Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 359

At the request of Mr. CRAIG, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Delaware (Mr. BIDEN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 360

At the request of Ms. SNOWE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 360, a bill to amend the Coastal Zone Management Act.

S. 370

At the request of Mr. LOTT, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor 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. 380

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of 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.

S. 397

At the request of Mr. CRAIG, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 399

At the request of Mr. COLEMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 399, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet, and for other purposes.

S. 406

At the request of Ms. SNOWE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 410

At the request of Mr. MCCAIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 410, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

S. 414

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 414, a bill to amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes.

S. 420

At the request of Mr. KYL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 424

At the request of Mr. BOND, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 476

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 476, a bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act.

S. 487

At the request of Mr. NELSON of Nebraska, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 487, a bill to amend title 10, United States Code, to provide leave for members of the Armed Forces in connection with adoptions of children, and for other purposes.

S. 498

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 498, a bill to provide for expansion of electricity transmission networks in order to support competitive electricity markets, to ensure reliability of electric service, to modernize regulation and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Ms. LANDRIEU, Mrs. DOLE, Ms. MIKULSKI, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Ms. CANTWELL, Ms. MURKOWSKI, Mrs. CLINTON, Mrs. FEINSTEIN, Mrs. LINCOLN, Mrs. MURRAY, Ms. STABENOW, Mr. VOINOVICH, Mr. AKAKA, Mr. BENNETT, Mr. DURBIN, Mr. LAUTENBERG, Mr. SARBANES, and Mr. PRYOR):

S. 501. A bill to provide a site for the National Women's History Museum in the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, today I am introducing the National Women's History Museum Act of 2005. I appreciate the support of my colleagues who have helped in this important effort and who have agreed to be cosponsors, including Senators LANDRIEU, DOLE, MIKULSKI, HUTCHISON, BOXER, SNOWE, CANTWELL, MURKOWSKI, CLINTON, FEINSTEIN, LINCOLN, MURRAY, STABENOW, VOINOVICH, AKAKA, BENNETT, DURBIN, LAUTENBERG, SARBANES, and PRYOR. I introduced this bill last Congress, and it passed the Senate unanimously.

The need to establish a museum recognizing the contributions of American women is clear. There is currently no national institution in the Washington, D.C. area that is dedicated to the legacy of women's contributions throughout our country's history. Sadly, fewer than 5 percent of the Nation's 2,200 National Historic Landmarks are dedicated to women, a troubling fact given the significant contributions of women throughout our Nation's history.

The proposed legislation would direct the General Services Administration (GSA) to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. (NWHM) to establish a museum in the currently vacant Pavilion Annex of the Old Post Office building in Washington, D.C. The NWHM is a nonprofit, nonpartisan, educational institution in the District of Columbia that was created to research and present the historic contributions that women have made to all aspects of human endeavor and to present the contributions that women have made to the Nation in their various roles in family, the economy, and society. In 1999, the President's Commission on the celebrating of Women in American History concluded that ''efforts to implement an appropriate celebration of women's history in the next millennium should include,the designation of a focal point for women's history in our Nation's capital,'' citing the efforts of the NWHM to implement this goal.

The proposed legislation would serve two important purposes: Creating, as the President's Commission recommended, a national women's museum in the District of Columbia and, by designating the Pavilion Annex, utilizing a currently vacant space on Pennsylvania Avenue, considered ''America's Main Street.''

I would note that, last Congress the Government Accountability Office

(GAO) placed real property on its High Risk list noting that vacant and underutilized properties present significant potential risks to Federal agencies including lost dollars because of the need for maintenance and lost opportunities because the property could be put to more beneficial uses. The Annex has been vacant for more than 10 years and it is unclear whether, if at all, GSA will be able to generate a use for the building. While the adjacent Old Post Office is a national historic landmark, the Annex is not and has sat vacant and deteriorating for years, while Federal dollars are used to keep it maintained and secured.

In addition, the proposed legislation would generate revenue from this now vacant property for the Federal Government through rental payments, based on the fair market value. The museum would also benefit the city by drawing an estimated 1.5 million visitors annually to the District and promoting economic activities by attracting tourists.

I believe this legislation is clearly a win-win situation.

There is strong precedent for this type of legislation. In fact, museums in the District of Columbia are historically established by Congress through legislation that authorizes the use of Federal land or buildings. One recent legislative example is the National Museum for African American History and Culture, which identified potential sites for such a Museum. Another example is the National Law Enforcement Museum Act, which authorized the National Law Enforcement Officers' Memorial Fund, Inc. to build a Museum on Federal land. The current Building Museum located in the historic Pension Building was authorized by an act of Congress.

I believe that just as these museums serve very important public purposes of educating visitors about important aspects of our history and culture, so also would a national women's history museum fill a void in telling the story of women in our history.

The most compelling reasons to support this important piece of legislation are the stories of the women in American history, who helped change and shape our Nation: Women who were and are trailblazers such as Sandra Day O'Connor, who was the first woman to serve on the Supreme Court; Sally Ride, who was the first American woman in space; and Madeleine Albright, who was the first woman U.S. Secretary of State. We should ensure that the stories of women with unwavering bravery are told. Women like Harriet Tubman, who led slaves to freedom using the underground railroad, and Rosa Parks, who sparked a movement just by refusing to sit in the back of a bus. A national museum would record this history and tells the stories of these pioneering women, so that others might be inspired by them.

One woman who inspired me and who is my own role model is the woman who served in the Senate seat that I now hold, Maine's own Margaret Chase Smith, who was the first woman nominated for president of the United States by a major political party and the first woman to serve in both houses of Congress. Senator Smith began representing Maine in 1940. She was a woman who embodied the independent spirit of Maine. She was from Skowhegan and was known as a smart, courageous, and independent Member of Congress. Long after it became commonplace for women to serve in the highest ranks of our government, Senator Smith will be remembered in Maine and the Nation for her courage and service.

These women, and many like them, are the reason I am proud to sponsor a bill directing that the Old Post Office Annex be made available to house the National Women's History Museum. Women's history needs a place in our Capital and in our collective American history, so that we all cannot only learn about our past, but also be inspired to make history of our own.

I urge that my colleagues support this important piece of legislation.

By Mr. COLEMAN (for himself, Mr. PRYOR, Mr. DEWINE, and Mr. GRAHAM):

S. 502. A bill to revitalize rural America and rebuild main street, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, traveling throughout rural Minnesota, I see a very real need for the revitalization and rebuilding of Main Streets, and this is why today I am introducing the Rural Renaissance Act with my good friends Senator PRYOR of Arkansas, Senator GRAHAM of South Carolina, and Senator DEWINE of Ohio. This legislation acknowledges that rural America needs significant infrastructure investment if it is to join with the rest of the Nation in an economic recovery, and our bill proposes to apply $50 billion toward this end.

Many Minnesota cities and towns need help with updating or expanding their drinking water supply systems or their wastewater treatment systems. The West Central Initiative and the USDA both estimate that there is a $1.5 billion gap between available local, State, and Federal resources and the amount needed by Minnesota communities. There are similar needs in communities throughout the rest of the Nation. Decaying physical infrastructure needs to be addressed because it impacts more than just health and quality of life. It also impacts the ability of a city or town to build housing, provide services, ensure access to information, and grow jobs. Throughout rural America, progress is being made in many areas, but in others, a lack of funding is impacting the ability of communities to address very critical albeit basic needs. Here is an example of the physical infrastructure challenges facing rural America: The Environmental Protection Agency estimates that communities will need an estimated $300 billion to $1 trillion over the next 20 years to repair, replace, or upgrade drinking water and wastewater facilities, accommodate a growing population, and meet water quality standards.

Current residents and businesses of rural communities face a challenge when it comes to accessing the Internet. This reality means that these cities and towns are set back when it comes to attracting new residents and businesses. While the number of broadband subscribers has risen dramatically in recent years, studies conducted by the FCC, DOC, and USDA all suggest that urban and high-income areas are far outpacing deployment in rural and low-income areas. As a result of these disparities, rural America suffers adverse economic and social consequences. The USDA has reported that in 2000, less than five percent of towns with populations of 10,000 or less had access to broadband. Likewise, the Commerce Department has found that 21.2 percent of Internet users in urban areas have access to high-speed connections, while only 12.2 percent of Internet users in rural areas have this technology.

Housing is essential if communities want to keep the businesses they have or attract new ones. Employers need to know that employees will be able to find housing that they can afford in or near the community. Housing efforts must emphasize new construction and rehabilitation alike. Communities need new units to attract new families and they must have the ability to help residents remodel and renovate existing housing. Housing in rural America is clearly an economic development issue. It is clear that these physical infrastructure needs have substantial financial implications for rural America. Some 1.8 million homes and apartments are moderately or severely substandard. Our Rural Renaissance Act addresses these needs. The impact of doing nothing poses great risks for the future of rural cities and towns.

As you can see, the need for a rural renaissance is clear. Greater Minnesota alone needs almost $7 billion over the next 20 years to modernize infrastructure, accommodate the increasing population, and meet current water quality standards. The cost of bringing high speed Internet access to the rest of rural America is estimated at about $10.9 billion. These are just a couple of examples but the most vivid, I think, are just the closed stores you see up and down our Main Streets. We'd like to turn these towns around like we did in St. Paul, and we can.

Our Rural Renaissance Act will fund these infrastructure improvements—and also provide for community facilities and farmer-owned and value-added projects—by sending $50 billion out to rural America in one to three years at a cost of about $15 billion over 10 years. It can be done through Federal bonds,

just as we helped pay for the costs of World War II and as State and locals pay for many infrastructure developments. The key, however, is that these monies will be made available to States and locals, as well as farmer-owned coops and other eligible entities, in the form of grants and low interest loans.

We have seen tremendous support from groups back home and across the country who share a commitment to revitalizing rural America and rebuilding our Main Streets. Those supporting this bill include, the Association of Minnesota Counties, the League of Minnesota Cities, the Minnesota Rural Water Association, the Independent Community Bankers of Minnesota, the Minnesota Rural Electric Association, the University of Minnesota, the Rural Broadband Coalition, the National Council of Farmer Cooperatives, the Telecommunications Industry Association, the American Sugarbeet Growers Association, Land O' Lakes, the Minnesota Corn Growers Association, the AgCountry Farm Credit Services, the AgStar Financial Services, the Farm Credit Services of Grand Forks, the Farm Credit Services of Minnesota Valley, AgriBank, the Minnesota Association of Wheat Growers, the Minnesota Association of Cooperatives, the Wisconsin Federation of Cooperatives, the Minnesota Barley Growers Association, the Minnesota Soybean Growers Association, the Minnesota Nursery and Landscape Association, the America Soybean Association, the Minnesota Association of Townships, the Minnesota Chapter of the National Association of Housing and Redevelopment Officials, and the Red River Valley Sugarbeet Growers Association.

These groups and many others agree with us when we say that we need the Rural Renaissance Act. And we look forward to working with them on this legislation. Together, we can create economic opportunity in rural America and grow jobs.

I ask unanimous consent that the text of the Rural Renaissance Act be printed in the RECORD.

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

S. 502

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 Renaissance Act''.

SEC. 2. RURAL RENAISSANCE CORPORATION.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following new section:

''SEC. 379E. RURAL RENAISSANCE CORPORATION.

''(a) ESTABLISHMENT AND STATUS.—There is established a body corporate to be known as the 'Rural Renaissance Corporation' (hereafter in this section referred to as the 'Corporation'). The Corporation is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31, United States Code.

''(b) PRINCIPAL OFFICE; APPLICATION OF LAWS.—The principal office and place of business of the Corporation shall be in the District of Columbia, and, to the extent consistent with this section, the District of Columbia Business Corporation Act (D.C. Code 29–301 et seq.) shall apply.

''(c) FUNCTIONS OF CORPORATION.—The Corporation shall—

''(1) issue rural renaissance bonds for the financing of qualified projects as required under section 54 of the Internal Revenue Code of 1986,

''(2) establish an allocation plan as required under section 54(f)(2)(A) of such Code,

''(3) establish and operate the Rural Renaissance Trust Account as required under section 54(i) of such Code,

''(4) perform any other function the sole purpose of which is to carry out the financing of qualified projects through rural renaissance bonds, and

''(5) not later than February 15 of each year submit a report to Congress—

''(A) describing the activities of the Corporation for the preceding year, and

''(B) specifying whether the amounts deposited and expected to be deposited in the Rural Renaissance Trust Account are sufficient to fully repay at maturity the principal of any outstanding rural renaissance bonds issued pursuant to such section 54.

''(d) POWERS OF CORPORATION.—The Corporation—

''(1) may sue and be sued, complain and defend, in its corporate name, in any court of competent jurisdiction,

''(2) may adopt, alter, and use a seal, which shall be judicially noticed,

''(3) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Corporation,

''(4) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation,

''(5) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid,

''(6) may, as necessary for carrying out the functions of the Corporation, employ and fix the compensation of employees and officers,

''(7) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation,

''(8) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this section, and

''(9) shall have such other powers as may be necessary and incident to carrying out this section.

''(e) NONPROFIT ENTITY; RESTRICTION ON USE OF MONEYS; CONFLICT OF INTERESTS; INDEPENDENT AUDITS.—

''(1) NONPROFIT ENTITY.—The Corporation shall be a nonprofit corporation and shall have no capital stock.

''(2) RESTRICTION.—No part of the Corporation's revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this section.

''(3) CONFLICT OF INTERESTS.—No director, officer, or employee of the Corporation shall in any manner, directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

''(4) INDEPENDENT AUDITS.—An independent certified public accountant shall audit the financial statements of the Corporation each year. The audit shall be carried out at the place at which the financial statements normally are kept and under generally accepted auditing standards. A report of the audit shall be available to the public and shall be included in the report required under subsection (c)(5).

''(f) TAX EXEMPTION.—The Corporation, including its franchise and income, is exempt from taxation imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

''(g) MANAGEMENT OF CORPORATION.—

''(1) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON AND VICE CHAIRPERSON; APPOINTMENT CONSIDERATIONS; TERM; VACANCIES.—

''(A) BOARD OF DIRECTORS.—The management of the Corporation shall be vested in a board of directors composed of 7 members appointed by the President, by and with the advice and consent of the Senate.

''(B) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate 1 member of the Board to serve as Chairperson of the Board and 1 member to serve as Vice Chairperson of the Board.

''(C) INDIVIDUALS FROM PRIVATE LIFE.—Five members of the Board shall be appointed from private life.

''(D) FEDERAL OFFICERS AND EMPLOYEES.—Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with rural development.

''(E) APPOINTMENT CONSIDERATIONS.—All members of the Board shall be appointed on the basis of their understanding of and sensitivity to rural development processes. Members of the Board shall be appointed so that not more than 4 members of the Board are members of any 1 political party.

''(F) TERMS.—Members of the Board shall be appointed for terms of 3 years, except that of the members first appointed, as designated by the President at the time of their appointment, 2 shall be appointed for terms of 1 year and 2 shall be appointed for terms of 2 years.

''(G) VACANCIES.—A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of a member's term, the member shall continue to serve until a successor is appointed and is qualified.

''(2) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Corporation.

''(3) QUORUM.—A majority of the Board shall constitute a quorum.

''(4) PRESIDENT OF CORPORATION.—The Board of Directors shall appoint a president of the Corporation on such terms as the Board may determine.''.

SEC. 3. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Rural Renaissance Bonds

''Sec. 54. Credit to holders of rural renaissance bonds.

"SEC. 54. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of sale of the issue) on outstanding long-term corporate debt obligations (determined in such manner as the Secretary prescribes).

