleagues to join me in enacting this small land transfer that we might move a step closer toward properly memorializing an important, but often forgotten, chapter of our Nation's history.

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. 2129

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 ''American Falls Reservoir District Number 2 Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means Agreement No. 5-07-10-L1688 between the United States and the District, entitled ''Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2''.

(2) DISTRICT.—The term ''District'' means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, Idaho.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. AUTHORITY TO CONVEY TITLE.

(a) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(1) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(2) to the city of Gooding, located in Gooding County, Idaho, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(3) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(b) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subsection (a) shall comply with the terms and conditions of the Agreement, to the extent consistent with this Act.

SEC. 4. TRANSFER.

As soon as practicable after the date of enactment of this Act, the Secretary shall direct the Director of the National Park Service to include in and manage as a part of the Minidoka Internment National Monument the 10.18 acres of land and improvements described in Appendix D of the Agreement.

SEC. 5. COMPLIANCE WITH OTHER LAWS.

(a) IN GENERAL.—On conveyance of the land and improvements under section 3(a)(1), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(b) APPLICABLE AUTHORITY.—Nothing in this Act modifies or otherwise affects the applicability of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

SEC. 6. REVOCATION OF WITHDRAWALS.

(a) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(b) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subsection (a) subject to valid existing rights.

SEC. 7. LIABILITY.

(a) IN GENERAL.—Subject to subsection (b), upon completion of a conveyance under section 3, the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(b) EXCEPTION.—Subsection (a) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(c) FEDERAL TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

SEC. 8. FUTURE BENEFITS.

(a) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under section 3(a)(1), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(b) ELIGIBILITY FOR FEDERAL FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the District shall not be eligible to receive Federal funding to assist in any activity described in subsection (a) relating to land and improvements transferred under section 3(a)(1).

(2) EXCEPTION.—Paragraph (1) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

SEC. 9. NATIONAL ENVIRONMENTAL POLICY ACT.

Before completing any conveyance under this Act, the Secretary shall complete all actions required under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(4) all other applicable laws (including regulations).

SEC. 10. PAYMENT.

(a) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under section 3(a)(1), the District shall pay the fair market value for the withdrawn lands to be acquired by them, in accordance with the terms of the Agreement.

(b) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka Internment National Monument, the Secretary, acting through the Commission of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. HARKIN, and Mr. HAGEL):

S. 2131. A bill to amend title 9, United Stares Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise to re-introduce the Fair Contracts for Growers Act of 2005. This bill would simply give farmers a choice of venues to resolve disputes associated with agricultural contracts. This legislation would not prohibit arbitration. Instead, it would ensure that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I certainly recognize that arbitration has tremendous benefits. It can often be less costly than other dispute settlement means. It can also remove some of the workload from our Nation's overburdened court system. For these reasons, arbitration must be an option—but it should not be a coerced option.

Mandatory arbitration clauses are used in a growing number of agricultural contracts between individual farmers and processors. These provisions limit a farmer's ability to resolve a dispute with the company, even when a violation of Federal or State law is suspected. Rather than having the option to pursue a claim in court, disputes are required to go through an arbitration process that puts the farmer at a severe disadvantage. Such disputes often involve instances of discrimination, fraud, or negligent misrepresentation. The effect of these violations for the individual farmer can be bankruptcy and financial ruin, and mandatory arbitration clauses make it impossible for farmers to seek redress in court.

When a farmer chooses arbitration, the farmer is waving rights to access to the courts and the constitutional right to a jury trial. Certain standardized court rules are also waived, such as the right to discovery. This is important because the farmer must prove his case, the company has the relevant information, and the farmer can not prevail unless he can compel disclosure of relevant information.

Examples of farmers' concerns that have gone unaddressed due to limitations on dispute resolution options include; mis-weighed animals, bad feed cases, wrongful termination of contracts, diseased swine or birds provided by the company, fraud and misrepresentation to induce a grower to enter a contract, and retaliation by companies against farmers who join producer associations.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment

to give farmers a choice of venues to resolve disputes associated with agricultural contracts.

I have some letters supporting this legislation and ask unanimous consent that they be printed in the RECORD.

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

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

ORGANIZATION FOR COMPETITIVE MARKETS,
Lincoln, NE, November 15, 2005.

Re: Fair Contracts for Growers Act.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

SENATOR GRASSLEY:

1. The Organization for Competitive Markets would like to express its support for your Fair Contracts for Growers Act. Arbitration has a role in dispute resolution in the livestock industry, and in other economic sectors. It should not be an abuse tool. Your bill will remedy this.

2. The U.S. Constitution, Amendment 7 says this: ''. . . the right of trial by jury shall be preserved . . .''. The law says citizens can waive this right, but the law also says waivers should be knowing and voluntary.

3. It is a fact integrators and packers have more information and sophistication, and more power, when contracting with producers. Producers rely on integrator/packer representations when making business decisions including contract signing or rejection. Mandatory arbitration clauses are not explained or negotiated, but merely included in boilerplate language.

4. Producers are unable to knowingly and voluntarily waive their right to a court-resolved future dispute. This is true because they cannot anticipate the type of possible disputes which may arise. The American Medical Assn, American Arbitration Assn, and American Bar Assn have agreed with this principal in the context of consumer health care contracts.

5. Producers must be provided real, not illusory, choice. Your bill leaves producers free to agree to arbitration once a dispute arises, but prohibits this forced ''choice'' before. Thank you for your efforts for U.S. livestock and poultry producers.

Respectfully,

KEITH MUDD,
President.

IOWA FARMERS UNION,
Ames, IA.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of Iowa Farmers Union, Women, Food and Agriculture Network (WFAN) and the Iowa Chapter of National Farmers Organization to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation.

Contract livestock and poultry producers are being forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with large, vertically integrated processing firms. These producers forfeit their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control over the information needed for growers to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

Many assume that arbitration is a less costly way of resolving dispute than going to court, but for the producer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Independent family farmers all over the U.S. will benefit from a law that stops the abuse of arbitration clauses in livestock and poultry contracts.

Sincerely,

CHRIS PETERSEN,
President.

CENTER FOR RURAL AFFAIRS,
Lyons, NE.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Center for Rural Affairs to express our strong support for the Fair Contacts for Growers Act, and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, non-negotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

The Center for Rural Affairs believes this is important because of the number of small and mid-size farms that enter into contract livestock production. Small and mid-size farms that don't have the capital to invest in starting their own livestock operations often look to contract production as mechanism for diversifying their farming operations as well as their cash flow. However, when these farmers and ranchers are not allowed equal legal protection, their entire farming operations lay at risk.

Moreover, farmers who enter into contracts with meatpackers and large, corporate livestock producers will never have the power or negotiating position that those companies will enjoy in virtually every contract dispute. Producers often lack the financial and legal resources to challenge vertical integrators when their rights are violated. A legal agreement between smaller farm operations and integrators should, therefore, provide at least as much legal protection for producers as it does for the integrator.

Although the impetus behind this legislation emanates from the poultry industry, the rights of farmers who raise hogs and other livestock under contract are also threatened. And the increased use of production contracts in these sectors has made this issue that much more important to farmers in the Midwest and Great Plains as well.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

TRACI BRUCKNER,
Associate Director, Rural Policy Program.

SUSTAINABLE AGRICULTURE COALITION,
Washington, DC, November 17, 2005.

Senator CHUCK GRASSLEY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR GRASSLEY: I am writing on behalf of the Sustainable Agriculture Coalition in support of the Fair Contract for Growers Act and to thank you for your leadership in introducing this legislation.

The Fair Contracts for Growers Act is necessary to help level the playing field for our farmers and ranchers who enter into production contracts with packers and processors. The rapid rise of vertically integrated production chains, combined with the high degree of concentration of poultry processors and meatpackers, leave farmers and ranchers in many regions of the country with few choices, or only a single choice, of buyers for their production. Increasingly, farmers and ranchers are confronted with ''take-it-or-leave-it,'' non-negotiable contracts, written by the company. These contracts require that farmers and ranchers give up the basic constitutional right of access to the courts and sign mandatory arbitration clauses if they want access to a market for their products. These clauses are signed before any dispute arises, leaving the producers little, if

any, ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon. Many basic legal processes are not available to farmers and ranchers in arbitration. In most agricultural production contract disputes, the company has control of the information needed for a grower to argue a case. In a civil court case, this evidence would be available to the grower's attorney through discovery. In an arbitration proceeding, however, the company is not required to provide access to this information, thus placing the grower at an extreme disadvantage. In addition, in most arbitration proceedings, a decision is issued without an opinion providing an explanation of the principles and standards or even the facts considered in reaching the decision. The arbitration proceeding is private, closed to effective pubic safeguards, and the arbitration decisions are often confidential and rarely subject to public oversight or judicial review.

Moreover, there is a growing perception that the arbitration system is biased towards the companies. This private system is basically supported financially by the companies which are involved repeatedly in arbitration cases. The companies also know the history of previous arbitrations, including which arbitrators repeatedly decide in the companies' favor. This arbitration history is rarely available to a farmer or rancher involved in a single arbitration proceeding.

Arbitration is often assumed to be a less costly way of resolving disputes than litigation. But this assumption must be tested in light of the relative resources of the parties. For most farmers and ranchers, arbitration is a significant expense in relation to their income. One immediate financial barrier is filing fees and case service fees, which in arbitration are usually divided between the parties. A few thousand dollars out of pocket is a miniscule expense for a well-heeled company but can be an insurmountable barrier for a farmer with a modest income, especially when the farmer is conflict with the farmer's chief source of income. This significant cost barrier, when coupled with the disadvantages of the arbitration process, can effectively deny farmers a remedy in contract dispute cases with merit.

The Sustainable Agriculture Coalition represents family farm, rural development, and conservation and environmental organizations that share a commitment to federal policy reform to promote sustainable agriculture and rural development. Coalition member organizations include the Agriculture and Land Based Training Association, American Natural Heritage Foundation, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Center for Rural Affairs, Dakota Rural Action, Delta Land and Community, Inc., Future Harvest-CASA (Chesapeake Alliance for Sustainable Agriculture), Illinois Stewardship Alliance, Innovative Farmers of Ohio, Institute for Agriculture and Trade Policy, Iowa Environmental Council, Iowa Natural Heritage Foundation, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, Michael Fields Agricultural Institute, Michigan Agricultural Stewardship Association, Midwest Organic and Sustainable Education Service, The Minnesota Project, National Catholic Rural Life Conference, National Center for Appropriate Technology, Northern Plains Sustainable Agriculture Society, Ohio Ecological Food and Farm Association, Organic Farming Research Foundation, and the Sierra Club Agriculture Committee. Our member organizations included thousands of farmers and ranchers with small and mid-size operations, a number of whom have entered into agricultural production contracts or are considering whether to sign these contracts. As individuals, these farmers and ranchers do not have the financial power or negotiating position that companies enjoy in virtually every contract dispute. We agree with Senator Grassley that, in the face of such unequal bargaining power, the Fair Contract for Growers Act is a modest and appropriate step which allows growers the choice of entering into arbitration or mediation or choosing to exercise their basic legal right of access to the courts.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce commonsense legislation to stop the abuse of mandatory arbitration clauses in livestock and poultry contracts.

Sincerely,

MARTHA L. NOBLE,
Senior Policy Associate,
Sustainable Agriculture Coalition.

NATIONAL FAMILY FARM COALITION,
Washington, DC, November 17, 2005.

Senator CHARLES GRASSLEY,
Hart Building,
Washington, DC.

DEAR SENATOR GRASSLEY. I am writing as president of the National Family Farm Coalition to express our strong support for the Fair Contracts for Growers Act, and to thank you for your leadership in introducing this legislation. As you know, the National Family Farm Coalition provides a voice for grassroots groups on farm, food, trade and rural economic issues to ensure fair prices for family farmers, safe and healthy food, and vibrant, environmentally sound rural communities here and around the world. Our organization is committed to promoting food sovereignty, which is stymied by current practices that give farmers unfair and unjust difficulties when they wish to arbitrate a contract dispute.

Therefore, the Fair Contracts for Growers Act is very timely. With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. Under these contracts, it is common for farmers and growers to be forced to sign mandatory arbitration clauses, as part of a take-it-or-leave-it, nonnegotiable contract with a large, vertically integrated processing firm. In doing so, the farmer is forced to give up their basic constitutional right to a jury trial, and instead must accept an alternative dispute resolution forum that severely limits their rights and is often prohibitively expensive. These clauses are signed before any dispute arises, leaving farmers little if any ability to seek justice if they become the victim of fraudulent or abusive trade practices.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a growers' attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer, the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself, with farmers being required to pay fees in the thousands of dollars just to start the arbitration process.

Arbitration can be a valid and effective method of dispute resolution when agreed to voluntarily through negotiation by two parties of similar power, but when used by a dominant party to limit the legal recourse of a weaker party in a non-negotiable contract, it becomes an abusive weapon.

Thank you for your leadership in recognizing these concerns, and your willingness to introduce common sense legislation to stop the abuse of arbitration clauses in the livestock and poultry contracts.

