

S. 370

At the request of Mr. LOTT, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Louisiana (Mr. VITTER) and the Senator from Arizona (Mr. McCAIN) were added as cosponsors of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S.J. RES. 4

At the request of Mr. CONRAD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 4, a joint resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy.

S. CON. RES. 9

At the request of Mr. ENSIGN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Virginia (Mr. WARNER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 9, a concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

S. RES. 44

At the request of Mr. ALEXANDER, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Illinois (Mr. DURBIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Carolina (Mr. DEMINT), the Senator from Alaska (Mr. STEVENS), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 44, a resolution celebrating Black History Month.

S. RES. 54

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. Res. 54, a resolution paying tribute to John Hume.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (for himself, Mr. CRAIG, and Ms. LANDRIEU):

S. 375. A bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

Mr. CRAIG. Mr. President, I rise today to encourage increased production of influenza vaccines in the United States. I am happy to honor my commitment to reintroduce the Flu Protection Act of 2005, along with Senator BAYH.

We dodged a bullet this year because we had a relatively mild flu season. Also, because the administration and public health officials did an excellent job of immediately addressing the vaccine shortage when it was announced in October. While this season's vaccine shortage didn't have as strong an impact as it might have, we should not go a day without looking for a path toward solving this problem so that we don't have the same issues in years to come. We may not always be so fortunate. Scientists believe that the return of an especially strong pandemic strain of flu is overdue. This legislation supports the administration's efforts to take steps to prepare for the imminent threat of avian flu.

The Bush administration has made progress on this issue, but Congress needs to address the underlying problems. The United States is disturbingly underprepared to deal with a massive outbreak or a sudden shortage of vaccine. We don't want to get caught short next year. We must aggressively encourage vaccine companies to come into this market and pass building incentives for existing companies.

I am encouraged that some sections of this legislation have been included in the majority's priority legislative package and look forward to working with other Members of Congress to ensure that the most comprehensive piece of legislation possible can be approved. We must move quickly to pass legislation that ensures sufficient flu vaccine supply, encourages an increase in production capacity, supports a flu vaccine awareness campaign, and prepares the United States to combat a pandemic or epidemic.

By Mrs. HUTCHISON:

S. 376. A bill to improve intermodal shipping container transportation security; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I rise to introduce a bill that will make much-needed improvements to our container security system. The Federal Government currently has no coordinated strategy which integrates the many aspects of inter-modal container shipping.

We may not be able to physically screen every container on the move in our Nation's vast economy, but we should not leave vast shipments of cargo completely unchecked. My bill lays out a systematic plan to coordinate and expand existing methods of screening and securing materials using available technology.

The cost to the U.S. economy of port closures on the West Coast due to a labor dispute last year was approximately \$1 billion per day for the first five days, and rose sharply thereafter. These disruptions have become so costly because the container shipping system is designed for speed and efficiency; as a result, the U.S. and its global trading partners have in effect become hostages to a "just-in-time"

distribution model where any disruption of the system has far reaching and immediate global impact.

I am eager to prevent a similar situation from occurring, since in my home State the Port of Houston, a \$15 billion petrochemical complex, is the second-largest port in the U.S. and first in international tonnage. Texas has 13 deepwater ports, many of which subsequently move freight by rail, a model typical nationwide.

My bill will require the Department of Homeland Security to incorporate aviation, maritime, rail and highway security in a single plan. We need a co-ordinated strategy to make the most of federal, state, and local capabilities.

The bill requires a "smart box" standard to reduce the cost of inspecting shipping containers and calls for all containers to meet this standard by 2009. It establishes penalties for commercial shippers, to hold them, and by extension their clients, responsible for properly documenting the contents of their shipments. Finally, it significantly increases U.S. Customs' presence overseas, because identifying a dirty bomb after it is unloaded onto U.S. soil may be too late.

I urge my colleagues to support this legislation and 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. 376

*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 "Intermodal Shipping Container Security Act".

#### SEC. 2. NATIONAL TRANSPORTATION SECURITY STRATEGY.

In carrying out section 114(f) of title 49, United States Code, the Under Secretary of Homeland Security for Border and Transportation Security shall take into account the National Maritime Transportation Security Plan prepared under section 70103 of title 46, United States Code, by the Secretary of the department in which the Coast Guard is operating when the plan is prepared in order to ensure that the strategy for dealing with threats to transportation security developed under section 114(f)(3) of title 49, United States Code, incorporates relevant aspects of the National Maritime Transportation Security Plan and addresses all modes of commercial transportation to, from, and within the United States.

#### SEC. 3. COMPREHENSIVE STRATEGIC PLAN FOR INTERMODAL SHIPPING CONTAINER SECURITY.

##### (a) STRATEGIC PLAN.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a strategic plan for integrating security for all modes of transportation by which intermodal shipping containers arrive, depart, or move in interstate commerce in the United States that—

(A) takes into account the security-related authorities and missions of all Federal, State, and local law enforcement agencies

that relate to the movement of intermodal shipping containers via air, rail, maritime, or highway transportation in the United States; and

(B) establishes as a goal the creation of a comprehensive, integrated strategy for intermodal shipping container security that encompasses the authorities and missions of all those agencies and sets forth specific objectives, mechanisms, and a schedule for achieving that goal.

(2) UPDATES.—The Secretary shall revise the plan from time to time

(c) IDENTIFICATION OF PROBLEM AREAS.—In developing the strategic plan required by subsection (a), the Secretary shall consult with all Federal, State, and local government agencies responsible for security matters that affect or relate to the movement of intermodal shipping containers via air, rail, maritime, or highway transportation in the United States in order to—

(1) identify changes, including legislative, regulatory, jurisdictional, and organizational changes, necessary to improve coordination among those agencies;

(2) reduce overlapping capabilities and responsibilities; and

(3) streamline efforts to improve the security of such intermodal shipping containers.

(d) ESTABLISHMENT OF STEERING GROUP.—The Secretary shall establish, organize, and provide support for an advisory committee, to be known as the Senior Steering Group, of senior representatives of the agencies described in subsection (c). The Group shall meet from time to time, at the call of the Secretary or upon its own motion, for the purpose of developing solutions to jurisdictional and other conflicts among the represented agencies with respect to the security of intermodal shipping containers, improving coordination and information-sharing among the represented agencies, and addressing such other, related matters, as the Secretary may request.

(e) ANNUAL REPORT.—The Secretary, after consulting the Senior Steering Group, shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the activities of the Senior Steering Group and the Secretary under this section, describing the progress made during the year toward achieving the objectives of the plan, and including any recommendations, including legislative recommendations, if appropriate for further improvements in dealing with security-issues related to intermodal shipping containers and related transportation security issues.

(f) BIENNIAL EXPERT CRITIQUE.—

(1) EXPERT PANEL.—A panel of experts shall be convened once every 2 years by the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure to review plans submitted by the Secretary under subsection (a).

(2) Membership.—The panel shall consist of—

(A) 4 individuals selected by the chairman and ranking member of the Senate Committee on Commerce, Science, and Transportation and by the chairman and ranking member of the House of Representatives Committee on Transportation and Infrastructure, respectively; and

(B) 1 individual selected by the 4 individuals selected under subparagraph (A).

(3) QUALIFICATIONS.—Individuals selected under paragraph (2) shall be chosen from among individuals with professional expertise and experience in security-related issues involving shipping or transportation and without regard to political affiliation.

(4) COMPENSATION AND EXPENSES.—An individual serving as a member of the panel shall

not receive any compensation or other benefits from the Federal Government for serving on the panel or be considered a Federal employee as a result of such service. Panel members shall be reimbursed by the Committees for expenses, including travel and lodging, they incur while actively engaged in carrying out the functions of the panel.

(5) FUNCTION.—The panel shall review plans submitted by the Secretary under subsection (a), evaluate the strategy set forth in the plan, and make such recommendations to the Secretary for modifying or otherwise improving the strategy as may be appropriate.

**SEC. 4. SHIPPING CONTAINER INTEGRITY INITIATIVE.**

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating section 70117 as section 70118; and

(2) by inserting after section 70116 the following:

**“70117. Enhanced container-related security measures.**

“(a) TRACKING INTERMODAL CONTAINER SHIPMENTS IN THE UNITED STATES.—The Secretary, in cooperation with the Under Secretary of Border and Transportation Security, shall develop a system to increase the number of intermodal shipping containers physically inspected (including non intrusive inspection by scanning technology), monitored, and tracked within the United States.

“(b) SMART BOX TECHNOLOGY.—Under regulations to be prescribed by the Secretary, beginning with calendar year 2007 no less than 50 percent of all ocean-borne shipping containers entering the United States during any calendar year shall incorporate ‘Smart Box’ or equivalent technology developed, approved, or certified by the Under Secretary of Homeland Security for Border and Transportation Security.

“(c) DEVELOPMENT OF INTERNATIONAL STANDARD FOR SMART CONTAINERS.—The Secretary shall—

“(1) develop, and seek international acceptance of, a standard for ‘smart’ maritime shipping containers that incorporate technology for tracking the location and assessing the integrity of those containers as they move through the intermodal transportation system; and

“(2) implement an integrated tracking and technology system for such containers.

“(d) REPORT.—Within 1 year after the date of enactment of the Intermodal Shipping Container Security Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report that contains—

“(1) a cost analysis for implementing this section; and

“(2) a strategy for implementing the system described in subsection (c)(3).”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70117 and inserting the following:

**“70117. Enhanced container-related security measures.**

**“70118. Civil penalties.”.**

**SEC. 5. ADDITIONAL RECOMMENDATIONS.**

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report that contains the following:

(1) Recommendations about what analysis must be performed and the cost to develop

and field a cargo container tracking and monitoring system within the United States which tracks all aviation, rail, maritime, and highway cargo containers equipped with smart container technology.

(2) Recommendations on how the Department of Homeland Security could help support the deployment of such a system.

(3) Recommendations as to how current efforts by the Department of Homeland Security and other Federal agencies could be incorporated into the physical screening or inspection of aviation, rail, maritime, and highway cargo containers within the United States.

(4) Recommendations about operating systems and standards for those operating systems, to support the tracking of aviation, rail, maritime, and highway cargo containers within the United States that would include the location of regional, State, and local operations centers.

(5) A description of what contingency actions, measures, and mechanisms should be incorporated in the deployment of a nationwide aviation, rail, maritime, and highway cargo containers tracking and monitoring system which would allow the United States maximum flexibility in responding quickly and appropriately to increased terrorist threat levels at the local, State, or regional level.

(6) A description of what contingency actions, measures, and mechanisms must be incorporated in the deployment of such a system which would allow for the quick reconstitution of the system in the event of a catastrophic terrorist attack which affected part of the system.

(7) Recommendations on how to leverage existing information and operating systems within State or Federal agencies to assist in the fielding of the system.

(8) Recommendations on co-locating local, State, and Federal agency personnel to streamline personnel requirements, minimize costs, and avoid redundancy.

(9) An initial assessment of the availability of private sector resources which could be utilized, and incentive systems developed, to support the fielding of the system, and the maintenance and improvement as technology or terrorist threat dictate.

(10) Recommendations on how this system that is focused on the continental United States would be integrated into any existing or planned system, or process, which is designed to monitor the movement of cargo containers outside the continental United States.

**SEC. 6. IMPROVEMENTS TO CONTAINER TARGETING SYSTEMS.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that provides a preliminary plan for strengthening the Bureau of Customs and Border Protection’s container targeting system. The plan shall identify the cost and feasibility of requiring additional non-manifest documentation for each container, including purchase orders, shipper’s letters of instruction, commercial invoices, letters of credit, or certificates of origin.

(b) REDUCTION OF MANIFEST REVISION WINDOW.—Within 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue regulations under which the time period for revisions to a container cargo manifest submitted to the Bureau of Customs and Border Protection shall be reduced from 60 days to 45 days after arrival at a United States port.

(c) SUPPLY CHAIN INFORMATION.—Within 180 days after the date of enactment of this Act,

the Secretary of Homeland Security shall develop a system to share threat and vulnerability information with all of the industries in the supply chain that will allow ports, carriers, and shippers to report on security lapses in the supply chain and have access to unclassified maritime threat and security information such as piracy incidents.

**SEC. 7. INCREASE IN NUMBER OF CUSTOMS INSPECTORS ASSIGNED OVERSEAS.**

(a) IN GENERAL.—The Secretary of Homeland Security shall substantially increase the number of United States Customs Service inspectors assigned to duty outside the United States under the Container Security Initiative of the United States Customs Service with responsibility for inspecting intermodal shipping containers being shipped to the United States.

(b) STAFFING CRITERIA.—In carrying out subsection (a) the Secretary of Homeland Security shall determine the appropriate level for assignment and density of customs inspectors at selected international port facilities by a threat, vulnerability, and risk analysis which, at a minimum, considers—

- (1) the volume of containers shipped;
- (2) the ability of the host government to assist in both manning and providing equipment and resources;
- (3) terrorist intelligence known of importer vendors, suppliers or manufacturers; and
- (4) other criteria as determined in consult with experts in the shipping industry, terrorism, and shipping container security.

(c) MINIMUM NUMBER.—The total number of customs inspectors assigned to international port facilities shall not be less than the number determined as a result of the threat, vulnerability, and risk assessment analysis which is validated by the Administrator of the Transportation Security Administration within 180 days after the date of enactment of this Act.

(d) PLAN.—The Secretary shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, with timelines, for phasing inspectors into selected port facilities within 180 days after the enactment of this Act.

**SEC. 8. RANDOM INSPECTION OF CONTAINERS.**

(a) IN GENERAL.—The Under Secretary of Homeland Security for Border and Transportation Security shall develop and implement a plan for random inspection of shipping containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Under Secretary.

**(b) CIVIL PENALTY FOR ERRONEOUS MANIFEST.—**

(1) IN GENERAL.—Except as provided in paragraph (2), if the Under Secretary determines on the basis of an inspection conducted under subsection (a) that there is a discrepancy between the contents of a shipping container and the manifest for that container, the Under Secretary may impose a civil penalty of not more than \$1,000 for the discrepancy.

(2) MANIFEST DISCREPANCY REPORTING.—The Under Secretary may not impose a civil penalty under paragraph (1) if a manifest discrepancy report is filed with respect to the discrepancy within the time limits established by Customs Directive No. 3240-067A (or any subsequently issued directive governing the matters therein) for filing a manifest discrepancy report.