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) RURAL RENAISSANCE BOND.—For purposes of this part, the term 'rural renaissance bond' means any bond issued as part of an issue if—

''(1) 95 percent or more of the proceeds from the sale of such issue are to be used—

''(A) for expenditures incurred after the date of the enactment of this section for any qualified project, or

''(B) for deposit in the Rural Renaissance Trust Account for repayment of rural renaissance bonds at maturity,

''(2) the bond is issued by the Rural Renaissance Corporation, is in registered form, and meets the rural renaissance bond limitation requirements under subsection (f),

''(3) except for bonds issued in accordance with subsection (f)(4), the term of each bond which is part of such issue does not exceed 30 years,

''(4) the payment of principal with respect to such bond is the obligation of the Rural Renaissance Corporation, and

''(5) the issue meets the requirements of subsection (g) (relating to arbitrage).

''(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL LIMITATION.—There is a rural renaissance bond limitation for each calendar year. Such limitation is—

''(A) for 2006—

''(i) with respect to bonds described in subsection (e)(1)(A), $50,000,000,000, plus

''(ii) with respect to bonds described in subsection (e)(1)(B), such amount (not to exceed $15,000,000,000) as determined necessary by the Rural Renaissance Corporation to provide funds in the Rural Renaissance Trust Account for the repayment of rural renaissance bonds at maturity, and

''(B) except as provided in paragraph (3), zero thereafter.

''(2) LIMITATION ALLOCATED TO QUALIFIED PROJECTS AMONG STATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the limitation applicable under paragraph (1)(A)(i) for any calendar year shall be allocated by the Rural Renaissance Corporation for qualified projects among the States under an allocation plan established by the Corporation and submitted to Congress for consideration.

''(B) MINIMUM ALLOCATIONS TO STATES.—In establishing the allocation plan under subparagraph (A), the Rural Renaissance Corporation shall ensure that the aggregate amount allocated for qualified projects located in each State under such plan is not less than $500,000,000.

''(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(A) the rural renaissance bond limitation amount, exceeds

''(B) the amount of bonds issued during such year by the Rural Renaissance Corporation, the rural renaissance bond limitation amount for the following calendar year shall be increased by the amount of such excess. Any carryforward of a rural renaissance bond limitation amount may be carried only to calendar year 2007 or 2008.

''(4) ISSUANCE OF SMALL DENOMINATION BONDS.—From the rural renaissance bond limitation for each year, the Rural Renaissance Corporation shall issue a limited quantity of rural renaissance bonds in small denominations suitable for purchase as gifts by individual investors wishing to show their support for investing in rural America.

''(g) SPECIAL RULES RELATING TO ARBITRAGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an issue shall be treated as meeting the requirements of this subsection if as of the date of issuance, the Rural Renaissance Corporation reasonably expects—

''(A) to spend at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on such date,

''(B) to incur a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue, or to commence construction, with respect to such projects within the 6-month period beginning on such date, and

''(C) to proceed with due diligence to complete such projects and to spend the proceeds from the sale of the issue.

''(2) RULES REGARDING CONTINUING COMPLIANCE AFTER 3-YEAR DETERMINATION.—If at least 95 percent of the proceeds from the sale of the issue is not expended for 1 or more qualified projects within the 3-year period beginning on the date of issuance, but the requirements of paragraph (1) are otherwise met, an issue shall be treated as continuing to meet the requirements of this subsection if either—

''(A) the Rural Renaissance Corporation uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of such 3-year period, or

''(B) the following requirements are met:

''(i) The Rural Renaissance Corporation spends at least 75 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 3-year period beginning on the date of issuance.

''(ii) The Rural Renaissance Corporation spends at least 95 percent of the proceeds from the sale of the issue for 1 or more qualified projects within the 4-year period beginning on the date of issuance, and uses all unspent proceeds from the sale of the issue to redeem bonds of the issue within 90 days after the end of the 4-year period beginning on the date of issuance.

''(h) RECAPTURE OF PORTION OF CREDIT WHERE CESSATION OF COMPLIANCE.—

''(1) IN GENERAL.—If any bond which when issued purported to be a rural renaissance bond ceases to be such a qualified bond, the Rural Renaissance Corporation shall pay to the United States (at the time required by the Secretary) an amount equal to the sum of—

''(A) the aggregate of the credits allowable under this section with respect to such bond (determined without regard to subsection (c)) for taxable years ending during the calendar year in which such cessation occurs and the 2 preceding calendar years, and

''(B) interest at the underpayment rate under section 6621 on the amount determined under subparagraph (A) for each calendar year for the period beginning on the first day of such calendar year.

''(2) FAILURE TO PAY.—If the Rural Renaissance Corporation fails to timely pay the amount required by paragraph (1) with respect to such bond, the tax imposed by this chapter on each holder of any such bond which is part of such issue shall be increased (for the taxable year of the holder in which such cessation occurs) by the aggregate decrease in the credits allowed under this section to such holder for taxable years beginning in such 3 calendar years which would have resulted solely from denying any credit under this section with respect to such issue for such taxable years.

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (2) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under paragraph (2) shall not be treated as a tax imposed by this chapter for purposes of determining—

''(i) the amount of any credit allowable under this part, or

''(ii) the amount of the tax imposed by section 55.

''(i) RURAL RENAISSANCE TRUST ACCOUNT.—

''(1) IN GENERAL.—The following amounts shall be held in a Rural Renaissance Trust

Account by the Rural Renaissance Corporation:

''(A) The proceeds from the sale of all bonds issued under this section.

''(B) The amount of any matching contributions with respect to such bonds.

''(C) The investment earnings on proceeds from the sale of such bonds.

''(D) Any earnings on any amounts described in subparagraph (A), (B), or (C).

''(2) USE OF FUNDS.—Amounts in the Rural Renaissance Trust Account may be used only to pay costs of qualified projects, redeem rural renaissance bonds, and fund the operations of the Rural Renaissance Corporation, except that amounts withdrawn from the Rural Renaissance Trust Account to pay costs of qualified projects may not exceed the aggregate proceeds from the sale of rural renaissance bonds described in subsection (e)(1)(A).

''(3) USE OF REMAINING FUNDS IN RURAL RENAISSANCE TRUST ACCOUNT.—Upon the redemption of all rural renaissance bonds issued under this section, any remaining amounts in the Rural Renaissance Trust Account shall be available to the Rural Renaissance Corporation for any qualified project.

''(j) QUALIFIED PROJECT.—For purposes of this section—

''(1) IN GENERAL.—Subject to paragraph (3), the term 'qualified project' means a project which—

''(A) includes 1 or more of the projects described in paragraph (2),

''(B) is located in a rural area, and

''(C) is proposed by a State and approved by the Rural Renaissance Corporation.

''(2) PROJECTS DESCRIBED.—A project described in this paragraph is—

''(A) a water or waste treatment project,

''(B) a conservation project, including any project to protect water quality or air quality (including odor abatement), any project to prevent soil erosion, and any project to protect wildlife habitat, including any project to assist agricultural producers in complying with Federal, State, or local regulations,

''(C) an affordable housing project,

''(D) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

''(E) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production or processing of ethanol, biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

''(F) a rural venture capital project for, among others, farmer-owned entities,

''(G) a distance learning or telemedicine project,

''(H) a project to expand broadband technology, and

''(I) a rural teleworks project.

''(3) SPECIAL RULES.—For purposes of this subsection—

''(A) any project described in subparagraph (E) or (F) of paragraph (2) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

''(B) any project for a farmer-owned entity which is a facility described in paragraph (2)(E) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

''(4) APPROVAL GUIDELINES AND CRITERIA.—

''(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Rural Renaissance Corporation shall consult with the appropriate committees of Congress regarding the development of guidelines and criteria for the approval by the Corporation of projects as qualified projects for inclusion in the allocation plan established under subsection (f)(2)(A) and shall submit such guidelines and criteria to such committees.

''(B) APPROPRIATE COMMITTEES OF CONGRESS.—For purposes of subparagraph (A), the term 'appropriate committees of Congress' means the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, and the Committee on Finance of the Senate and the Committee on Agriculture, the Committee on Energy and Commerce, and the Committee on Ways and Means of the House of Representatives.

''(k) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) RURAL AREA.—The term 'rural area' means any area other than—

''(A) a city or town which has a population of greater than 50,000 inhabitants, or

''(B) the urbanized area contiguous and adjacent to such a city or town.

''(3) RURAL RENAISSANCE CORPORATION.—The term 'Rural Renaissance Corporation' means the Rural Renaissance Corporation established under section 379E of the Consolidated Farm and Rural Development Act.

''(4) TREATMENT OF CHANGES IN USE.—For purposes of subsection (e)(1)(A), the proceeds from the sale of an issue shall not be treated as used for a qualified project to the extent that the Rural Renaissance Corporation takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall specify remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

''(5) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(6) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(7) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(A) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a rural renaissance bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(B) CERTAIN RULES TO APPLY.—In the case of a separation described in subparagraph (A), the rules of section 1286 shall apply to the rural renaissance bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''(8) REPORTING.—The Rural Renaissance Corporation shall submit reports similar to the reports required under section 149(e).''.

(b) AMENDMENTS TO OTHER CODE SECTIONS.—

(1) REPORTING.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF RURAL RENAISSANCE BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a rural renaissance bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Subsection (g) of section 6655 of such Code (relating to failure by corporation to pay estimated income tax) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF RURAL RENAISSANCE BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding a rural renaissance bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''SUBPART H. NONREFUNDABLE CREDIT FOR HOLDERS OF RURAL RENAISSANCE BONDS.''.

(2) Section 6401(b)(1) of such Code is amended by striking ''and G'' and inserting ''G, and H''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2005.

By Mr. BOND (for himself, Mr. TALENT, and Mr. DEWINE):

S. 503. A bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, I introduced S. 503, the Education Begins At Home Act. It is at the desk. It is cosponsored by Senators TALENT and DEWINE. I invite my colleagues to look at it and join with me in this significant measure to improve early childhood education and development of our children.

Parents as Teachers has worked in Missouri. It is a program which involves training and assistance for parents of children from birth to 3 years of

age. We have had significant improvements in educational achievements. We have identified problems in children. We have solved problems and saved money by avoiding the necessary, expensive, and very difficult remedial efforts. It involves home visits. It involves bringing children of like age groups together. It works at home. It works for the poorest families. It works for very busy two-working-parent families. It works on our military installations.

This measure expands from currently 3,300 children whose parents are in the program nationally to potentially 2.7 million families with young children throughout the United States. The program is presently in all States, in the Union. This expands on it and makes sure we use our early education dollars to the maximum benefit. Get parents involved. Home visits work.

Research has clearly shown that the early years are critical in a child's development and lay the foundation for success in school and in life. The home is the first and most important learning environment for children, and parents are their child's first and most influential teacher.

Through parent education and family support, we can promote parents' ability to enhance their children's cognitive, language, social-emotional and physical development—thereby helping parents to prepare their children for success in school.

It only makes sense to equip parents with the skills they need to help maximize their child's health and development and this is exactly what the Parents at Teachers Program does.

The curriculum is designed to build the foundation of later learning, provide early detection of developmental delays as well as health, vision and hearing problems, prevent child abuse and neglect and increase children's school readiness and school success.

To achieve these goals, Parents as Teachers provides personalized home visits by trained parent educators, group meetings with other new parents and formal screening of vision and hearing.

Twenty-one years ago I pushed the Early Childhood Education Act through the Missouri legislature. During my second term as Governor I signed that ground breaking bill into law which mandated PAT in every school district in the state of Missouri. For me that was the culmination of 5 long years of work.

One might say I was on a mission. And I was. Because in 1981, I found myself in a similar situation to that of the Missouri's current Governor. I was about to be a new father myself.

PAT certainly made a positive difference in my family. PAT helped us through sleepless nights, teething, and learning the ABC's. My son, Sam, was probably one of the first babies to benefit from the Parents as Teachers materials in Missouri. And countless others have benefited since.

What began as an experiment in Missouri has expanded to more than 3,000 sites in all 50 states, and seven foreign countries. Communities all over the world are investing in PAT because the results are positive and the cost is low.

Anecdotally, I can tell you that parents in PAT know that it is a tremendous benefit to them and their children.

The scientifically sound research shows that: At age 3, PAT children are more advanced in language, social development, problem solving and other cognitive abilities, PAT children score higher on kindergarten readiness tests, Children who participate in PAT score higher on standardized measures of reading, math and language in first through fourth grades, parents who participate in PAT are more confident about their parenting and are more involved in their children's schooling—a key component of a child's success in school.

Recognizing that all parents need and deserve support in laying a strong foundation for their child's success I will be introducing the Education Begins at Home Act.

To date over 2 million families nationwide have received the education and support they need through PAT. While this is a tremendous accomplishment, there are more families that can be reached by this exceptional program.

The Education Begins at Home Act makes a bold federal investment in parents by establishing the first, dedicated federal funding stream to support the expansion of Parents as Teachers—or other home visitation programs—at the state and local level.

The $500 million in federal funds over 3 years included in this bill will expand services to over 2.7 million families nationwide.

Ten times more families will be served by PAT under this legislation.

This bill will: provide $400 million over 3 years to states to expand access to PAT, encourage and foster more collaboration between PAT and Early Head Start Grantees, provide $50 million over 3 years to fund innovative ideas and partnerships at the local level to expand access to PAT in communities with limited English proficiency; and provide $50 million over 3 years to reach more military families by expanding access to PAT in schools and community organizations that serve military families.

All babies are born to learn and a parent is a child's first and most important teacher. Parents as Teachers better prepares children for success in school and life and helps parents become more active participants in their child's education.

The expansion of Parents as Teachers is a sound investment in the future of our children and families.

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

S. 505. A bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, I am pleased to join today with Senator MCCAIN to introduce the Yuma Crossing National Heritage Area Boundary Adjustment Act. This legislation would amend the Yuma Crossing National Heritage Act of 2000, Public Law 106–319, to reduce the size of the heritage area to conform to the area set forth in the Heritage Area Management Plan approved by the Secretary of the Interior in 2002.

The Yuma Crossing Heritage Area was designated in October 2000. It sprung from a preliminary concept plan completed in 1999 by the Heritage Area Task Force. The boundaries proposed in that plan included approximately 22 square miles, extending from the Colorado River on the north and west to the Avenue 7E alignment on the east and the 12th street alignment on the south. These boundaries represented the task force's ''best guess'' as to the cultural landscape warranting inclusion in the heritage area. This ''best guess'' was incorporated into the legislation designating the Yuma Crossing National Heritage Area.

During the development of the final Heritage Area Management Plan, which was subject to comprehensive community involvement, it became apparent that the area's boundaries were too large and should be more concentrated along the Colorado River and in historic downtown.

Rather than simply leave the boundaries as they were set in the 2000 legislation, we have heard from the community in Yuma that it is important that we conform the boundaries to those in the agreed-upon Management Plan. Doing so will provide certainty to the heritage area and those private landowners who live within its current boundaries. It will allow the heritage area to meet its management goals and responsibilities without the worry that private property rights may be affected in the future.

This is a non-controversial, straightforward correction. I hope my colleagues will work with me to pass it quickly this year.

By Mr. HAGEL (for himself, Mr. DURBIN, Ms. CANTWELL, Mr. LAUTENBERG, and Mrs. MURRAY):

S. 506. A bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. HAGEL. Mr. President, I rise today with Senator DURBIN to introduce the Public Health Preparedness Workforce Development Act of 2005. This legislation aims to increase the

pipeline of qualified public health workers at the Federal, State, local and tribal levels by offering scholarships to students going into the public health field. It also encourages current professionals to stay in the public health field by providing loan repayments in exchange for a commitment of a designated number of years of service in public health.

The average age of lab technicians, epidemiologists, environmental health experts, microbiologists, IT specialists, public health administrators and others who make up the public health workforce is 47, seven years older than the average age of the Nation's workforce. Over the next five years, my State of Nebraska will have more public health workers who are eligible for retirement than any other state in the Nation.

To encourage young people to enter the public health field, this legislation authorizes $35 million per year for scholarships and $195 million per year for loan repayments. Eighty percent of the funds would be dedicated for state and local public health workers, with bonus payments available to those who agree to be placed in under-served areas.