Sincerely,

GEORGE NAYLOR,
President,
National Family Farm Coalition.

CAMPAIGN FOR CONTRACT
AGRICULTURE REFORM,
November 18, 2005.

Hon. CHARLES GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the Campaign for Contract Agriculture Reform, I would like to thank you for your leadership in introducing the Fair Contracts for Growers Act.

With the rapid rise of vertically integrated methods of agricultural production, farmers are increasingly producing agricultural products under contract with large processors. In many cases, particularly in the livestock and poultry sector, the farmer never actually owns the product they produce, but instead makes large capital investments on their own land to build the facilities necessary to raise animals for an ''integrator.''

Under such contract arrangements, farmers and growers are often given take-it-or-leave-it, non-negotiable contracts, with language drafted by the integrator in a manner designed to maximize the company's profits and shift risk to the grower. In many cases, the farmer has little choice but to sign the contract presented to them, or accept bankruptcy. The legal term for such contracts is ''contract of adhesion.'' As contracts of adhesion become more commonplace in agriculture, the abuses that often characterize such contracts are also becoming more commonplace and more egregious.

One practice that has become common in livestock and poultry production contracts is the use of mandatory arbitration clauses, where growers are forced to sign away their constitutional rights to jury trial upon signing a contract with an integrator, and instead accept a dispute resolution forum that denies their basic legal rights and is too costly for most growers to pursue.

Because basic legal processes such as discovery are waived in arbitration, it becomes very difficult for a farmer or grower to prove their case. In these cases, the company has control of the information needed for a grower to argue their case. In a civil court case, this evidence would be available to a grower's attorney through discovery. In an arbitration proceeding, the company is not required to provide access to this information, thus placing the farmer/grower at an extreme disadvantage. Other standard legal rights that are waived through arbitration are access to mediation and appeal, as well as the right to an explanation of the decision.

In addition, it is often assumed that arbitration is a less costly way of resolving dispute than going to court. Yet for the farmer,

the opposite is usually true. The high cost of arbitration is often a significant barrier to most farmers. The up-front filing fees and arbitrator fees can exceed the magnitude of the dispute itself. For example, in one Mississippi case, filing fees for a poultry grower to begin an arbitration proceeding were $11,000. In contrast, filing fees for a civil court case are $150 to $250. Lawyer fees in a civil case are often paid on a contingent-fee basis.

In addition, the potential for mandatory arbitration clauses to be used abusively by a dominant party in a contract has also been recognized by Congress with regard to other sectors of our economy. In 2002, legislation was enacted with broad bipartisan support that prohibits the use of pre-dispute, mandatory arbitration clauses in contracts between car dealers and car manufacturers and distributors. The Fair Contract for Growers Act is nearly identical in structure to the ''car dealer'' arbitration bill passed by Congress in 2002.

Thank you again for introducing the Fair Contracts for Growers Act, to assure that arbitration in livestock and poultry contracts is truly voluntary, after mutual agreement of both parties after a dispute arises. If used, arbitration should be a tool for honest dispute resolution, not a weapon used to limit a farmer's right to seek justice for abusive trade practices.

I look forward to working with you toward enactment of this important legislation.

Sincerely,

STEVEN D. ETKA,
Legislative Coordinator.

S. 2131

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 ''Fair Contracts for Growers Act of 2005''.

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Livestock and poultry contracts

''(a) DEFINITIONS.—In this section:

''(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

''(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

''(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Livestock and poultry contracts''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. CRAPO (for himself, Mr. BURNS and Mr. CRAIG):

S. 2132. A bill to Include Idaho and Montana as affected areas for purposes of making claims under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

Mr. CRAPO. Mr. President, I rise to introduce legislation on behalf of myself, Senator BURNS of Montana and my Colleague Senator CRAIG that would include the States of Idaho and Montana as affected areas under the Radiation Exposure Compensation Act, or RECA.

Since our goals of giving affected citizens in our States the opportunity to receive compensation under RECA, and the challenges faced by our constituents are the same, it is appropriate to combine our efforts toward rectifying the problem.

Nuclear testing in Nevada during the 1950s and 1960s released radiation into the atmosphere that settled in States far away from the original test site. Certain elements of this radiation such as the radioactive isotope Iodine–131 settled in States such as Idaho and Montana and found their way into the milk supply. After time, in some cases 25 to 50 years after the fact, this contamination manifested itself as various forms of cancer, leukemia and other illnesses, particularly thyroid cancer. Those affected in this way are often referred to as ''downwinders,'' to denote their location downwind from the fallout.

In 1990, Congress recognized the need for the Federal Government to make amends for the harm caused to innocent citizens by nuclear testing and the Radiation Exposure Compensation Act was passed into law. Unfortunately, the science at the time did not recognize that radioactive fallout did not restrict itself by State lines.

This was highlighted in 1999, when a group of Senators, led by Senator HATCH, amended the law to include additional counties in Arizona. During debate on this legislation, Senator HATCH said, ''Our current state of scientific knowledge allows us to pinpoint with more accuracy which diseases are reasonably believed to be related to radiation exposure, and that is what necessitated the legislation we are considering today.'' Since that time, even greater advances in science have been made in the area of radiation exposure.

When the RECA disparity was first brought to my attention by the Idaho downwinders, I met with them to discuss ways to help them. The National Academy of Sciences staff came to Idaho in 2004 to hear testimony from those affected and ensure that their concerns and comments were included in the process.

Their voices were heard; the NAS report released in April of 2005 recognized that, among the 25 counties with the highest per capita dosage of radiation, 20 of those counties are in Idaho and Montana. In fact, Idaho is home to four of the top five counties in this regard. The report also stated that, ''To be equitable, any compensation program needs to be based on scientific criteria and similar cases must be treated alike. The current geographic limitations are not based on the latest science.'' Understanding these facts, it is of prime importance that we rectify the problem quickly.

The NAS report recognizes that the RECA program needs to be updated and that affected Idahoans and Montanans deserve equal treatment with those in other States. The report makes several specific recommendations, chief among them that Congress should establish a new process for reviewing individual claims, based on probability of causation, or ''assigned share,'' a method which is used in the courts and for other radiation compensation programs. I am currently working with my colleagues to legislatively address the suggestions made by the NAS report and work out a long-term solution for the challenges currently posed by RECA.

We all recognize that this problem requires a two-part solution—expanding the current RECA program to include those left behind while at the same time working on the long-term fixes recommended by the NAS. These efforts must happen simultaneously and I am pleased that my colleagues are partnering with me on this course.

Tragically, for some, it is already too late. A long-time advocate for the downwinders, and personal friend, Sheri Garmon, passed away from cancer this summer. Others preceded her and some are sick right now. There are still a number of those affected who are still waiting for the Government to do the right thing and make them eligible for compensation for their injuries. The facts are in and the science shows that they should not have to wait any longer for their rightful opportunity to seek appropriate redress. Let's fix this while we still have some of those who are sick because of Government actions with us.

I would exhort my colleagues to join with me and Senators BURNS and CRAIG to take up this legislation we have introduced today and bring needed fairness to those in Idaho and Montana and extend them eligibility under the current Radiation Exposure Compensation Act.

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. 2132

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

SECTION 1. INCLUSION OF IDAHO AND MONTANA IN RADIATION EXPOSURE COMPENSATION.

Section 4(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

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

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

(3) by adding after subparagraph (C) the following:

''(D) the State of Idaho; and

''(E) the State of Montana; and''.

By Mr. ROCKEFELLER:

S. 2133. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include foreseeable catastrophic events as major disasters, to permit States affected by an event occurring elsewhere to receive assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ROCKEFELLER. Mr. President, the massive devastation inflicted upon our southern States by hurricanes Katrina, Rita, and Wilma reminded all Americans how important it is that the Federal Government be able to respond quickly and effectively when disaster strikes. We also learned from those tragedies that we must assist in ways few of us had imagined—for example, to meet the needs of evacuees who were dispersed far from the disaster.

Other events of the past few years, both here at home and abroad, have taught us that we must prepare for more than just natural disasters. Accidents, acts of terrorism, and pandemic illnesses also threaten us with death, injury, and destruction. And while we work to minimize the threats, we must assume that such disasters will really happen.

I have concluded that the President's current statuary authority to respond to disasters is not sufficient to meet the threats that we all now recognize as real, though once they were unimaginable. Today, I am introducing the Disaster Relief Act 2005 to modernize our disaster response capability for the 21st century.

One of the principal authorities we have given the President for disaster management is the Robert T. Stafford Disaster Relief and Emergency Assistance Act. This is the law that authorizes the President, at the request of a Governor, to declare an ''Emergency'' or a ''Major Disaster,'' which then enables various types of Federal assistance. Emergency is the lower level declaration. The President is given great latitude in the types of events that can be declared emergencies, but relief is generally limited to $5 million per declaration. A major disaster declaration allows much greater assistance, but can be made only for natural disasters or, from any cause, fire, flood, or explosion.

The Department of Homeland Security uses 15 disaster scenarios to guide planning for the types of catastrophes it has concluded threaten our country. Besides natural disasters, the list includes various types of terrorist attacks—chemical, biological, radiological, cyber—as well as major health disasters. Though the President could respond to any of these scenarios by issuing an Emergency declaration, only seven of the fifteen would currently qualify under the Stafford Act to be declared a major disaster.

This bill will modify the definition of a major disaster in the Stafford Act to direct the President to focus on the impacts of an event in determining whether to issue a declaration. It is indeed the suffering—deaths, injuries, destruction—and not the cause of that suffering, which should determine our response. Catastrophic events, foreseeable and yet unimagined, will be covered if the suffering exceeds the capacity of the State to respond.

Furthermore, under the Stafford Act it is not clear whether States affected indirectly by a disaster occurring elsewhere—for example, by receiving evacuees or by the spread of nuclear, toxic, or infectious agents—could receive a major disaster declaration. It became clear in the aftermath of Hurricane Katrina that meeting the needs of evacuees can be a difficult challenge. Four States received major disaster declarations following Katrina. Forty-four others received emergency declarations to assist evacuees, but not even Texas, which hosted over 200,000 evacuees, received a major disaster declaration to assist them. Even if it were possible to declare a major disaster in a State receiving evacuees, assistance to meet some of their needs—education, healthcare, long-term housing and resettlement—is not adequately authorized under the Stafford Act.

Being able to meet the needs of evacuees is an important issue for West Virginia. We hosted several hundred evacuees from Hurricane Katrina, just enough to understand the special needs of people who have lost their homes and livelihoods, have been moved to unfamiliar places without resources, have been separated from their families, and suffered in many other ways. A disaster in the Washington-Baltimore region, or in Pennsylvania or Ohio, could bring far more evacuees to West Virginia than we could assist with presently available resources.

This bill acknowledges the fact that the impacts of a major disaster can extend far beyond the location of the event, and enables the President to make major disaster declarations in affected States, wherever they may be located. Additional forms of assistance to evacuees, found necessary after hurricane Katrina—for education, healthcare, long-term housing, and resettlement—will be made available.

Several other aspects of the Stafford Act require our attention, and are addressed in the bill. Authorization for Predisaster Hazard Mitigation under Title II, set to expire at the end of this year, will be extended to 2010. The modest levels of direct assistance to individuals, though indexed to inflation, will be increased because of rapid increases in housing costs in recent years. The duration of assistance that can be provided by the Department of Defense, for the preservation of life and property, will be increased from 10 to 30 days, to meet needs following extreme disasters. It will be clarified that events occurring within the waters surrounding the United States are eligible for emergency and major disaster declarations, Efforts to recover costs of assistance when emergencies or major disasters are caused by gross negligence will be authorized. The process for appropriating funds for disaster relief will be improved. And other minor improvements will be made.

I ask my colleagues in the Senate to join me to pass this bill and improve our preparedness for disasters in the 21st century.

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

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

S. 2133

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 ''Disaster Relief Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the current definition of a major disaster in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is insufficient to enable the President to respond quickly and efficiently to foreseeable catastrophic events, including many types of potential terrorists attacks, accidents, and health emergencies;

(2) more than ½ of the disaster planning scenarios used by the Department of Homeland Security to evaluate preparedness would not be covered by that present definition;

(3) States affected by a event occurring elsewhere, such as through mass evacuations, the propagation of radioactive or toxic substances, or the transmission of infectious agents, may not be eligible for the declaration of a major disaster or for certain types of assistance;

(4) emergency declarations, widely used to provide assistance to evacuees following Hurricane Katrina, may not adequate;

(5) some types of assistance found to be necessary following the evacuations associated with Hurricane Katrina, notably assistance for providing public services such as education, healthcare, long-term housing, and resettlement, are not authorized to be provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(6) the process for appropriating funds for disaster assistance is inefficient and often requires supplemental appropriations and certain assistance programs have been delayed by insufficient funds;

(7) authorization for the Predisaster Hazard Mitigation program, under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) will expire on December 31, 2005;

(8) while the Federal Government is authorized to recover the cost of providing assistance in the event of major disasters or emergencies caused by deliberate actions, costs resulting from negligent actions cannot be recovered;

(9) limits on assistance provided to individuals for repair or replacement of housing and total assistance, though indexed for inflation, do not adequately reflect increases in the costs of housing that have occurred in recent years; and

(10) the duration of assistance by the Department of Defense authorized under section 403(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)) for activities ''essential for the preservation of life and property'' may be insufficient to meet needs following major disasters that are particularly severe or for which the period of recovery is lengthy.