By Mr. LIEBERMAN:

S. 377. A bill to require negotiation and appropriate action with respect to

certain countries that engage in currency manipulation; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, today, February 15, 2005, I rise to introduce a bill, proposing we enact the Fair Currency Enforcement Act of 2005. The present legislation addresses the practice of some governments to intervene aggressively in currency markets, or to peg their currencies at a fixed—artificially low—exchange rate, thus subsidizing their export sales and raising price barriers to imports from the United States. I introduced similar legislation last Congress, yet the problem remains unsolved.

In recent years, particularly China has been pressed to float their currency upward. Specifically, the Europeans, the International Monetary Fund and the Bank for International Settlements have put pressure on the Chinese to at a minimum repeg their currency to a higher dollar value. The Administration has talked about this idea, but has been ineffective. As a consequence there has been no movement on the part of the Chinese.

As a result of the heavy dollar buying, the Asian Central banks have allowed their foreign-exchange reserves to swell from less than \$800 billion at the start of 1999 to over \$1.5 trillion in 2003. This is almost two-thirds of the global total.

The world's seven biggest holders of foreign-exchange reserves are all in Asia.

This legislation proposes that our Administration promptly open negotiations with the four Asian countries that exemplify this practice, with the intent to put a stop to it. These countries are: China, Japan, South Korea, and Taiwan. This practice hurts American manufacturers: it impedes their ability to introduce new products and technologies and provide Americans with quality jobs. It has caused and continues to cause the current economic recovery to be a jobless one, particularly in the manufacturing sector.

Experts indicate that the United States has the right and the power to address unfair competitive practices under the following laws, rules and agreements: 1. Section 3004 of the Omnibus Trade and Competitiveness Act of 1988 2. Article IV of the Articles of Agreement of the International Monetary Fund Article 3. XV of the Exchange Agreements of the General Agreement on Tariffs and Trade 4. The Agreement on Subsidies and Countervailing Measures of the World Trade Organization (as described in section 101(d)(12)) of the Uruguay Round Agreements Act. 5. Article XXIII of the General Agreement on Tariffs and Trade. 6. Sections 301 and 406 of the Trade Act of 1974. 7. The provisions of the United States-China Bilateral Agreement on World Trade Organization Accession.

These laws, rules and agreements provide us with ample process to do this right and it is important we act now. Therefore, beginning on the date

of enactment of this Act, the President will be required to start a 90 day period of negotiations. If these negotiations fail to bear fruit, he is required to seek redress through the various international trade laws by instituting appropriate proceedings, or report to congress in detail why this is not a proper course of action.

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. 377

*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 Currency Enforcement Act of 2005”.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The manufacturing sector is an important driver of the United States economy, contributing almost 30 percent of our economic growth during the 1990's, and twice the productivity growth of the service sector during that period.

(2) The manufacturing sector contributes significantly to our Nation's development of new products and technologies for world markets, performing almost 60 percent of all research and development in the United States over the past two decades.

(3) The manufacturing sector provides high quality jobs, with average weekly wages between 20 and 30 percent higher than jobs in the service sector.

(4) The manufacturing growth creates a significant number of jobs and investments in other sectors of the economy, and this “multiplier effect” is reckoned by economists to be larger (2.43 to 1) than for any other significant sector of the economy.

(5) The “jobless recovery” from the recent recession has witnessed the worst job slump since the Great Depression and the weakest employment recovery on record.

(6) The manufacturing sector has been hit the hardest by the jobless recovery.

(7) A significant factor in the loss of valuable United States manufacturing jobs is the difficulty faced by United States manufacturers in competing effectively against lower priced foreign products.

(8) A significant obstacle to United States manufacturers in competing against foreign manufacturers is the practice of some governments of intervening aggressively in currency markets, or pegging their currencies at fixed rates, to maintain their own currencies at artificially low valuations, thus subsidizing their export sales and raising price barriers to imports from the United States.

(9) Certain Asian countries exemplify this practice. China, Japan, South Korea, and Taiwan together have accumulated approximately 1/2 of the world's total currency reserves. The vast majority of these reserves, perhaps as high as 90 percent, are in dollars. These same 4 countries account for 60 percent of the United States world trade deficit in manufactured goods. These reserves are symptomatic of a strategy of intervention to manipulate currency values.

(10) The People's Republic of China is particularly aggressive in intervening to maintain the value of its currency, the renminbi, at an artificially low rate. China maintains this rate by mandating foreign exchange sales at its central bank at a fixed exchange rate against the dollar, in effect, pegging the

renminbi at this rate. This low rate represents a significant reason why China has contributed the most to our trade deficit in manufactured goods.

(11) Economists estimate that as a result of this manipulation of the Chinese currency, the renminbi is undervalued by between 15 and 40 percent, effectively creating a 15- to 40-percent subsidy for Chinese exports and giving Chinese manufacturers a significant price advantage over United States and other competitors.

(12) The national currency of Japan is the yen. Experts estimate that the yen is undervalued by approximately 20 percent or more, giving Japanese manufacturers a significant price advantage over United States competitors.

(13) In addition to being placed at a competitive disadvantage by foreign competitors' exports that are unfairly subsidized by strategically undervalued currencies, United States manufacturers also may face significant nontariff barriers to their own exports to these same countries. For example, in the past in China, until remediated, a complex system involving that nation's value added tax and special tax rebates ensured that semiconductor devices imported into China were taxed at 17 percent while domestic devices are effectively taxed at 6 percent.

(14) The United States has the right and power to redress unfair competitive practices in international trade involving currency manipulation.

(15) Under section 3004 of the Omnibus Trade and Competitiveness Act of 1988, the Secretary of the Treasury is required to determine whether any country is manipulating the rate of exchange between its currency and the dollar for the purpose of preventing effective balance of payments adjustments or gaining unfair advantage in international trade. If such violations are found, the Secretary of the Treasury is required to undertake negotiations with any country that has a significant trade surplus.

(16) Article IV of the Articles of Agreement of the International Monetary Fund prohibits currency manipulation by a member for the purposes of gaining an unfair competitive advantage over other members, and the related surveillance provision defines "manipulation" to include "protracted large-scale intervention in one direction in the exchange market".

(17) Under Article XV of the Exchange Agreements of the General Agreement on Tariffs and Trade, all contracting parties "shall not, by exchange action, frustrate the intent of the provisions of this Agreement, nor by trade action, the intent of the Articles of Agreement of the International Monetary Fund". Such actions are actionable violations. The intent of the General Agreement on Tariffs and Trade Exchange Agreement, as stated in the preamble of that Agreement, includes the objective of "entering into reciprocal and mutually advantageous arrangements directed to substantial reduction of tariffs and other barriers to trade," and currency manipulation may constitute a trade barrier disruptive to reciprocal and mutually advantageous trade arrangements.

(18) Deliberate currency manipulation by nations to significantly undervalue their currencies also may be interpreted as a violation of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization (as described in section 101(d)(12)) of the Uruguay Round Agreements Act, which could lead to action and remedy under the World Trade Organization dispute settlement procedures.

(19) Deliberate, large-scale intervention by governments in currency markets to significantly undervalue their currencies may be a nullification and impairment of trade bene-

fits precluded under Article XXIII of the General Agreement on Tariffs and Trade, and subject to remedy.

(20) The United States Trade Representative also has authority to pursue remedial actions under section 301 of the Trade Act of 1974.

(21) The United States has special rights to take action to redress market disruption under section 406 of the Trade Act of 1974 adopted pursuant to the provisions of the United States-China Bilateral Agreement on World Trade Organization Accession.

(22) While large-scale manipulation of currencies by certain major trading partners to achieve an unfair competitive advantage is one of the most pervasive barriers faces by the manufacturing sector in the United States, other factors are contributing to the decline of manufacturing and small and mid-sized manufacturing firms in the United States, including but not limited to non-tariff trade barriers, lax enforcement of existing trade agreements, and weak or under utilized government support for trade promotion.

### SEC. 3. NEGOTIATION PERIOD REGARDING CURRENCY NEGOTIATIONS.

Beginning on the date of enactment of this Act, the President shall begin bilateral and multilateral negotiations for a 90-day period with those governments of nations determined to be engaged most egregiously in currency manipulation, as defined in section 7, to seek a prompt and orderly end to such currency manipulation and to ensure that the currencies of these countries are freely traded on international currency markets, or are established at a level that reflects a more appropriate and accurate market value. The President shall seek support in this process from international agencies and other nations and regions adversely affected by these currency practices.

### SEC. 4. FINDINGS OF FACT AND REPORT REGARDING CURRENCY MANIPULATION.

(a) IN GENERAL.—During the 90-day negotiation period described in section 3, the International Trade Commission shall—

(1) ascertain and develop the full facts and details concerning how countries have acted to manipulate their currencies to increase their exports to the United States and limit their imports of United States products;

(2) quantify the extent of this currency manipulation;

(3) examine in detail how these currency practices have affected and will continue to affect United States manufacturers and United States trade levels, both for imports and exports;

(4) review whether and to what extent reduction of currency manipulation and the accumulation of dollar-denominated currency reserves and public debt instruments might adversely affect United States interest rates and public debt financing;

(5) make a determination of any and all available mechanisms for redress under applicable international trade treaties and agreements, including the Articles of Agreement of the International Monetary Fund, the General Agreement on Tariffs and Trade, the World Trade Organization Agreements, and United States trade laws; and

(6) undertake other appropriate evaluations of the issues described in paragraphs (1) through (5).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the International Trade Commission shall provide a detailed report to the President, the United States Trade Representative, the Secretary of the Treasury, and the appropriate congressional committees on the findings made as a result of the reviews undertaken under paragraphs (1) through (6) of subsection (a).

### SEC. 5. INSTITUTE PROCEEDINGS REGARDING CURRENCY MANIPULATION.

At the end of the 90-day negotiation period provided for in section 3, if agreements are not reached by the President to promptly end currency manipulation, the President shall institute proceedings under the relevant provisions of international law and United States trade laws including sections 301 and 406 of the Trade Act of 1974 with respect to those countries that, based on the findings of the International Trade Commission under section 4, continue to engage in the most egregious currency manipulation. In addition to seeking a prompt end to currency manipulation, the President shall seek appropriate damages and remedies for the Nation's manufacturers and other affected parties. If the President does not institute action, the President shall, not later than 120 days after the date of enactment of this Act, provide to the appropriate congressional committees a detailed explanation and accounting of precisely why the President has determined not to institute action.

### SEC. 6. ADDITIONAL REPORTS AND RECOMMENDATIONS.

(a) NATIONAL SECURITY.—Within 90 days of the date of enactment of this Act, the Secretary of Defense shall provide a detailed report to the appropriate congressional committees evaluating the effects on our national security of countries engaging in significant currency manipulations, and the effect of such manipulation on critical manufacturing sectors.

(b) OTHER UNFAIR TRADE PRACTICES.—Within 90 days of the date of enactment of this Act, the United States Trade Representative and the International Trade Commission shall evaluate and report in detail to the appropriate congressional committees on other trade practices and trade barriers by major East Asian trading nations potentially in violation of international trade agreements, including the practice of maintaining a value-added or other tax regime that effectively discriminates against imports by underpricing domestically produced goods, or setting technology standards that effectively limit imports.

(c) TRADE ENFORCEMENT.—Within 90 days of the date of enactment of this Act, the United States Trade Representative and the International Trade Commission shall report in detail to the appropriate congressional committees on steps that could be taken to significantly improve trade enforcement efforts against unfair trade practices by competitor trading nations, including making recommendations for additional support for trade enforcement efforts.

(d) TRADE PROMOTION.—Within 90 days of the date of enactment of this Act, the Secretaries of State and Commerce, and the United States Trade Representative, shall prepare a detailed report with recommendations on steps that could be undertaken to significantly improve trade promotion for United States goods and services, including recommendations on additional support to improve trade promotion.

### SEC. 7. CURRENCY MANIPULATION DEFINED.

In this Act, the term "currency manipulation" means—

(1) large-scale manipulation of exchange rates by a nation in order to gain an unfair competitive advantage as stated in Article IV of the Articles of Agreement of the International Monetary Fund and related surveillance provisions;

(2) sustained, large-scale currency intervention in one direction, through mandatory foreign exchange sales at a nation's central bank at a fixed exchange rate; or

(3) other mechanisms, used to maintain a currency at a fixed exchange rate relative to another currency.

By Mr. BIDEN (for himself, Mr. SPECTER, Mrs. FEINSTEIN, Mr. KYL, and Mr. ALLEN):

S. 378. A bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Reducing Crime and Terrorism at America's Seaports Act, along with the Chairman of the Judiciary Committee Senator SPECTER, and the Chairman and Ranking Member of the Terrorism Subcommittee, Senators KYL and FEINSTEIN. My colleagues and I have worked on this legislation for the past four years and I am hopeful this package of common-sense criminal law improvements will be approved by the Senate early this Session.

The bipartisan legislation we introduce today should be familiar to my colleagues. It was introduced as S. 2653 in the 108th Congress, where I worked closely with the then-Chairman of the Committee Senator HATCH and Senator LEAHY to ensure they were comfortable with the bill's provisions. The language has been reviewed by the United States Coast Guard, the American Association of Port Authorities, the American Institute of Marine Underwriters, the Inland Marine Underwriters Association, the Maritime Exchange for the Delaware River and Bay, the Transportation Security Administration, and the AFL-CIO. Senator KYL included this language in his Tools to Fight Terrorism Act of 2004 and it was the subject of a hearing in the Judiciary Subcommittee on Terrorism on September 13, 2004. This Congress, identical language was introduced by Senator GREGG at Title IV of S. 3, the majority's Protecting America in the War on Terror Act of 2005.

Our bill will double the maximum term of imprisonment for anyone who fraudulently gains access to a seaport or waterfront. The Interagency Commission on Crime and Security at U.S. Seaports concluded that "control of access to the seaport or sensitive areas within the seaports" poses one of the greatest potential threats to port security. Such unauthorized access continues and exposes the nation's seaports, and the communities that surround them, to acts of terrorism, sabotage or theft. Our bill will help deter those who seek unauthorized access to our ports by imposing stiffer penalties.