There are critical public health workforce shortages. We cannot afford to lose so many experienced workers just when our public health workforce should be expanding to meet increasing health needs. The ability of the public health system to respond to emerging infectious diseases like West Nile Virus, food-borne illnesses, or bioterrorism relies on a well-trained, adequately staffed public health network at all levels. It is important that we address this problem before it becomes a crisis.

I urge my colleagues to support this legislation.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. REED, and Mr. VOINOVICH):

S. 507. A bill to establish the National Invasive Species Council, and for other purposes; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, today, I am pleased to join with Senators LEVIN, STABENOW, REED, and VOINOVICH to introduce the National Invasive Species Council Act—a bill to permanently establish the National Invasive Species Council. I would like to thank my colleagues for their hard work on this legislation.

Recognizing the need for better coordination to combat the economic, ecologic, and health threats posed by invasive species, the federal government established the National Invasive Species Council by Executive Order in 1999. Today, the Council continues to operate and develop invasive species management plans. However, the Council is not as effective as it could be. The GAO reported that implementing these management plans is difficult because the Council does not have a congressional mandate to act. GAO further reported that most of the agencies that have responsibilities under the National Invasive Species Management Plan have not been completing activities by established due dates and that these agencies lack coordination. These are significant problems that must be addressed.

Invasive species are a national threat that we cannot afford to ignore. Many states are trying to combat these species that are threatening their local environments. Examples of such plants and animals include the emerald ash borer, which has been particularly troublesome in my home state of Ohio; the Chinese mitten crab; and hydrilla, considered to be one of the most problematic aquatic plants in the United States. If left unchecked, these and other invasive species pose dangerous environmental, health, and economic threats. Estimates of the annual economic damages caused by invasive species in this nation are as high as $137 billion. It is clear that more must be done.

To combat the serious threats posed by invasive species, we need federal coordination and planning. Our bill would provide just that and on a permanent basis. Under this legislation, the Secretaries of State, Commerce, Transportation, Agriculture, Health and Human Services, Interior, Defense, and Treasury, along with the Administrators of EPA and USAID, would continue to work together through the National Invasive Species Council to develop a National Invasive Species Management Plan.

The duties of the Council are generally to coordinate federal activities in an effective, complementary, cost-efficient manner; update the National Invasive Species Management Plan; ensure that federal agencies implement the Management Plan; and develop recommendations for international cooperation. Additionally, if recommendations are not implemented, agencies would have to report to the Council. The Council is directed to develop guidance for federal agencies on prevention, control, and eradication of invasive species so that federal programs and actions do not increase the risk of invasion or spread non-indigenous species. And finally, the bill would establish an Invasive Species Advisory Committee to the Council.

The National Invasive Species Council could enhance its effectiveness and better protect our environment from invasive species with a congressional mandate. I urge my colleagues to cosponsor this measure so that the Federal Government can better respond to the threat posed by invasive species.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. LUGAR, Mr. BAYH, Mr. DAYTON, and Mr. KOHL):

S. 508. A bill to provide for the environmental restoration of the Great Lakes; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, today I am proud to introduce the Great Lakes Environmental Restoration Act with my colleague, Senator LEVIN. I would like to thank him for all of his hard work on this legislation.

For those who have seen one of the five Great Lakes, it is not difficult to understand their importance. Covering more than 94,000 square miles and draining more than twice as much land, these freshwater seas hold an estimated six quadrillion gallons of water—or one-fifth of the world's surface freshwater. The Great Lakes ecosystem includes such diverse elements as northern evergreen and deciduous forests, lake plain prairies, and coastal wetlands. Over 30 of the basin's biological communities and over 100 species are globally rare or found only in the Great Lakes basin. The 637 State parks in the region accommodate more than 250 million visitors each year, and the Great Lakes basin is home to more than 33 million people—or one-tenth of the U.S. population.

As co-chairs of the Senate Great Lakes Task Force, Senator LEVIN and I have worked together on legislation and other initiatives to protect this natural resource. We secured funding from the National Oceanic and Atmospheric Administration (NOAA) for water level gauges, a replacement ice-breaking vessel, and funding for the Great Lakes Fishery Commission for sea lamprey control. Additionally, Senator LEVIN and I met with the U.S. Trade Representative Office in an effort to prevent Great Lakes water from being diverted abroad. We worked to authorize the Great Lakes Basin Soil Erosion and Sediment Control Program in the 2002 Farm Bill, and three years ago, we joined our colleagues in the House to pass the Great Lakes Legacy Act. This legislation provides up to $50 million per year to the Environmental Protection Agency (EPA) to remove contaminated sediments at Areas of Concern.

These steps are positive, but we are not keeping pace with the problems facing the Great Lakes—the Federal Government simply is not providing the funding to protect them. An April 2003 Government Accountability Office (GAO) report found that the Federal Government spent roughly $745 million over the last ten years on Great Lakes restoration programs. Now consider that the GAO reported that the eight Great Lakes States spent $956 million during that same ten-year period.

There is ample evidence that this current level of commitment is simply not enough to address the challenges. In 2001, there were approximately 600 beach closings as a result of e-coli bacteria. Further, State and local health authorities issued approximately 1,400 fish consumption advisories in the Great Lakes. In 1978, the United States and Canada amended the Great Lakes Water Quality Agreement to give priority attention to 43 designated Areas of Concern. Since the signing, the Federal Government has not been able to

remove any U.S. sites from the Areas of Concern list. Invasive species are one of the largest threats to the ecosystem and the $4.5 billion Great Lakes fishing industry. There are now over 160 aquatic invasive species threatening the Great Lakes. It is imperative that we fix these problems.

For several years, I have been calling for a plan to restore the Lakes. I have been urging the governors, mayors, the environmental community, and other regional interests to agree on a vision for the future of the Great Lakes—not just for the short-term, but for the long-term. It is time for us to come together to develop a plan and put it in place.

The bill we are introducing today builds upon the efforts by those in the Great Lakes states who are working with the congressional delegation and federal officials on the Great Lakes Regional Collaboration group. It provides the funding needed to implement their recommendations.

This legislation would provide the tools needed for the long-term future of the Great Lakes. First, our bill creates a $6 billion Great Lakes Restoration Grant Program to augment existing federal and state efforts to clean, protect, and restore the Great Lakes. An additional $600 million in annual funding will be appropriated through the EPA's Great Lakes National Program Office. The Program Office will provide grants to the Great Lakes States, municipalities, and other applicants in coordination with the Great Lakes Environmental Restoration Advisory Board. This funding will provide the extra resources that existing programs do not have.

While the Great Lakes are a national resource, leaders in the region, not Washington bureaucrats, should set priorities and guide restoration efforts. That is why our bill requires close coordination between the EPA and state and regional interests before grants are released. The Great Lakes Environmental Restoration Advisory Board, led by the Great Lakes governors, will include mayors, federal agencies, Native American tribes, environmentalists, industry representatives, and Canadian observers. This Advisory Board will prioritize restoration projects, such as invasive species control and prevention, wetlands restoration, contaminated sediments cleanup, and water quality improvements. Additionally, this Advisory Board will provide recommendations on which grant applications to fund. The input from the Advisory Board ensures that regional leaders will be critical in determining the long-term future of the Great Lakes.

As the April 2003 GAO study reported, environmental restoration activities in the Great Lakes suffer from lack of coordination. The second goal of this legislation is the codification of the Great Lakes Interagency Task Force to coordinate Federal activities in the Great Lakes region. The EPA's Great Lakes National Program Office would serve as the council leader, and participants would include key federal agencies involved in Great Lakes restoration efforts. The council would ensure that the efforts of federal agencies are coordinated, effective, and cost-efficient.

Lastly, this bill would help address a GAO recommendation that a monitoring system and environmental indicators be developed to measure progress on new and existing restoration programs in the Great Lakes.

Our bill is a major step in the right direction. I would again like to thank my colleague, Senator LEVIN, for his dedication to the Great Lakes and to their restoration. We need to continue to refocus and improve our efforts in order to reverse the trend of additional degradation of the Great Lakes. They are a unique natural resource for Ohio and the entire region—a resource that must be protected for future generations. I ask my colleagues to join me in support of this bill and in our efforts to help preserve and protect the long-term viability of our Great Lakes.

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. 508

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 ''Great Lakes Environmental Restoration Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes and the connecting channels of the Great Lakes form the largest freshwater system in the world, holding ⅕ of the fresh surface water supply of the world and 9⁄10 of the fresh surface water supply of the United States;

(2) 30 years after the date of enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), water quality in the Great Lakes has improved, but the Great Lakes remain in a degraded state;

(3) evidence of the degraded environment of the Great Lakes includes—

(A) a record 599 closings of Great Lakes beaches in 2001;

(B) an increase to 20 percent in the percentage of Great Lakes shoreline that contains polluted sediments; and

(C) the issuance by State and local authorities of 1,400 fish consumption advisories relating to the Great Lakes;

(4) the Great Lakes are sources of drinking water for approximately 40,000,000 people in the United States and Canada;

(5) in the years since the Great Lakes Water Quality Agreement was signed and the United States and Canada agreed to ''restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes Basin and give priority attention to the 43 designated Areas of Concern'', no sites have been restored in the United States;

(6) it is the responsibility of the Federal Government and State and local governments to ensure that the Great Lakes remain a clean and safe source of water for drinking, fishing, and swimming; and

(7) while the total quantity of resources needed to restore the Great Lakes is unknown, additional funding is needed now to augment existing efforts to address the known threats facing the Great Lakes.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Great Lakes Environmental Restoration Advisory Board established by section 5(a).

(2) GREAT LAKE.—The term ''Great Lake'' means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario;

(E) Lake Superior; and

(F) the connecting channels of those Lakes, including—

(i) the Saint Marys River;

(ii) the Saint Clair River;

(iii) the Detroit River;

(iv) the Niagara River; and

(v) the Saint Lawrence River to the Canadian border.

(3) GREAT LAKES STATE.—The term ''Great Lakes State'' means each of the States of Illinois, Indiana, Ohio, Michigan, Minnesota, New York, Pennsylvania, and Wisconsin.

(4) GREAT LAKES SYSTEM.—The term ''Great Lakes system'' means all the streams, rivers, lakes, and other bodies of water in the drainage basin of the Great Lakes.

(5) PROGRAM.—The term ''Program'' means the Great Lakes Environmental Restoration Grant Program established by section 4(a).

(6) PROGRAM OFFICE.—The term ''Program Office'' means the Great Lakes National Program Office of the Environmental Protection Agency.

(7) TASK FORCE.—The term ''Task Force'' means the Great Lakes Interagency Task Force established by section 6(a).

SEC. 4. GREAT LAKES RESTORATION GRANTS.

(a) ESTABLISHMENT.—There is established a Great Lakes Environmental Restoration Grant Program, to be administered by the Program Office.

(b) GRANTS.—

(1) IN GENERAL.—In coordination with the Board, the Program Office shall provide to States, municipalities, and other applicants grants for use in and around the Great Lakes in carrying out—

(A) contaminated sediment cleanup;

(B) wetland restoration;

(C) invasive species control and prevention;

(D) coastal wildlife and fisheries habitat improvement;

(E) public access improvement;

(F) water quality improvement;

(G) sustainable water use;

(H) nonpoint source pollution reduction; or

(I) such other projects and activities to restore, protect, and assist the recovery of the Great Lakes as the Board may determine.

(2) DISTRIBUTION.—In providing grants under this section for a fiscal year, the Program Office shall ensure that—

(A) at least 1 project or activity is funded in each Great Lakes State for the fiscal year;

(B) the amount of funds received by each Great Lakes State under this section for the fiscal year is at least 6 percent, but not more than 30 percent, of the total amount of funds made available for grants under this section for the fiscal year;

(C) each project or activity for which funding is provided results in 1 or more tangible improvements in the Great Lakes watershed; and

(D) each project or activity for which funding is provided addresses 1 or more priority issue areas identified by the Board for the fiscal year.

(3) GRANT EVALUATION.—

(A) IN GENERAL.—In evaluating grant proposals, the Program Office shall give great

weight to the ranking of proposals by the Board under section 5(c)(3).

(B) DECISION NOT TO FUND.—Not later than 30 days after the date of the determination, if the Program Office decides not to fund a grant proposal ranked by the Board as 1 of the top 10 proposals meriting funding, the Program Office shall provide to the Board a written statement explaining the reasons why the proposal was not funded.

(4) FUNDING LIMITATIONS.—Funds provided under the Program shall not be used for any of the following activities:

(A) Design, construction, or improvement of a road, except as required in connection with a sewer upgrade.

(B) Design, implementation, or evaluation of a research or monitoring project or activity, except as required in connection with a project or activity that will result in a tangible improvement to the Great Lakes watershed.

(C) Design or implementation of a beautification project or activity that does not result in a tangible improvement to the Great Lakes watershed.

(D) Litigation expenses, including legal actions to address violations of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or any other environmental law or regulation.

(E) Lobbying expenses (as defined in section 2 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602)).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $600,000,000 for each of fiscal years 2006 through 2015.

(2) COST SHARING.—The Federal share of the cost of any project or activity carried out using funds made available under paragraph (1) shall not exceed 80 percent.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project or activity carried out using funds made available under paragraph (1) may be provided in cash or in kind.

SEC. 5. GREAT LAKES ENVIRONMENTAL RESTORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a committee to be known as the ''Great Lakes Environmental Restoration Advisory Board''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of 21 voting members (or designees of the members), of whom—

(A) 8 shall be the Governors of the Great Lakes States;

(B) 1 shall be the Director of the Great Lakes National Program Office;

(C) 1 shall be the Secretary of the Interior;

(D) 1 shall be the Director of the National Oceanic and Atmospheric Administration;

(E) 1 shall be the Chief of Engineers;

(F) 1 shall be the Secretary of Agriculture; and

(G) 8 shall be chief executives of cities, counties, or municipalities in the Great Lakes basin and selected by the Steering Committee of the Great Lakes Cities Initiative, including 1 member from each Great Lakes State.

(2) OBSERVERS.—The Board may include observers, including—

(A) the Premiers of the Canadian Provinces of Ontario and Quebec;

(B) a representative of the Government of Canada;

(C) a representative of the State Department;

(D) 8 representatives of environmental organizations (with 1 member appointed by the Governor of each Great Lakes State), including—

(i) Great Lakes United;

(ii) the Lake Michigan Federation;

(iii) the National Wildlife Federation;

(iv) the Sierra Club; and

(v) The Nature Conservancy;

(E) 5 representatives of industry selected by the chairperson of the Board;

(F) the Chairperson of the United States section of the International Joint Committee;

(G) the Vice Chairperson of the United States section of the Great Lakes Fishery Commission;

(H) the Chairperson of the Great Lakes Commission; and

(I) 3 representatives of Native Americans selected by the President.

(3) DATE OF APPOINTMENTS.—The appointment of each member of the Board shall be made not later than 90 days after the date of enactment of this Act.

(4) TERM; VACANCIES.—

(A) TERM.—A member of the Board shall be appointed for 5 years.

(B) VACANCIES.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Board shall meet at the call of the chairperson.

(6) CHAIRPERSON.—The Board shall select a chairperson of the Board from the members appointed under paragraph (1)(A).

(c) DUTIES.—

(1) IN GENERAL.—Before the beginning of the fiscal year, the Board shall determine by majority vote, and shall submit to the Program Office, the funding priority issue areas that shall apply to all grants provided under section 4 during the fiscal year.

(2) GREAT LAKES GOALS.—The priorities shall be based on environmental restoration goals for the Great Lakes that—

(A) are prepared by the Governors of Great Lakes States; and

(B) identify specific objectives and the best methods by which to produce a tangible improvement to the Great Lakes.

(3) GRANTS.—

(A) PROGRAM OFFICE.—The Program Office shall provide to the Board, in a timely manner, copies of grant proposals submitted under section 4.

(B) BOARD.—The Board shall—

(i) review the grant proposals; and

(ii) by a date specified by the Program Office, provide to the Program Office a list of the grant applications that the Board recommends for funding, ranked in order of the applications that most merit funding.