(b) PURPOSES.—

(1) IN GENERAL.—The purpose of this Act is to expand and enhance the authority and capacity of the President of the United States to alleviate suffering and loss resulting from large catastrophic events by appropriately amending the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) MAJOR DISASTERS.—In amending the definition of the term major disaster in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), Congress intends to expand the types of events that constitute a major disaster and does not intend to exclude any type of event that would have constituted a major disaster prior to the date of the enactment of this Act.

SEC. 3. DEFINITIONS.

(a) MAJOR DISASTER.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by striking paragraph (2) and inserting the following:

''(2) MAJOR DISASTER.—The term 'major disaster' means a catastrophic event that—

''(A) involves or results in—

''(i) a large number of human deaths, injuries, or illnesses;

''(ii) substantial property damage or loss; or

''(iii) extensive disruption of public services; and

''(B) in the determination of the President, is of such severity and magnitude that effective response is beyond the capabilities of the affected State or local government.''.

(b) UNITED STATES.—Section 102(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(3)) is amended—

(1) by striking '''United States''' and inserting the following:

''(3) UNITED STATES.—The term 'United States' '';

(2) by striking ''and'' after ''Samoa,''; and

(3) by striking the period at the end and inserting the following: '', and the exclusive economic zone and continental shelf (as those terms are defined in the United Nations Convention on the Law of the Sea, done at Montego Bay December 10, 1982) surrounding those areas.''.

(c) AFFECTED STATE.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by adding at the end the following:

''(10) AFFECTED STATE.—The term 'affected State' means any State—

''(A) that suffers damage, loss, or hardship as a result of an occasion or instance satisfying the criteria of paragraph (1) or a catastrophic event satisfying the criteria of paragraph (2);

''(B) regardless of location, that suffers indirect consequences due to an emergency or major disaster declared in another part of the United States, to the extent that, in the determination of the President, assistance provided for under this Act is required; or

''(C) that is included in a Presidential declaration of an Incident of National Significance under the National Response Plan (developed under Homeland Security Presidential Directive 5).''.

SEC. 4. EXTENSION OF PREDISASTER HAZARD MITIGATION PROGRAM.

Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2010''.

SEC. 5. COORDINATING OFFICERS.

Section 302(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143(a)) is amended—

(1) by inserting ''(1)'' before ''Immediately''; and

(2) by adding at the end the following:

''(2) In the event the President declares an emergency or major disaster in more than 1 State as a result of an occasion, instance, or catastrophic event, the President may, as appropriate and efficient, appoint 1 or more regional coordinating officers, without regard to State borders. A regional coordinating officer shall report to the Federal coordinating officer appointed under paragraph (1) and the Principal Federal Official for the emergency or major disaster designated under the National Response Plan (developed under Homeland Security Presidential Directive 5).''.

SEC. 6. RECOVERY OF ASSISTANCE.

Section 317 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5160) is amended by inserting '', or through gross negligence,'' after ''Any person who intentionally''.

SEC. 7. UTILIZATION OF DOD RESOURCES.

Section 403(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(c)(1)) is amended—

(1) in the first sentence—

(A) by striking ''an incident which may ultimately qualify for assistance under this title or title V of this Act'' and inserting the following: ''a catastrophic event that the President has declared a major disaster''; and

(B) by striking ''the State in which such incident occurred'' and inserting the following: ''any State in the area for which the President has declared a major disaster''; and

(2) in the third sentence, by striking ''10 days'' and inserting ''30 days''.

SEC. 8. HAZARD MITIGATION.

Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended in the first sentence, by striking ''any area affected by a major disaster'' and inserting ''any area in which the President has declared a major disaster''.

SEC. 9. CONGRESSIONAL NOTIFICATION.

Section 406(a)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(4) is amended—

(1) in subparagraph (A), by striking ''Committee on Environment and Public Works'' and inserting ''Committee on Homeland Security and Governmental Affairs''; and

(2) in subparagraph (B), by inserting ''and the Committee on Homeland Security'' after ''Infrastructure''

SEC. 10. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) is amended—

(1) in subsection (a)(1), by striking ''in the State who, as a direct result of a major disaster,'' and inserting the following: ''in an area in which the President has declared a major disaster who'';

(2) in subsection (c)—

(A) in paragraph (2)(C), by striking ''$5,000'' and inserting ''$10,000''; and

(B) in paragraph (3)(B), by striking ''$10,000'' and inserting ''$20,000''; and

(3) in subsection (h)(1), by striking ''$25,000'' and inserting ''$50,000''.

SEC. 11. EMERGENCY PUBLIC TRANSPORTATION.

Section 419 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5186) is amended by striking ''an area affected by a major disaster to meet emergency needs'' and inserting the following: ''an area in which the President has declared a major disaster to meet emergency needs, including evacuation,''.

SEC. 12. EVACUEES.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

''SEC. 425. ASSISTANCE IN AREAS RECEIVING EVACUEES.

''If the President determines that other statutory authorities are insufficient, the President may award grants or other assistance to an affected State or local government to be used to meet the temporary health, education, food, and housing needs of evacuees.''.

SEC. 13. DISASTER RELIEF FUND.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

''SEC. 326. DISASTER RELIEF FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States, under the Office of the Secretary of the Treasury, a Disaster Relief Fund (referred to in this section as the 'Fund'). The Fund shall be available to provide financial resources to respond to domestic disasters and emergencies described in subsection (c).

''(b) APPROPRIATIONS.—

''(1) IN GENERAL.—The Fund shall consist of such sums as are appropriated in accordance with this subsection and such sums as are transferred from the Department of Homeland Security Disaster Relief Fund.

''(2) DEFINITION.—For purposes of this subsection, the term 'operating expenditures' means an amount equal to the average amount expended from the Fund, or any predecessor of the Fund, for the preceding 5 years, excluding the years during that 5-year period in which the greatest amount and least amount were expended from the Fund.

''(3) DEPOSITS INTO FUND.—On October 1 of each fiscal year, the Secretary of the Treasury shall make a cash deposit into the Fund of an amount sufficient to bring the Fund balance up the amount of operating expenditures as of that date.

''(4) REPLENISHMENT.—There shall be appropriated, for each fiscal year, sufficient amounts to restore the Fund to balance required under paragraph (3).

''(c) USE OF FUNDS.—Amounts in the Fund shall only be available to meet the emergency funding requirements for—

''(1) particular domestic disasters and security emergencies designated by a Joint Resolution of Congress; or

''(2) an emergency or major disaster declared by the President under this Act.

''(d) REPORTING.—Not later than November 30, 2006, and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report that lists the amounts expended from the Fund for the prior fiscal year for each disaster or emergency under subsection (c).''.

(b) ABOLITION OF EXISTING FUND.—

(1) TRANSFER OF FUNDS.—The Secretary of Homeland Security shall transfer any funds in Department of Homeland Security Disaster Relief Fund to the Disaster Relief Fund established in the Treasury of the United States by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by this Act).

(2) ABOLITION.—After all funds are transferred to the Disaster Relief Fund in the Treasury of the United States under paragraph (1), the Department of Homeland Security Disaster Relief Fund is abolished.

(c) CONFORMING AMENDMENTS.—

(1) PERMANENT APPROPRIATION.—Section 1305 of title 31, United States Code, is amended by adding at the end the following:

''(11) EMERGENCY RESERVE FUND.—To make payments into the Disaster Relief Fund established by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

(d) CONGRESSIONAL BUDGET PROCESS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8) respectively; and

(2) by inserting after paragraph (5) the following:

''(6) total new budget authority and total budget outlays for emergency funding requirements for domestic disasters and emergencies, which shall be transferred to the Disaster Relief Fund established by section 326 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

By Mr. SMITH:

S. 2134. A bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senators KOHL and DEWINE to introduce the Manufacturing Technology Competitiveness Act of 2005.

The manufacturing sector is a critical component of our economy and an engine of job creation for millions of Americans. Investment and continued growth in this industry is vital in order to strengthen manufacturing in the United States and increase our global competitiveness.

Through a number of measures, my legislation is aimed at further improving productivity, advancing technology and increasing the competitiveness of the U.S. manufacturing industry.

My bill authorizes funding through fiscal year 2008 for the Manufacturing Extension Partnership (MEP) and the National Institute of Standards and Technology (NIST).

MEP is a nationwide network with centers in all 50 states that provide assistance to help small- and medium-sized manufacturers succeed by providing expertise and services customized to meet their critical needs.

Small and medium sized manufacturers in my home State of Oregon have benefited from the efforts of the Oregon MEP resulting in increased jobs, investment and overall productivity. In 2004, the Oregon MEP helped manufacturers generate new or retain sales of $6,835,400 and a save costs of $18,736,000. MEP's assistance has yielded similar success for countless manufacturers in states across the country.

In addition to authorizing funding for MEP, this bill will amend partnership to include a mechanism for review and re-competition of MEP Centers and establish an additional competitive grant program from which these centers can obtain supplemental funding for manufacturing-related projects.

The National Institute of Standards and Technology with its expertise in technology, measurement and standards helps U.S. industry manufacture leading products and deliver high quality services. NIST has aided U.S. companies in competing in domestic and foreign markets through technology-based innovations in areas such as biotechnology, information technology and advanced manufacturing. NIST's capabilities will allow them to make further valuable contributions with emerging technologies in the future.

My bill establishes programs aimed at enhancing research and advancements in the manufacturing industry including a fellowship program and a manufacturing research pilot program, which involves cost-sharing collaborations aimed at developing new processes and materials to improve manufacturing performance and productivity.

The Advanced Technology Program (ATP) which supports research and development of high-risk, cutting edge technologies is authorized funding in this legislation. ATP partners with private sector entities to invest in early stage, innovative technologies that enable U.S. companies to develop next generation products and services that improve the quality of life for all of us. These public-private partnerships lead to innovations that otherwise could not be developed by a single entity.

I urge my colleagues to support the Manufacturing Technology Competitiveness Act of 2005 and 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. 2134

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 ''Manufacturing Technology Competitiveness Act of 2005''.

SEC. 2. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note; as redesignated by Public Law 105–309) as section 34; and

(2) by inserting before the section redesignated by paragraph (1) the following:

''SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

''(a) AUTHORITY.—

''(1) ESTABLISHMENT.—The Director shall establish a Manufacturing Research Pilot Grants program to make awards to partnerships consisting of participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

''(2) PARTICIPANTS.—The partnerships described in this paragraph shall include at least—

''(A) 1 manufacturing industry partner; and

''(B) 1 nonindustry partner.

''(3) PURPOSE.—The purpose of the program established under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and the manufacturing competitiveness of the United States, and build lasting alliances among collaborators.

''(b) PROGRAM CONTRIBUTION.—An award made under this section shall provide for not more than one-third of the costs of the partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

''(c) APPLICATIONS.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

''(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

''(2) the research that the grant will fund; and

''(3) how the research to be funded with the award will contribute to improved performance, productivity, and the manufacturing competitiveness of the United States.

''(d) SELECTION CRITERIA.—In selecting applications for awards under this section, the Director shall consider at a minimum—

''(1) the degree to which projects will have a broad impact on manufacturing;

''(2) the novelty and scientific and technical merit of the proposed projects; and

''(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

''(e) DISTRIBUTION.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

''(f) DURATION.—In carrying out this section, the Director shall conduct a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.''.

SEC. 3. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Director is authorized''; and

(2) by adding at the end the following new subsection:

''(b) MANUFACTURING FELLOWSHIP PROGRAM.—

''(1) ESTABLISHMENT.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

''(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

''(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

''(2) APPLICATIONS.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(3) STIPEND LEVELS.—Under this section, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.''.

SEC. 4. MANUFACTURING EXTENSION.

(a) MANUFACTURING CENTER EVALUATION.—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by inserting ''A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and may be placed on probation for one year, after which time the panel may reevaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director may conduct a new competition to select an operator for the Center or may close the Center.'' after ''sixth year at declining levels.''.

(b) FEDERAL SHARE.—Section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) is amended to read as follows:

''(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).''.

(c) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsections:

''(e) COMPETITIVE GRANT PROGRAM.—

''(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

''(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

''(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership National Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, or extend beyond the traditional areas.

''(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership National Advisory Board.

''(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

''(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

''(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

''(C) that will contribute to the long-term economic stability of that region.

''(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.

''(f) AUDITS.—A center that receives assistance under this section shall submit annual audits to the Secretary in accordance with Office of Management and Budget Circular A–133 and shall make such audits available to the public on request.''.

(d) PROGRAMMATIC AND OPERATIONAL PLAN.—Not later than 120 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year programmatic and operational plan for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278*l*). The plan shall include comments on the plan from the Manufacturing Extension Partnership State partners and the Manufacturing Extension Partnership National Advisory Board.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR MANUFACTURING SUPPORT PROGRAMS.