Our bill would also increase penalties for noncompliance with certain manifest reporting and record-keeping requirements, including information regarding the content of cargo containers and the country from which the shipments originated. An estimated 95 percent of the cargo shipped to the U.S. from foreign countries, other than Canada and Mexico, arrives through our seaports. Accordingly, the Interagency Commission found that this enormous

flow of goods through U.S. ports provides a tempting target for terrorists and others to smuggle illicit cargo into the country, while also making "our ports potential targets for terrorist attacks." In addition, the smuggling of non-dangerous, but illicit, cargo may be used to finance terrorism. Despite the gravity of the threat, we continue to operate in an environment in which terrorists and criminals can evade detection by underreporting and misreporting the content of cargo. Increased penalties can help here.

The legislation we introduce today would also make it a crime for a vessel operator to fail to slow or stop a ship once ordered to do so by a Federal law enforcement officer, for any person on board a vessel to impede boarding or other law enforcement action authorized by Federal law, or for any person on board a vessel to provide false information to a Federal law enforcement officer. The Coast Guard is the main Federal agency responsible for law enforcement at sea. Yet, its ability to force a vessel to stop or be boarded is limited. While the Coast Guard has the authority to use whatever force is reasonably necessary, a vessel operator's refusal to stop is not currently a crime. This bill would create that offense.

In addition, the Coast Guard maintains over 50,000 navigational aids on more than 25,000 miles of waterways. These aids, which are relied upon by all commercial, military and recreational mariners, are critical for safe navigation by commercial and military vessels. They could be inviting targets for terrorists. Our legislation would make it a crime to endanger the safe navigation of a ship by damaging any maritime navigational aid maintained by the Coast Guard, place in the waters anything which is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce, or dump a hazardous substance into U.S. waters with the intent to endanger human life or welfare.

Each year, thousands of ships enter and leave the U.S. through seaports, smugglers and terrorists exploit this massive flow of maritime traffic to transport dangerous materials and dangerous people into this country. This legislation would make it a crime to use a vessel to smuggle into the United States either a terrorist or any explosive or other dangerous material for use in committing a terrorist act. The bill would also make it a crime to damage or destroy any part of a ship, a maritime facility, or anything used to load or unload cargo and passengers, commit a violent assault on anyone at a maritime facility, or knowingly communicate a hoax in a way which endangers the safety of a vessel. In addition, the Interagency Commission concluded that existing laws are not stiff enough to stop certain crimes, including cargo theft, at seaports. Our legislation would increase the maximum term of imprisonment for low-level thefts of

interstate or foreign shipments from 1 year to 3 years and expand the statute to outlaw theft of goods from trailers, cargo containers, warehouses, and similar venues.

These are improvements we should make to our criminal code. I am under no illusion, however, that enactment of our bill will guarantee the security of our seaports. We need to dramatically increase the financial assistance we are giving our ports so that they can harden their own facilities against potential attackers. I was disappointed to read in the Administration's budget that the President wants to eliminate the Department of Homeland Security's dedicated port security grant program. His budget instead will force our ports to compete against all other transit systems for scarce federal funds. We've spent only about \$750 million to secure seaports since September 11th—the Coast Guard reports that is not nearly enough to meet the requirements of the Maritime Transportation Security Act. We also need to increase the number of inspections of ships and shipping containers that are coming into our ports. But the amendments to Federal criminal law that we propose here will provide an important deterrent effect and they will give Federal prosecutors new tools to go after terrorists who would target our seaports. I urge my colleagues to support our bill, and I look forward to its prompt consideration.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. DURBIN, and Mr. OBAMA).

S. 379. A bill to build capacity at community colleges in order to meet increased demand for community college education while maintaining the affordable tuition rates and the open-door policy that are the hallmarks on the community college system; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise to introduce the "Community College Opportunity Act." Community colleges are the gateway to the future—for first time students looking for an affordable college education, and for mid-career students looking to get ahead in the workplace. As college tuition at four-year colleges continues to rise, more and more students are turning to community colleges for the education they need to prepare for 21st century jobs.

Yet soon we may not be able to count on our community colleges being available to everyone. The combination of budget cuts and increased enrollments is forcing community colleges to make tough choices—between raising tuition and turning students away. This important legislation will help keep the doors of our community colleges open to increasing numbers of students without sending tuition through the roof. My bill authorizes \$500 million for a competitive grant program to help community colleges serve more students. Community colleges could apply

for a grant to help with the cost of constructing or renovating facilities, hiring faculty, purchasing new computers and scientific equipment, and investing in creative ways of addressing overcrowding—like distance learning.

Why is this important? Community colleges are one of the great American social inventions. I used to teach night school at Baltimore City Community College. I know firsthand the vital role they play in our communities. Their low cost, convenient location, and open door admissions policy have made them the key to the American dream for so many. Many generations of immigrants pursued the American dream by working all day and going to night school at night. After World War II, the GI bill gave returning veterans a chance to get ahead by going to local junior colleges.

Now, more than ever, it's important to invest in community colleges. In the next ten years, 40 percent of new jobs will require college education. At the same time, college tuition is on the rise. Tuition at the University of Maryland is up by as much as 32 percent. That's causing many students to take a second look at community colleges because they're more affordable. They're also leaders in training workers for 21st century jobs—from nurses to computer techies, and even lab techs for new industries, like biotechnology. They're playing a key role in addressing shortages in nursing and teaching. In Maryland, community colleges train 55 percent of new nurses.

Yet our community colleges are bursting at the seams. They're growing faster than 4-year colleges. Enrollment at Maryland's community colleges is expected to grow 30 percent in the next 10 years, while 4-year colleges will grow by 15 percent. Community colleges are holding classes from 7 in the morning to 10 at night, on weekends, and over the internet. In my own State of Maryland, they are starting to turn students away because there isn't enough room. Almost 1,000 students were shut out of Montgomery College last spring because they couldn't get into the classes they needed or they couldn't afford the cost. Prince George's Community College had to turn away 630 prospective nursing students and 1,000 prospective education students.

It's great that so many Americans are going to community colleges. For so many Americans, community colleges are the only way to get the education they need to be competitive for 21st century jobs. Yet the rapid increase of students is threatening the very mission of community colleges. If we want a world-class workforce, we need to invest in higher education. We need to make sure we always have institutions available to everyone who wants a college degree—or just a couple of courses. That means investing in our community colleges, so they can continue to be affordable, accessible, and successful at training the next gen-

eration of nurses, teachers, and techies.

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

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

S. 379

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

**SECTION 1. COMMUNITY COLLEGE CAPACITY-BUILDING GRANT PROGRAM.**

Title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) is amended—

- (1) by redesignating part F as part G; and
- (2) by inserting after part E the following:

**"PART F—COMMUNITY COLLEGES**

**"SEC. 371. COMMUNITY COLLEGE CAPACITY-BUILDING GRANT PROGRAM.**

**"(a) PROGRAM AUTHORIZED.**

"(1) IN GENERAL.—From amounts appropriated under section 399(a)(6) for a fiscal year, the Secretary shall award grants to eligible entities, on a competitive basis, for the purpose of building capacity at community colleges to meet the increased demand for community colleges while maintaining the affordable tuition rates and the open-door policy that are the hallmarks of the community college system.

"(2) DURATION.—Grants awarded under this section shall be for a period not to exceed 3 years.

**"(b) DEFINITIONS.—**In this section:

"(1) COMMUNITY COLLEGE.—The term 'community college' means a public institution of higher education (as defined in section 101(a)) whose highest degree awarded is predominantly the associate degree.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a community college, or a consortium of 2 or more community colleges, that demonstrates capacity challenges at not less than 1 of the community colleges in the eligible entity, such as—

"(A) an identified workforce shortage in the community served by the community college that will be addressed by increased enrollment at the community college;

"(B) a wait list for a class or for a degree or a certificate program;

"(C) a faculty shortage;

"(D) a significant enrollment growth;

"(E) a significant projected enrollment growth;

"(F) an increase in the student-faculty ratio;

"(G) a shortage of laboratory space or equipment;

"(H) a shortage of computer equipment and technology;

"(I) out-of-date computer equipment and technology;

"(J) a decrease in State or county funding or a related budget shortfall; or

"(K) another demonstrated capacity shortfall.

"(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require by regulation.

"(d) AWARD BASIS.—In awarding grants under subsection (a), the Secretary shall take into consideration—

"(1) the relative need for assistance under this section of the community colleges;

"(2) the probable impact and overall quality of the proposed activities on the capacity problem of the community college;

"(3) providing an equitable geographic distribution of grant funds under this section throughout the United States and among

urban, suburban, and rural areas of the United States; and

"(4) providing an equitable distribution among small, medium, and large community colleges.

"(e) USE OF FUNDS.—Grant funds provided under subsection (a) may be used for activities that expand community college capacity, including—

"(1) the construction, maintenance, renovation, and improvement of classroom, library, laboratory, and other instructional facilities;

"(2) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional research purposes;

"(3) the development, improvement, or expansion of technology;

"(4) preparation and professional development of faculty;

"(5) recruitment, hiring, and retention of faculty;

"(6) curriculum development and academic instruction;

"(7) the purchase of library books, periodicals, and other educational materials, including telecommunications program material;

"(8) the joint use of facilities, such as laboratories and libraries; or

"(9) the development of partnerships with local businesses to increase community college capacity.

**"SEC. 372. APPLICABILITY.**

"The provisions of part G (other than section 399) shall not apply to this part."

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended by adding at the end the following:

"(6) PART F.—There are authorized to be appropriated to carry out part F, \$500,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 4 succeeding fiscal years."

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. DEWINE, Mr. BINGAMAN, Mr. SMITH, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 380. A bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am very pleased today to join several of my colleagues—Senator PRYOR, Senator DEWINE, Senator BINGAMAN, Senator SMITH, Senator LIEBERMAN, and the Presiding Officer, Senator COLEMAN—in introducing the Keeping Families Together Act. This legislation is intended to reduce the barriers to care for children who are struggling with serious mental illness. It is intended to ensure their parents are no longer forced to give up custody of their children solely for the purpose of securing mental health treatment.

As the Presiding Officer is well aware, because he was an active participant in them, the Governmental Affairs Committee in the last Congress held extensive hearings on this issue.

What we heard was a tragedy. We heard case after case where families

made the wrenching choice to give up custody of their children in order to secure the mental health treatment that they needed. No family should ever be forced to make that decision.

Imagine what it feels like for a child who is suffering from mental illness to be wrenched from his family, put into either the juvenile justice system or the foster care system simply because that is the only way to get that child the care that he so desperately needs.

Serious mental illness afflicts millions of our Nation's children and adolescents. It is estimated that as many as 20 percent of American children under the age of 17 suffer from a mental, emotional or behavioral illness. What I find most disturbing, however, is the fact that two-thirds of all young people who need mental health treatment are not getting it.

Behind each of these statistics is a family that is struggling to do the best it can to help a son or a daughter with serious mental health needs to be just like every other kid—to develop friendships, to do well in school, and to get along with their siblings and other family members. These children are almost always involved with more than one social service agency, including the mental health, special education, child welfare, or the juvenile justice systems. Yet no one agency, at either the State or the Federal level, is clearly responsible or accountable for helping these children and their families.

My interest in this issue was triggered by a compelling series of stories by Barbara Walsh in the Portland Press Herald which detailed the obstacles that many Maine families have faced in getting desperately needed mental health services for their children. Too many families in Maine and elsewhere have been forced to make wrenching decisions when they have been advised that the only way to get the care that their children so desperately need is to relinquish custody and place them in either the child welfare or juvenile justice system.

When a child has a serious physical health problem like diabetes or a heart condition, the family turns to their doctor. When the family includes a child with a serious mental illness, it is often forced to go to the child welfare or juvenile justice system to secure treatment.

Yet neither system is intended to serve children with serious mental illness. Child welfare systems are designed to protect children who have been abused or neglected. Juvenile justice systems are designed to rehabilitate children who have committed criminal or delinquent acts. While neither of these systems is equipped to care for a child with a serious mental illness, in far too many cases, there is nowhere else for the family to turn.

In some extreme cases, families feel forced to file charges against their child or to declare that they have abused or neglected them in order to get the care that they need. As one

family advocate observed, "Beat 'em up, lock 'em up, or give 'em up," characterizes the choices that some families face in their efforts to get help for their children's mental illness.

In 2003, the Government Accountability Office, GAO, issued a report that I requested with Representatives PETE STARK and PATRICK KENNEDY that found that, in 2001, parents placed more than 12,700 children into the child welfare or juvenile justice systems so that these children could receive mental health services. I believe that this is just the tip of the iceberg, since 32 States—including five States with the largest populations of children—did not provide the GAO with any data.

Other studies indicate that the problem is even more pervasive. A 1999 survey by the National Alliance for the Mentally Ill found that 23 percent—or one in four of the parents surveyed—had been told by public officials that they needed to relinquish custody of their children to get care, and that one in five of these families had done so.

Some States have passed laws to limit custody or prohibit custody relinquishment. Simply banning the practice is not a solution, however, since it can leave children with mental illness and their families without services and care. Custody relinquishment is merely a symptom of the much larger problem, which is the lack of available, affordable and appropriate mental health services and support systems for these children and their families.

Last Congress, I chaired a series of hearings in the Governmental Affairs Committee to examine this issue further. We heard compelling testimony from mothers who told us that they were advised that the only way to get the intensive care and services that their children needed was to relinquish custody and place them in the child welfare or juvenile justice system. This is a wrenching decision that no family should be forced to make. No parent should have to give up custody of his or her child just to get the services that the child needs.

The mothers also described the barriers they faced in getting care for their children. They told us about the limitations in both public and private insurance coverage. They also talked about the lack of coordination and communication among the various agencies and programs that service children with mental health needs. One parent, desperate for help for her twin boys, searched for 2 years until she finally located a program—which she characterized as "the best kept secret in Illinois"—that was able to help.

Parents should not be bounced from agency to agency, knocking on every door they come to, in the hope that they will happen upon someone who has an answer. It simply should not be such a struggle for parents to get services and treatment for their children.

We also need to question what happens to these children when they are turned over to the child welfare or ju-

venile justice authorities. I released a report last year with Congressman HENRY WAXMAN that found that all too often they are simply left to languish in juvenile detention centers, which are ill-equipped to meet their needs, while they wait for scarce mental health services.

Our report, which was based on a national survey of juvenile detention centers, found that the use of juvenile detention facilities to "warehouse" children with mental disorders is a serious national problem. It found that, over a six month period, nearly 15,000 young people—roughly 7 percent of all of the children in the centers surveyed—were detained solely because they were waiting for mental health services outside the juvenile justice system. Many were held without any charges pending against them, and the young people incarcerated unnecessarily while waiting for treatment were as young as seven years old. Finally, the report estimated that juvenile detention facilities are spending an estimated \$100 million of the taxpayers' money each year simply to warehouse children and teenagers while they are waiting for mental health services.