SEC. 6. GREAT LAKES INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established, in the Environmental Protection Agency, the Great Lakes Interagency Task Force.

(b) PURPOSES.—The purposes of the Task Force are—

(1) to help establish a process for collaboration among the members of the Task Force, the members of the working group established under subsection (e)(1), the Great Lakes States, local communities, tribes, regional bodies, and other interests in the Great Lakes region regarding policies, strategies, projects, and priorities for the Great Lakes system;

(2) to collaborate with Canada and binational bodies involved in the Great Lakes region regarding policies, strategies, projects, and priorities for the Great Lakes system;

(3) to coordinate the development of consistent Federal policies, strategies, projects, and priorities for addressing the restoration and protection of the Great Lakes system and assisting in the appropriate management of the Great Lakes system;

(4) to develop outcome-based goals for the Great Lakes system relying on—

(A) existing data and science-based indicators of water quality and related environmental factors, and other factors;

(B) focusing on outcomes such as cleaner water, sustainable fisheries, and biodiversity of the Great Lakes system; and

(C) ensuring that Federal policies, strategies, projects, and priorities support measurable results;

(5) to exchange information regarding policies, strategies, projects, and priorities related to the Great Lakes system between the agencies represented on the Task Force;

(6) to coordinate action of the Federal Government associated with the Great Lakes system;

(7) to ensure coordinated Federal scientific and other research associated with the Great Lakes system;

(8) to ensure coordinated development and implementation of the Great Lakes portion of the Global Earth Observation System of Systems by the Federal Government; and

(9) to provide assistance and support to agencies represented on the Task Force in the activities of the agencies related to the Great Lakes system.

(c) MEMBERSHIP AND OPERATION.—

(1) IN GENERAL.—The Task Force shall consist of—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of State;

(C) the Secretary of the Interior;

(D) the Secretary of Agriculture;

(E) the Secretary of Commerce;

(F) the Secretary of Housing and Urban Development;

(G) the Secretary of Transportation;

(H) the Secretary of Homeland Security;

(I) the Secretary of the Army; and

(J) the Chairperson of the Council on Environmental Quality.

(2) OPERATION.—A member of the Task Force may designate to perform the Task Force functions of the member any person who is part of the department, agency, or office of the member and who is—

(A) an officer of the United States appointed by the President; or

(B) a full-time employee of the United States serving in a position with pay equal to or great than the minimum rate payable for grade GS-15 of the General Schedule.

(d) CHAIRPERSON.—The Administrator of the Environmental Protection Agency shall serve as chairperson of the Task Force.

(e) DUTIES.—

(1) GREAT LAKES REGIONAL WORKING GROUP.—

(A) IN GENERAL.—The Task Force shall establish a Great Lakes regional working group to coordinate and make recommendations on how to implement the policies, strategies, projects, and priorities of the Task Force.

(B) MEMBERSHIP.—The working group established under subparagraph (A) shall consist of the appropriate regional administrator or director with programmatic responsibility for the Great Lakes system for each agency represented on the Task Force, including—

(i) the Great Lakes National Program Office of the Environmental Protection Agency;

(ii) the United States Fish and Wildlife Service of the Department of the Interior;

(iii) the National Park Service of the Department of the Interior;

(iv) the United States Geological Survey of the Department of the Interior;

(v) the Natural Resources Conservation Service of the Department of Agriculture;

(vi) the Forest Service of the Department of Agriculture;

(vii) the National Oceanic and Atmospheric Administration of the Department of Commerce;

(viii) the Department of Housing and Urban Development;

(ix) the Department of Transportation;

(x) the Coast Guard in the Department of Homeland Security; and

(xi) the Corps of Engineers.

(2) PRINCIPLES OF SUCCESSFUL REGIONAL COLLABORATION.—The chairperson of the Task Force shall coordinate the development of a set of principles of successful regional collaboration to advance the policy set forth in section 1 of the Great Lakes Interagency Task Force: Executive Order dated May 18, 2004.

(3) REPORT.—Not later than May 31, 2005, and annually thereafter as appropriate, the Task Force shall submit to the President a report that—

(A) summarizes the activities of the Task Force; and

(B) provides any recommendations that would, in the judgment of the Task Force, advance the policy set forth in section 1 of the Great Lakes Interagency Task Force: Executive Order dated May 18, 2004.

SEC. 7. GREAT LAKES WATER QUALITY INDICATORS AND MONITORING.

(a) IN GENERAL.—Section 118(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(1)) is amended by striking subparagraph (B) and inserting the following:

''(B)(i) not later than 2 years after the date of enactment of this clause, in cooperation with Canada and appropriate Federal agencies (including the United States Geological Survey, the National Oceanic and Atmospheric Administration, and the United States Fish and Wildlife Service), develop and implement a set of science-based indicators of water quality and related environmental factors in the Great Lakes, including, at a minimum, measures of toxic pollutants that have accumulated in the Great Lakes for a substantial period of time, as determined by the Program Office;

''(ii) not later than 4 years after the date of enactment of this clause—

''(I) establish a Federal network for the regular monitoring of, and collection of data throughout, the Great Lakes basin with respect to the indicators described in clause (i); and

''(II) collect an initial set of benchmark data from the network; and

''(iii) not later than 2 years after the date of collection of the data described in clause (ii)(II), and biennially thereafter, in addition to the report required under paragraph (10), submit to Congress, and make available to the public, a report that—

''(I) describes the water quality and related environmental factors of the Great Lakes (including any changes in those factors), as determined through the regular monitoring of indicators under clause (ii)(I) for the period covered by the report; and

''(II) identifies any emerging problems in the water quality or related environmental factors of the Great Lakes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section (other than subsection (c)(1)(B)) $25,000,000 for each of fiscal years 2006 through 2010.

''(2) GREAT LAKES WATER QUALITY INDICATORS AND MONITORING.—There are authorized to be appropriated to carry out subsection (c)(1)(B)—

''(A) $4,000,000 for fiscal year 2006;

''(B) $6,000,000 for fiscal year 2007;

''(C) $8,000,000 for fiscal year 2008; and

''(D) $10,000,000 for fiscal year 2009.''.

By Mrs. FEINSTEIN (for herself, Mr. LEVIN, Mr. WYDEN, Mr. HARKIN, and Ms. CANTWELL):

S. 509. A bill to improve the operation of energy markets; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, in light of the most recent evidence uncovered about Enron's participation in the Western Energy Crisis, I rise today to introduce the Energy Market Oversight Bill with Senators LEVIN, HARKIN, CANTWELL and WYDEN.

This bill would: Improve Price Transparency in Wholesale Electricity Markets. The bill directs the Federal Energy Regulatory Commission to establish an electronic system to provide information about the price and availability of wholesale electricity to buyers, and sellers, and the public.

Prohibit Round Trip Electricity Trades. The bill prohibits the simultaneous buying and selling of the same quantity of electricity at the same price in the same location with no financial gain or loss. Round trip or ''wash trades'' are essentially bogus trades whereby no electricity changes hands, but the profit from the trades enriches the bottom-line of a company's financial report.

Increase Penalties for Violations of Federal Power Act. Maximum fines for violations of the Federal Power Act are increased from $5,000 to $1,000,000.; and maximum sentences are increased from 2 to 5 years. Current fines are extraordinarily low and therefore provide no deterrence to illegal activity.

Increase Penalties for Violations of Natural Gas Act. The bill increases maximum fines for violations of the Natural Gas Act from $5,000 to $1,000,000.

Prohibit Manipulation in Electricity Markets. Manipulation is prohibited in the wholesale electricity markets and FERC is given discretionary authority to revoke market-based rates for violations. Strangely enough, manipulation of energy markets is not specifically prohibited. This would add language to Part II of the Federal Power Act.

Repeal the ''Enron exemption''. Repeals the Commodities Future Modernization Act exemption for large traders in energy commodities and applies the anti-manipulation and anti-fraud provisions of the Commodities Exchange Act to all Over the Counter trades in energy commodities and derivatives. In my view, when Congress exempted energy from the Commodity Futures Modernization Act of 2000, it created the playing field for the Western Energy Crisis of 2000 and 2001, and cost millions of people millions of dollars.

Provide CFTC the Tools to Monitor OTC Energy Markets. For Over the Counter trades in energy commodities and derivatives that perform a significant price discovery function, including trades on electronic trading facilities, the bill requires large sophisticated traders to keep records and report large trades to the CFTC. This does not change the law, only applies the law that exists for futures contracts to over the counter trades in the energy markets.

Limit on Use of Data. Requires the Commodity Futures Trading Commission to seek information that is necessary for the limited purposes of detecting and preventing manipulation in the futures and over the counter markets for energy; to keep proprietary trade and business data confidential except when used for law enforcement purposes. This does not require the real-time publication of proprietary data.

No Effect on Non-Energy Commodities or Derivatives. The bill would not alter or affect the regulation of futures markets, financial derivatives, or metals. We have specifically stated on page 20 the following: ''The amendments made by this title have no effect on the regulation of excluded commodities under the Commodity Exchange Act.''

In addition, the bill states: ''The amendments made by this title have no effect on the regulation of metals under the Commodity Exchange Act.''

The Western Energy Crisis of 2000–2001 has still not been resolved. Meanwhile, more and more information about Enron's role in the crisis emerges. On February 3, 2005, the Snohomish Public Utility District released transcripts of tapes showing that on January 17, 2001, Enron traders concocted false repairs for a Las Vegas power plant—making power unavailable that would have been delivered to California—on the very same day that supplies were so tight that Northern California experienced a Stage 3 power emergency and rolling blackouts hit as many as 2 million consumers.

By taking the plant offline, Enron was also in direct violation of an Emergency Power Order by U.S. Energy Secretary Bill Richardson that required power generators to make power available to California.

Telephone transcripts between Enron and the Las Vegas plant confirming the effort to falsify repairs read as follows:

BILL: Rich: Ah, we want you guys to get a little creative.

RICH: OK.

BILL: And come up with a reason to go down.

RICH: OK.

BILL: Anything you want to do over there? Any——

RICH: Ah——

BILL: Cleaning, anything like that?

RICH: Yeah, Yeah. There's some stuff we could be doing.

Enron knew exactly what it was doing when it manipulated the Western Energy markets. Enron traders tested gaming techniques in the California market as early as May 1998, creating imbalances in the California market as a result of loopholes it discovered in the system.

The schemes the company used in 2000–2001 had already been rehearsed in

Canada. ''Project Stanley'' was one such technique—Enron traders inflated energy prices in Alberta, Canada by colluding with other energy marketers.

Enron advocated for ''de-regulation'' of California's energy markets while drafting language that was full of loopholes it could exploit. Similarly, the company was the main force behind a provision that exempted it from federal oversight. This exemption, known as the ''Enron loophole,'' was created in 2000 when Congress passed the Commodity Futures Modernization Act.

The loophole exempted energy trading from regulatory oversight and excluded it completely if the trade was done electronically.

We must close this loophole in order to prohibit fraud and price manipulation in all over-the-counter energy commodity transactions, and provide the Commodity Futures Trading Commission the authority it needs to investigate and prosecute allegations of fraud and manipulation.

We need to give the CFTC this authority because we learned during the Western Energy Crisis that there was pervasive manipulation and fraud in energy markets, and that FERC and the CFTC were unable or unwilling to use the authority they had to intervene.

We need to give the CFTC this authority because we need regulators to protect consumers and make sure they're not taken advantage of.

We need to give the CFTC this authority because when there are inadequate regulations, consumers are ripped off.

The Western Energy Crisis cost California about $40 billion. California has been asking for $9 billion in refunds. However, given the fact that Enron is in bankruptcy, it would be a miracle if the State receives even half of that amount.

Yet there is nothing preventing another energy crisis from happening again, in my State or elsewhere.

Therefore, we need Federal oversight of our energy markets.

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. 509

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Markets Improvement Act of 2005''.

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

Sec. 1. Short title; table of contents.
TITLE I—TRANSPARENCY IN WHOLESALE ELECTRICITY MARKETS
Sec. 101. Market transparency.
Sec. 102. Round trip trading.
Sec. 103. Enforcement.
Sec. 104. Refund effective date.
Sec. 105. Discovery and evidentiary hearings under the Federal Power Act.
TITLE II—MARKET MANIPULATION
Sec. 201. Prohibition of market manipulation.
TITLE III—ENERGY MARKET OVERSIGHT
Sec. 301. Over-the-counter transactions in energy commodities.
Sec. 302. Electronic trading facilities for energy commodities.
Sec. 303. No effect on other authority.
Sec. 304. Prohibition of fraudulent transactions.
Sec. 305. Criminal and civil penalties.
Sec. 306. Conforming amendments.

TITLE I—TRANSPARENCY IN WHOLESALE ELECTRICITY MARKETS

SEC. 101. MARKET TRANSPARENCY.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

''SEC. 215. MARKET TRANSPARENCY.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate regulations establishing an electronic information system to provide the Commission and the public with access to such information as is appropriate to facilitate price transparency and participation in markets subject to the jurisdiction of the Commission.

''(b) INFORMATION TO BE MADE AVAILABLE.—

''(1) IN GENERAL.—The system under subsection (a) shall provide information about the availability and market price of wholesale electric energy and transmission services to the Commission, State commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public.

''(2) PROTECTION OF CONSUMERS AND COMPETITIVE MARKETS.—In determining the information to be made available under the system and the time at which to make such information available, the Commission shall seek to ensure that consumers and competitive markets are protected from false or misleading information and from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

''(c) AUTHORITY TO OBTAIN INFORMATION.—The Commission shall have authority to obtain information described in subsections (a) and (b) from any electric utility or transmitting utility (including any entity described in section 201(f)).

''(d) EXEMPTION.—The Commission shall exempt from disclosure information that the Commission determines would, if disclosed—

''(1) be detrimental to the operation of an effective market; or

''(2) jeopardize system security.

''(e) APPLICABILITY.—The system under subsection (a) shall not apply to an entity described in section 212(k)(2)(B) with respect to transactions for the purchase or sale of wholesale electric energy and transmission services within the area described in section 212(k)(2)(A).''.

SEC. 102. ROUND TRIP TRADING.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by section 101) is amended by adding at the end the following:

''SEC. 216. ROUND TRIP TRADING.

''(a) PROHIBITION.—It shall be unlawful for any person or entity (including an entity described in section 201(f)) knowingly to enter into any contract or other arrangement to execute a round trip trade.

''(b) DEFINITION OF ROUND TRIP TRADE.—In this section, the term 'round trip trade' means a transaction (or combination of transactions) in which a person or entity, with the intent to affect reported revenues, trading volumes, or prices—

''(1) enters into a contract or other arrangement to purchase from, or sell to, any other person or entity electric energy at wholesale; and

''(2) simultaneously with entering into the contract or arrangement described in paragraph (1), arranges a financially offsetting trade with the other person or entity for the same electric energy at substantially the same location, price, quantity, and terms so that, collectively, the purchase and sale transactions in themselves result in a de minimis or no financial gain or loss.''.

SEC. 103. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended—

(1) in the first sentence—

(A) by inserting ''(including an electric utility)'' after ''Any person''; and

(B) by inserting '', transmitting utility,'' after ''licensee''; and

(2) in the second sentence, by inserting '', transmitting utility,'' after ''licensee''.

(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended in the first sentence by inserting ''(including a transmitting utility)'' after ''any person''.

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 825*l*) is amended in the first sentence by inserting ''(including an electric utility)'' after ''Any person''.

(d) CRIMINAL PENALTIES.—Section 316 of the Federal Power Act (16 U.S.C. 825*o*) is amended—

(1) in subsection (a)—

(A) by striking ''$5,000'' and inserting ''$1,000,000''; and

(B) by striking ''two years'' and inserting ''5 years'';

(2) in subsection (b), by striking ''$500'' and inserting ''$25,000''; and

(3) by striking subsection (c).