(a) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, or other appropriate Federal agencies, for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278*l*)—

(1) $110,000,000 for fiscal year 2006, of which not more than $1,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e));

(2) $115,000,000 for fiscal year 2007, of which not more than $4,000,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)); and

(3) $120,000,000 for fiscal year 2008, of which not more than $4,100,000 shall be for the competitive grant program under section 25(e) of such Act (15 U.S.C. 278k(e)).

(b) COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Collaborative Manufacturing Research Pilot Grants program under section 33 of the National Institute of Standards and Technology Act—

(1) $10,000,000 for fiscal year 2006;

(2) $10,000,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

(c) FELLOWSHIPS.—There are authorized to be appropriated to the Secretary of Commerce for Manufacturing Fellowships at the National Institute of Standards and Technology under section 18(b) of the National Institute of Standards and Technology Act, as added by section 3 of this Act—

(1) $1,500,000 for fiscal year 2006;

(2) $1,750,000 for fiscal year 2007; and

(3) $2,000,000 for fiscal year 2008.

SEC. 6. TECHNICAL WORKFORCE EDUCATION AND DEVELOPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Director of the National Science Foundation, from sums otherwise authorized to be appropriated, for the programs established under section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i)—

(A) $55,000,000 for fiscal year 2006, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification;

(B) $57,750,000 for fiscal year 2007, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification; and

(C) $60,600,000 for fiscal year 2008, $5,000,000 of which may be used to support the education and preparation of manufacturing technicians for certification.

(2) DISTRIBUTION.—Funds appropriated under this subsection shall be made available, to the maximum extent practicable, to diverse institutions, including historically Black colleges and universities and other minority-serving institutions.

(b) AMENDMENTS.—Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) in subsections (a)(1) and (c)(2), by inserting '', including manufacturing,'' after ''advanced-technology fields''; and

(2) by inserting '', including manufacturing'' after ''advanced-technology fields'' each place the term appears, other than in subsections (a)(1) and (c)(2).

SEC. 7. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) LABORATORY ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) $426,267,000 for fiscal year 2006, of which—

(A) $50,833,000 shall be for Electronics and Electrical Engineering;

(B) $28,023,000 shall be for Manufacturing Engineering;

(C) $52,433,000 shall be for Chemical Science and Technology;

(D) $46,706,000 shall be for Physics;

(E) $33,500,000 shall be for Material Science and Engineering;

(F) $24,321,000 shall be for Building and Fire Research;

(G) $68,423,000 shall be for Computer Science and Applied Mathematics;

(H) $20,134,000 shall be for Technical Assistance;

(I) $48,326,000 shall be for Research Support Activities;

(J) $29,369,000 shall be for the National Institute of Standards and Technology Center for Neutron Research; and

(K) $18,543,000 shall be for the National Nanomanufacturing and Nanometrology Facility;

(2) $447,580,000 for fiscal year 2007; and

(3) $456,979,000 for fiscal year 2008.

(b) MALCOLM BALDRIGE NATIONAL QUALITY AWARD PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $5,654,000 for fiscal year 2006;

(2) $5,795,000 for fiscal year 2007; and

(3) $5,939,000 for fiscal year 2008.

(c) CONSTRUCTION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $58,898,000 for fiscal year 2006;

(2) $61,843,000 for fiscal year 2007; and

(3) $63,389,000 for fiscal year 2008.

SEC. 8. ADVANCED TECHNOLOGY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) $140,000,000 for each of the fiscal years 2006 through 2008.

(b) REPORT ON ELIMINATION.—Not later than 3 months after the date of enactment of this Act, the Secretary shall submit to Congress a report detailing the impacts of the possible elimination of the Advanced Technology Program on the laboratory programs at the National Institute of Standards Technology.

(c) LOSS OF FUNDING.—At the time of the President's budget request for fiscal year 2007, the Secretary shall submit to Congress a report on how the Department of Commerce plans to absorb the loss of Advanced Technology Program funds to the laboratory programs at the National Institute of Standards and Technology, or otherwise mitigate the effects of this loss on its programs and personnel.

SEC. 9. STANDARDS EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) As part of the Teacher Science and Technology Enhancement Institute Program, the Director of the National Institute of Standards and Technology shall carry out a Standards Education program to award grants to institutions of higher education to support efforts by such institutions to develop curricula on the role of standards in the fields of engineering, business, science, and economics. The curricula should address topics such as—

(A) development of technical standards;

(B) demonstrating conformity to standards;

(C) intellectual property and antitrust issues;

(D) standardization as a key element of business strategy;

(E) survey of organizations that develop standards;

(F) the standards life cycle;

(G) case studies in effective standardization;

(H) managing standardization activities; and

(I) managing organizations that develop standards.

(2) Grants shall be awarded under this section on a competitive, merit-reviewed basis and shall require cost-sharing from non-Federal sources.

(b) SELECTION PROCESS.—(1) An institution of higher education seeking funding under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include at a minimum—

(A) a description of the content and schedule for adoption of the proposed curricula in the courses of study offered by the applicant; and

(B) a description of the source and amount of cost-sharing to be provided.

(2) In evaluating the applications submitted under paragraph (1) the Director shall consider, at a minimum—

(A) the level of commitment demonstrated by the applicant in carrying out and sustaining lasting curricula changes in accordance with subsection (a)(1); and

(B) the amount of cost-sharing provided.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Teacher Science and Technology Enhancement Institute program of the National Institute of Standards and Technology—

(1) $773,000 for fiscal year 2006;

(2) $796,000 for fiscal year 2007; and

(3) $820,000 for fiscal year 2008.

By Mr. DURBIN:

S. 2137. A bill to amend title XXI of the Social Security Act to make all uninsured children eligible for the State children's health insurance program, to encourage States to increase the number of children enrolled in the medicaid and State children's health insurance programs by simplifying the enrollment and renewal procedures for those programs, and for other purposes; to the Committee on Finance.

Mr. DURBIN. 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. 2137

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 ''All Kids Health Insurance Coverage Act of 2005''.

SEC. 2. FINDINGS.

The Senate finds the following:

(1) There are more than 9,000,000 children in the United States with no health insurance coverage.

(2) Uninsured children, when compared to privately insured children, are —

(A) 3.5 times more likely to have gone without needed medical, dental, or other health care;

(B) 4 times more likely to have delayed seeking medical care;

(C) 5 times more likely to go without needed prescription drugs; and

(D) 6.5 times less likely to have a regular source of care.

(3) Children without health insurance coverage are at a disadvantage in the classroom, as shown by the following studies:

(A) The Florida Healthy Kids Annual Report published in 1997, found that children who do not have health care coverage are 25 percent more likely to miss school.

(B) A study of the California Health Families program found that children enrolled in public health coverage experienced a 68 percent improvement in school performance and school attendance.

(C) A 2002 Building Bridges to Healthy Kids and Better Students study conducted by the Council of Chief State School Officers in Vermont concluded that children who started out without health insurance saw their reading scores more than double after obtaining health care coverage.

(4) More than half of uninsured children in the United States are eligible for coverage under either the State Children's Health Insurance Program (SCHIP) or Medicaid, but are not enrolled in those safety net programs.

(5) Some States, seeing that the Federal Government is not providing assistance to middle class families who are unable to afford health insurance, are trying to extend health care coverage to some or all children in the State.

(6) State efforts to cover all children may not be successful without financial assistance from the Federal Government.

SEC. 3. ELIGIBILITY OF ALL UNINSURED CHILDREN FOR SCHIP.

(a) IN GENERAL.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (2)—

(A) by striking ''include'' and all that follows through ''a child who is an'' and inserting ''include a child who is an''; and

(B) by striking the semicolon and all that follows through the period and inserting a period; and

(3) by striking paragraph (4).

(b) NO EXCLUSION OF CHILDREN WITH ACCESS TO HIGH-COST COVERAGE.—Section 2110(b)(3) of the Social Security Act (42 U.S.C. 1397jj(b)(3)) is amended—

(1) in the paragraph heading, by striking ''RULE'' and inserting ''RULES'';

(2) by striking ''A child shall not be considered to be described in paragraph (1)(C)'' and inserting the following:

''(A) CERTAIN NON FEDERALLY FUNDED COVERAGE.—A child shall not be considered to be described in paragraph (1)(C)''; and

(3) by adding at the end the following:

''(B) NO EXCLUSION OF CHILDREN WITH ACCESS TO HIGH-COST COVERAGE.—A State may include a child as a targeted vulnerable child if the child has access to coverage under a group health plan or health insurance coverage and the total annual aggregate cost for premiums, deductibles, cost sharing, and similar charges imposed under the group health plan or health insurance coverage with respect to all targeted vulnerable children in the child's family exceeds 5 percent of such family's income for the year involved.''.

(c) CONFORMING AMENDMENTS.—

(1) Titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et. seq.) are amended by striking ''targeted low-income'' each place it appears and inserting ''targeted vulnerable''.

(2) Section 2101(a) of such Act (42 U.S.C. 1397aa(a)) is amended by striking ''uninsured, low-income'' and inserting ''low-income''.

(3) Section 2102(b)(3)(C) of such Act (42 U.S.C. 1397bb(b)(3)(C)) is amended by inserting '', particularly with respect to children whose family income exceeds 200 percent of the poverty line'' before the semicolon.

(4) Section 2102(b)(3)(E), section 2105(a)(1)(D)(ii), paragraphs (1)(C) and (2) of section 2107, and subsections (a)(1) and (d)(1)(B) of section 2108 of such Act (42 U.S.C. 1397bb(b)(3)(E); 1397ee(a)(1)(D)(ii); 1397gg; 1397hh) are amended by striking ''low-income'' each place it appears.

(5) Section 2110(a)(27) of such Act (42 U.S.C. 1397jj(a)(27)) is amended by striking ''eligible low-income individuals'' and inserting ''targeted vulnerable individuals''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 4. INCREASE IN FEDERAL FINANCIAL PARTICIPATION UNDER SCHIP AND MEDICAID FOR STATES WITH SIMPLIFIED ENROLLMENT AND RENEWAL PROCEDURES FOR CHILDREN.

(a) SCHIP.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

''(C) NONAPPLICATION OF LIMITATION AND INCREASE IN FEDERAL PAYMENT FOR STATES WITH SIMPLIFIED ENROLLMENT AND RENEWAL PROCEDURES.—

''(i) IN GENERAL.—Notwithstanding subsection (a)(1) and subparagraph (A)—

''(I) the limitation under subparagraph (A) on expenditures for items described in subsection (a)(1)(D) shall not apply with respect to expenditures incurred to carry out any of the outreach strategies described in clause (ii), but only if the State carries out the same outreach strategies for children under title XIX; and

''(II) the enhanced FMAP for a State for a fiscal year otherwise determined under subsection (b) shall be increased by 5 percentage points (without regard to the application of the 85 percent limitation under that subsection) with respect to such expenditures.

''(ii) OUTREACH STRATEGIES DESCRIBED.—For purposes of clause (i), the outreach strategies described in this clause are the following:

''(I) PRESUMPTIVE ELIGIBILITY.—The State provides for presumptive eligibility for children under this title and under title XIX.

''(II) ADOPTION OF 12-MONTH CONTINUOUS ELIGIBILITY.—The State provides that eligibility for children shall not be redetermined more often than once every year under this title or under title XIX.

''(III) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under this title or title XIX with respect to children.

''(IV) PASSIVE RENEWAL.—The State provides for the automatic renewal of the eligibility of children for assistance under this title and under title XIX if the family of which such a child is a member does not report any changes to family income or other relevant circumstances, subject to verification of information from State databases.''.

(b) MEDICAID.—

(1) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting ''subject to paragraph (5)'', after ''Notwithstanding subsection (a)(17),''; and

(B) by adding at the end the following:

''(5)(A) Notwithstanding the first sentence of section 1905(b), with respect to expenditures incurred to carry out any of the outreach strategies described in subparagraph (B) for individuals under 19 years of age who are eligible for medical assistance under subsection (a)(10)(A), the Federal medical assistance percentage is equal to the enhanced FMAP described in section 2105(b) and increased under section 2105(c)(2)(C)(i)(II), but only if the State carries out the same outreach strategies for children under title XXI.

''(B) For purposes of subparagraph (A), the outreach strategies described in this subparagraph are the following:

''(i) PRESUMPTIVE ELIGIBILITY.—The State provides for presumptive eligibility for such individuals under this title and title XXI.

''(ii) ADOPTION OF 12-MONTH CONTINUOUS ELIGIBILITY.—The State provides that eligibility for such individuals shall not be redetermined more often than once every year under this title or under title XXI.

''(iii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under this title or title XXI with respect to such individuals.

''(iv) PASSIVE RENEWAL.—The State provides for the automatic renewal of the eligibility of such individuals for assistance under this title and under title XXI if the family of which such an individual is a member does not report any changes to family income or other relevant circumstances, subject to verification of information from State databases.''.