The Keeping Families Together Act, which we are introducing today, will help to improve access to mental health services and assist states in eliminating the practice of parents relinquishing custody of their children solely for the purpose of securing treatment.

The legislation authorizes \$55 million over 6 years for competitive grants to states to create an infrastructure to support and sustain statewide systems of care to serve children who are in custody or at risk of entering custody of the State for the purpose of receiving mental health services. States already dedicate significant dollars to serve children in state custody. These Family Support Grants would help States to serve children more effectively and efficiently, while keeping them at home with their families.

The legislation would also remove a current statutory barrier that prevents more States from using the Medicaid home and community-based services waiver to serve children with serious mental health needs. This waiver provides a promising way for States to address the underlying lack of mental health services for children that often leads to custody relinquishment. While a number of States have requested these waivers to serve children with developmental disabilities, very few have done so for children with serious mental health conditions. Our legislation would provide parity to children with mental illness by making it easier for States to offer them home- and community-based services under this waiver as an alternative to institutional care.

And finally, the legislation calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile

justice systems and the role of those agencies in promoting access by children and youth to needed mental health services. The task force would also be charged with monitoring the Family Support grants, making recommendations to Congress on how to improve mental health services, and fostering interagency cooperation and removing interagency barriers that contribute to the problem of custody relinquishment.

The Keeping Families Together Act takes a critical step forward to meeting the needs of children with serious mental or emotional disorders. Our legislation has been endorsed by a broad coalition of mental health and children's groups, including the National Alliance for the Mentally Ill, the Federation of Families for Children's Mental Health, the Bazelon Center for Mental Health Law, the National Child Welfare League, the National Mental Health Association, the American Correctional Association, the American Psychological Association, the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry, and Fight Crime, Invest in Kids.

Mr. President, I ask unanimous consent that their letters of endorsement for the bill be printed in the CONGRESSIONAL RECORD, and I urge all of our colleagues to join us as cosponsors.

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

FEBRUARY 14, 2005.

Hon. SUSAN COLLINS,  
Hon. MARK PRYOR,  
U.S. Senate,  
Washington, DC.  
Hon. JIM RAMSTAD,  
Hon. NANCY JOHNSON,  
Hon. PETE STARK,  
Hon. PATRICK KENNEDY,  
U.S. House of Representatives,  
Washington, DC.

DEAR SENATORS COLLINS AND PRYOR AND REPRESENTATIVES RAMSTAD, JOHNSON, STARK, AND KENNEDY: As national organizations representing mental health consumers, families, advocates, professionals and providers dedicated to improving the lives of children and adolescents living with mental disorders and their families, we applaud your leadership in reintroducing the Keeping Families Together Act in the 109th Congress.

This legislation promises to help end a scandal that has lingered too long in states throughout our nation. As you know, thousands of families every year are forced to give up custody of their children to the state in order to secure vitally necessary mental health services. This unthinkable practice tears families apart, is devastating for parents and caregivers and leaves children feeling abandoned in their hour of greatest need.

This practice occurs because most families have discriminatory and restrictive caps on their private mental health coverage or insurers fail to cover the required treatment. The majority of these families are not eligible for Medicaid coverage because of their income. This truly unfortunate practice also exists because of the lack of appropriate mental health services in many states and communities for children and adolescents with mental disorders. This was well documented in President Bush's New Freedom Commission report on mental health (July 2003).

This legislation promises to help end this growing crisis by providing grants to states to establish interagency systems of care for children and adolescents with serious mental disorders. The grants will allow states to build more efficient and effective mental health systems for children and families. It also eliminates barriers to home and community-based care for children by enabling a greater number of children to receive mental health services under the Section 1915(c) Medicaid home- and community-based waiver. The waiver promises to make appropriate services available to children in their homes and communities and close to their loved ones at a considerable cost savings over providing those services in an institutional setting.

The legislation also calls for the creation of a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems. A GAO report released in April 2003 showed that when parents give up custody of their child to secure mental health services, those children are placed in one of these two systems—neither of which is designed to be a mental health service agency.

No family in our nation should ever be asked to make the heart-wrenching decision to give up parental rights of their seriously ill child in exchange for mental health treatment and services.

We welcome this legislation as a critical step toward ending this practice and toward delivering more cost effective and appropriate services for children and families.

Once again, we thank you for your leadership and commitment to ending this practice and for continuing to stand up for children, families and common sense.

Sincerely,

Adoptions Together, Inc.  
Alabama Foster and Adoptive Association.  
Alliance for Children and Families.  
American Academy of Child & Adolescent Psychiatry.  
American Correctional Association.  
American Counseling Association.  
American Mental Health Counselors Association.

American Association for Marriage and Family Therapy.  
American Psychiatric Association.  
American Psychological Association.  
Association of University Centers on Disabilities.  
Bazelon Center for Mental Health Law.  
Child and Adolescent Bipolar Foundation.  
Children's Action Alliance.  
Children and Adults with Attention-Deficit/Hyperactivity Disorder.  
Child Welfare League of America.  
Children Awaiting Parents.  
Children's Defense Fund.  
Depression and Bipolar Alliance.  
Family Voices.  
Federation of Families for Children's Mental Health.

Foster Family-based Treatment Association.  
Girls Incorporated of Memphis.  
Learning Disabilities Association of America.  
Lutheran Children and Family Service.  
National Alliance for the Mentally Ill.  
National Association for Children of Alcoholics.  
National Association for Children's Behavioral Health.  
National Association of County Behavioral Health and Disability Directors.  
National Association of Mental Health Planning and Advisory Councils.  
National Association of Protection and Advocacy Systems.

National Association of School Psychology.  
National Association of Social Workers.  
National Association of State Mental Health Program Directors.  
National CASA Association (Court Appointed Special Advocates).  
National Foster Parent Association.  
National Independent Living Association.  
National Mental Health Association.  
National Respite Coalition.  
Physicians for Human Rights.  
School Social Work Association of America.  
Suicide Prevention Action Network USA.  
Supportive Child Adult Network, Inc.  
(Stop Child Abuse Now, Inc.)  
The Rebecca Project for Human Rights.  
Voice for Adoption.  
Volunteers of America.  
Youth Law Center.

FIGHT CRIME: INVEST IN KIDS.  
Washington, DC, February 15, 2005.

Hon. SUSAN COLLINS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the more than 2,000 sheriffs, police chiefs, prosecutors, and victims of violence who constitute the national anti-crime group FIGHT CRIME: INVEST IN KIDS, thank you for introducing the Keeping Families Together Act. This bill would take an important step toward ending the practice of inappropriately placing kids in juvenile detention facilities solely because of the absence of affordable and accessible mental health treatment for them. These placements drain significant resources from an already underfunded juvenile justice system, diverting funding that would otherwise support effective violence prevention programs for at-risk kids and intervention programs for kids who have already committed a criminal or delinquent act.

A July 2003 General Accounting Office report, Child Welfare and Juvenile Justice: Several Factors Influence the Placement of Children Solely to Obtain Mental Health Services, revealed that over 9,000 kids in selected counties in 17 states were placed in the juvenile justice system merely to obtain mental health services. Furthermore, a House Committee on Government Reform report demonstrated that two-thirds of juvenile detention facilities inappropriately hold kids waiting for mental health services. In 33 states, kids who did not have any criminal charges were held in detention facilities while awaiting community mental health treatment. Other kids had been charged with an offense but would not have been placed in detention but for the lack of available mental health treatment. In fact, the House Committee report revealed that, each night, nearly 2,000 kids wait in detention for community mental health services, representing 7 percent of all youth held in juvenile detention. It is estimated that juvenile detention facilities spend approximately \$100 million each year to keep kids who are inappropriately placed as they wait for mental health treatment. This cost does not account for the additional service provision and staff time often needed in juvenile facilities to care for kids with severe mental health problems, although over half of responding facilities reported that staff receives poor, very poor, or no mental health training.

Every year, 1.4 million kids are charged with an offense for which an adult could be tried in a criminal court. The juvenile justice system is responsible for rehabilitating these kids so that they can leave the system and become productive citizens instead of continuing a life of crime, as well as for preventing such acts in the first place. Inappropriately placing kids who need mental health treatment in juvenile detention facilities places an unnecessary financial burden on the inadequately-resourced juvenile

justice system, and jeopardizes the safety of our communities. The Keeping Families Together Act would provide grants to help states provide and coordinate the needed array of mental health services to children so that families do not need to relinquish their kids to the juvenile justice system. This legislation would also establish a federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems.

We are proud that our Senator introduced the Keeping Families Together Act to help keep families together, focus juvenile justice resources on delinquent and at-risk kids, and make our communities safer.

Sincerely,

MARK WESTRUM,  
Sheriff, Sagadahoc County, ME.

Mr. SMITH. Mr. President, I rise today to join my colleagues, Senator COLLINS and Senator PRYOR, in introducing the ‘Keeping Families Together Act’. This bill will expand Medicaid’s home and community based services waiver to cover children and adolescents in residential treatment facilities. Currently, most state Medicaid agencies, including Oregon, do not cover this intensive treatment.

In 2001, 101 Oregon children and adolescents were placed in State custody because this was the only way they could get the mental health treatment they need. This situation occurs most often in middle-income families, where the family’s employer-based insurance does not cover intensive treatment for serious mental illness, but the family income is too high for them to qualify for Medicaid services. With no other way to get their child treatment, parents are forced to choose between custody and care. Passage of this legislation is urgently needed so that thousands of parents are not forced to relinquish their custody rights to State child welfare or juvenile agencies in order to obtain mental health care for their seriously mentally ill children.

In Oregon, children with serious mental illnesses are being taken away from their families at a time when they most need to be close to home. The availability of family support services, community-based services and other effective interventions will help reduce the need for costly residential care and consequently reduce the need to place children in a setting away from their homes, families and communities. Keeping Families Together Act will also establish a Federal interagency task force to examine mental health issues in the child welfare and juvenile justice systems so that we can hopefully see an end to this practice, not just in Oregon, but in every State in our nation.

I urge my colleagues to join me in support of this critical legislation.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. SNOWE, and Mrs. CLINTON):

S. 381. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later

than death by excluding from income a portion of such payments; to the Committee on Finance.

Mr. SMITH. Mr. President, America will soon be facing a new and serious retirement challenge. Americans are living longer. Yet, recent economic and demographic shifts will put the retirement security of many retirees at risk. Current projections regarding the solvency of the Social Security program are not favorable. And, with 77 million baby boomers set to begin retiring in 2008, the number of retirees in the Social Security program is expected to double. In addition, fewer retirees in the future will be able to depend on monthly pension checks that many employers once paid. A growing number of retirees will be facing the difficult challenge of managing their own savings.

In response to these trends, I am offering legislation aimed at assisting Americans maintain their financial independence and their standard of living throughout their retirement by making it easier for them to secure a steady income for life. Under the Retirement Security for Life Act that Senator CONRAD and I are introducing today, a tax incentive would be enacted that encourages retirees to provide themselves with a guaranteed lifetime income. Specifically, the proposal would exclude from federal taxes one-half of the income payments from an annuity purchased with after tax dollars, a so-called non-qualified annuity.

Importantly, we have proposed a cap on the exclusion so that no more than \$20,000 could be excluded in a year. For a typical American in the 25 percent tax bracket, this would provide an annual maximum tax savings of up to \$5,000. I believe that this modest tax incentive will enable some retirees to consider annuitizing a portion of their nest egg so that they have a guaranteed lifetime of income.

In recent years, the ‘retirement security’ debate in Congress has almost entirely focused on the need to accumulate a nest egg prior to retirement. And, Congress is doing much to encourage personal saving and employer-provided retirement plans. I am proud of both our successes and our continuing efforts in these areas. Encouraging more savings is an important step, but it is not enough. What has received little attention is the retirement income or ‘payout’ phase of the retirement security equation. That is, we need to be thinking about the management of market and longevity risk so that a life’s savings can provide a secure retirement. Longevity risk—the risk of outliving one’s savings—is one of the biggest risks facing retirees. While we have some control over when we retire, we have very little control over how long we will live. It is my goal that Americans will be able to enjoy a lifetime of income from their hard-earned savings long after they have put their years in the workforce behind them.

Please join me in supporting our proposal as a crucial step in providing a

secure retirement for all Americans. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 381

*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 ‘Retirement Security for Life Act of 2005’.

**SEC. 2. EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.**

(a) **LIFETIME ANNUITY PAYMENTS UNDER ANNUITY CONTRACTS.**—Section 72(b) of the Internal Revenue Code of 1986 (relating to exclusion ratio) is amended by adding at the end the following new paragraph:

“(5) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

“(A) **IN GENERAL.**—In the case of lifetime annuity payments received under one or more annuity contracts in any taxable year, gross income shall not include 50 percent of the portion of lifetime annuity payments otherwise includable (without regard to this paragraph) in gross income under this section. For purposes of the preceding sentence, the amount excludable from gross income in any taxable year shall not exceed \$20,000.

“(B) **COST-OF-LIVING ADJUSTMENT.**—In the case of taxable years beginning after December 31, 2006, the \$20,000 amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by  
“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2005’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of \$500, such amount shall be rounded to the next lower multiple of \$500.

“(C) **APPLICATION OF PARAGRAPH.**—Subparagraph (A) shall not apply to—

“(i) any amount received under an eligible deferred compensation plan (as defined in section 457(b)) or under a qualified retirement plan (as defined in section 4974(c)),

“(ii) any amount paid under an annuity contract that is received by the beneficiary under the contract—

“(I) after the death of the annuitant in the case of payments described in subsection (c)(5)(A)(ii)(III), unless the beneficiary is the surviving spouse of the annuitant, or

“(II) after the death of the annuitant and joint annuitant in the case of payments described in subsection (c)(5)(A)(ii)(IV), unless the beneficiary is the surviving spouse of the last to die of the annuitant and the joint annuitant, or

“(iii) any annuity contract that is a qualified funding asset (as defined in section 130(d)), but without regard to whether there is a qualified assignment.

“(D) **INVESTMENT IN THE CONTRACT.**—For purposes of this section, the investment in the contract shall be determined without regard to this paragraph.”