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended—

(1) in subsections (a) and (b), by striking ''section 211, 212, 213, or 214'' each place it appears and inserting ''part II''; and

(2) in subsection (b), by striking ''$10,000'' and inserting ''$1,000,000''.

(f) GENERAL PENALTIES.—Section 21 of the Natural Gas Act (15 U.S.C. 717t) is amended—

(1) in subsection (a), by striking ''$5,000'' and inserting ''$1,000,000'', and by striking ''two years'' and inserting ''5 years''; and

(2) in subsection (b), by striking ''$500'' and inserting ''$50,000''.

SEC. 104. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended—

(1) in the second sentence, by striking ''the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period'' and inserting ''the date of the filing of the complaint nor later than 5 months after the filing of the complaint'';

(2) in the third sentence—

(A) by striking ''60 days after the'' and inserting ''of''; and

(B) by striking ''expiration of such 60-day period'' and inserting ''publication date''; and

(3) by striking the fifth sentence and inserting the following: ''If no final decision is rendered by the conclusion of the 180-day period that begins on the date of institution of a proceeding under this section, the Commission shall state the reasons why the Commission has failed to do so and shall state its best estimate as to when the Commission reasonably expects to render a final decision.''.

SEC. 105. DISCOVERY AND EVIDENTIARY HEARINGS UNDER THE FEDERAL POWER ACT.

The Federal Power Act is amended—

(1) in section 206 (16 U.S.C. 824e), by adding at the end the following:

''(e) DISCOVERY AND EVIDENTIARY HEARINGS.—On receipt of a complaint by a State or a State Commission under subsection (a), the Commission shall provide—

''(1) an opportunity for the State or the State Commission to conduct reasonable discovery; and

''(2) on request of the State or the State Commission and a showing of a dispute as to material facts, an evidentiary hearing.''; and

(2) in section 306 (16 U.S.C. 825e)—

(A) by inserting ''(a) IN GENERAL.—'' before ''Any person''; and

(B) by adding at the end the following:

''(b) DISCOVERY AND EVIDENTIARY HEARINGS.—On receipt of a complaint by a State or State Commission under this section, the Commission shall provide—

''(1) an opportunity for the State or the State Commission to conduct reasonable discovery; and

''(2) on request of the State or the State Commission and a showing of dispute as to material facts, an evidentiary hearing.''.

TITLE II—MARKET MANIPULATION

SEC. 201. PROHIBITION OF MARKET MANIPULATION.

(a) IN GENERAL.—Part II of the Federal Power Act (as amended by section 102) is amended by adding at the end the following:

''SEC. 217. PROHIBITION OF MARKET MANIPULATION.

''(a) IN GENERAL.—It shall be unlawful for any person, directly or indirectly, to knowingly use or employ, in connection with the purchase or sale of electric energy or the purchase or sale of transmission services subject to the jurisdiction of the Commission, any manipulative or deceptive device or contrivance to affect the price, availability, or reliability of the electric energy or transmission services.

''(b) REGULATIONS.—The Commission may promulgate regulations as appropriate in the public interest or for the protection of electric ratepayers to enforce this section.''.

(b) ADDITIONAL REMEDY FOR MARKET MANIPULATION.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

''(e) REMEDY FOR MARKET MANIPULATION.—If the Commission finds that a public utility has knowingly employed any manipulative or deceptive device or contrivance in violation of this Act (including a regulation promulgated under this Act), the Commission may, in addition to any other remedy available under this Act, revoke the authority of the public utility to charge market-based rates.''.

TITLE III—ENERGY MARKET OVERSIGHT

SEC. 301. OVER-THE-COUNTER TRANSACTIONS IN ENERGY COMMODITIES.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended by adding at the end the following:

''(34) INCLUDED ENERGY TRANSACTION.—The term 'included energy transaction' means a contract, agreement, or transaction in an energy commodity that is—

''(A)(i) executed or traded on an electronic trading facility; and

''(ii) entered into on a principal-to-principal basis solely between persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; or

''(B)(i) executed or traded not on or through a trading facility; and

''(ii) entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction, regardless of the means of execution of the agreement, contract, or transaction.

''(35) ENERGY COMMODITY.—

''(A) IN GENERAL.—The term 'energy commodity' means a commodity (other than an excluded commodity, a metal, or an agricultural commodity) that is used as a source of energy.

''(B) INCLUSIONS.—The term 'energy commodity' includes—

''(i) coal;

''(ii) crude oil, gasoline, heating oil, and propane;

''(iii) electricity; and

''(iv) natural gas.

''(36) ELECTRONIC ENERGY TRADING FACILITY.—The term 'electronic energy trading facility' means an electronic trading facility on or through which included energy transactions are traded or executed.''.

(b) OFF-EXCHANGE TRANSACTIONS IN ENERGY COMMODITIES.—Section 2(g) of the Commodity Exchange Act (7 U.S.C. 2(g)) is amended—

(1) by inserting ''or an energy commodity'' after ''agricultural commodity'';

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by striking ''No provision'' and inserting the following:

''(1) IN GENERAL.—No provision''; and

(4) by adding at the end the following:

''(2) TRANSACTIONS IN ENERGY COMMODITIES.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C) and subsection (h)(7), nothing in this Act applies to an included energy transaction.

''(B) PROHIBITED CONDUCT.—

''(i) IN GENERAL.—An included energy transaction shall be subject to—

''(I) sections 5b, 12(e)(2)(B), and 22(a)(4); and

''(II) the prohibitions in sections 4b, 4c(a), 4c(b), 4o, 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2).

''(ii) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Notwithstanding any exemption by the Commission under section 4(c), an included energy transaction shall be subject to the sections specified in clause (i) of this subparagraph, subparagraph (C), and subsection (h)(7).

''(C) REPORTING AND RECORDKEEPING REQUIREMENTS.—

''(i) IN GENERAL.—An eligible contract participant that enters into or executes an included energy transaction that performs, or together with other such transactions performs, a significant price discovery function in the cash market for an energy commodity or in any other market for agreements, contracts, or transactions relating to an energy commodity, or an eligible commercial entity that enters into or executes an included energy transaction described in section 1a(34)(A) shall—

''(I) provide to the Commission on a timely basis the information required under clause (ii); and

''(II)(aa) consistent with section 4i, maintain books and records relating to each included energy transaction, for a period of at least 5 years after the date of the transaction, in such form as the Commission shall require; and

''(bb) keep the books and records open to inspection by any representative of the Commission or the Attorney General.

''(ii) REQUIRED INFORMATION.—

''(I) IN GENERAL.—The Commission shall require that such information regarding included energy transactions be provided to the Commission as the Commission considers necessary to assist in detecting and preventing price manipulation.

''(II) INFORMATION TO BE INCLUDED.—Such information shall include information regarding large trading positions obtained through 1 or more included energy transactions that involve—

''(aa) substantial quantities of the commodity in the cash market; or

''(bb) substantial positions, investments, or trades in agreements or contracts related to energy commodities.

''(III) MANNER OF COMPLIANCE.—The Commission shall specify when and how such information shall be provided and maintained by eligible contract participants and eligible commercial entities.

''(IV) PRICE DISCOVERY TRANSACTIONS.—

''(aa) IN GENERAL.—In specifying the information to be provided under this paragraph, the Commission shall identify the transactions or class of transactions that the Commission considers to perform a significant price discovery function.

''(bb) CONSIDERATIONS.—In determining which included energy transactions perform a significant price discovery function, the Commission shall consider the extent to which—

''(AA) standardized agreements are used to execute the transactions;

''(BB) the transactions involve standardized types or measures of a commodity;

''(CC) the prices of the transactions are reported to third parties, published, or disseminated;

''(DD) the prices of the transactions are referenced in other transactions; and

''(EE) other factors considered appropriate by the Commission.

''(V) PERSONS FILING.—

''(aa) IN GENERAL.—The Commission, in its discretion, may allow large trader position reports required to be provided by an eligible commercial entity to be provided by an electronic energy trading facility if the eligible commercial entity authorizes the facility to provide such information on its behalf.

''(bb) INFORMATION AND ENFORCEMENT.—Nothing in an authorization under item (aa) shall impair the ability of the Commission to obtain information from an eligible commercial entity or otherwise enforce this Act.

''(VI) REGULATIONS.—Not later than 180 days after the date of enactment of this paragraph, the Commission shall issue a notice of proposed rulemaking, and not later than 1 year after the date of enactment of this paragraph, the Commission shall promulgate final regulations, specifying the information to be provided and maintained under this subparagraph.''.

SEC. 302. ELECTRONIC TRADING FACILITIES FOR ENERGY COMMODITIES.

Section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) is amended—

(1) in paragraph (1), by inserting after ''an exempt commodity'' the following: ''other than an energy commodity'';

(2) in paragraph (3), by inserting after ''an exempt commodity'' the following: ''other than an energy commodity''; and

(3) by adding at the end the following:

''(7) ENERGY TRANSACTIONS.—

''(A) IN GENERAL.—To the extent that the Commission determines to be appropriate under subparagraph (C), an electronic energy trading facility shall—

''(i) be subject to the requirements of section 5a, to the extent provided in sections 5a(g) and 5d;

''(ii)(I) consistent with section 4i, maintain books and records relating to the business of the electronic energy trading facility, including books and records relating to each transaction in such form as the Commission may require; and

''(II) make the books and records required under this section available to representatives of the Commission and the Attorney General for inspection for a period of at least 5 years after the date of each included energy transaction;

''(iii) make available to the public information on trading volumes, settlement

prices, open interest (where applicable), and opening and closing ranges (or daily highs and lows, as appropriate) for included energy transactions; and

''(iv) provide the information to the Commission in such form and at such times as the Commission may require.

''(B) APPLICABILITY OF OTHER PROVISIONS.—

''(i) PARAGRAPH 5.—An electronic energy trading facility shall comply with paragraph (5).

''(ii) PARAGRAPH 6.—Paragraph (6) shall apply with respect to a subpoena issued to any foreign person that the Commission believes is conducting or has conducted transactions on or through an electronic energy trading facility.

''(C) REGULATIONS.—Not later than 180 days after the date of enactment of this paragraph, the Commission shall issue a notice of proposed rulemaking, and not later than 1 year after the date of enactment of this paragraph, the Commission shall promulgate final regulations, specifying the information to be provided, maintained, or made available to the public under subparagraphs (A) and (B).

''(8) NONDISCLOSURE OF PROPRIETARY INFORMATION.—In carrying out paragraph (7) and subsection (g)(2), the Commission shall not—

''(A) require the real-time publication of proprietary information;

''(B) prohibit the commercial sale or licensing of real-time proprietary information; or

''(C) publicly disclose information regarding market positions, business transactions, trade secrets, or names of customers, except as provided in section 8.''.

SEC. 303. NO EFFECT ON OTHER AUTHORITY.

(a) NO EFFECT ON FERC AUTHORITY.—Nothing contained in this title shall affect the jurisdiction of the Federal Energy Regulatory Commission with respect to the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.), the Natural Gas Act (15 U.S.C. 717 et seq.), or other law to obtain information or otherwise carry out the responsibilities of the Federal Energy Regulatory Commission.''.

(b) NO EFFECT ON EXCLUDED COMMODITIES.—The amendments made by this title have no effect on the regulation of excluded commodities under the Commodity Exchange Act (7 U.S.C. 1a et seq.).

(c) NO EFFECT ON METALS.—The amendments made by this title have no effect on the regulation of metals under the Commodity Exchange Act (7 U.S.C. 1a et seq.).

SEC. 304. PROHIBITION OF FRAUDULENT TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

''(a) PROHIBITIONS.—

''(1) IN GENERAL.—It shall be unlawful (A) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery or in interstate commerce, that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person, or (B) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of or with, any other person, other than on or subject to the rules of a designated contract market—

''(i) to cheat or defraud or attempt to cheat or defraud the other person;

''(ii) willfully to make or cause to be made to such other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

''(iii) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for (or, in the case of a contract described in subparagraph (B), with the other person); or

''(iv)(I) to bucket an order represented by the person as an order to be executed, for or on behalf of the other person, on an organized exchange; or

''(II) to—

''(aa) fill an order by offset against the order or orders of the other person; or

''(bb) willfully and knowingly and without the prior consent of the other person, to—

''(AA) become the buyer in respect to any selling order of the other person; or

''(BB) become the seller in respect to any buying order of the other person;

if the order is to be executed on or subject to the rules of a designated contract market.

''(2) LIMITATION.—This subsection does not obligate any person, in connection with a transaction in a contract of sale of a commodity for future delivery with another person, to disclose to any other person nonpublic information that may be material to the market price of the commodity or transaction, except as necessary to make any statement made to the other person in connection with the transaction not misleading in any material respect.''.

SEC. 305. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in paragraph (3) of the tenth sentence—

(1) by inserting ''(A)'' after ''assess such person''; and

(2) by inserting after ''each such violation'' the following: '', or (B) in any case of manipulation of, or attempt to manipulate, the price of any commodity, a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to such person for each such violation,''.

(b) MANIPULATIONS AND OTHER VIOLATIONS.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence—

(1) by striking ''paragraph (a) or (b) of section 9 of this Act'' and inserting ''subsection (a), (b), or (f) of section 9''; and

(2) by striking ''said paragraph 9(a) or 9(b)'' and inserting ''subsection (a), (b), or (f) of section 9''.

(c) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(1) in the first sentence, by inserting before the period at the end the following: '', or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than $1,000,000 for each such violation''; and

(2) in the second sentence, by inserting before the period at the end the following: '', except that if the failure or refusal to obey or comply with the order involved any offense under section 9(f), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)''.

(d) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a–1(d)) is amended by striking ''(d)'' and all that follows through the end of paragraph (1) and inserting the following:

''(d) CIVIL PENALTIES.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

''(1) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

''(2) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.''.

(e) VIOLATIONS GENERALLY.—Section 9(a) of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by striking ''(or $500,000 in the case of a person who is an individual)'';

(2) by striking ''five years'' and inserting ''10 years''; and

(3) in paragraph (2), by striking ''false or misleading or knowingly inaccurate reports'' and inserting ''knowingly false, misleading, or inaccurate reports''.

SEC. 306. CONFORMING AMENDMENTS.

(a) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (d)(1), by striking ''section 5b'' and inserting ''section 5a(g), 5b,'';

(2) in subsection (e)(1), by inserting ''(1)'' after ''(g)''; and

(3) in subsection (i)—

(A) in paragraph (1)—

(i) by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsections (g)(2) and (h)(7), no provision''; and

(ii) in subparagraph (A), by inserting ''(1)'' after ''2(g)''; and

(B) in paragraph (2), by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsections (g)(2) and (h)(7), no provision''.

(b) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting '', or pursuant to an exemption under section 4(c)'' after ''transaction execution facility''.

(c) Section 8a(9) of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended—

(1) by inserting ''or an electronic energy trading facility'' after ''direct the contract market'';

(2) by inserting after ''liquidation of any futures contract'' the following: ''or included energy transaction''; and

(3) by inserting ''or an electronic energy trading facility'' after ''given by a contract market''.

By Mr. WYDEN (for himself and Mr. TALENT):

S. 510. A bill to reduce and eliminate electronic waste through recycling; to the Committee on France.

Mr. WYDEN. Mr. President, the pace of technological innovation offers American consumers an eye-catching array of electronic gadgets. But for every new lap top or HDTV that goes home from the store with a consumer, an old computer or TV gets moved to the garage or shoved into the back of a closet. What to do with the growing amount of trash from the digital economy is a question that Senator TALENT and I believe must be addressed before our landfills are full and foreign countries close their ports to ships loaded down with old US computers. Today we are introducing bipartisan legislation to jumpstart a nationwide electronic waste recycling initiative.

When I was a member of the Commerce Committee, I helped write the

ground rules for the digital economy. My goal was to help create a climate that would spur the development of technology so it would become accessible and affordable to all Americans. This approach seems to be working. One measure of the success of the digital economy is the sheer number of computers and electronic gadgets that Americans own. Americans now spend more than $130 billion a year on electronics, from computers to HDTVs.