(2) CONFORMING AMENDMENT.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''section 1933(d)'' and inserting ''sections 1902(l)(5) and 1933(d)''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 5. LIMITATION ON PAYMENTS TO STATES THAT HAVE AN ENROLLMENT CAP BUT HAVE NOT EXHAUSTED THE STATE'S AVAILABLE ALLOTMENTS.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

''(h) LIMITATION ON PAYMENTS TO STATES THAT HAVE AN ENROLLMENT CAP BUT HAVE NOT EXHAUSTED THE STATE'S AVAILABLE ALLOTMENTS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, payment shall not be made to a State under this section if the State has an enrollment freeze, enrollment cap, procedures to delay consideration of, or not to consider, submitted applications for child health assistance, or a waiting list for the submission or consideration of such applications or for such assistance, and the State has not fully expended the amount of all allotments available with respect to a fiscal year for expenditure by the State, including allotments for prior fiscal years that remain available for expenditure during the fiscal year under subsection (c) or (g) of section 2104 or that were redistributed to the State under subsection (f) or (g) of section 2104.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a State from establishing regular open enrollment periods for the submission of applications for child health assistance.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 6. ADDITIONAL ENHANCEMENT TO FMAP TO PROMOTE EXPANSION OF COVERAGE TO ALL UNINSURED CHILDREN UNDER MEDICAID AND SCHIP.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

''SEC. 2111. ADDITIONAL ENHANCEMENT TO FMAP TO PROMOTE EXPANSION OF COVERAGE TO ALL UNINSURED CHILDREN UNDER MEDICAID AND SCHIP.

''(a) IN GENERAL.—Notwithstanding subsection (b) of section 2105 (and without regard to the application of the 85 percent limitation under that subsection), the enhanced FMAP with respect to expenditures in a quarter for providing child health assistance to uninsured children whose family income exceeds 200 percent of the poverty line, shall be increased by 5 percentage points.

''(b) UNINSURED CHILD DEFINED.—

''(1) IN GENERAL.—For purposes of subsection (a), subject to paragraph (2), the term 'uninsured child' means an uncovered child who has been without creditable coverage for a period determined by the Secretary, except that such period shall not be less than 6 months.

''(2) SPECIAL RULE FOR NEWBORN CHILDREN.—In the case of a child 12 months old or younger, the period determined under paragraph (1) shall be 0 months and such child shall be considered uninsured upon birth.

''(3) SPECIAL RULE FOR CHILDREN LOSING MEDICAID OR SCHIP COVERAGE DUE TO INCREASED FAMILY INCOME.—In the case of a child who, due to an increase in family income, becomes ineligible for coverage under title XIX or this title during the period beginning on the date that is 12 months prior to the date of enactment of the All Kids Health Insurance Coverage Act of 2005 and ending on the date of enactment of such Act, the period determined under paragraph (1) shall be 0 months and such child shall be considered uninsured upon the date of enactment of the All Kids Health Insurance Coverage Act of 2005.

''(4) MONITORING AND ADJUSTMENT OF PERIOD REQUIRED TO BE UNINSURED.—The Secretary shall—

''(A) monitor the availability and retention of employer-sponsored health insurance coverage of dependent children; and

''(B) adjust the period determined under paragraph (1) as needed for the purpose of promoting the retention of private or employer-sponsored health insurance coverage of dependent children and timely access to health care services for such children.''.

(b) COST-SHARING FOR CHILDREN IN FAMILIES WITH HIGH FAMILY INCOME.—Section 2103(e)(3) of the Social Security Act (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

''(C) CHILDREN IN FAMILIES WITH HIGH FAMILY INCOME.—

''(i) IN GENERAL.—For children not described in subparagraph (A) whose family income exceeds 400 percent of the poverty line for a family of the size involved, subject to paragraphs (1)(B) and (2), the State shall impose a premium that is not less than the cost of providing child health assistance to children in such families, and deductibles, cost sharing, or similar charges shall be imposed under the State child health plan (without regard to a sliding scale based on income), except that the total annual aggregate cost-sharing with respect to all such children in a family under this title may not exceed 5 percent of such family's income for the year involved.

''(ii) INFLATION ADJUSTMENT.—The dollar amount specified in clause (i) shall be increased, beginning with fiscal year 2008, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average). Any dollar amount established under this clause that is not a multiple of $100 shall be rounded to the nearest multiple of $100.''.

(c) ADDITIONAL ALLOTMENTS FOR STATES PROVIDING COVERAGE TO ALL UNINSURED CHILDREN IN THE STATE.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ALLOTMENTS FOR STATES PROVIDING COVERAGE TO ALL UNINSURED CHILDREN IN THE STATE.—

''(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States to provide coverage of all uninsured children (as defined in section 2111(b)) in the State under the State child health plan, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) for fiscal years 2007, 2008, and 2009, $3,000,000,000;

''(B) for fiscal year 2010, $5,000,000,000; and

''(C) for fiscal year 2011, $7,000,000,000.

''(2) STATE AND TERRITORIAL ALLOTMENTS.—

''(A) IN GENERAL.—In addition to the allotments provided under subsections (b) and (c), subject to subparagraph (B) and paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan that provides coverage of all uninsured children (as so defined) in the State approved under this title—

''(i) in the case of such a State other than a commonwealth or territory described in subsection (ii), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to 98.95 percent of the total amount of the allotments under such section for such States eligible for an allotment under this subparagraph for such fiscal year; and

''(ii) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment

under subsection (c) (determined without regard to subsection (f)) to 1.05 percent of the total amount of the allotments under such section for commonwealths and territories eligible for an allotment under this subparagraph for such fiscal year.

''(B) MINIMUM ALLOTMENT.—

''(i) IN GENERAL.—No allotment to a State for a fiscal year under this subsection shall be less than 50 percent of the amount of the allotment to the State determined under subsections (b) and (c) for the preceding fiscal year.

''(ii) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the allotments determined under this subsection as are necessary to comply with the requirements of clause (i).

''(C) AVAILABILITY AND REDISTRIBUTION OF UNUSED ALLOTMENTS.—In applying subsections (e) and (f) with respect to additional allotments made available under this subsection, the procedures established under such subsections shall ensure such additional allotments are only made available to States which have elected to provide coverage under section 2111.

''(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2005. Such amounts are available for amounts expended on or after such date for child health assistance for uninsured children (as defined in section 2111(b)).

''(4) REQUIRING ELECTION TO PROVIDE COVERAGE.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State has made an election to provide child health assistance for all uninsured children (as so defined) in the State, including such children whose family income exceeds 200 percent of the poverty line.''.

(2) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a), by inserting ''subject to subsection (d),'' after ''under this section,'';

(B) in subsection (b)(1), by inserting ''and subsection (d)'' after ''Subject to paragraph (4)''; and

(C) in subsection (c)(1), by inserting ''subject to subsection (d),'' after ''for a fiscal year,''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2006.

SEC. 7. REPEAL OF THE SCHEDULED PHASEOUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(1) by striking subparagraphs (E) and (F) of section 151(d)(3), and

(2) by striking subsections (f) and (g) of section 68.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

By Mr. FEINGOLD (for himself, Mr. CORZINE, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. DODD, Ms. CANTWELL, Ms. MIKULSKI, Mr. OBAMA, and Ms. STABENOW):

S. 2138. A bill to prohibit racial profiling; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the End Racial Profiling Act of 2005. I am proud to be joined again by my friend from New Jersey, Senator CORZINE, and a number of other cosponsors. It is fitting that this bill will be introduced in one of the final days of Senator CORZINE's service in this body. He has been a major force in efforts to advance this legislation from the day he joined the Senate 4 years ago.

Ending racial profiling in America has been a priority for me for many years. I worked with the senior Senator from New Jersey, Mr. LAUTENBERG, back in 1999 on a bill to collect statistics on racial profiling. In 2001, in his first State of the Union address, President Bush told the American people that ''racial profiling is wrong and we will end it in America.'' He asked the Attorney General to implement a policy to end racial profiling.

The Department of Justice released a Fact Sheet and Policy Guidance addressing racial profiling in 2003, stating that racial profiling is wrong and ineffective and perpetuates negative racial stereotypes in our country. Though these guidelines are helpful, they do not end racial profiling and they do not have the force of law. Unfortunately, more than 4 years after the President's ringing endorsement of our goal, racial profiling has not ended in this country.

I am proud today, therefore, to introduce the End Racial Profiling Act of 2005. This bill will do what the President promised; it will help America achieve the goal of bringing an end to racial profiling. This bill bans racial profiling and requires Federal, State and local law enforcement officers to take steps to end it.

Racial profiling is the practice by which some law enforcement agents routinely stop African Americans, Latinos, Asian Americans, Arab Americans and others simply because of their race, ethnicity, national origin, or perceived religion. Reports in States from New Jersey to Florida, and Maryland to Texas all show that African Americans, Hispanics, and members of other minority groups are being stopped by some police far more often than their share of the population and the crime rates for those racial categories.

Passing this bill is even more urgent after September 11, as we have seen racial profiling used against Arab and Muslim Americans or Americans perceived to be Arab or Muslim. The September 11 attacks were horrific, and I share the determination of many Americans that finding those responsible and preventing future attacks should be this Nation's top priority. This is a challenge that our country can and must meet. But we need improved intelligence and law enforcement. Making assumptions based on racial, ethnic, or religious stereotypes will not protect our nation from crime and future terrorist attacks.

Numerous Government studies have shown that racial profiling is entirely ineffective. Some police departments around the country have recognized the many problems with racial profiling. In response, those departments have developed programs and policies to prevent racial profiling and comply with the Department of Justice's policy guidance. In my own State of Wisconsin, law enforcement officials have taken steps to train police officers, improve academy training, establish model policies prohibiting racial profiling, and improve relations with our State's diverse communities. I applaud the efforts of Wisconsin law enforcement. This is excellent progress and shows widespread recognition that racial profiling harms our society. But like the DOJ policy guidance, local programs don't have the force of law behind them. The Federal Government must step up, as President Bush promised. The Government must play a vital role in protecting civil rights and acting as a model for State and local law enforcement.

Now, perhaps more than ever before, our Nation cannot afford to waste precious law enforcement resources or alienate Americans by tolerating discriminatory practices. It is past time for Congress and the President to enact comprehensive Federal legislation that will end racial profiling once and for all.

In clear language, the End Racial Profiling Act of 2005 bans racial profiling. It defines racial profiling in terms that are consistent with the Department of Justice's Policy Guidance. But this bill does more than prohibit and define racial profiling—it gives law enforcement agencies and officers the tools necessary to end the harmful practice. For that reason, the End Racial Profiling Act of 2005 is a pro-law enforcement bill.

This bill will allow the Justice Department or individuals the ability to enforce the prohibition by filing a suit for injunctive relief. The bill would also require Federal, State, and local law enforcement agencies to adopt policies prohibiting racial profiling, implement effective complaint procedures or create independent auditor programs, implement disciplinary procedures for officers who engage in the practice, and collect data on stops. In addition, it requires the Attorney General to report to Congress so Congress and the American people can monitor whether the steps outlined in the bill to prevent and end racial profiling have been effective.

Like the bills introduced in past Congresses, this bill also authorizes the Attorney General to provide incentive grants to help law enforcement comply with the ban on racial profiling, including funds to conduct training of police officers or purchase in-car video cameras.

This year's bill makes one significant improvement to ERPA. In past proposals, DOJ grants for State, local, and

tribal law enforcement agencies were tied to the agency having some kind of procedure for handling complaints of racial profiling. This year, at the suggestion of experts in the field, the bill requires law enforcement agencies to adopt either an administrative complaint procedure or an independent auditor program to be eligible for DOJ grants. The Attorney General must promulgate regulations that set out the types of procedures and audit programs that will be sufficient. We believe that the independent auditor option will be preferable for many local law enforcement agencies. And such programs have proven to be an effective way to discourage racial profiling. Also, under this year's bill, the Attorney General is required to conduct a 2-year demonstration project to help law enforcement agencies with data collection.

Let me emphasize that local, State, and Federal law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias and we are all indebted to them for their courage and dedication. This bill should not be misinterpreted as a criticism of those who put their lives on the line for the rest of us every day. Rather, it is a statement that the use of race, ethnicity, religion, or national origin in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is wrong and ineffective, except where there is specific information linking persons of a particular race, ethnicity, religion, or national origin to a crime.

The provisions in this bill will help restore the trust and confidence of the communities that our law enforcement have pledged to serve and protect. That confidence is crucial to our success in stopping crime and in stopping terrorism. The End Racial Profiling Act of 2005 is good for law enforcement and good for America.

I urge the President to make good on his pledge to end racial profiling, and I urge my colleagues to join me in supporting the End Racial Profiling Act of 2005.

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. 2138

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''End Racial Profiling Act of 2005'' or ''ERPA''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS, PURPOSES, AND INTENT.

(a) FINDINGS.—Congress finds the following:

(1) Federal, State, and local law enforcement agents play a vital role in protecting the public from crime and protecting the Nation from terrorism. The vast majority of law enforcement agents nationwide discharge their duties professionally and without bias.

(2) The use by police officers of race, ethnicity, national origin, or religion in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches, and seizures is improper.