(b) **DEFINITIONS.**—Subsection (c) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) **LIFETIME ANNUITY PAYMENT.**—

“(A) **IN GENERAL.**—For purposes of subsection (b)(5), the term ‘lifetime annuity payment’ means any amount received as an annuity under any portion of an annuity contract, but only if—

“(i) the only person (or persons in the case of payments described in subparagraph (II) or (IV) of clause (ii)) legally entitled (by operation of the contract, a trust, or other legally enforceable means) to receive such amount during the life of the annuitant or joint annuitant is such annuitant or joint annuitant, and

“(ii) such amount is part of a series of substantially equal periodic payments made not less frequently than annually over—

“(I) the life of the annuitant,

“(II) the lives of the annuitant and a joint annuitant, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less,

“(III) the life of the annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, or

“(IV) the lives of the annuitant and a joint annuitant with a minimum period of payments or with a minimum amount that must be paid in any event, but only if the annuitant is the spouse of the joint annuitant as of the annuity starting date or the difference in age between the annuitant and joint annuitant is 15 years or less.

“(iii) EXCEPTIONS.—For purposes of clause (ii), annuity payments shall not fail to be treated as part of a series of substantially equal periodic payments—

“(I) because the amount of the periodic payments may vary in accordance with investment experience, reallocations among investment options, actuarial gains or losses, cost of living indices, a constant percentage applied not less frequently than annually, or similar fluctuating criteria,

“(II) due to the existence of, or modification of the duration of, a provision in the contract permitting a lump sum withdrawal after the annuity starting date, or

“(III) because the period between each such payment is lengthened or shortened, but only if at all times such period is no longer than one calendar year.

“(B) ANNUITY CONTRACT.—For purposes of subparagraph (A) and subsections (b)(5) and (w), the term ‘annuity contract’ means a commercial annuity (as defined by section 3405(e)(6)), other than an endowment or life insurance contract.

“(C) MINIMUM PERIOD OF PAYMENTS.—For purposes of subparagraph (A), the term ‘minimum period of payments’ means a guaranteed term of payments that does not exceed the greater of 10 years or—

“(i) the life expectancy of the annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(III), or

“(ii) the life expectancy of the annuitant and joint annuitant as of the annuity starting date, in the case of lifetime annuity payments described in subparagraph (A)(ii)(IV).

For purposes of this subparagraph, life expectancy shall be computed with reference to the tables prescribed by the Secretary under paragraph (3). For purposes of subsection (w)(1)(C)(ii), the permissible minimum period of payments shall be determined as of the annuity starting date and reduced by one for each subsequent year.

“(D) MINIMUM AMOUNT THAT MUST BE PAID IN ANY EVENT.—For purposes of subparagraph (A), the term ‘minimum amount that must be paid in any event’ means an amount payable to the designated beneficiary under an annuity contract that is in the nature of a refund and does not exceed the greater of the amount applied to produce the lifetime annuity payments under the contract or the amount, if any, available for withdrawal under the contract on the date of death.”.

(c) RECAPTURE TAX FOR LIFETIME ANNUITY PAYMENTS.—Section 72 of the Internal Revenue Code of 1986 is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (x) the following new subsection:

“(x) RECAPTURE TAX FOR MODIFICATIONS TO OR REDUCTIONS IN LIFETIME ANNUITY PAYMENTS.—

“(1) IN GENERAL.—If any amount received under an annuity contract is excluded from income by reason of subsection (b)(5) (relating to lifetime annuity payments), and—

“(A) the series of payments under such contract is subsequently modified so any future payments are not lifetime annuity payments,

“(B) after the date of receipt of the first lifetime annuity payment under the contract an annuitant receives a lump sum and thereafter is to receive annuity payments in a reduced amount under the contract, or

“(C) after the date of receipt of the first lifetime annuity payment under the contract the dollar amount of any subsequent annuity payment is reduced and a lump sum is not paid in connection with the reduction, unless such reduction is—

“(i) due to an event described in subsection (c)(5)(A)(iii), or

“(ii) due to the addition of, or increase in, a minimum period of payments within the meaning of subsection (c)(5)(C) or a minimum amount that must be paid in any event (within the meaning of subsection (c)(5)(D)), then gross income for the first taxable year in which such modification or reduction occurs shall be increased by the recapture amount.

“(2) RECAPTURE AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the recapture amount shall be the amount, determined under rules prescribed by the Secretary, equal to the amount that (but for subsection (b)(5)) would have been includible in the taxpayer’s gross income if the modification or reduction described in paragraph (1) had been in effect at all times, plus interest for the deferral period at the underpayment rate established by section 6621.

“(B) DEFERRAL PERIOD.—For purposes of this subsection, the term ‘deferral period’ means the period beginning with the taxable year in which (without regard to subsection (b)(5)) the payment would have been includible in gross income and ending with the taxable year in which the modification described in paragraph (1) occurs.

“(3) EXCEPTIONS TO RECAPTURE TAX.—Paragraph (1) shall not apply in the case of any modification or reduction that occurs because an annuitant—

“(A) dies or becomes disabled (within the meaning of subsection (m)(7)),

“(B) becomes a chronically ill individual within the meaning of section 7702B(c)(2), or

“(C) encounters hardship.”.

(d) LIFETIME DISTRIBUTIONS OF LIFE INSURANCE DEATH BENEFITS.—

(1) IN GENERAL.—Section 101(d) of the Internal Revenue Code of 1986 (relating to payment of life insurance proceeds at a date later than death) is amended by adding at the end the following new paragraph:

“(4) EXCLUSION FOR LIFETIME ANNUITY PAYMENTS.—

“(A) IN GENERAL.—In the case of amounts to which this subsection applies, gross income shall not include the lesser of—

“(i) 50 percent of the portion of lifetime annuity payments otherwise includible in gross income under this section (determined without regard to this paragraph), or

“(ii) the amount in effect under section 72(b)(5).

“(B) RULES OF SECTION 72(b)(5) TO APPLY.—For purposes of this paragraph, rules similar

to the rules of section 72(b)(5) and section 72(x) shall apply, substituting the term ‘beneficiary of the life insurance contract’ for the term ‘annuitant’ wherever it appears, and substituting the term ‘life insurance contract’ for the term ‘annuity contract’ wherever it appears.”.

(2) CONFORMING AMENDMENT.—Section 101(d)(1) of such Code is amended by inserting “or paragraph (4)” after “to the extent not excluded by the preceding sentence”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts received in calendar years beginning after the date of the enactment of this Act.

(2) SPECIAL RULE FOR EXISTING CONTRACTS.—In the case of a contract in force on the date of the enactment of this Act that does not satisfy the requirements of section 72(c)(5)(A) of the Internal Revenue Code of 1986 (as added by this section), or requirements similar to such section 72(c)(5)(A) in the case of a life insurance contract), any modification to such contract (including a change in ownership) or to the payments thereunder that is made to satisfy the requirements of such section (or similar requirements) shall not result in the recognition of any gain or loss, any amount being included in gross income, or any addition to tax that otherwise might result from such modification, but only if the modification is completed prior to the date that is 2 years after the date of the enactment of this Act.

By Mr. McCAIN:

S. 383. A bill to shorten the term of broadcasting licenses under the Communications Act of 1934 from 8 to 3 years, to provide better public access to broadcasters’ public interest issues and programs lists and children’s programming reports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I rise today to introduce the “Localism in Broadcasting Reform Act of 2005.” This legislation would reduce the license term for broadcasters from 8 years to 3 years, thereby requiring broadcasters to provide the Federal Communications Commission (FCC or Commission) with information every 3 years on why their license should be renewed. Prior to 1981, broadcast licenses were granted for a term of 3 years.

The bill would require the full Commission to review 5 percent of all license and renewal applications. Currently, the Media Bureau randomly audits 5 percent of all license renewal applications. The FCC first started an audit process back in the 1980s when the FCC changed its license renewal process from one where stations submitted evidence of “public interest” obligations compliance to one where stations self certify compliance, critics call it a “post card renewal”. This section would take the audit process a step further by requiring the Commissioners to review the applications selected for audit rather than the Media Bureau.

The bill would command broadcasters to post on their Internet sites information detailing their commitment to local public affairs programming and children’s programming. The bill also calls for the FCC to complete

its proceeding on whether public interest obligations should apply to broadcasters in the digital era.

To ensure that viewers or listeners can fully participate in a broadcaster's license renewal, the bill would codify the Commission's rule that a viewer or listener has standing to challenge a license if he demonstrates either that he resides in the station's service area or that he regularly listens or views the station and that such listening or viewing is not the result of transient contacts with the station.

Lastly, the bill would allow the Commission, during a license renewal proceeding, to review not only the performance of the station seeking renewal, but also the performance of all stations owned by the licensee seeking renewal. The current statute restricts the Commission's review only to that station seeking the renewal.

Last June, FCC Chairman Michael Powell and I challenged all local broadcast television and radio stations to provide their local communities with significant information on the local political issues facing communities, the local candidates' campaign platforms, and the local candidate debates during the 2004 election. In response to the challenge, many broadcasters sent volumes of material detailing their extensive election coverage and committing to increase their coverage in 2004. Today, the Norman Lear Center at the Annenberg School for Communication at the University of Southern California released findings showing that local news coverage of local political campaigns is dismal. Specifically, the study found that 92 percent of the news broadcasts studied contained no stories about races for the U.S. House, State senate or assembly, mayor, city council, law-enforcement posts, judgeships, education offices, or regional or county offices.

Therefore, I feel it is now time to introduce legislation to bring local back into local broadcasting. I believe this legislation is a step in the right direction. It will have a small impact on those stations that are currently meeting their public interest obligations, but it should have a large impact on those citizens whose local broadcaster is not meeting its obligations. I refuse to believe that the "public interest" is served by minimal campaign coverage, such as a 12 second sound bite on from a candidate during a half-hour local news program as found in the study. Citizens deserve more from their local broadcaster.

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

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

S. 383

*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 "Localism in Broadcasting Reform Act of 2005".

**SEC. 2. 3-YEAR TERM FOR BROADCAST LICENSES.**

(a) IN GENERAL.—Section 307(c)(1) of the Communications Act of 1934 (47 U.S.C. 307(c)(1)) is amended by striking "8" each place it appears and inserting "3".

(b) EXISTING LICENSES.—The amendment made by subsection (a) shall apply to licenses granted or renewed after the date of enactment of this Act.

**SEC. 3. FULL COMMISSION REVIEW REQUIRED FOR 5 PERCENT OF APPLICATIONS.**

Section 309(a) of the Communications Act of 1934 (47 U.S.C. 309(a)) is amended by adding at the end the following: "The determination required by this subsection shall be made by the full Commission en banc in no fewer than 5 percent of the applications filed with it in each calendar year to which section 308 applies."

**SEC. 4. ISSUES AND PROGRAMS REPORTS; CHILDREN'S TELEVISION REPORTS.**

(a) IN GENERAL.—

(1) ELECTRONIC FILING.—The Commission shall amend its regulations to require every broadcaster to file, electronically, a copy of its public interest issues and programs list and its children's programming reports with the Commission, in such form as the Commission may require, within 10 days after the end of each calendar quarter.

(2) WAIVER.—The Commission may waive or defer compliance with the regulations promulgated in paragraph (1) by a broadcaster in any specific instance for good cause shown where such action would be consistent with the public interest.

(b) LICENSEE WEBSITE REQUIREMENT.—The Commission shall amend its regulations to require every broadcast station for which there is a publicly accessible website on the Internet—

(1) to make its public interest issues and programs list and its children's programming reports available to the public on that website; or

(2) to provide a hyperlink on that website to that information on the Commission's website.

(c) COMMISSION WEBSITE REQUIREMENT.—The Commission shall provide access to the public to the public interest issues and programs lists and children's programming reports filed electronically by broadcasting stations with the Commission.

(d) TIMEFRAME.—The Commission shall amend its regulations to carry out the requirements of this section not later than 180 days after the date of enactment of this Act.

**SEC. 5. STANDARDS FOR BROADCAST STATION RENEWAL TO INCLUDE REVIEW OF LICENSEE'S OTHER STATIONS.**

Section 309(k)(1) of the Communications Act of 1934 (47 U.S.C. 309(k)(1)) is amended—

(1) by striking "with respect to that station," and inserting "with respect to that station (and all stations operated by the licensee);";

(2) by striking "its" and inserting "that station's"; and

(3) in subparagraph (A), by striking "the station has" and inserting "the station has, and such other stations have,".

**SEC. 6. PARTY IN INTEREST REQUIREMENT FOR PETITIONS TO OPPOSE THE GRANT OR RENEWAL OF A LICENSE.**

Section 309(d) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) is amended by adding at the end the following:

"(3) For purposes of paragraph (1), the term 'party in interest' includes any individual who—

"(A) is a listener or viewer of the specific station to which the application relates (determined without regard to such individual's place of residence);

"(B) asserts an interest in vindicating the general public interest; and

"(C) makes the specific allegations and showings required by this subsection."

**SEC. 7. COMPLETION OF CERTAIN PENDING PROCEEDINGS.**

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Commission shall complete action on—

(1) In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00-168; and

(2) In the Matter of Public Interest Obligations of Television Broadcast Licensees, MM Docket No. 99-360.

(b) STANDARDIZED FORMS FOR ELECTRONICALLY FILED REPORTS.—As part of the proceedings described in subsection (a), the Commission shall—

(1) give consideration to requiring standardized forms for broadcasters to use in preparing public interest issues and programs lists for electronic filing; and

(2) if it determines that such standardized forms would be in the public interest, develop and promulgate such forms and require their use by permittees and licensees.

**SEC. 8. DEFINITIONS.**

In this Act:

(1) BROADCASTER.—The term "broadcaster" means a permittee or licensee of a commercial or non-commercial television or radio broadcast station.

(2) CHILDREN'S PROGRAMMING REPORTS.—The term "children's programming reports" means the information that a broadcaster is required to provide for public inspection by paragraph (e)(11)(iii) of section 73.3526 of title 47, Code of Federal Regulations.

(3) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(4) PUBLIC INTEREST ISSUES AND PROGRAMS LIST.—The term "public interest issues and programs list" means the information that—

(A) a commercial broadcast station is required to provide for public inspection by paragraphs (e)(11)(i) and (12) of section 73.3526 of title 47, Code of Federal Regulations; and

(B) a non-commercial broadcast station is required to provide for public inspection by paragraph (e)(8) of section 73.3527 of title 47, Code of Federal Regulations.