The boom in consumer spending on electronics and the growth in the digital economy are not without a downside. In one year alone, some 60 million computers and 20 million television sets become obsolete and more than 500 million computers will be discarded in the decade ending in 2007. These obsolete computers alone will result in over 6.3 billion pounds of plastic and 1.6 billion pounds of lead in our landfills or incinerators.

Electronic waste, or e-waste, is not even a blip on the radar screen of most policymakers. There have been a few news articles here and there, but so far they've been buried, well behind page one. I want to tackle the problem of e-waste in the same way we went about solving the Y–2K problem: putting policies in place to help all stakeholders deal with it before it overtakes us.

Some communities across the country have begun to talk about how to deal with the accumulation of electronic waste. A few States, like California and Maine, recently passed laws to get recycling programs going. Several other States, including my own State of Oregon, will likely consider legislation this year. Among the options, some States favor an upfront fee, tacked onto the price of electronics, intended to help pay for the cost of recycling, others are looking at end-of-life fees. No one yet has looked at the approach Senator TALENT and I are proposing.

My own sense is that slapping a fee on consumers for the purchase of a new computer or television is not necessarily the best way to encourage them to drag those old 80-pound computers and TVs out of the basement and get them to a recycling facility. Someone who needs a new one may just pay the fee but leave their old computers and TVs at home. End-of-life fees mean that today's manufacturers and retailers end up paying for e-trash left over from manufacturers that have gone out of business or from off-shore companies.

The bipartisan legislation Senator TALENT and I are introducing today, The Electronic Waste Recycling Promotion and Consumer Protection Act, takes a novel approach to the problem.

First, to get consumers motivated to move their old computers or televisions out of the garage and to a recycling facility, the bill would give them a one-time tax credit based on showing they gave their old computers or televisions to a qualified recycler.

Second, to build up the recycling infrastructure nationwide, the legislation would give manufacturers, retailers and qualified recyclers tax credits over a 3-year period, based on showing that they had recycled a certain amount of e-waste each year and done it in a way that is safe and environmentally sound.

Third, the bill would give the Environmental Protection Agency a year to come up with options for a nationwide e-waste recycling program that would, if approved by Congress, preempt State plans. Manufacturers, retailers and recyclers are going to find it increasingly difficult to deal with a crazy quilt of 50 different State e-waste recycling laws.

These are the incentives, but incentives without teeth won't work. So at the end of 3 years of tax credits, if EPA determines that there are enough recyclers in place, no one who operates a municipal solid waste facility could knowingly accept any computer, computer monitor or television unless the e-waste is to be recycled.

The bill would also ask EPA to consider the benefits of requiring manufacturers who sell computers and TVs to take them back for recycling. And, to make sure we're keeping our own house in order, the legislation would require the federal government to properly recycle its computers.

The goal here is to provide incentives to build a nationwide e-waste recycling infrastructure. EPA estimates that electronic waste already constitutes 40 percent of the lead and 70 percent of the heavy metals found in landfills today. If this waste is not handled properly, there is a real risk that toxins from the lead, mercury and cadmium will leach into the air, soil and water. The health effects of these toxins are well known and include an increased risk of cancer as well as harm to kidneys, the brain and the nervous system.

As one who has worked so hard to foster the digital economy, I believe there is also a duty to assure that e-waste is handled responsibly. Consumers need to know that potentially harmful e-waste is being handled properly and I can't find a reason to add millions of tons of new toxic waste to our environment.

I also believe that the United States, as the leading innovator and consumer of electronic products in the world, has a duty to deal with e-waste responsibly. Sending shiploads full of e-junk that contains harmful lead, mercury and cadmium to poor countries overseas is not my idea of responsible.

Senator TALENT and I have worked with a group of folks that normally don't see eye to eye on such issues. Through many hours of negotiation they have helped us produce a bill that represents a solid first step toward solving this problem. I am pleased that we have support for the approach taken in our legislation from environmental groups and industry groups, ranging from manufacturers like HP and Intel to retailers and solid waste recyclers, like Waste Management. We are committed to continuing to work with them to move the legislation through Congress.

In closing, electronic waste is not going away. It's time to put bipartisan policies in place that will jumpstart the creation of a nationwide e-waste recycling infrastructure so that consumers have access to recycling facilities and get in the habit of recycling these items. I've talked to manufacturers, retailers, recyclers, environmental and consumer groups and they tell me that this issue must be addressed now by a national rather than state-by-state approach. This bill is a commonsense, first step that will help us get a handle on the growing problem of electronic waste.

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. 510

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 ''Electronic Waste Recycling Promotion and Consumer Protection Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the National Safety Council estimates that—

(A) in 2003, over 60,000,000 personal computers became obsolete and between 1997 and 2007 more than 500,000,000 computers will need to be discarded; and

(B) at an average weight of 70 pounds, this will result in over 6,300,000,000 pounds of plastic and 1,600,000,000 pounds of lead added to the supply of waste needing to be managed;

(2) according to the Environmental Protection Agency—

(A) a computer monitor or television set generally contains 4 to 8 pounds of lead;

(B) mercury, cadmium, and other heavy metals are generally used in such equipment as well; and

(C) households and businesses in the United States often do not discard older computers and televisions when buying newer versions of the same products;

(3) according to experts, the average household may have between 2 and 3 older computers and televisions in storage, and approximately 20,000,000 to 24,000,000 computers and televisions are placed in storage each year;

(4) according to the Environmental Protection Agency, discarded computer, television, and other electronic equipment—

(A) when not discarded in large quantities, is currently managed in most States as municipal solid waste, just like ordinary trash; and

(B) constitute 40 percent of the lead and 70 percent of the heavy metals that are found in landfills and, if not handled properly, can be released into the environment, contaminating air and groundwater and posing a significant threat to human health, including potential damage to kidney, brain, and nervous system function, and cancer in cases of excessive exposure;

(5) materials used in computers, televisions, and similar electronic products can be recovered through recycling, which conserves resources and minimizes the potentially harmful human and environmental health effects of those materials; and

(6) establishing a nationwide infrastructure for electronic waste recycling will—

(A) facilitate access of people in the United States to recycling services; and

(B) improve the efficiency and use of electronic waste recycling.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CATHODE RAY TUBE.—The term ''cathode ray tube'' means a vacuum tube used to convert an electronic signal into a visual image, for use in a computer monitor, television, or other piece of electronic equipment.

(3) COMPUTER.—

(A) IN GENERAL.—The term ''computer'' means an electronic, magnetic, optical, electrochemical, or other high speed data processing device that performs logical, arithmetic, or storage functions.

(B) EXCLUSIONS.—The term ''computer'' does not include an automated typewriter or typesetter, video game console, portable hand held calculator, personal digital assistant, cellular telephone, or other similar device.

(4) CONSUMER.—The term ''consumer'' means—

(A) an occupant of a single, detached dwelling unit or a single unit of a multiple dwelling unit who—

(i) has used a computer monitor, a television, or another piece of electronic equipment that contains a display screen or a system unit; and

(ii) used the equipment described in subparagraph (A) at the dwelling unit of the occupant; and

(B) a commercial, educational, or other entity that discarded for recycling not more than 20 display screens or system units per year during the previous 5 years.

(5) DISPLAY SCREEN—

(A) IN GENERAL.—The term ''display screen'' means a cathode ray tube, flat panel screen, or other similar video display device with a screen size of greater than 4 inches, measured diagonally.

(B) EXCLUSION.—The term ''display screen'' does not include commercial or industrial equipment, or household appliances, that contain—

(i) a cathode ray tube;

(ii) a flat panel screen; or

(iii) another similar video device.

(6) HAZARDOUS WASTE.—The term ''hazardous waste'' has the meaning given the term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(7) RECYCLE—The term ''recycle'' means the performance of a process by 1 or more persons by which a display screen or a system unit is—

(A) sorted;

(B) if necessary, transported;

(C) to the maximum extent practicable, separated to recover any component or commodity inside the display screen or system unit that can be reduced to raw materials or products; and

(D) treated such that any remaining material is disposed of properly and in an environmentally sound manner consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(8) SYSTEM UNIT.—The term ''system unit'' means—

(A) the casing or portion of a computer that contains the central processing unit, which performs the primary quantity of data processing; and

(B) the unit that, together with the memory, forms the central part of the computer, to which peripheral devices may be attached.

(9) UNIVERSAL WASTE.—The term ''universal waste'' has the meaning given the term in the Environmental Protection Agency Standards of Universal Waste Management established under section 273 of title 40, Code of Federal Regulations (and successor regulations).

SEC. 4. CREDIT FOR RECYCLING ELECTRONIC WASTE.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 30B. CREDIT FOR RECYCLING ELECTRONIC WASTE.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $8 per unit of qualified electronic waste that is collected from consumers and recycled.

''(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any person which—

''(1) collects from consumers and recycles, or arranges for the recycling of, not less than 5,000 units of qualified electronic waste during that person's taxable year,

''(2) submits with the person's tax return documentation of the final destination of all units of electronic waste collected from consumers during the person's taxable year for the purpose of recycling, and

''(3) certifies that all reclamation and recycling carried out by the person was performed by an eligible recycler.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ELECTRONIC WASTE.—The term 'qualified electronic waste' means any display screen or any system unit.

''(2) CONSUMER, DISPLAY SCREEN; RECYCLE; SYSTEM UNIT.—The terms 'consumer', 'display screen', 'recycle', and 'system unit' have the meaning given the terms by section 3 of the Electronic Waste Recycling Promotion and Consumer Protection Act.

''(d) DISALLOWANCE OF CREDIT.—No credit shall be allowed under this section for recycling a unit of qualified electronic waste which is collected from a consumer in a State which has adopted and implemented a statewide program in accordance with State law which mandates or provides incentives for recycling electronic waste, including a mandatory per-unit, upfront charge to consumers for the purpose of recycling electronic waste.

''(e) FINAL REGULATIONS.—

''(1) IN GENERAL.—Not later than the date which is 180 days after the date of the enactment of this section, the Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall issue such final regulations as may be necessary and appropriate to carry out this section.

''(2) INCLUSION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the regulations issued under paragraph (1) shall include—

''(i) requirements for certifying recyclers as eligible to recycle qualified electronic waste,

''(ii) requirements to ensure that all recycling of qualified electronic waste is performed in a manner that is safe and environmentally sound, and

''(iii) a provision which allows a tax credit under this section to be shared by 2 or more eligible taxpayers, provided that the total tax credit for a unit of electronic waste under this section does not exceed $8.

''(B) LIMITATION.—The Secretary shall not certify a recycler as eligible under this subsection unless the recycler is—

''(i) a taxpayer, or

''(ii) a State or local government.

''(f) TERMINATION.—This section shall not apply with respect to any unit of qualified electronic waste which is recycled after the date which is 3 years after the date on which the final regulations issued pursuant to subparagraph (e) take effect.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 30B. Credit for recycling electronic waste.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to display screens and system units recycled after the date on which the final regulations issued pursuant to section 30B of subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (as added by this section) take effect.

SEC. 5. CONSUMER CREDIT FOR RECYCLING ELECTRONIC WASTE.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25B the following new section:

''SEC. 25C. CONSUMER CREDIT FOR RECYCLING ELECTRONIC WASTE.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible consumer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $15 for the recycling of 1 or more units of qualified electronic waste.

''(b) ELIGIBLE CONSUMER.—For purposes of this section, the term 'eligible consumer' means any individual—

''(1) with respect to whom a credit under this section has not been allowed in any preceding taxable year, and

''(2) who submits with the individual's tax return such information as the Secretary requires to document that each unit of qualified electronic waste was recycled by a recycler certified by the Secretary pursuant to subsection (d).

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ELECTRONIC WASTE.—The term 'qualified electronic waste' means any display screen or any system unit.

''(2) CONSUMER, DISPLAY SCREEN; RECYCLE; SYSTEM UNIT.—The terms 'consumer', 'display screen', 'recycle', and 'system unit' have the meaning given the terms by section 3 of the Electronic Waste Recycling Promotion and Consumer Protection Act.

''(d) FINAL REGULATIONS.—

''(1) IN GENERAL.—Not later than the date which is 180 days after the date of the enactment of this section, the Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall issue such final regulations as may be necessary and appropriate to carry out this section.

''(2) INCLUSION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the regulations issued under paragraph (1) shall include—

''(i) requirements for certifying recyclers as eligible to recycle qualified electronic waste, and

''(ii) requirements to ensure that all recycling of qualified electronic waste is performed in a manner that is safe and environmentally sound.

''(B) LIMITATION.—The Secretary shall not certify a recycler as eligible under this subsection unless the recycler is—

''(i) a taxpayer, or

''(ii) a State or local government.

''(e) TERMINATION.—This section shall not apply with respect to any unit of qualified electronic waste which is recycled after the date which is 3 years after the date on which

the final regulations issued pursuant to subsection (d) take effect.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting ''25B, and 25C''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Consumer credit for recycling electronic waste.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to display screens and system units recycled after the date on which the final regulations issued pursuant to section 30B of subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (as added by this section) take effect.

SEC. 6. PROHIBITIONS OF DISPOSAL WITHOUT RECYCLING.

(a) DISPLAY SCREEN AND SYSTEM UNIT DISPOSAL BAN.—

(1) IN GENERAL.—Effective beginning on the date that is 3 years after the date of enactment of this Act, if the Administrator determines that a majority of households in the United States have sufficient access to a recycling service for display screens and system units, it shall be unlawful for the operator of a landfill, incinerator, or any other facility for the transfer, disposal, or storage of municipal solid waste to knowingly receive from a consumer a display screen or system unit, except for the purpose of recycling or arranging for the recycling of the display screen or system unit by a recycler certified as an eligible recycler by the Administrator.

(2) PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop and issue guidelines covering waste handlers and waste transfer stations to assist in developing recycling procedures for display screens and system units.

(3) EXEMPTIONS.—As part of the guidelines issued pursuant to paragraph (2), the Administrator shall classify display screens and system units as universal waste and provide for the exemption of display screens and system units from the requirements of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) as necessary to facilitate the collection, storage, and transportation of display screens and system units for the purpose of recycling.

(b) ENFORCEMENT.—A violation of subsection (a) by any person or entity shall be subject to enforcement under applicable provisions of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 7. RECYCLING OF DISPLAY SCREENS AND SYSTEM UNITS PROCURED BY THE FEDERAL GOVERNMENT.

(a) DEFINITION OF EXECUTIVE AGENCY.—In this section, the term ''executive agency'' has the meaning given the term in section 11101 of title 40, United States Code.

(b) REQUIREMENT FOR RECYCLING.—The head of each executive agency shall ensure that each display screen and system unit procured by the Federal Government—

(1) is recovered upon the termination of the need of the Federal Government for the display screen or system unit; and

(2) is recycled by a recycler certified as an eligible recycler by the Administrator through—

(A) a program established after the date of enactment of this Act by the executive agency, either alone or in conjunction with 1 or more other executive agencies; or

(B) any other program for recycling or reusing display screens and system units.

SEC. 8. NATIONWIDE RECYCLING PROGRAM.

(a) STUDY.—

(1) IN GENERAL.—The Administrator, in consultation with appropriate executive agencies (as determined by the Administrator), shall conduct a study of the feasibility of establishing a nationwide recycling program for electronic waste that preempts any State recycling program.