(3) In his address to a joint session of Congress on February 27, 2001, President George W. Bush declared that ''racial profiling is wrong and we will end it in America.''. He directed the Attorney General to implement this policy.

(4) In June 2003, the Department of Justice issued a Policy Guidance regarding racial profiling by Federal law enforcement agencies which stated: ''Racial profiling in law enforcement is not merely wrong, but also ineffective. Race-based assumptions in law enforcement perpetuate negative racial stereotypes that are harmful to our rich and diverse democracy, and materially impair our efforts to maintain a fair and just society.''.

(5) The Department of Justice Guidance is a useful first step, but does not achieve the President's stated goal of ending racial profiling in America, as—

(A) it does not apply to State and local law enforcement agencies;

(B) it does not contain a meaningful enforcement mechanism;

(C) it does not require data collection; and

(D) it contains an overbroad exception for immigration and national security matters.

(6) Current efforts by State and local governments to eradicate racial profiling and redress the harms it causes, while also laudable, have been limited in scope and insufficient to address this national problem. Therefore, Federal legislation is needed.

(7) Statistical evidence from across the country demonstrates that racial profiling is a real and measurable phenomenon.

(8) As of November 15, 2000, the Department of Justice had 14 publicly noticed, ongoing, pattern or practice investigations involving allegations of racial profiling and had filed 5 pattern or practice lawsuits involving allegations of racial profiling, with 4 of those cases resolved through consent decrees.

(9) A large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, national origin, or religion are found to be law abiding and therefore racial profiling is not an effective means to uncover criminal activity.

(10) A 2001 Department of Justice report on citizen-police contacts that occurred in 1999, found that, although Blacks and Hispanics were more likely to be stopped and searched, they were less likely to be in possession of contraband. On average, searches and seizures of Black drivers yielded evidence only 8 percent of the time, searches and seizures of Hispanic drivers yielded evidence only 10 percent of the time, and searches and seizures of White drivers yielded evidence 17 percent of the time.

(11) A 2000 General Accounting Office report on the activities of the United States Customs Service during fiscal year 1998 found that—

(A) Black women who were United States citizens were 9 times more likely than White women who were United States citizens to be x-rayed after being frisked or patted down;

(B) Black women who were United States citizens were less than half as likely as White women who were United States citizens to be found carrying contraband; and

(C) in general, the patterns used to select passengers for more intrusive searches resulted in women and minorities being selected at rates that were not consistent with the rates of finding contraband.

(12) A 2005 report of the Bureau of Justice Statistics of the Department of Justice on citizen-police contacts that occurred in 2002, found that, although Whites, Blacks, and Hispanics were stopped by the police at the same rate—

(A) Blacks and Hispanics were much more likely to be arrested than Whites;

(B) Hispanics were much more likely to be ticketed than Blacks or Whites;

(C) Blacks and Hispanics were much more likely to report the use or threatened use of force by a police officer;

(D) Blacks and Hispanics were much more likely to be handcuffed than Whites; and

(E) Blacks and Hispanics were much more likely to have their vehicles searched than Whites.

(13) In some jurisdictions, local law enforcement practices, such as ticket and arrest quotas and similar management practices, may have the unintended effect of encouraging law enforcement agents to engage in racial profiling.

(14) Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects. By discouraging individuals from traveling freely, racial profiling impairs both interstate and intrastate commerce.

(15) Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and the criminal law.

(16) In the wake of the September 11, 2001, terrorist attacks, many Arabs, Muslims, Central and South Asians, and Sikhs, as well as other immigrants and Americans of foreign descent, were treated with generalized

suspicion and subjected to searches and seizures based upon religion and national origin, without trustworthy information linking specific individuals to criminal conduct. Such profiling has failed to produce tangible benefits, yet has created a fear and mistrust of law enforcement agencies in these communities.

(17) Racial profiling violates the equal protection clause of the fourteenth amendment to the Constitution of the United States. Using race, ethnicity, religion, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. Batson v. Kentucky, 476 U.S. 79 (1986); Palmore v. Sidoti, 466 U.S. 429 (1984).

(18) Racial profiling is not adequately addressed through suppression motions in criminal cases for 2 reasons. First, the Supreme Court held, in Whren v. United States, 517 U.S. 806 (1996), that the racially discriminatory motive of a police officer in making an otherwise valid traffic stop does not warrant the suppression of evidence under the fourth amendment to the Constitution of the United States. Second, since most stops do not result in the discovery of contraband, there is no criminal prosecution and no evidence to suppress.

(19) A comprehensive national solution is needed to address racial profiling at the Federal, State, and local levels. Federal support is needed to combat racial profiling through specialized training of law enforcement agents, improved management systems, and the acquisition of technology such as in-car video cameras.

(b) PURPOSES.—The purposes of this Act are—

(1) to enforce the constitutional right to equal protection of the laws, pursuant to the fifth amendment and section 5 of the fourteenth amendment to the Constitution of the United States;

(2) to enforce the constitutional right to protection against unreasonable searches and seizures, pursuant to the fourteenth amendment to the Constitution of the United States;

(3) to enforce the constitutional right to interstate travel, pursuant to section 2 of article IV of the Constitution of the United States; and

(4) to regulate interstate commerce, pursuant to clause 3 of section 8 of article I of the Constitution of the United States.

(c) INTENT.—This Act is not intended to and should not impede the ability of Federal, State, and local law enforcement to protect the country and its people from any threat, be it foreign or domestic.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED PROGRAM.—The term ''covered program'' means any program or activity funded in whole or in part with funds made available under—

(A) the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.));

(B) the Edward Byrne Memorial Justice Assistance Grant Program, as described in appropriations Acts; and

(C) the ''Cops on the Beat'' program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), but not including any program, project, or other activity specified in section 1701(d)(8) of that Act (42 U.S.C. 3796dd(d)(8)).

(2) GOVERNMENTAL BODY.—The term ''governmental body'' means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian tribal government.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603)).

(4) LAW ENFORCEMENT AGENCY.—The term ''law enforcement agency'' means any Federal, State, local, or Indian tribal public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(5) LAW ENFORCEMENT AGENT.—The term ''law enforcement agent'' means any Federal, State, local, or Indian tribal official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of a law enforcement agency.

(6) RACIAL PROFILING.—The term ''racial profiling'' means the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.

(7) ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES.—The term ''routine or spontaneous investigatory activities'' means the following activities by a law enforcement agent:

(A) Interviews.

(B) Traffic stops.

(C) Pedestrian stops.

(D) Frisks and other types of body searches.

(E) Consensual or nonconsensual searches of the persons or possessions (including vehicles) of motorists or pedestrians.

(F) Inspections and interviews of entrants into the United States that are more extensive than those customarily carried out.

(G) Immigration related workplace investigations.

(H) Such other types of law enforcement encounters compiled by the Federal Bureau of Investigation and the Justice Departments Bureau of Justice Statistics.

(8) REASONABLE REQUEST.—The term ''reasonable request'' means all requests for information, except for those that—

(A) are immaterial to the investigation;

(B) would result in the unnecessary exposure of personal information; or

(C) would place a severe burden on the resources of the law enforcement agency given its size.

(9) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

(C) any Indian tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia; or

(ii) any Trust Territory of the United States.

TITLE I—PROHIBITION OF RACIAL PROFILING

SEC. 101. PROHIBITION.

No law enforcement agent or law enforcement agency shall engage in racial profiling.

SEC. 102. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual injured by racial profiling, may enforce this title in a civil action for declaratory or injunctive relief, filed either in a State court of general jurisdiction or in a district court of the United States.

(b) PARTIES.—In any action brought under this title, relief may be obtained against—

(1) any governmental body that employed any law enforcement agent who engaged in racial profiling;

(2) any agent of such body who engaged in racial profiling; and

(3) any person with supervisory authority over such agent.

(c) NATURE OF PROOF.—Proof that the routine or spontaneous investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on racial, ethnic, or religious minorities shall constitute prima facie evidence of a violation of this title.

(d) ATTORNEY'S FEES.—In any action or proceeding to enforce this title against any governmental unit, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fee.

TITLE II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 201. POLICIES TO ELIMINATE RACIAL PROFILING.

(a) IN GENERAL.—Federal law enforcement agencies shall—

(1) maintain adequate policies and procedures designed to eliminate racial profiling; and

(2) cease existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of Federal law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents;

(5) policies requiring that appropriate action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(6) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

TITLE III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE, LOCAL, AND INDIAN TRIBAL LAW ENFORCEMENT AGENCIES

SEC. 301. POLICIES REQUIRED FOR GRANTS.

(a) IN GENERAL.—An application by a State, a unit of local government, or a State, local, or Indian tribal law enforcement agency for funding under a covered program shall include a certification that such State, unit of local government, or law enforcement agency, and any law enforcement agency to which it will distribute funds—

(1) maintains adequate policies and procedures designed to eliminate racial profiling; and

(2) does not engage in any existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of law enforcement training;

(3) the collection of data in accordance with the regulations issued by the Attorney General under section 401;

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents, including procedures that allow a complaint to be made through any of the methods described in section 302(b)(2);

(5) mechanisms for providing information to the public relating to the administrative complaint procedure or independent auditor program established under section 302;

(6) policies requiring that appropriate action be taken when law enforcement agents are determined to have engaged in racial profiling; and

(7) such other policies or procedures that the Attorney General deems necessary to eliminate racial profiling.

(c) EFFECTIVE DATE.—This section shall take effect 12 months after the date of enactment of this Act.

SEC. 302. ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM REQUIRED FOR GRANTS.

(a) ESTABLISHMENT OF ADMINISTRATIVE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—An application by a State or unit of local government for funding under a covered program shall include a certification that the applicant has established and is maintaining, for each law enforcement agency of the applicant, either—

(1) an administrative complaint procedure that meets the requirements of subsection (b); or

(2) an independent auditor program that meets the requirements of subsection (c).

(b) REQUIREMENTS FOR ADMINISTRATIVE COMPLAINT PROCEDURE.—To meet the requirements of this subsection, an administrative complaint procedure shall—

(1) allow any person who believes there has been a violation of section 101 to file a complaint;

(2) allow a complaint to be made—

(A) in writing or orally;

(B) in person or by mail, telephone, facsimile, or electronic mail; and

(C) anonymously or through a third party;

(3) require that the complaint be investigated and heard by an independent review board that—

(A) is located outside of any law enforcement agency or the law office of the State or unit of local government;

(B) includes, as at least a majority of its members, individuals who are not employees of the State or unit of local government;

(C) does not include as a member any individual who is then serving as a law enforcement agent;

(D) possesses the power to request all relevant information from a law enforcement agency; and

(E) possesses staff and resources sufficient to perform the duties assigned to the independent review board under this subsection;

(4) provide that the law enforcement agency shall comply with all reasonable requests for information in a timely manner;

(5) require the review board to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(6) provide that a hearing be held, on the record, at the request of the complainant;

(7) provide for an appropriate remedy, and publication of the results of the inquiry by the review board, if the review board determines that a violation of section 101 has occurred;

(8) provide that the review board shall dismiss the complaint and publish the results of the inquiry by the review board, if the review board determines that no violation has occurred;

(9) provide that the review board shall make a final determination with respect to a complaint in a reasonably timely manner;

(10) provide that a record of all complaints and proceedings be sent to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(11) provide that no published information shall reveal the identity of the law enforcement officer, the complainant, or any other individual who is involved in a detention; and

(12) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(c) REQUIREMENTS FOR INDEPENDENT AUDITOR PROGRAM.—To meet the requirements of this subsection, an independent auditor program shall—

(1) provide for the appointment of an independent auditor who is not a sworn officer or employee of a law enforcement agency;

(2) provide that the independent auditor be given staff and resources sufficient to perform the duties of the independent auditor program under this section;

(3) provide that the independent auditor be given full access to all relevant documents and data of a law enforcement agency;

(4) require the independent auditor to inform the Attorney General when a law enforcement agency fails to comply with a request for information under this subsection;

(5) require the independent auditor to issue a public report each year that—

(A) addresses the efforts of each law enforcement agency of the State or unit of local government to combat racial profiling; and

(B) recommends any necessary changes to the policies and procedures of any law enforcement agency;

(6) require that each law enforcement agency issue a public response to each report issued by the auditor under paragraph (5);

(7) provide that the independent auditor, upon determining that a law enforcement agency is not in compliance with this Act, shall forward the public report directly to the Attorney General;

(8) provide that the independent auditor shall engage in community outreach on racial profiling issues; and

(9) otherwise operate in a manner consistent with regulations promulgated by the Attorney General under section 303.

(d) LOCAL USE OF STATE COMPLAINT PROCEDURE OR INDEPENDENT AUDITOR PROGRAM.—

(1) IN GENERAL.—A State shall permit a unit of local government within its borders to use the administrative complaint procedure or independent auditor program it establishes under this section.

(2) EFFECT OF USE.—A unit of local government shall be deemed to have established and maintained an administrative complaint procedure or independent auditor program for purposes of this section if the unit of local government uses the administrative complaint procedure or independent auditor program of either the State in which it is located, or another unit of local government in the State in which it is located.