By Mr. GRASSLEY (for himself, Mr. DORGAN, Mr. HAGEL, and Mr. JOHNSON):

**S. 385.** A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, the American people recognize the importance of the family farmer to our Nation, and the need to provide an adequate safety net for family farmers. In recent years, however, assistance to farmers has come under increasing scrutiny.

Critics of farm payments have argued that the largest corporate farms reap most program benefits. The reality is over 72 percent of the payments have gone to only 10 percent of our Nation's farmers. There is good reason to be critical of our farm programs.

What's more, farm payments that were originally designed to benefit small- and medium-sized family farmers have contributed to their own demise. Unlimited farm payments have placed upward pressure on land prices

and have contributed to overproduction and lower commodity prices, driving many family farmers off the farm.

The Senate has agreed, by an overwhelming bipartisan vote during the 2002 farm bill debate and two Senate Budget Committee markups that targeting Federal assistance to small- and medium-sized family farmers is the right thing to do.

It has been my hope since the 2002 farm bill conference committee dropped the payment limit amendment that Congress would establish legitimate, reasonable payment limits similar to S. 667, the payment limits bill we introduced last session.

While we have not yet achieved our ultimate goal, no one can question that the votes have been there for payment limits. Unfortunately, a two-thirds majority in the Senate hasn't been enough to protect this issue in conference. But times are clearly changing thanks to the President's support for payment limits in his budget proposal.

The legislation we are introducing today adopts the President's proposed cap of \$250,000, while maintaining other concepts from S. 667 that the President has embraced like limiting the subterfuge surrounding the three-entity rule, curtailing the use of generic certificates, and developing a measurable standard to determine who should and should not be receiving farm subsidies.

I look forward to working with Senator DORGAN again on this issue. With the President's support I believe we will have success.

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. 385

*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 "Rural America Preservation Act".

#### SEC. 2. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b)(1), by striking "\$40,000" and inserting "\$20,000";

(2) in subsection (c)(1), by striking "\$65,000" and inserting "\$30,000";

(3) in subsection (d), by striking "(d)" and all that follows through the end of paragraph (1) and inserting the following:

"(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

"(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed \$75,000:

"(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the loan commodity under that subtitle.

"(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by for-

feiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

"(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle, with the gain reported annually to the Internal Revenue Service and to the taxpayer in the same manner as gains under subparagraphs (A) and (B);"

(4) by adding at the end the following:

"(h) SINGLE FARMING OPERATION.—

"(1) IN GENERAL.—Notwithstanding subsections (b) through (d), subject to paragraph (2), if a person participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the farming operation, the total amount of payments or gains (as applicable) covered by this section that the person may receive during any crop year may be up to but not exceed twice the applicable dollar amounts specified in subsections (b), (c), and (d).

"(2) INDIVIDUALS.—The total amount of payments or gains (as applicable) covered by this section that an individual person may receive during any crop year may not exceed \$250,000.

"(i) SPOUSE EQUITY.—Notwithstanding subsections (b) through (d), except as provided in subsection (e)(2)(C)(i), if an individual and spouse are covered by subsection (e)(2)(C) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the individual and spouse may jointly receive during any crop year may not exceed twice the applicable dollar amounts specified in subsections (b), (c), and (d).

"(j) REGULATIONS.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations—

"(A) to ensure that total payments and gains described in this section made to or through joint operations or multiple entities under the primary control of a person, in combination with the payments and gains received directly by the person, shall not exceed twice the applicable dollar amounts specified in subsections (b), (c), and (d);

"(B) in the case of a person that in the aggregate owns, conducts farming operations, or provides custom farming services on land with respect to which the aggregate payments exceed the applicable dollar amounts specified in subsections (b), (c), and (d), to attribute all payments and gains made on crops produced on the land to—

"(i) a person that rents land as lessee or lessor through a crop share lease and receives a share of the payments that is less than the usual and customary share of the crop received by the lessee or lessor, as determined by the Secretary;

"(ii) a person that provides custom farming services through arrangements under which—

"(I) all or part of the compensation for the services is at risk;

"(II) farm management services are provided by—

"(aa) the same person;

"(bb) an immediate family member; or

"(cc) an entity or individual that has a business relationship that is not an arm's

length relationship, as determined by the Secretary; or

"(III) more than ½ of the farming operations are conducted as custom farming services provided by—

"(aa) the same person;

"(bb) an immediate family member; or

"(cc) an entity or individual that has a business relationship that is not an arm's length relationship, as determined by the Secretary; or

"(iii) a person under such other arrangements as the Secretary determines are established to transfer payments from persons that would otherwise exceed the applicable dollar amounts specified in subsections (b), (c), and (d); and

"(C) to ensure that payments attributed under this section to a person other than the direct recipient shall also count toward the limit of the direct recipient.

"(2) PRIMARY CONTROL.—The regulations under paragraph (1) shall define 'primary control' to include a joint operation or multiple entity in which a person owns an interest that is equal to or greater than the interest of any other 1 or more persons that materially participate on a regular, substantial, and continuous basis in the management of the operation or entity."

#### SEC. 3. SCHEMES OR DEVICES.

Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308-2) is amended—

(1) by inserting "(a) IN GENERAL.—" before "If"; and

(2) by adding at the end the following:

"(b) FRAUD.—If fraud is committed by a person in connection with a scheme or device to evade, or that has the purpose of evading, section 1001, 1001A, or 1001C, the person shall be ineligible to receive farm program payments (as described in subsections (b), (c), and (d) of section 1001 as being subject to limitation) applicable to the crop year for which the scheme or device is adopted and the succeeding 5 crop years."

#### SEC. 4. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 386. A bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes; to the Committee on Foreign Relations.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 387. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. CRAIG, and Mrs. DOLE):

S. 388. A bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, to provide for the establishment of a national greenhouse gas registry, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HAGEL. Mr. President, on Wednesday, the U.N. Global Climate Treaty known as the Kyoto Protocol will enter into force, requiring more than 30 industrialized nations to significantly cut manmade greenhouse gas emissions by 2012.

I rise today to introduce three pieces of legislation which I believe can help contribute to a new domestic and international consensus on climate change. This legislation builds upon three principles: the need for shared responsibilities between developed and developing countries; the linkages between environmental, economic, and energy policies; and the employment of greenhouse gas intensity as the best measurement upon which to build an effective climate policy.

I thank Senators ALEXANDER, CRAIG, and DOLE for their support and for agreeing to cosponsor these bills, which are titled: The Climate Change Technology Deployment in Developing Countries Act; The Climate Change Technology Deployment Act; and, The Climate Change Technology Tax Incentives Act.

Global climate policy affects the world's economic, energy, and environmental policies. These circles of interest in policy are interconnected. Climate change does not recognize national borders. It is a shared responsibility for all nations. Dealing with global climate policy requires a level of diplomatic intensity and coordination worthy of the magnitude of the challenge.

We all agree on the need for a clean environment and stable climate. The debate is about solutions. The question we face is not whether we should take action, but what kind of action we should take.

Climate change initiatives should include commitments to research and development, technology, and a more efficient and productive use of energy and resources.

My climate change legislation authorizes new programs, policies, and incentives to address the reduction of greenhouse gas emissions.

It focuses on the role of technology, private and public partnerships, and developing countries.

Any climate policy initiative must include clear metrics that recognize the links between energy, the economy, and the environment. Too often these policies are considered in vacuums. It is a global issue.

Bringing in the private sector and creating incentives for technological innovation will be critical to real progress on global climate policy. I believe that greenhouse gas intensity, or the amount of carbon emitted relative to economic output, is the best measurement for dealing with climate change.

Greenhouse gas emission intensity is the measurement of how efficiently a nation uses carbon emitting fuels and technology in producing goods and services. It captures the links between energy efficiency, economic development, and the environment.

The first bill, the Climate Change Technology Deployment in Developing Countries Act, provides the Secretary of State with new authority for coordinating assistance to developing countries for projects and technologies that reduce greenhouse gas intensity.

It supports the development of a U.S. global climate strategy to expand the role of the private sector, develop public-private partnerships, and encourage the deployment of greenhouse gas reducing technologies in developing countries. This bill directs the Secretary of State to engage global climate change as a foreign policy issue.

It directs the U.S. Trade Representative to negotiate the removal of trade-related barriers to the export of greenhouse gas intensity reducing technologies, and establishes an inter-agency working group to promote the export of greenhouse gas intensity reducing technologies and practices from the United States.

The legislation authorizes fellowship and exchange programs for foreign officials to visit the United States and acquire the expertise and knowledge to reduce greenhouse gas intensity in their countries. Current international approaches to global climate change overlook the role of developing countries as part of either the problem or the solution.

In July 1997, months before the Protocol was signed, the Senate unanimously passed S. Res. 98, the Byrd-Hagel Resolution, which called on the President not to sign any treaty or agreement in Kyoto unless two conditions were met.

First, the United States should not be party to any legally binding obligations on greenhouse gas emission reductions unless developing country parties are required to meet the same standards. Second, the President should not sign any treaty that "would result in serious harm to the economy of the United States."

Kyoto does not meet either of these conditions. As it stands, developing

countries are exempt from the Kyoto obligations, leaving more than 30 developed countries to address greenhouse gas emissions. Developing nations are becoming the major emitters of greenhouse gases, but they are exempted from the Kyoto Protocol.

A recent Congressional Budget Office—CB0—report explains that developing countries are projected within the next 20 years to account for two-thirds of the growth in carbon dioxide emissions as their populations and economies expand. There are reasons for this.

Developing nations cannot achieve greenhouse gas reductions until they achieve higher standards of living. They lack clean energy technology and they cannot absorb the economic impact of the changes necessary for emissions reductions. New policies will require recognition of the limitations of developing nations to meet these standards, and the necessity of including them in any successful future initiative.

Because Kyoto does not include developing countries, its approach is unrealistic. Any reduction in greenhouse gas emissions by the United States and other developed countries will soon be eclipsed by emissions from developing nations, such as China, which will soon be the world's largest emitter of manmade greenhouse gases.

It is in the shared interests of the United States and industrialized nations to help developing countries by sharing cleaner technology. Developing countries can then "leapfrog" over the highly polluting stages of development that countries like the U.S. have already been through.

My legislation includes tax incentives for American businesses to work with foreign countries to help develop clean energy projects and fuel-efficient technologies.

Our second bill, the Climate Change Technology Deployment Act, supports establishing domestic public-private partnerships for demonstration projects that employ greenhouse gas intensity reduction technologies. Our plan provides credit-based financial assistance and investment protection for American businesses and projects that deploy advanced climate technologies or systems. Federal financial assistance includes direct loans, loan guarantees, standby interest coverage, and power production incentive payments.

We are most successful in confronting the most difficult issues when we draw on the strength of the private sector. Public-private partnerships meld together the institutional leverage of the government with the innovation of industry.

This bill directs the Secretary of Energy to lead an inter-agency process to develop and implement a national climate strategy provided by the Office of Science and Technology Policy. It establishes a Climate Coordinating Committee and Climate Credit Board to assess, approve, and fund these projects.

Our third bill, the Climate Change Technology Tax Incentives Act, amends the tax code to provide incentives for investment in climate change technology. It also expresses our support for making permanent the current research and development tax credit, which otherwise expires on December 31, 2005. An article in the Wall Street Journal on February 4, 2005, reported on the potential for “geologic storage” of carbon dioxide as a means to dramatically reduce carbon dioxide emissions.

Geologic storage involves pumping carbon dioxide into the ground, rather than dumping it into the atmosphere. BP has been using geologic storage in Algeria’s Sahara Desert and Statoil has been working on this in Norway’s North Sea. Chevron Texaco is planning a project off the coast of Australia.

The article reports that:

the concept is drawing growing interest because it could curb global warming more quickly than switching to alternative energy sources or cutting energy use.

There is still much work to be done. But this kind of technology that was described in the Wall Street Journal article is the kind of technology that must be employed around the world to achieve results in reducing greenhouse gas emissions. My legislation would support more of this type of activity.

The American people and all global citizens need to better understand global climate change, its connections to our economic and energy policies, and what the realistic options are for addressing this challenge. Any recommendations regarding climate policy must meet the demands of economic growth and development, especially in the developing world. This will require a market-driven, technology-based approach that complements the world’s environmental interests, and connects the public and private sectors.

Achieving reductions in greenhouse gas emissions is one of the important challenges of our time. America has an opportunity and a responsibility for global climate policy leadership. But it is a responsibility to be shared by all nations. I look forward to working with my colleagues in the Congress, the Bush administration, the private sector, public interest groups, and America’s allies on achievable climate change policy.

By harnessing our many strengths, we can help shape a worthy future for all people, and build a better world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am pleased to be on the floor at this moment to join my colleague CHUCK HAGEL in the introduction of legislation that he has put together out of a variety of avenues of interest and importance to deal with the issue of climate change, a issue in which he and I have been engaged for a good long while. I am not quite sure how many

years ago it was that I, as the freshman chairman of the Republican Policy Committee, turned to CHUCK to see if he could bring Senators together in a bipartisan way on what we believed at the moment—and we still believe today—was a critically important issue to be addressed.

Out of that effort grew the Hagel-Byrd resolution which passed this body by an overwhelming vote, and was a very clear message to America—and to the world—on what we believed was necessary and important if we were to responsibly and effectively engage in the debate of climate change outside and well beyond the Kyoto protocol.

The legislation Senator HAGEL brings to the floor today, of which I am proud to be a cosponsor, is what I believe is a needed and necessary next step to work cooperatively with this administration and with countries around the world to begin to recognize all that is the make-up of this issue.

Our policy must recognize the legitimate needs of our bilateral trading partners to use their resources to meet the needs of their people. Yet, at the same time, the initial debate basically suggested that if in fact human involvement in the climate of the world was changing the climate of the world, the only way you could save the climate was to turn the lights out. It did not address the human need. It did not address the economic growth that was critically necessary at that time. That is why our country pushed back and said no, we would not ratify Kyoto; that we would go much further than that in bringing about the changes that were necessary and that this administration engaged in.

This legislation does a great deal more toward recognizing the need for bringing resources together.

Senator HAGEL has made clear the other important things this legislation will do. Above all, this legislation is a true acknowledgment that climate variability and change is a top priority as an issue for the United States—and for all nations—to be involved in.