(2) INCLUSIONS.—The study shall include an analysis of multiple programs, including programs involving—

(A) the collection of an advanced recycling fee;

(B) the collection of an end-of-life fee;

(C) producers of electronics assuming the responsibility and the cost of recycling electronic waste; and

(D) the extension of a tax credit for recycling electronic waste.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report describing—

(1) the results of the study conducted under subsection (a);

(2) 1 or more prospective nationwide recycling programs, including—

(A) a cost-benefit analysis of each program, including—

(i) the cost of the program to—

(I) consumers;

(II) manufacturers;

(III) retailers; and

(IV) recyclers; and

(ii) the estimated overhead and administrative expenses of carrying out and monitoring the program; and

(B) the quantity of display screens and system units projected to be recycled under the program;

(3)(A) the benefits of establishing a nationwide take-back provision that would require, as part of the program, all manufacturers of display screens or system units for sale in the United States to collect and recycle, or arrange for the recycling of, display screens and system units; and

(B) a projection of the quantity of display screens and system units that would be recycled annually under a nationwide take-back provision;

(4)(A) any emerging electronic waste streams, such as—

(i) cellular telephones; and

(ii) personal digital assistants; and

(B) a cost-benefit analysis of including an emerging electronic waste stream in a national recycling program; and

(5) the progress of the Administrator in carrying out section 6, including—

(A) information on enforcement of the prohibition; and

(B) any increase in recycling as a result of the prohibition.

By Mr. DEMINT (for himself, Mr. ALLEN, Mr. BROWNBACK, Mr. COBURN, Mr. ENSIGN, Mr. ENZI, Mr. INHOFE, Mr. SANTORUM, and Mr. VITTER):

S. 511. A bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU–486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEMINT. Mr. President, I rise today to reintroduce ''Holly's Law,'' a bill that would suspend FDA's approval of RU–486 and direct the GAO to conduct an independent review of the process used by the FDA to approve the drug.

Holly's Law is named in memory of Holly Patterson, an 18-year old woman who died after taking the drug in 2003. RU–486 has killed three women in the United States and many more have been hospitalized with a severe bacterial infection known as septic shock.

RU–486 was approved by the FDA in September of 2000. The FDA approved RU–486 under a special ''restricted distribution'' approval process known as ''Subpart H,'' reserved only for drugs that treat ''severe or life-threatening illnesses,'' like cancer and AIDS.

Subpart H allows an expedited approval of certain drugs by not subjecting them to the testing and review standards required of all other new drugs. These are important tests necessary to determine the safety and long-term effects of a drug. Clearly, the fact that these tests were not done on RU–486 was a damaging omission considering the death and illness associated with use of the drug.

Due to the serious threat RU–486 poses to women's health, we are asking that Congress suspend FDA's approval of RU–486 until the GAO can provide a report on whether RU–486 should have been deemed ''safe and effective'' by the FDA.

I am grateful to Senators ALLEN, BROWNBACK, COBURN, ENSIGN, ENZI, INHOFE, SANTORUM and VITTER who have joined me as original cosponsors of this bill. They understand that RU–486 is a dangerous drug that cannot remain on the market while more women die. I urge my colleagues to support Holly's Law to take RU–486 off the market before more women are harmed by it.

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. 511

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 ''RU–486 Suspension and Review Act of 2005''.

SEC. 2. FINDING.

Congress finds that the use of the drug mifepristone (marketed as Mifeprex, and commonly known as RU–486) in conjunction with the off-label use of misoprostol to chemically induce abortion has caused a significant number of deaths, near deaths, and adverse reactions.

SEC. 3. SUSPENSION OF APPROVAL OF DRUG COMMONLY KNOWN AS RU–486; REVIEW AND REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—Effective on the date that is 15 days after the date of the enactment of this Act:

(1) The approved application under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) for the drug mifepristone (marketed as Mifeprex, and

commonly known as RU–486) is deemed to have been withdrawn under section 505(e) of such Act (21 U.S.C. 355(e)).

(2) For purposes of sections 301(d) and 304 of such Act (21 U.S.C. 331(d) and 334), the introduction or delivery for introduction of such drug into interstate commerce shall be considered a violation of section 505 of such Act.

(3) The drug misoprostol shall be considered misbranded for purposes of sections 301 and 304 of such Act if the drug bears labeling providing that the drug may be used for the medical termination of intrauterine pregnancy or that the drug may be used in conjunction with another drug for the medical termination of intrauterine pregnancy.

(b) REVIEW AND REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall review the process by which the Food and Drug Administration approved mifepristone under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and shall determine whether such approval was provided in accordance with such section. The Secretary of Health and Human Services shall ensure that the Comptroller General has full access to all information possessed by the Department of Health and Human Services that relates to such process.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall complete the review under paragraph (1) and submit to Congress and the Secretary of Health and Human Services a report that provides the findings of the review.

(c) CONTINGENT REINSTATEMENT OF APPROVAL OF DRUG.—If the report under subsection (b) includes a determination by the Comptroller General of the United States that the approval by the Food and Drug Administration of mifepristone was provided in accordance with section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), the Secretary of Health and Human Services shall publish such statement in the Federal Register. Effective upon the expiration of 30 days after such publication, subsection (a) shall cease to have any legal effect.

By Mr. SANTORUM (for himself, Mr. ROCKEFELLER, and Mr. REED):

S. 512. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Finance.

Mr. SANTORUM. I rise today to introduce with Senator ROCKEFELLER the bipartisan Fire Sprinkler Incentive Act of 2005. Passage of this Act would serve greatly to help reduce the tremendous annual economic and human losses that fire in the United States inflicts on the national economy and quality of life.

In the United States, fire departments responded to approximately 1.7 million fires in 2002. Annually, over 500,000 of these are structural fires causing approximately 3,400 deaths, around 100 of which are firefighters. Fire also caused some 18.5 million civilian injuries and $10.3 billion in direct property loss. The indirect cost of fire in the United States annually exceeds $80 billion. These losses are staggering. All of this translates to the fact that fire departments respond to a fire every 18 seconds. Every 60 seconds a fire breaks out in a structure, and in a residential structure every 80 seconds.

There are literally thousands of high-rise buildings built under older codes that lack adequate fire protection. Billions of dollars were spent to make these and other buildings handicapped accessible, but people with disabilities now occupying these buildings are not adequately protected from fire. At recent code hearings, representatives of the health care industry testified that there are approximately 4,200 nursing homes that need to be retrofitted with fire sprinklers. They further testified that the billion dollar cost of protecting these buildings with fire sprinklers would have to be raised through corresponding increases in Medicare and Medicaid. In addition to the alarming number of nursing homes lacking fire sprinkler protection, there are literally thousands of assisted living facilities housing older Americans and people with disabilities that lack fire sprinkler protection.

The solution resides in automatic sprinkler systems that are usually triggered within 4 minutes of ignition when the temperature rises above 120 degrees. The National Fire Protection Association (NFPA) has no record of a fire killing more than two people in a public assembly, educational, institutional, or residential building that has fully operational sprinklers. Furthermore, sprinklers are responsible for dramatically reducing property loss, from as low as 42 percent to as high as 70 percent depending on the structure.

Building owners do not argue with fire authorities over the logic of protecting their building with fire sprinklers. The issue is cost. This bill would drastically reduce the staggering annual economic toll of fire in America and thereby dramatically improve the quality of live for everyone involved. This legislation provides a tax incentive for businesses to install sprinklers through the use of a 5-year depreciation period, opposed to the current 27.5 or 39-year period for installations in residential rental and non-residential real property respectively. While only a start, the bill will help eliminate the massive losses seen in nursing homes, nightclubs, office buildings, apartment buildings, manufacturing facilities, and other for-profit entities.

This bill enjoys support from a variety of organizations. They include: the American Insurance Association, the American Fire Sprinkler Association, the California Department of Forestry and Fire Protection, Campus Firewatch, Congressional Fire Services Institute, Independent Insurance Agents & Brokers of America, International Association of Arson Investigators, International Association of Fire Chiefs, International Fire Service Training Association, National Fire Protection Association, National Fire Sprinkler Association, National Volunteer Fire Council, the Society of Fire Protection Engineers, and the Mechanical Contractors Asociation of America.

The Fire Sprinkler Incentive Act of 2005 provides long-needed safety incentives for building owners that will help fire departments across the country save lives. I ask my colleagues for their support of this important piece of legislation.

By Mr. GREGG (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. HARKIN, Mr. BINGAMAN, Mr. REED, Mrs. MURRAY, Mrs. LINCOLN, Mr. KERRY, and Mr. DURBIN):

S. 513. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I am pleased to be joined by Senators KENNEDY, MIKULSKI, HARKIN, BINGAMAN, REED, MURRAY, LINCOLN, KERRY and DURBIN in introducing the Public Safety Employer-Employee Cooperation Act of 2005. This legislation would extend to firefighters and police officers the right to discuss workplace issues with their employers.

With the enactment of the Congressional Accountability Act, State and local government employees remain the only sizable segment of workers left in America who do not have the basic right to enter into collective bargaining agreements with their employers. While most States do provide some collective bargaining rights for their public employees, others do not.

Studies have shown that communities which promote such cooperation enjoy much more effective and efficient delivery of emergency services. Such cooperation, however, is not possible in the States that do not provide public safety employees with the fundamental right to bargain with their employers.

The legislation I am introducing today is balanced in its recognition of the unique situation and obligation of public safety officers. The bill requires States, within 2 years, to guarantee the right of public safety officers to form and voluntarily join a union to bargain collectively over hours, wages and conditions of employment. The bill protects the right of public safety officers to form, join, or assist any labor organization or to refrain from any such activity, freely and without fear of penalty or reprisal. In addition, the legislation prohibits the use of strikes, lockouts, sickouts, work slowdowns or any other action that is designed to compel an employer, officer or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of services.

Under this legislation, States would continue to be able to enforce right-to-work laws which prohibit employers and labor organizations from negotiating labor agreements that require union membership or payment of union fees as a condition of employment. The legislation also preserves the right of

management to not bargain over issues traditionally reserved for management-level decisions. All States with a State bargaining law for public safety officers that grants rights equal to or greater than the rights provided under this bill would be exempt. The bill also gives States the option to exempt from coverage subdivisions with populations of less than 5,000 or fewer than 25 full time employees.

Labor-management partnerships, which are built upon bargaining relationships, result in improved public safety. Employer-employee cooperation contains the promise of saving the taxpayer money by enabling workers to offer input as to the most efficient way to provide services. In fact, studies have shown that States that give firefighters the right to discuss workplace issues actually have lower fire department budgets than States without those laws.

The Public Safety Employer-Employee Cooperation Act of 2005 will put firefighters and law enforcement officers on equal footing with other employees and provide them with the fundamental right to negotiate with employers over such basic issues as hours, wages, and workplace conditions.

I urge its adoption and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 513

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 ''Public Safety Employer-Employee Cooperation Act of 2005''.

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(3) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, political subdivision of a State, the District of Columbia, or any territory or possession of the United States that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(5)).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(9) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact finding.

(10) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Director shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any State, political subdivision of a State, or person aggrieved by a determination of the Authority under this section may, during the 60 day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed, except that any final determination of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Requiring an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not

substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for public safety employers and officers in States which the Authority has determined, acting pursuant to its authority under section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code, except that any final order of the Authority with respect to questions of fact or law shall be found to be conclusive unless the court determines that the Authority's decision was arbitrary and capricious.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

A public safety employer, officer, or labor organization may not engage in a lockout, sickout, work slowdown, or strike or engage in any other action that is designed to compel an employer, officer, or labor organization to agree to the terms of a proposed contract and that will measurably disrupt the delivery of emergency services, except that it shall not be a violation of this section for an employer, officer, or labor organization to refuse to provide services not required by the terms and conditions of an existing contract.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to invalidate or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act;

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to invalidate any State law in effect on the date of enactment of this Act that substantially provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on his or her own behalf with respect to his or her employment relations with the public safety agency involved; or

(4) to permit parties subject to the National Labor Relations Act (29 U.S.C. 151 et seq.) and the regulations under such Act to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours; or

(5) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full time employees.

For purposes of paragraph (5), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—No State shall preempt laws or ordinances of any of its political subdivisions if such laws provide collective bargaining rights for public safety officers that are equal to or greater than the rights provided under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

By Mr. BYRD:

S. 514. A bill to complete construction of the 13-State Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

Mr. BYRD. Mr. President, today I am, again, introducing legislation designed to fulfill an important promise made by the Federal Government to the people of my State and my region some 40 years ago. That promise, building and completing a network of highways through the Appalachian region is known today as the Appalachian Development Highway System or ADHS. I look forward to working with my fellow Senators to have my legislation included in the reauthorization of the Federal-aid Highway Program, a program at the core of Federal infrastructure investment.

Over the course of the 108th Congress, we failed to reauthorize this program. That legislation should have been enacted into law prior to beginning fiscal year 2004. We are now more than one third of the way through fiscal year 2005 and the 109th Congress must initiate new bills to get the job done. I know I speak for many Senators in stressing the need to complete this job during this session of Congress. We must authorize a bill that addresses our deteriorating highways and bridges, and is not squeezed by the artificial funding ceiling that the administration wants.

The administration's own Conditions and Performance Report again reminds us that a great deal more investment in our infrastructure is essential to prevent the further deterioration of our nation's highways and bridges.

At a September 30, 2002 hearing of the Senate Environment and Public Works Committee, Administrator Mary Peters testified that, despite the historic funding increase accomplished through TEA–21, congestion on our roads continues to worsen. Funding for highway infrastructure by all levels of government will have to increase by more than 65 percent or $42.2 billion per year to actually improve the condition of our Nation's highways. A funding increase of more than 17 percent or $11.3 billion is necessary to simply maintain the current poor condition of our highway network, where more than one in four of our Nation's bridges are classified as deficient.

At the end of 2002, I worked doggedly to ensure that the Senate prevailed in the conference with the House on the omnibus appropriations bill for fiscal year 2003 and rejected every penny of the $8.6 billion cut in highway funding proposed by President Bush. In 2003, I was pleased to join with Senators BOND and REID, the respective chairman and ranking member of the Surface Transportation Subcommittee in sponsoring a bipartisan amendment to the budget resolution for fiscal year 2004 boosting funding for our Federal-aid Highway Program by several billion dollars. That amendment commanded 79 votes on the Senate floor.

Mr. President, I am one of only two members still serving in the Congress that had the privilege of casting a vote in favor of establishing the Interstate Highway System. I did so as a Member of the other body back in 1956. Of equal if not greater importance to the transportation needs of my region, however,

were the findings of the first Appalachian Regional Commission in 1964, that while the Interstate Highway System was slated to provide historic economic benefits to most of our Nation, the system would bypass the Appalachian region because of the extremely high costs of building highways through Appalachia's rugged topography.

In 1965, the Congress adopted the Appalachian Regional Development Act that promised a network of modern highways to connect the Appalachian region to the rest of the Nation's highway network and, even more importantly, the rest of the Nation's economy. Absent the Appalachian Development Highway System, my region of the country would have been left with a transportation network of dangerous, narrow, winding roads following the path of river valleys and stream beds between mountains.

One of the observations contained in Administrator Peters' testimony back in September of 2002 that especially caught my eye was her statement that ''the condition of higher-order roads, such as interstates, has improved considerably since 1993 while the condition on many lower-order roads has deteriorated.'' The pattern of road conditions mirrors the distribution of wealth in our country. The rich are getting richer while the poor get poorer. That observation becomes especially pertinent when one contemplates the challenge of completing the Appalachian Development Highway System.

We have virtually completed the construction of the Interstate Highway System and have moved on to other important transportation goals. However, the people of my region still wait for the Federal Government to make good on its 40-year-old promise to complete the ADHS. The system is still less than 80 percent complete. My home State of West Virginia is below the average for the entire Appalachian region with only 72 percent of its mileage complete and open to traffic.

Unfortunately, there are still children in Appalachia who lack decent transportation routes to school; and there are still pregnant mothers, elderly citizens and others who lack road access to area hospitals. There are thousands upon thousands of people who cannot obtain sustainable well-paying jobs because of poor roads. The entire status of the Appalachian Development Highway System is laid out in great detail in the Cost to Complete Report for 2002 completed by the Appalachian Regional Commission. This is the most comprehensive report on the status of the Appalachian Development Highway System to date, and I commend the staff of the Appalachian Regional Commission for their hard work on this report. The last report was completed in 1997 just prior to Congressional consideration of TEA–21.