(e) EFFECTIVE DATE.—This section shall go into effect 12 months after the date of enactment of this Act.

SEC. 303. INVOLVEMENT OF ATTORNEY GENERAL.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act and in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, the Attorney General shall issue regulations for the operation of the administrative complaint procedures and independent auditor programs required under subsections (b) and (c) of section 302.

(2) GUIDELINES.—The regulations issued under paragraph (1) shall contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent auditor programs.

(b) NONCOMPLIANCE.—If the Attorney General determines that the recipient of any covered grant is not in compliance with the requirements of section 301 or 302 or the regulations issued under subsection (a), the Attorney General shall withhold, in whole or in part, funds for 1 or more covered grants, until the grantee establishes compliance.

(c) PRIVATE PARTIES.—The Attorney General shall provide notice and an opportunity for private parties to present evidence to the Attorney General that a grantee is not in compliance with the requirements of this title.

SEC. 304. DATA COLLECTION DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Attorney General shall, through competitive grants or contracts, carry out a 2-year demonstration project for the purpose of developing and implementing data collection on hit rates for stops and searches. The data shall be disaggregated by race, ethnicity, national origin, and religion.

(b) COMPETITIVE AWARDS.—The Attorney General shall provide not more than 5 grants or contracts to police departments that—

(1) are not already collecting data voluntarily or otherwise; and

(2) serve communities where there is a significant concentration of racial or ethnic minorities.

(c) REQUIRED ACTIVITIES.—Activities carried out under subsection (b) shall include—

(1) developing a data collection tool;

(2) training of law enforcement personnel on data collection;

(3) collecting data on hit rates for stops and searches; and

(4) reporting the compiled data to the Attorney General.

(d) EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall enter into a contract with an institution of higher education to analyze the data collected by each of the 5 sites funded under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section—

(1) $5,000,000, over a 2-year period for a demonstration project on 5 sites; and

(2) $500,000 to carry out the evaluation in subsection (d).

SEC. 305. BEST PRACTICES DEVELOPMENT GRANTS.

(a) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance, may make grants to States, law enforcement agencies, and units of local government to develop and implement best practice devices and systems to eliminate racial profiling.

(b) USE OF FUNDS.—The funds provided under subsection (a) may be used for—

(1) the development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public;

(2) the acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities sufficient to permit an analysis of these activities by race, ethnicity, national origin, and religion;

(3) the analysis of data collected by law enforcement agencies to determine whether

the data indicate the existence of racial profiling;

(4) the acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems;

(5) the development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct, including the technology to support such systems;

(6) the establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial, ethnic, or religious bias by law enforcement agents;

(7) the establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates; and

(8) the establishment and maintenance of an administrative complaint procedure or independent auditor program under section 302.

(c) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants under this section are awarded in a manner that reserves an equitable share of funding for small and rural law enforcement agencies.

(d) APPLICATION.—Each State, local law enforcement agency, or unit of local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE IV—DATA COLLECTION

SEC. 401. ATTORNEY GENERAL TO ISSUE REGULATIONS.

(a) REGULATIONS.—Not later than 6 months after the enactment of this Act, the Attorney General, in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, shall issue regulations for the collection and compilation of data under sections 201 and 301.

(b) REQUIREMENTS.—The regulations issued under subsection (a) shall—

(1) provide for the collection of data on all routine or spontaneous investigatory activities;

(2) provide that the data collected shall—

(A) be collected by race, ethnicity, national origin, gender, and religion, as perceived by the law enforcement officer;

(B) include the date, time, and location of the investigatory activities; and

(C) include detail sufficient to permit an analysis of whether a law enforcement agency is engaging in racial profiling;

(3) provide that a standardized form shall be made available to law enforcement agencies for the submission of collected data to the Department of Justice;

(4) provide that law enforcement agencies shall compile data on the standardized form created under paragraph (3), and submit the form to the Civil Rights Division and the Bureau of Justice Statistics of the Department of Justice;

(5) provide that law enforcement agencies shall maintain all data collected under this Act for not less than 4 years;

(6) include guidelines for setting comparative benchmarks, consistent with best practices, against which collected data shall be measured; and

(7) provide that the Bureau of Justice Statistics shall—

(A) analyze the data for any statistically significant disparities, including—

(i) disparities in the percentage of drivers or pedestrians stopped relative to the proportion of the population passing through the neighborhood;

(ii) disparities in the percentage of false stops relative to the percentage of drivers or pedestrians stopped; and

(iii) disparities in the frequency of searches performed on minority drivers and the frequency of searches performed on nonminority drivers; and

(B) not later than 3 years after the date of enactment of this Act, and annually thereafter, prepare a report regarding the findings of the analysis conducted under subparagraph (A) and provide the report to Congress and make the report available to the public, including on a website of the Department of Justice.

SEC. 402. PUBLICATION OF DATA.

The Bureau of Justice Statistics shall provide to Congress and make available to the public, together with each annual report described in section 401, the data collected pursuant to this Act.

SEC. 403. LIMITATIONS ON PUBLICATION OF DATA.

The name or identifying information of a law enforcement officer, complainant, or any other individual involved in any activity for which data is collected and compiled under this Act shall not be—

(1) released to the public;

(2) disclosed to any person, except for such disclosures as are necessary to comply with this Act;

(3) subject to disclosure under section 552 of title 5, United States Code (commonly know as the Freedom of Information Act).

TITLE V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 501. ATTORNEY GENERAL TO ISSUE REGULATIONS AND REPORTS.

(a) REGULATIONS.—In addition to the regulations required under sections 303 and 401, the Attorney General shall issue such other regulations as the Attorney General determines are necessary to implement this Act.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report on racial profiling by law enforcement agencies.

(2) SCOPE.—Each report submitted under paragraph (1) shall include—

(A) a summary of data collected under sections 201(b)(3) and 301(b)(1)(C) and from any other reliable source of information regarding racial profiling in the United States;

(B) a discussion of the findings in the most recent report prepared by the Bureau of Justice Statistics under section 401(a)(8);

(C) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies under section 201;

(D) the status of the adoption and implementation of policies and procedures by State and local law enforcement agencies under sections 301 and 302; and

(E) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provisions of this Act to any person or circumstance shall not be affected thereby.

SEC. 602. SAVINGS CLAUSE.

Nothing in this Act shall be construed to limit legal or administrative remedies under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14141), the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

Mr. CORZINE. Mr. President, I rise to in support of the End Racial Profiling Act a bill being introduced today by Senators FEINGOLD, OBAMA and myself. This bill addresses an issue that is critical to the people of my home State of New Jersey and to all Americans.

I start by recognizing two of my colleagues with whom I have been working to address the problem of racial profiling. Senator RUSS FEINGOLD has been a tremendous leader on this issue he held the first Senate hearings on racial profiling in 2001, and he and his staff have worked tirelessly to elevate the importance of this issue as a matter of civil rights. I also want to recognize Senator OBAMA he has been a constant champion of efforts to combat racial profiling. Senator OBAMA took the lead in writing one of the Nation's most innovative pieces of legislation on the collection of racial profiling data when he was in the Illinois State Senate, and he has been equally committed to the issue since joining the U.S. Senate. Both Senators FEINGOLD and OBAMA have worked tirelessly to make the bill we are introducing today a reality.

Racial profiling is anathema to the principles on which our Nation was founded, sowing division within our communities and striking at the heart of our democratic values.

Stopping people on our highways, our streets, and at our borders because of the color of their skin is simply wrong, and it is incompatible with the fundamental American belief in fairness, justice, and equal protection under the law.

Every American is entitled to equal protection under the law. Our Constitution tolerates nothing less, and we should demand nothing less.

There is no equal protection there is no equal justice if law enforcement agencies engage in policies and practices that are premised on a theory that the way to stop crime is to go after minorities on the hunch that they are more likely to be criminals.

Let me add that not only is racial profiling wrong, it is simply not an effective law enforcement tool. There is no evidence that stopping people of color adds up to catching the ''bad guys.''

In fact, empirical evidence shows that singling out Black motorists or Hispanic motorists for stops and searches doesn't lead to a higher percentage of arrests because minority motorists are no more likely to break the law than white motorists.

What is more, the practice of racial profiling actually undermines public

safety, by contributing to the perception in minority neighborhoods that the criminal justice system is unfair, and eroding the trust between communities and the police that is so essential to effective law enforcement.

Nonetheless, racial profiling persists.

Unfortunately, the practice is real and widespread throughout the Nation.

A 2005 report of the Department of Justice found that Blacks and Hispanics throughout the Nation were much more likely to be handcuffed and have their cars searched by law enforcement during traffic stops, even though they were less likely to be harboring contraband.

A Government Accountability Office report on the U.S. Customs Service released in March 2000 found that Black, Asian, and Hispanic women were four to nine times more likely than White women to be subjected to xrays after being frisked or patted down.

But on the basis of the xray results, Black women were less than half as likely as White women to be found carrying contraband.

This is law enforcement by hunch. No warrants. No probable cause.

And what is the hunch based on?

Race, ethnicity, national origin, or religion plain and simple. And that is plain wrong.

Now—we know that many law enforcement agencies, including some from my home state, have acknowledged the danger of the practice and have taken steps to combat it. I commend them for their efforts.

That said, it is clear that this is a national problem that requires a Federal response applicable to all.

Our legislation is a strong but measured response to the destructive problem of racial profiling.

First, it defines racial profiling and bans it.

Racial profiling is defined in the bill to include routine or spontaneous investigatory stops based on race, ethnicity, national origin, or religion. This conduct is wrong and must be stopped. The President and the Attorney General have said just that. The legislation would be the first Federal statute to prohibit this practice at the Federal, State, and local level.

To guarantee that the statute does not impede legitimate and responsible policing, the statute is careful to exclude from the ban on racial profiling those cases where there is trustworthy information that links a person of a particular race, ethnicity, national origin, or religion to a particular crime.

Our bill also gives the ban on racial profiling teeth by allowing the Department of Justice or an individual harmed by racial profiling to obtain declaratory or injunctive relief from a court if the Government does not take steps to end racial profiling.

Next, the statute will require the collection of statistical data to measure whether progress is being made. By collecting this data we will get a fair and honest picture of law enforcement at work. And we will provide law enforcement agencies with the information they need to detect problems early on.

Our bill directs the Attorney General to develop standards for data collection and instructs the Attorney General to consult with law enforcement and other stakeholders in developing those standards. It also specifically directs the Attorney General to establish standards for setting benchmarks against which the collected data should be measured so that no data is taken out of context, as some in law enforcement rightly fear. Finally, we will require the Bureau of Justice Statistics in the Department of Justice to analyze these statistics on an annual basis so that the Nation can gauge the success of its efforts to combat this corrosive practice.

Finally, we will encourage a change in law enforcement culture through the use of the carrot and the stick.

First, the carrot: We recognize that law enforcement shouldn't be expected to do this alone. So this bill says that if you do the job right fairly and equitably you are eligible to receive development grants to help pay for the following: Advanced training programs; computer technology to help collect data and statistics; video cameras and recorders for patrol cars; establishing or improving systems for handling complaints alleging ethnic or racial profiling; and establishing management systems to ensure that supervisors are held accountable for the conduct of subordinates.

Further, we will direct the Attorney General to conduct a demonstration project that will give grants to police departments to help them collect racial profiling data and then work with an institution of higher learning to analyze the collect data.

But if law enforcement agencies don't do the job right, there is also the stick. Our bill will require law enforcement agencies to put in place procedures to receive and investigate complaints alleging racial profiling. The bill gives the law enforcement agencies the flexibility and the options to adopt the procedures that best fit the needs of their local communities. Further, the bill permits localities to cooperate with other communities and with the State in which they are located to develop shared procedures to invest racial profiling problems in the community.

If State and local law enforcement agencies refuse to implement procedures to end and prevent profiling, they will be subject to a loss of Federal law enforcement funds.

Let me be clear this bill is not about blaming law enforcement. Most law enforcement officers discharge their duties responsibly. But stopping people based solely on race, ethnicity, national origin, or religion will be outlawed.

We have introduced two bills in the last 5 years to eliminate racial profiling. The President of the United States has condemned racial profiling in his State of the Union address. There is a broad and bipartisan consensus that it is an unfair and destructive practice. And yet we have failed to act.

In the meantime, racial profiling has continued to breed humiliation, anger, resentment, and cynicism throughout this country.

It has weakened respect for the law by everyone, not just those offended.

Simply put it is wrong and we must finally end it. Today we pledge to do just that to define it, to ban it, and to enforce this ban.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 2139. A bill to amend the Internal Revenue Code of 1986 to simplify the earned income tax credit eligibility requirements regarding filing status, presence of children, investment income, and work and immigrant status; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Earned Income Tax Credit Simplification Act. This legislation will greatly improve one of our Nation's most important antipoverty programs and streamline one of the most complicated sections of our income tax code. And I am extremely pleased that my good friend from Maine, Senator OLYMPIA SNOWE, has agreed to be an original cosponsor of this bill. I look forward to working with her, as members of the Senate Finance Committee, to enact this important tax simplification proposal.