There can be an honest debate about whether the United States should do more or whether too much reliance is being placed on voluntary initiatives, but to claim that the United States is not acting seriously reflects, at best, a lack of knowledge or, at worst, political posturing.

An objective review of Government and private sector programs to reduce increases in greenhouse gas now and in the future would have to conclude that the United States is doing at least as much, if not more, than countries that are part of the Kyoto Protocol which will go into effect tomorrow. The best evidence of this is our domestic rate of improvement in greenhouse gas intensity relative to the improvements other countries are making.

The term I just used, “greenhouse gas intensity,” is defined in legislation as the ratio of greenhouse gas emissions to economic output. This is a far

wiser measure of progress because it complements, rather than conflicts with, a nation’s goal of growing its economy and meeting the needs and aspirations of its people.

Too much attention is being paid to the mandatory nature of Kyoto. Too little results are being achieved. It is very interesting to note that most of the countries that ratified Kyoto will not meet the greenhouse gas reduction targets by the deadlines required by Kyoto. Indeed, when I and Senator CRAIG THOMAS and Congressman JOE BARTON were in Buenos Aires at the COP-10 conference in December, many nations were quietly acknowledging that they could not get to where they promised they would get, and, in fact, some have even suggested that by 2012 they would find it incumbent upon themselves and their nations to back out of Kyoto. However, all still recognize the importance of this issue, understanding it, and clearly defining it.

What Senator HAGEL’s legislation does is shape for us a variety of things that are already underway, while still allowing us clearly to define them and to say, both here at home with our domestic policy as well as internationally, that we mean what we say and we mean what we do.

The United States is currently spending in excess of \$5 billion annually in scientific and technological initiatives. When we were in Buenos Aires, I was very proud to stand before my colleagues from around the world and before nongovernmental organizational groups and state that the United States is spending more on this issue, in both advances in science and technological change, than the rest of the world combined times two. Then I reminded them that all that we do, they could have also: that our technology would be in the world, that our science would be available to them, and that to work our way out of or to change the character of our economies without damaging those economies would in large part be the responsibility of new technologies.

This legislation does not pick one technology over another or one energy source over another. That has always been the debate. Somehow we had to go around and selectively turn out the lights if we were going to change the climate around us. We knew that was not acceptable to the developing world and in large part that is why the developing world would not come along. How can you deny a country the right to use its resources for the economic, humanitarian, and health benefits of its people? You cannot do that. Nor should we be engaged in trying to do that.

What we can do as a developed and advanced Nation is offer up exactly what we are doing; offer up what the Hagel legislation brings together. That is all we are doing now, and advancing and incentivizing, through this legislation, countries to do more in the area of technology.

These programs are designed to advance our state of knowledge, accelerate the development and the deployment of energy technologies, aid developing countries in using energy more efficiently, and achieve an 18-percent reduction in energy intensity by 2012—a phenomenally responsive goal and something we clearly can take to the world community.

Our administration today in a series of bilateral agreements is working with other countries to help them get to where we want and where they want to get, and for the sake of the environment, where we all want us all to go.

I was extremely proud sitting in different forums in Buenos Aires to see the United States talk about the leadership role it has taken and the bilateral partnerships it has agreed to, and all the things that we can help with in the world of change today. It is clearly to our advantage and to the advantage of the world at large.

What Senator HAGEL has effectively done today is to get our arms around this issue to try to more directly define it, and to show that we are sensitive to it; that we are responding to the issue as clearly as our administration has and continues to do.

Domestically, the United States has and continues to make world leading investments in climate change science technology. The United States has also implemented a wide range of national greenhouse control initiatives, cash sequestration programs, and international collaborative programs. All of those are bound up within the bilaterals I have talked about that we are engaged in.

The legislation we have introduced today furthers all of these goals.

President Bush has consistently acknowledged how human activity can affect our climate, and that the climate variability does not recognize national borders. The key issue is not whether there is any human-influenced effect. Instead, the issues are how large any human influence may be as compared to natural variability; how costly and how effective human intervention may be in reversing climate variability; and how and what technology may be required over the near and the long term as determined by developments in climate science.

As I said, there can be a legitimate debate about whether more can be done while meeting our Nation's economic objectives. I, for one, support doing more in the areas of technological development to help lift developing countries from the depths of their plights and to advance their cause as we advance ours. That is why I am proud to be working with my colleagues in the Senate. I thank Senator HAGEL, Senator ALEXANDER, Senator DOLE, and others for the hard work they have put in and the cooperative effort reflected in the bill introduced this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I salute Senator HAGEL for his leadership and his contribution on this issue. I am glad to be here with my colleague, Senator CRAIG, who is one of the Senate's real authorities on energy.

We have had some trouble passing an energy bill in the Senate. We are having some trouble passing a clean air bill in the Senate. If we are being logical—which is hard for a Senate to be—we would set clean air objectives and pass a clean energy bill to help reach that objective, do it at once, and give ourselves a low cost, reliable supply of energy, less dependent on the rest of the world, and do it in a way that is environmentally sound.

That is our objective. We have different approaches on this, but Senator HAGEL has put his emphasis today exactly where it needs to be. The United States of America is a country that has about a third of all the GDP in the world. We have 5 to 6 percent of the people and a third of all the money is one way to put it.

How did we get that money? How did we get our position? The National Academy of Sciences says that since World War II, half our new jobs have come from advances in science and technology. There are other countries in the world—a growing number of countries—that have great capacity for science and technology. Some of the greatest scientists and engineers who have worked in this country have come from other countries in the world. But if any country in the world ought to be putting a focus on science and technology as a way of helping not just their country but the rest of the world deal with the issue of greenhouse gases, it ought to be the United States of America. Senator HAGEL is exactly right to put the spotlight there. He does it in a three-part bill. In the first part, he talks about international cooperation. That also makes a lot of sense.

Three weeks ago, I was visiting with the chairman of one of the largest energy companies in Germany. If there is a country in the world that has a more irrational energy policy than we do, it would be Germany. They have just decided to close 19 nuclear powerplants at the same time, across the Rhine river, France is 85 percent nuclear power. Of course, Germany will never do that because they will not be able to meet the Kyoto carbon standards if they close the plants. But the point that my friend from Germany was making is that we are headed, in his words, toward an energy catastrophe.

It is a catastrophe of two kinds. One is energy supply, and one is clean air. Now, why is that? It is because other countries in the world are growing. In China, the average Chinese person uses about one-sixth the amount of energy that the average person in the European Union uses, in the 15 original countries. Now, in China, when the average Chinese person, with all the people there, gets up to three-sixths or

four-sixths or five-sixths or six-sixths, as they will, there will be an unbelievable demand for energy in this country. We are already seeing it in the prices for natural gas, in the prices for oil.

The figures we heard in our Energy Committee were that over the next 25 years—and my numbers are approximate—China might build 650 new coal plants to begin to supply its energy, and India might build 800. That does not count the rest of Southeast Asia or what Brazil might do. So we cannot just look at this issue in terms of what is happening in the United States.

If there is not a supply of energy, and the other countries are demanding so much, our prices will be so high that our million chemical jobs in the country will move overseas looking for cheap natural gas. And it will not make much difference how we clean the air in the United States of America if China and India and Brazil build so many old coal plants and throw stuff up in the air because it will blow around the world and come over here.

So we have, on two counts, a major, major challenge: energy supply and clean air. It would make enormous sense for the scientists and engineers in the United States to work with the scientists and engineers in Germany who have exactly the same challenge and the scientists and engineers in China who have even more of a challenge. They have just stopped 26 of their coal plants because of environmental concerns, but they will not be able to stop them for long because of their need for an energy supply.

What the Senator from Nebraska has done is to say to us, hey, we are talking about mandates and rules and regulations, but what we ought to be trying to do is to create a solution to the problem using the thing that we in the United States do better than anybody, or historically have, and that is our science and technology. This is the country with the 50 great research universities. This is the country with the 20 National Laboratories. The Oak Ridge National Laboratory, in my home State, is already doing important work on how we recapture carbon.

One of the things we can do in the Senate, without arguing about Kyoto, without arguing about mandates, is to say, let's see if we can—through technology, working with people in other parts of the world, and encouraging our own businesses and laboratories—find better ways to deal with greenhouse gases. I salute the Senator for that. I am glad to have a chance to be associated with this bill.

Now, the second thing I would like to say is that is not all there is to do. We have different opinions in this body about so-called global warming. I believe, of course, there is global warming. Our grandparents can tell us that. The question, as Senator CRAIG said, is, What is causing it? And do we know enough about it to take steps? We have different opinions about that issue. That does not mean we are all unconcerned about it; we just have different

degrees of understanding of it and different opinions about the evidence we see.

I have a little different opinion than the Senator from Idaho. I support legislation that Senator CARPER and Senator CHAFEE and Senator GREGG and I supported in the last session of Congress that put modest caps on the utilities section for the production of carbon. I was not willing to go further than that because of the science I read and I'm not sure we know exactly how to solve this problem. My reading of it did not persuade me, one, that we know all that we need to know about global warming; and, two, maybe more importantly, I was not sure we knew what we were doing by just saying, OK, we will do this, and without having the solution.

Again, Senator HAGEL has suggested, well, let's come up with some technology. Let's come up with some science. And then we can make a better assessment about what we would be able to do if we were to put a cap on it.

I would suggest that in addition to Senator HAGEL's technology that he encourages in his legislation—that is one way to do it—a second way to do it is with some kind of caps, and there are a variety of proposals in this body to do that. That also encourages, in my opinion, technology. But then there is also a third point to make, and that takes us out of the debate as to whether it is a good idea or a bad idea to put on mandatory caps.

If China is going to build hundreds of coal-fired powerplants and India is going to build hundreds of coal-fired powerplants because that is the only technology available to them and the only source of fuel they have readily available, then we had better get busy trying to figure out a way to recapture carbon—not to comply with the Kyoto Treaty, but because we are going to have to have it in this world. Any realistic look at the sources of energy in the world says that for the next 20 or 25 years, nuclear power, natural gas, oil, and coal will be almost all of it.

There is a lot of support for renewable energy. Some people want to put up wind turbines taller than football fields covering square miles. I do not. I think that destroys the American landscape, and it does not produce much energy.

But one of the most thoughtful presentations I have heard on the solution to our common issues of clean energy and clean air has come from the National Resources Defense Council, one of the leading environmental organizations in this country. They are in favor of a coal solution—I hope I am attributing this correctly to them—of a coal solution for our clean air, clean energy policy. A big part of their reasoning is, they see what is happening in the rest of the world. If the United States, they reason, can figure out a way to gasify coal and then recapture the carbon, that gets rid of most of the noxious pollutants—sulfur, nitrogen, mercury.

It recaptures the carbon, which we have not really figured out how to do yet, but it does not just do that for the United States, it shows the rest of the world how to do it. And then China, instead of building 800 new coal plants with the old technology, will build 800 coal gasification plants and recapture the carbon. India will do the same, and maybe Germany will do the same. There will be more energy, and we will all be able to breathe. And that is quite irrespective of mandatory caps.

One of the things I like about Senator HAGEL's proposal is there is not any way to study the technology of how we deal with greenhouse gases without getting into questions of coal gasification and the recapturing of carbon. There is not any way to do that. He is leading us to the tantalizing possibility that in the United States we might one day be able to say: We are the Saudi Arabia of coal. We have 500 years' worth of it. We can turn it into gas. We can recapture the carbon. We can use that to create the hydrogen for the hydrogen economy that we think might one day be down the road, and that, plus our supplies of natural gas and nuclear power, will give us clean energy and will give us clean air and will show the world how to do the same.

The Senator from Nebraska has put the spotlight where the spotlight ought to be. The United States of America, of all countries, should start with technology and science and say: Greenhouse gases is a problem. We are still researching how much of a problem it is. But we should, working with other countries, use our science and technology to deal with it and, in the process, see if it can lead us toward that brilliant intersection of clean energy and clean air that will one day give us a steady supply of energy and clean air that we can breathe.

I salute the Senator for his leadership and am glad to be a cosponsor. I look forward to working with him. As chairman of the Senate subcommittee on energy, we have some jurisdiction over global warming as well as energy technology commercialization. Senator Domenici, chairman of our full committee, had a full roundtable the other day on natural gas. We have one coming up on coal and coal gasification. I can assure my colleagues that the Hagel legislation will be an important part of that roundtable. I will do my best to make it an important part of energy hearings.

By Mr. DURBIN:

S. 389. A bill to provide for fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, I rise today to introduce the Fire Safe Cigarette Act of 2005. Last year the State of New York enacted a bold new law. As of June 2004, all cigarettes sold in the State are tested for fire safety and required to self-extinguish.

Nationwide the statistics regarding cigarette-related fires are startling. Cigarette-ignited fires account for an estimated 140,800 fires in the United States, representing the most common ignition source for fatal home fires and causing 30 percent of the fire deaths in the United States. Such fires cause more than 900 deaths and 2,400 injuries every year. Annually, more than \$400 million in property damage is reported due to a fire caused by a cigarette. According to the National Fire Protection Association, one out of every four fire deaths in the United States are attributed to tobacco products—by far the leading cause of fatal home fires in the United States. Overall, the Consumer Product Safety Commission estimates that the cost of the loss of human life and personal property from not having a fire-safe cigarette standard is approximately \$4.6 billion per year.

In my State of Illinois, cigarette-related fires have also caused too many senseless tragedies. In 1998 alone, the most recent year for which we have data, there were more than 1,700 cigarette-related fires, of which more than 900 were in people's homes. These fires led to 109 injuries and 8 deaths.

Tobacco companies spend billions on marketing and learning how to make cigarettes appealing to kids. It is not unreasonable to ask those same companies to invest in safer cigarette paper to make their products less likely to bum down a house. As of today cigarettes are designed to continue burning when left unattended. A common scenario is the delayed ignition of a sofa or mattress by a lit cigarette dropped by a smoker.

The Fire Safe Cigarette Act of 2005 requires the Consumer Product Safety Commission to promulgate a fire safety standard, specified in the legislation, for cigarettes. The CPSC would also have the authority to regulate the ignition propensity of cigarette paper for roll-your-own tobacco products. The Act gives the Consumer Product Safety Commission authority over cigarettes only for purposes of implementing and enforcing compliance with this Act and with the standard promulgated under the Act. It also allows states to pass more stringent fire-safety standards for cigarettes.