In 2003, almost 21 million hard-working Americans benefited from the earned income tax credit, including 141,707 in my own State of West Virginia. Many of those serving in our Armed Forces benefit from the EITC. The EITC rewards hard work and helps these families make ends meet. However, the eligibility criteria for claiming the credit are so complicated that many people legitimately entitled to benefit from the credit do not even realize it. And unfortunately, too many erroneous claims occur. The tax credit should not be so complicated that cash-strapped families need the help of an accountant to file their taxes.

The Earned Income Tax Credit Simplification Act would make four important changes to the eligibility requirements of the credit. First, it would simplify the ''abandoned spouse'' rule so that custodial parents who are separated but not divorced would be able to claim the credit. Second, it would allow a taxpayer living in the same house with a qualifying child but not claiming that child for the EITC benefit to qualify for EITC benefits available to taxpayers without children. Third, the bill would eliminate the qualifying investment income test for EITC claimants. Finally, the bill would make sure that only immigrants who comply with all of the immigration rules would qualify for the EITC, preventing people who are not allowed to

work in the United States from claiming the credit.

These are commonsense reforms based on recommendations in the budget submitted to Congress by the Bush administration. I hope that they can be enacted quickly so that taxpayers whom Congress intended to help with the EITC will be able to claim the benefits without unnecessary and intimidating paperwork. I look forward to working with my colleagues to enact this legislation.

BY Mr. HATCH (for himself and Mr. BROWNBACK):

S. 2140. A bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, joined by my friend from Kansas, Senator BROWNBACK, I am today introducing the Protecting Children from Sexual Exploitation Act of 2005.

This bill will strengthen an important tool for protecting children from the exploitation of child pornography.

Pornography is devastating communities, families, and individual lives.

On November 10, the Senator from Kansas chaired a hearing in the Judiciary Subcommittee on the Constitution titled ''Why the Government Should Care About Pornography.''

Witnesses at that hearing included authors and researchers documenting the devastation wrought by pornography.

Children are pornography's most vulnerable and most devastated victims.

Abusing children through early exposure to pornography has lifelong effects.

Even worse, however, is the actual use of children to make sexually explicit material.

This is perhaps the worst form of sexual exploitation because the abuse only begins with its production.

Children lack the maturity to choose participation in that activity and to accept its aftermath.

Everyone who intentionally copies, distributes, advertises, purchases, or consumes sexually explicit material involving children should be held responsible as part of the ongoing chain of exploitation.

For this compelling reason, Federal law prohibits using children to produce visual depictions of either actual or simulated sexually explicit conduct.

As an additional deterrent to this abhorrent practice, Federal law also requires those who produce sexually explicit material to keep records regarding the age of performers and to make those records available for inspection.

That recordkeeping statute is found in the United States Code in section 2257 of title 18.

Section 2257 is inadequate for its crucial task and the bill I introduce today strengthens it in four ways.

First, section 2257 defines actual sexually explicit conduct too narrowly, incorporating only four of the five. part definition found right next door in the definitional section 2256.

Our bill makes these definitions consistent.

Second, and more importantly, while Federal law prohibits using children to make depictions of either actual or simulated sexually explicit conduct, section 2257 applies only to those who produce depictions of actual conduct.

Our bill applies the same recordkeeping requirements to those who produce depictions of simulated conduct.

The purpose is obvious.

If you produce sexually explicit material, you have to keep age-related records.

Period.

Third, while section 2257 requires maintaining records and making them available for inspection, it only makes unlawful failure to maintain the records.

This implies that while making these important records available for inspection is a duty, refusing to do so is not a crime.

Our bill corrects that error by explicitly stating that refusal to permit inspection of these records is also a crime.

Eliminating such ambiguity is very important.

Maintaining records is necessary, but not sufficient, to ensure that children are not being exploited.

Because inspection of those records makes the circle of protection complete, we must make crystal clear that refusal to permit inspections is a crime.

Fourth, the definition in section 2257 of what it means to produce sexually explicit material is inadequate.

That definition must be guided by the nature of the harm that flows from this kind of sexual exploitation.

Filming or taking a picture of a child engaged in sexually explicit conduct is certainly sexual exploitation by itself.

But the abuse does not end there.

Those whose actions constitute links in the chain of exploitation must be covered by this recordkeeping statute if it is to be an effective tool to protect children.

My friend from Kansas, Senator BROWNBACK, graciously allowed me to participate in the latest hearing in his subcommittee on the effects of pornography.

Witnesses highlighted how new technology can magnify those effects.

While the Internet can be a powerful tool for good, it can also be an insidious tool for evil.

It can compound the sexual exploitation of children by disseminating and commercializing child pornography.

And while we all know how difficult it is for sound public policy to keep pace with developing and changing technology, failing to do so in this area leaves children even more exposed to ongoing victimization and exploitation.

For that reason, our bill provides both a substantive definition of that important term, ''produces,'' and lists five targeted exceptions, five specific categories of those who are not included in this definition.

The definition includes obvious activities such as filming or photographing someone but also activities such as duplicating or reissuing images for commercial distribution.

It also includes managing the sexually explicit content of a computer site.

At the same time, our bill does not include in the definition of the term ''produces'' activities that do not involve the hiring, managing, or arranging for the performers' participation.

It exempts provision of Web-hosting services when the provider does not manage sexually explicit content.

In strengthening section 2257, the bill we are introducing today meets three important objectives.

First and foremost, this bill will make the recordkeeping statute a more effective tool for protecting children from sexual exploitation.

Second, our bill strengthens the recordkeeping statute while minimizing unintended consequences.

I mentioned the care with which our bill defines key terms such as ''produces.''

Our bill also places the extension of recordkeeping requirements regarding depictions of simulated material in a separate section 2257A.

This step responded to a legitimate concern by the motion picture industry.

Third, our bill strengthens the recordkeeping statute in ways that make it a more workable and practical tool for the prosecutors who have to use it.

I believe that as the Congress deals with this difficult issue, we must keep all three of these objectives in mind.

Some might want to create a draconian statute that sweeps too broadly.

Others may want to water down the statute in ways that create obstacles for prosecutors and make the statute ineffective.

My bill strengthens this important tool for protecting children without sweeping too broadly and without needlessly hobbling prosecutors.

Finally, let me say just a few things about the process leading up to introduction of this bill today.

Two versions of this bill have been introduced in the other body, most recently last week as title VI of H.R.4472, the Children's Safety and Violent Crime Reduction Act of 2005.

Representatives of the motion picture industry and Internet companies have been working with us to refine this legislation.

I also commend my colleagues in the House, Representative MIKE PENCE and Chairman JIM SENSENBRENNER, for their leadership on this issue.

In addition, the Department of Justice has provided valuable input in this

process. I applaud Attorney General Gonzales for making the prosecution of obscenity, child pornography, and other forms of child exploitation a real priority.

I understand that the Attorney General today announced arrests in several States as part of its Innocence Lost initiative against child prostitution.

I want to be very clear here.

Those who produce either actual or simulated sexually explicit material are breaking the law if that material depicts children.

The primary goal of protecting those children from such exploitation requires that all producers of sexually explicit material must keep age-related records, make those records available for inspection, and face criminal penalties if they refuse.

We have taken several concrete steps to respond to legitimate concerns from the motion picture industry and Internet companies.

We have already modified our bill several times and in several ways as a response to our meetings with the Department of Justice and affected parties.

We remain open to making further refinements in this language if it will strengthen the bill.

But that process of compromise must stop if it undermines the primary objective of protecting children from sexual exploitation or begins to make the statute unenforceable or feckless.

I hope that those who are affected by this legislation and have participated in helping us craft this bill will demonstrate their concern for protecting children by supporting this straighforward and commonsense bill.

Again, I want to thank my friend from Kansas for joining me in cosponsoring this bill and for his efforts in this area.

I hope all my colleagues will join us in strengthening this tool for protecting children.

Mr. BROWNBACK. Mr. President, I applaud my colleague from Utah for helping lead the fight against child pornography. This is an issue upon which all Senators can unite, and it is a battle we must not lose.

Pornography is no longer isolated to a small segment of society. It has pervaded our culture. As we learned in a recent hearing I chaired in the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights, pornography has infiltrated homes and families and is having devastating effects. According to recent reports, 1 in 5 children between the ages of 10 and 17 have received a sexual solicitation over the Internet, and 9 out of 10 children between the ages of 8 and 16 who have Internet access have viewed porn Web sites, usually in the course of looking up information for homework.

Perhaps the ugliest aspect of the pornography epidemic is child pornography. Children as young as 5 years old are being used for profit in this fast-growing industry. We have a duty to protect the weakest members of our society from exploitation and abuse. I believe this bill is the first step in that fight.

First, this bill will expand recordkeeping requirements to those who produce soft-core, or simulated, pornography. Current law only requires that records be kept by producers of hardcore, or actual, pornography. Under this language, producers will now be required to verify the ages of their actors and keep records of such information, regardless of whether the material they produce contains actual sexual activity or only a simulation of such activity. Further, this bill will require producers of such materials to disclose such records to the Attorney General for inspection. It will make refusal to permit inspection of such records a crime. This will be effective not only as a tool in prosecutions as a means of deterrence. Producers will be less likely to use child actors if they know they may be required to disclose the ages of their actors.

Today, recordkeeping requirements apply only to ''actual'' sexual conduct, leaving a loophole for soft-core pornography. Such material is no less damaging to children than hardcore pornography and recordkeeping and disclosure requirements must apply to this material as well. This bill will close the current loophole.

Again, I appreciate the leadership of Senator HATCH, and I hope my colleagues will join us passing this legislation to protect children from victimization and abuse.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 335—HONORING MEMBERS OF THE RADIATION PROTECTION PROFESSION BY DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2005, AS ''NATIONAL RADIATION PROTECTION PROFESSIONALS WEEK.''

Mr. DOMENICI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 335

Whereas the Conference of Radiation Control Program Directors has resolved that the week of November 6 through November 12, 2005, should be recognized as ''National Radiation Protection Professionals Week'';

Whereas, since the discovery of x rays by Wilhelm Conrad Roentgen on November 8, 1895, the use of radiation has become a vital tool for the health care, defense, security, energy, and industrial programs of the United States;

Whereas members of the radiation protection profession devote their careers to allow government, medicine, academia, and industry to safely use radiation; and

Whereas the leadership and technical expertise provided by members of the radiation protection profession has helped safeguard the public from the hazards of the use of radiation while enabling the public to reap its benefits: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as ''National Radiation Protection Professionals Week'';

(2) encourages all citizens to—

(A) recognize the importance of radiation protection professionals; and

(B) recognize the valuable resource provided by professional scientific organizations, such as—

(i) the Conference of Radiation Control Program Directors;

(ii) the Health Physics Society;

(iii) the Organization of Agreement States;

(iv) the American Academy of Health Physics;

(v) the National Registry of Radiation Protection Technologists; and

(C) the American Association of Physicists in Medicine; and

(3) recognizes the tremendous contributions that radiation protection professionals and their organizations have made for the betterment of the United States and the world.

SENATE RESOLUTION 336—TO CONDEMN THE HARMFUL, DESTRUCTIVE, AND ANTI-SEMITIC STATEMENTS OF MAHMOUD AHMADINEJAD, THE PRESIDENT OF IRAN, AND TO DEMAND AN APOLOGY FOR THOSE STATEMENTS OF HATE AND ANIMOSITY TOWARDS ALL JEWISH PEOPLE OF THE WORLD

Mr. SANTORUM (for himself, Mr. BROWNBACK, Ms. MIKULSKI, Ms. STABENOW, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. COLEMAN, Mr. BOND, Mrs. DOLE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SMITH, Mr. NELSON of Nebraska, Mr. DEWINE, Mr. VITTER, Mr. ISAKSON, Mr. TALENT, Mr. STEVENS, Mr. MARTINEZ, Mr. VOINOVICH, Mr. ROCKEFELLER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 336

Whereas Mahmoud Ahmadinejad, the President of Iran, declared in an October 26, 2005, address at the World Without Zionism conference in Tehran that ''the new wave that has started in Palestine, and we witness it in the Islamic World too, will eliminate this disgraceful stain from the Islamic World'' and that Israel ''must be wiped off the map.'';

Whereas the President of Iran told reporters on December 8th at an Islamic conference in Mecca, Saudi Arabia, ''Some European countries insist on saying that Hitler killed millions of innocent Jews in furnaces...although we don't accept this claim.'';

Whereas Mr. Ahmadinejad then stated, ''If the Europeans are honest they should give some of their provinces in Europe ... to the Zionists, and the Zionists can establish their state in Europe.'';

Whereas on December 14, 2005, Mr. Ahmadinejad said live on Iranian television, ''they have invented a myth that Jews were massacred and place this above God, religions and the prophets.'';

Whereas the leaders of the Islamic Republic of Iran, beginning with its founder, the Ayatollah Ruhollah Khomeini, have issued statements of hate against the United States, Israel, and Jewish peoples;

Whereas certain leaders, including Ahmadi Nezhad, and the Supreme Leader, Ali