Two decades ago Joe Moakley set out to ensure that the tragic cigarette-caused fire that killed five children and their parents in Westwood, MA was not repeated. He introduced three bills, two of which passed. One commissioned a study that concluded it was technically feasible to produce a cigarette with a reduced propensity to start fires. The second required that the National Institute of Standards and Technology develop a test method for cigarette fire safety, and the last and final bill, the Fire-Safe Cigarette Act of 1999, mandates that the Consumer Product Safety Commission use this knowledge to regulate cigarettes with regard to fire safety.

Today I respectfully introduce this bill to bring fire-safe standards to all cigarettes sold in this country. I hope that the Commerce Committee will consider this legislation very soon and that my Colleagues will join me in supporting this effort. Now that New York serves as an example of success, it is time to establish a national standard to ensure that our Nation's children, elderly and families are protected.

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. 389

*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 "Cigarette Fire Safety Act of 2005".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) Cigarette ignited fires are the leading cause of fire deaths in the United States.

(2) In 1999 there were 807 deaths from cigarette ignited fires, 2,193 civilian injuries from such fires, and \$559,100,000 in property damage caused by such fires.

(3) Nearly 100 children are killed each year from cigarette related fires.

(4) For over 20 years former Member of Congress Joseph Moakley worked on behalf of burn victims, firefighters, and every individual who has lost a loved one in a fire. By securing enactment of the Cigarette Safety Act of 1984 and the Fire Safe Cigarette Act of 1990, Joseph Moakley completed the necessary technical work for a cigarette fire safety standard and paved the way for a national standard.

(5) It is appropriate for the Congress to require by law the establishment of a cigarette fire safety standard for the manufacture and importation of cigarettes.

(6) A recent study by the Consumer Product Safety Commission found that the cost of the loss of human life and personal property from not having a cigarette fire safety standard is \$4,600,000,000 per year.

(7) It is appropriate that the regulatory expertise of the Consumer Product Safety Commission be used to implement a cigarette fire safety standard.

**SEC. 3. CIGARETTE FIRE SAFETY STANDARD.**

(a) IN GENERAL.—

(1) REQUIREMENT FOR STANDARD.—Not later than 18 months after the date of the enactment of this Act, the Commission shall, by rule, prescribe one or more fire safety standards for cigarettes that, except as provided in this Act, are substantively the same as the standards set forth by the State of New York in Part 429 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York, as promulgated on December 31, 2003 (in this Act referred to as the "New York standard"), including the Appendix to such Part.

(2) CIGARETTES WITH UNIQUE CHARACTERISTICS.—In adapting section 4(c) of such Part 429, if the Commission determines that a cigarette, because of its unique or nontraditional characteristics, cannot be tested in accordance with the test method prescribed by the Commission, the manufacturer of such cigarette may propose a test method and performance standard for such cigarette. If the Commission finds the proposed method and standard to be equivalent to the test method and performance standard otherwise

established by the Commission, the Commission may approve the method and standard and the manufacturer of such cigarette may employ such test method and performance standard to certify the cigarette pursuant to rules prescribed by this Act.

(3) COMMISSION.—In this Act, the term "Commission" means the Consumer Product Safety Commission.

(b) PROCEDURE.—

(1) IN GENERAL.—The rule under subsection (a), and any modification thereof, shall be prescribed in accordance with section 553 of title 5, United States Code.

(2) MODIFICATIONS.—

(A) MODIFICATION BY SPONSOR.—If the sponsor of the testing methodology used under subsection (a)(2) modifies the testing methodology in any material respect, the sponsor shall notify the Commission of the modification, and the Commission may incorporate the modification in the rule prescribed under subsection (a) if the Commission determines that the modification will enhance a fire safety standard established under subsection (a)(2).

(B) MODIFICATION BY COMMISSION.—The Commission may modify the rule prescribed under subsection (a), including the test requirements specified in subsection (a)(2), in whole or in part, only if the Commission determines that compliance with such modification is technically feasible and will enhance a fire safety standard established under that subsection. Any such modification shall not take effect earlier than 3 years after the date on which the rule is first issued.

(3) INAPPLICABILITY OF CERTAIN LAWS.—

(A) IN GENERAL.—No Federal law or Executive order, including the laws listed in subparagraph (B) but not including chapters 5, 6, 7, and 8 of title 5, United States Code, commonly referred to as the Administrative Procedures Act, may be construed to apply to the promulgation of the rule required by subsection (a), or a modification of the rule under paragraph (2) of this subsection.

(B) INCLUDED LAWS.—The Federal laws referred to in subparagraph (A) include the following:

(i) The Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(ii) Chapter 6 of title 5, United States Code.

(iii) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iv) The Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), and the amendments made by that Act.

(c) EFFECTIVE DATE.—The Commission shall specify in the rule prescribed under subsection (a) the effective date of the rule. The effective date may not be later than 24 months after the date of the enactment of this Act.

(d) TREATMENT OF STANDARD.—

(1) IN GENERAL.—The fire safety standard promulgated under subsection (a) shall be treated as a consumer product safety standard promulgated under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), except as provided in section 4.

(2) TREATMENT OF CIGARETTES.—A cigarette shall be treated as a consumer product under section 3(a)(1)(B) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)(B)) for purposes of this Act and for purposes of sections 17 and 18 of the Consumer Product Safety Act (15 U.S.C. 2066, 2067).

**SEC. 4. PREEMPTION.**

(a) IN GENERAL.—This Act, and any cigarette fire safety standard established or modified pursuant to section 3, may not be construed to preempt or otherwise affect in any way any law or regulation that prescribes a fire safety standard for cigarettes—

(1) set forth by the State of New York in the New York standard; or

(2) promulgated by any State that is more stringent than the fire safety standard for cigarettes established under this section.

(b) PRIVATE REMEDIES.—The provisions of section 25 of the Consumer Product Safety Act (15 U.S.C. 2074) shall apply with respect to the fire safety standard promulgated under section 3(a) of this Act.

**SEC. 5. SCOPE OF JURISDICTION OF CONSUMER PRODUCT SAFETY COMMISSION.**

Except as otherwise provided in this Act, the Commission shall have no jurisdiction over tobacco or tobacco products.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Consumer Product Safety Commission for fiscal year 2006, \$2,000,000 for purposes of carrying out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

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

S. 390. A bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program; to the Committee on Finance.

Mr. DODD. Mr. President, I come to the floor today, along with my colleague Senator JIM BUNNING, to introduce the Screening Abdominal Aortic Aneurysms Very Efficiently SAAAVE Act of 2005. This important legislation would provide Medicare coverage for screening for a dangerous condition known as abdominal aortic aneurysm—or AAA.

The SAAAVE Act is designed to save the lives of those suffering from abdominal aortic aneurysms, a silent killer that claims the lives of 15,000 Americans each year. AAAs occur when there is a weakening of the walls of the aorta, the body's largest blood vessel. This artery begins to bulge, most often very slowly and without symptoms, and can lead to rupture and severe internal bleeding. AAA is a devastating condition that is often fatal without detection, with less than 15 percent of those afflicted with a ruptured aorta surviving. Estimates indicate that 2.7 million Americans suffer from AAA.

With introduction of this important legislation, Congress recognizes abdominal aortic aneurysm screening as essential to stopping its deadly effects. Research indicates that when detected before rupturing, AAAs are treatable and curable in 95 percent of the cases. And while most AAAs are never diagnosed, nearly all can be detected through an inexpensive and painless screening.

I am particularly pleased that the U.S. Preventive Services Task Force recently recommended AAA screening for all men between the ages of 65 and 75 that have ever smoked. This independent panel of experts in primary care and prevention concluded that screening for abdominal aortic aneurysms for this particularly vulnerable population is especially important. The

recognition of this screening measure by this respected body makes perfectly clear the lifesaving potential offered by AAA screening.

For more than four decades the Medicare program has provided a literal lifeline for America's seniors and individuals with disabilities. However, for far too long this valuable program—originally crafted only to provide needed care after an illness—failed to cover valuable preventive services. Recently, though, Medicare has evolved to include a number of preventive measures, such as mammography and colorectal screenings. With today's introduction of the SAAAVE Act, we again move Medicare toward greater inclusion of lifesaving preventive measures. This legislation reflects the changing attitudes toward the value of preventive health care services and moves us toward modernizing the Medicare program to better meet the needs of its more than 40 million beneficiaries. With enactment of the SAAAVE Act, instead of waiting to treat a ruptured aorta, Medicare will now help high-risk seniors avert this often-deadly disease through preventive and lifesaving screening.

Lastly, I want to thank the legislation's chief sponsors in the House of Representatives, GENE GREEN and JOHN SHIMKUS. Representatives GREEN and SHIMKUS have been tireless advocates on behalf of patients suffering from abdominal aortic aneurysms and their devotion to modernizing the Medicare program to include greater preventive services is truly admirable. I look forward to continuing working with my colleagues from the House to advance the SAAAVE Act in the 109th Congress.

When Senator BUNNING and I first introduced this legislation in the last Congress, we were joined by patients who had suffered a ruptured aorta as result of an AAA and their families. At this event these patients shared with us their harrowing and personal stories of battling this deadly condition. It is because of struggles like theirs that we are here today at the outset of an effort to prevent abdominal aortic aneurysms from advancing to the point of rupture by providing coverage for a simple yet lifesaving screening. Simply, Mr. President, this legislation is about saving lives. I urge all of my colleagues to support the SAAAVE Act.

Mr. BUNNING. Mr. President, I am pleased to be joining Senator DODD from Connecticut today in re-introducing the Screening Abdominal Aortic Aneurysms Very Efficiently Act of 2005—also known as the SAAAVE Act—in the 109th Congress.

This is an important bill that could potentially save the lives of many Medicare beneficiaries. Unfortunately, too many Americans die from ruptured abdominal aortic aneurysms each year without ever knowing they had this condition. In fact, less than 15 percent of people who have a ruptured abdominal aortic aneurysm survive.

That is why our bill is so important. The SAAAVE Act would add a new

screening benefit to Medicare so that people at risk for abdominal aortic aneurysms could be tested. The test is simple. In fact, it's just an ultrasound test, which is painless, non-invasive and inexpensive.

Medicare beneficiaries found to have an abdominal aortic aneurysm could have surgery if needed or could simply be monitored by their doctors.

Early detection is the key to preventing ruptures of these aneurysms and preventing deaths. In fact, these aneurysms can be successfully treated 95 percent of the time if they are detected before rupturing.

The legislation also includes a national educational and information campaign to get the word out about the health risks associated with abdominal aortic aneurysms. Too often, those with these aneurysms simply don't know they have one until it ruptures. The educational campaign requires the Department of Health and Human Services to focus their education efforts not only on the general public, but also among health care practitioners as well.

I am pleased we are introducing this bill today, and I look forward to working with my colleague from Connecticut in getting it passed.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 52—HONORING SHIRLEY CHISHOLM FOR HER SERVICE TO THE NATION AND EXPRESSING CONDOLENCES TO HER FAMILY, FRIENDS, AND SUPPORTERS ON HER DEATH

Mrs. CLINTON (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

###### S. RES. 52

Whereas Shirley Chisholm was born Shirley Anita St. Hill on November 30, 1924, in Brooklyn, New York, to Charles and Ruby St. Hill, immigrants from British Guyana and Barbados;

Whereas in 1949, Shirley Chisholm was a founding member of the Bedford-Stuyvesant Political League;

Whereas in 1960, she established the Unity Democratic Club, which was instrumental in mobilizing black and Hispanic voters;

Whereas in 1964, Chisholm ran for a New York State Assembly seat and won;

Whereas in 1968, Chisholm became the first African-American woman elected to Congress, representing New York's Twelfth Congressional District;

Whereas as a member of Congress, Chisholm hired women only for her staff, was an advocate for civil rights, women's rights, and the poor, and spoke out against the Vietnam War;

Whereas Shirley Chisholm co-founded the National Organization for Women;

Whereas she remained an outspoken advocate of women's rights throughout her career, saying, "Women in this country must become revolutionaries. We must refuse to accept the old, the traditional roles and stereotypes.";

Whereas in 1969, Shirley Chisholm, along with other African-American members of

Congress, founded the Congressional Black Caucus;

Whereas on January 25, 1972, Chisholm announced her candidacy for President and became the first African-American to be considered for the presidential nomination by a major national political party;

Whereas although Chisholm did not win the nomination at the 1972 Democratic National Convention in Miami, she received the votes of 151 delegates;

Whereas Shirley Chisholm served 7 terms in the House of Representatives before retiring from politics in 1982;

Whereas Shirley Chisholm was a dedicated member of Delta Sigma Theta Sorority and received the sorority's highest award, the Mary Church Terrell Award, in 1977 for her political activism and contributions to the Civil Rights Movement;

Whereas Shirley Chisholm was a model public servant and an example for African-American women, and her strength and perseverance serve as an inspiration for all people striving for change; and

Whereas on January 1, 2005, Shirley Chisholm died at the age of 80: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Shirley Chisholm for her service to the Nation, her work to improve the lives of women and minorities, her steadfast commitment to demonstrating the power of compassion, and her dedication to justice and equality; and

(2) expresses its deepest condolences to her family, friends, and supporters.

#### SUBMITTED RESOLUTIONS

##### SENATE CONCURRENT RESOLUTION 12—PROVIDING THAT ANY AGREEMENT RELATING TO TRADE AND INVESTMENT THAT IS NEGOTIATED BY THE EXECUTIVE BRANCH WITH ANOTHER COUNTRY MUST COMPLY WITH CERTAIN MINIMUM STANDARDS

Mr. FEINGOLD submitted the following concurrent resolution; which was referred to the Committee on Finance:

###### S. CON. RES. 12

Whereas there is general consensus among the American public and the global community that, with respect to international trade and investment rules—

(1) global environmental, labor, health, food security, and other public interest standards must be strengthened to prevent a global "race to the bottom";

(2) domestic environmental, labor, health, food security, and other public interest standards and policies must not be undermined, including those based on the use of the precautionary principle (the internationally recognized legal principle that holds that, when there is scientific uncertainty regarding the potential adverse effects of an action, a product or technology, a government should act in a way that minimizes the risk of harm to human health and the environment);

(3) provision and regulation of public services such as education, health care, transportation, energy, water, and other utilities are basic functions of democratic government and must not be undermined;

(4) raising standards in developing countries requires additional assistance and respect for diversity of policies and priorities;

(5) countries must be allowed to design and implement policies to sustain family farms and achieve food security;