The enactment of TEA–21 signaled a new day in the advancement of the Appalachian Development Highway System. Through the work of the Committee on Environment and Public Works, the House Transportation and Infrastructure Committee, and the administration, we took a great leap forward by authorizing direct contract authority from the Highway Trust Fund to the States for the construction of the ADHS. Up until that point, funding for the Appalachian Development Highway System was limited to uncertain general fund appropriations. By providing the States of the Appalachian region with a predictable source of funds to complete ADHS segments, TEA-21 reinvigorated efforts to keep the promise made to the people of the Appalachian region.

This initiative has been a great success. States are making progress toward the completion of the system. Since the last Cost to Complete Report, 183 miles of the system have been opened to traffic and, the cost to complete the system has been reduced by roughly $1.7 billion in Federal funds.

I am pleased to report that the 13 States, to date, have succeeded in obligating just under 90 percent of the obligation authority that has been granted to them for the completion of the system. A 90-percent obligation rate compares quite favorably to some of the other transportation programs through which the States were granted multiple years to obligate their funds.

According to the ARC's Cost to Complete Report, the remaining Federal funds needed to complete the ADHS as the system was defined at the time that report was completed are now estimated to be $4.467 billion. When adjusted for inflation over the life of the next highway bill, using the standard inflation calculation for highway projects, a total of $5.04 billion will need to be authorized to complete the system. That is a lot of money and I believe that figure deserves some explanation.

The considerable cost of completing the last 20 percent of the ADHS is explained by the fact that the easiest segments of the system to build have already been built. Much of the costs associated with completing the most difficult unfinished segments are driven by the requirement to comply with other Federal laws, especially the laws requiring environmental mitigation measures when building new highways through rural areas. While the $5.04 billion figure may seem large to some of my colleagues, I would remind them that the last highway bill authorized more than $218 billion in Federal infrastructure investment over 6 years. It is my sincere hope and expectation that the next highway bill will authorize an even greater amount.

Of critical importance to this debate is the fact that the unfinished segments of the ADHS represent some of most dangerous and most deficient roadways in our entire Nation. Often lost in our debate over the necessity to invest in our highways is the issue of safety. The Federal Highway Administration has published reports indicating that substandard road conditions are a factor in 30 percent of all fatal highway accidents. I am quite certain that the percentage is a great deal higher in the Applachian region.

The Federal Highway Administration found that upgrading two-lane roads to four-lane divided highways decreased fatal car accidents by 71 percent and that the widening of traffic lanes has served to reduce fatalities by 21 percent. These are precisely the kind of road improvements that are funded through the ADHS. In my state, the largest segment of unfinished Appalachian Highway, if completed, will replace the second most dangerous segment of roadway in West Virginia. So, even those who would question the wisdom of completing these highways in the name of economic development should take a hard look at the fact that the people of rural Appalachia are taking their lives in their hands every day as they drive on dangerous roads. It is time for this Congress, in concert with the administration, to take the last great leap forward and authorize sufficient contract authority to finally complete the Appalachian Development Highway System. If we enact another six-year highway bill with sufficient funds to complete the system, we will finally pay the full costs of the ADHS some 45 years after the system was first promised to the people of my region. The legislation I am introducing today, the ''Appalachian Development Highway System Completion Act,'' will provide sufficient contract authority to complete the system. Importantly, it will guarantee that the states of the Appalachian Region do not pay a penalty, either through the distribution of minimum allocation funds, or the distribution of obligation limitation, for receiving sufficient funds to complete the Appalachian system.

I am very pleased that this administration has taken on the goal of completing the ADHS. In her letter accompanying the Cost to Complete Report, Administrator Peters said ''the completion of the ADHS is an important part of the mission of the Federal Highway Administration. We consider the accessibility, mobility and economic stimulation provided by the ADHS to be entirely consistent with the goals of our agency.'' Ms. Peters further stated that the Appalachian Regional Commission's 2002 Cost to Complete Report, ''provides a sound basis for apportioning future funding to complete the system.'' I thank Mary Peters and the entire Federal Highway Administration for their leadership on this issue and I look forward to working with Ms. Peters and her agency to ensure that this commitment is borne out in the transportation reauthorization legislation that is developed by the Congress.

Completion of a new highway bill will be an enormous task for this Congress—one that is now more than 2

years overdue. As I look back over the many years of my public career, one of the accomplishments of which I am most proud was my amendment providing an additional $8 billion in funding to break the logjam during the debate on the Intermodal Surface Transportation Efficiency Act in 1991. Another was my sponsorship of the Byrd-Gramm-Baucus-Warner Amendment during the Senate debate of TEA–21 in 1998. That effort resulted in some $26 billion in funding being added to that bill and put us on a path to historic funding increases for our nation's highway infrastructure. I look forward again to working with my fellow Senators on completion of a bill that makes the necessary investments in our nation's highways, not just in the Appalachian region but across our entire country.

By Mr. BYRD:

S. 515. A bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes; to the Committee on Armed Services.

Mr. BYRD. Mr. President, in recent years, the public profile of the National Guard has changed considerably. Known mainly for the contributions of citizen-soldiers to their States and communities, today the men and women of the National Guard are serving on the front lines in Iraq and Afghanistan, enduring hardships in two of the world's most dangerous places.

In spite of the long deployments, far away from the small towns and big cities that these citizen-soldiers call home, the National Guard continues its work for our States and the American people. Today, I introduce legislation to support a most successful program that has helped the National Guard change the lives of tens of thousands of young Americans.

In 1991, I provided the first funding to establish a pilot program known as the National Guard Civilian Youth Opportunities Program. Over the years, this program has expanded in size and scope and is now known as the National Guard Youth Challenge Program.

The Youth Challenge Program gives high school dropouts the skills they need to turn their lives around. The advantage of using the National Guard to provide a structured environment for these students has been confirmed in studies by the Defense Science Board in 2000, the White House Task Force on Disadvantaged Children in 2003, and the Department of Defense in 2004.

The program now operates 27 academies in 24 States, including West Virginia, Alaska, Hawaii, Georgia, Louisiana, Virginia, Michigan, Florida, Texas, North Carolina, and South Carolina. Over 5,000 cadets are now in training, and more than 58,000 have graduated from the program since 1993. Fully three-quarters of the Youth Challenge graduates have earned their high school diplomas in the program, but the program is at the mercy of shrinking state budgets.

In March 2004, the Department of Defense recommended an increase in Federal support for the program in order to prevent any more closures of Youth Challenge academies. The bill I introduce today would write that recommendation into law, phasing in the additional Federal support over 3 years.

My legislation also proposes to increase the authorization for the Youth Challenge program by $16.3 million, including $6.3 million for the proposed increase in the Federal share of the Youth Challenge Program's cost for Fiscal Year 2006.

My bill authorizes an additional $10 million to provide the first significant per-student increase in funding since the program began. For more than 12 years, the funding of the Youth Challenge Program has remained constant at $14,000 per student, per year. Imagine that. Think of that. At a time when the cost of education is growing by leaps and bounds, the Youth Challenge program has held the line on its budget for more than 12 years.

But such discipline means that there have been cutbacks in teachers, uniforms, and activities. The additional $10 million authorized in my bill would end these cutbacks, and may also be used to open new Youth Challenge academies, giving more at-risk youth a chance to change their lives.

Many of the citizen-soldiers of the National Guard serve our country in distant lands, but their commitment to their communities continues. The legislation I introduce today will strengthen that commitment by expanding the National Guard Youth Challenge Program for disadvantaged youth.

By Mrs. HUTCHISON:

S. 517. A bill to establish a Weather Modification Operations and Research Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

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

S. 517

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 ''Weather Modification Research and Technology Transfer Authorization Act of 2005''.

SEC. 2. PURPOSE.

It is the purpose of this Act to develop and implement a comprehensive and coordinated national weather modification policy and a national cooperative Federal and State program of weather modification research and development.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Weather Modification Advisory and Research Board.

(2) EXECUTIVE DIRECTOR.—The term ''Executive Director'' means the Executive Director of the Weather Modification Advisory and Research Board.

(3) RESEARCH AND DEVELOPMENT.—The term ''research and development'' means theoretical analysis, exploration, experimentation, and the extension of investigative findings and theories of scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(4) WEATHER MODIFICATION.—The term ''weather modification'' means changing or controlling, or attempting to change or control, by artificial methods the natural development of atmospheric cloud forms or precipitation forms which occur in the troposphere.

SEC. 4. WEATHER MODIFICATION ADVISORY AND RESEARCH BOARD ESTABLISHED.

(a) IN GENERAL.—There is established in the Department of Commerce the Weather Modification Advisory and Research Board.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of 11 members appointed by the Secretary of Commerce, of whom—

(A) at least 1 shall be a representative of the American Meteorological Society;

(B) at least 1 shall be a representative of the American Society of Civil Engineers;

(C) at least 1 shall be a representative of the National Academy of Sciences;

(D) at least 1 shall be a representative of the National Center for Atmospheric Research of the National Science Foundation;

(E) at least 2 shall be representatives of the National Oceanic and Atmospheric Administration of the Department of Commerce;

(F) at least 1 shall be a representative of institutions of higher education or research institutes; and

(G) at least 1 shall be a representative of a State that is currently supporting operational weather modification projects.

(2) TENURE.—A member of the Board serves at the pleasure of the Secretary of Commerce.

(3) VACANCIES.—Any vacancy on the Board shall be filled in the same manner as the original appointment.

(b) ADVISORY COMMITTEES.—The Board may establish advisory committees to advise the Board and to make recommendations to the Board concerning legislation, policies, administration, research, and other matters.

(c) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

(d) MEETINGS.—The Board shall meet at the call of the Chair.

(e) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIR AND VICE CHAIR.—The Board shall select a Chair and Vice Chair from among its members.

SEC. 5. DUTIES OF THE BOARD.

(a) PROMOTION OF RESEARCH AND DEVELOPMENT.—In order to assist in expanding the theoretical and practical knowledge of weather modification, the Board shall promote and fund research and development, studies, and investigations with respect to—

(1) improved forecast and decision-making technologies for weather modification operations, including tailored computer workstations and software and new observation systems with remote sensors; and

(2) assessments and evaluations of the efficacy of weather modification, both purposeful (including cloud-seeding operations) and

inadvertent (including downwind effects and anthropogenic effects).

(b) FINANCIAL ASSISTANCE.—Unless the use of the money is restricted or subject to any limitations provided by law, the Board shall use amounts in the Weather Modification Research and Development Fund—

(1) to pay its expenses in the administration of this Act, and

(2) to provide for research and development with respect to weather modifications by grants to, or contracts or cooperative arrangements, with public or private agencies.

(c) REPORT.—The Board shall submit to the Secretary biennially a report on its findings and research results.

SEC. 6. POWERS OF THE BOARD.

(a) STUDIES, INVESTIGATIONS AND HEARINGS.—The Board may make any studies or investigations, obtain any information, and hold any hearings necessary or proper to administer or enforce this Act or any rules or orders issued under this Act.

(b) PERSONNEL.—The Board may employ, as provided for in appropriations Acts, an Executive Director and other support staff necessary to perform duties and functions under this Act.

(c) COOPERATION WITH OTHER AGENCIES.—The Board may cooperate with public or private agencies to promote the purposes of this Act.

(d) COOPERATIVE AGREEMENTS.—The Board may enter into cooperative agreements with the head of any department or agency of the United States, an appropriate official of any State or political subdivision of a State, or an appropriate official of any private or public agency or organization for conducting weather modification activities or cloud-seeding operations.

(e) CONDUCT AND CONTRACTS FOR RESEARCH AND DEVELOPMENT.—The Executive Director, with the approval of the Board, may conduct and may contract for research and development activities relating to the purposes of this section.

SEC. 7. COOPERATION WITH THE WEATHER MODIFICATION OPERATIONS AND RESEARCH BOARD.

The heads of the departments and agencies of the United States and the heads of any other public or private agencies and institutions that receive research funds from the United States shall, to the extent possible, give full support and cooperation to the Board and to initiate independent research and development programs that address weather modifications.

SEC. 8. FUNDING.

(a) IN GENERAL.—There is established within the Treasury of the United States the Weather Modification Research and Development Fund, which shall consist of amounts appropriated pursuant to subsection (b) or received by the Board under subsection (c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Board for the purposes of carrying out the provisions of this Act $10,000,000 for each of fiscal years 2005 through 2014. Any sums appropriated under this subsection shall remain available, without fiscal year limitation, until expended.

(c) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect on October 1, 2005.

By Mr. SESSIONS (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. DODD):

S. 518. A bill to provide for the establishment of a controlled substance monitoring program in each State; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator SESSIONS, Senator DURBIN and Senator DODD in introducing the ''National All Schedules Prescription Electronic Reporting Act.'' Our goal is to help States establish electronic databases to monitor the use of prescription drugs and deal more effectively with the growing national problem of prescription drug abuse.

Over 6 million Americans currently use prescription drugs for non-medical purposes. 31 million say they've abused such drugs at least once in their lifetime. Since 1992, the number of young adults who abuse prescription pain relievers and other addictive drugs has more than tripled. Prescription drug abuse among youths 12 to 17 has soared tenfold.

State programs to monitor addictive medications can help curb this abuse. Currently, 20 States have such programs in place, including Massachusetts, but they vary greatly in the collection and storage of the data, and in the methods for using the databases.

The information contained in these databases is important, because it can be used to identify physicians and patients who encourage the non-medical use of prescription drugs. It can also be used to reduce the diversion of prescription drugs for illegal use.

Our bill authorizes the Secretary of HHS to make grants to States to establish these needed monitoring programs. For States with existing programs, the grants can be used to improve their systems and standardize the data collected to allow easy sharing of the information between the States.

Any such program, however, must include strong safeguards for medical privacy, and make certain that the database cannot be used to put improper pressure on physicians to avoid prescribing essential drugs. The proper treatment of pain, for example, is an enormous medical challenge, but this essential care will be much more difficult if patients fear that their prescription histories will not be protected, or if physicians begin to look over their shoulder every time they prescribe pain medication.

We all share the goal of reaching the right balance between the interests of patients, physicians, and law enforcement, and we think this legislation does that. It requires that in grant applications, States must propose security standards for the electronic databases, including appropriate encryption or other information technology. States also must propose standards for using the database and obtaining the information, including certifications to be sure that requests for information are legitimate. The bill requires the Secretary to provide a follow-up analysis of the privacy protections within two years after enactment.

The national problem of prescription drug abuse worsens every year. Physicians want to treat pain without contributing to addiction. Law enforcement officials want to stop the flow of prescription drugs from pharmacies to the streets. A national prescription drug monitoring program will provide a valuable resource to achieve these goals. I commend Senator SESSIONS for his leadership on this important health issue, and I urge my colleagues to join us in this effort to fight prescription drug abuse.

By Mrs. HUTCHISON:

S. 519. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. HUTCHISON. Mr. President, I rise today to offer a bill that is vital for water conservation in my home State of Texas. This legislation would amend The Lower Rio Grande Valley Water Resources and Conservation Improvement Act of 2000, which was passed with Unanimous Consent in the 106th Congress, to authorize work needed to conserve and enhance water supplies in the Lower Rio Grande Valley. It would do so by improving the water infrastructure used by farmers, ranchers, municipalities and a growing population.

Improving water conveyance infrastructure is the top priority for enhancing water conservation in the Lower Rio Grande Valley. Currently, unprecedented growth coupled with Mexico's past failure to comply with the 1944 Water treaty, reinforces the dire need for water conservation. The Lower Rio Grande Valley depends upon an adequate supply of water. Studies show that water losses resulting from seepage, spills and evaporation exceed 68 billion gallons of water per year, underscoring the pressing demand for improvements which will ensure efficient conservation of water.

By enacting this legislation, 19 additional water districts will enhance their ability to conserve their resources. Residents in the Lower Rio Grande Valley will not be forced to rely on canal systems subject to seepage and evaporation. Improving irrigation systems and updating this 100–year-old water distribution system will provide citizens in South Texas with a sufficient supply of one of nature's most valuable resources. Rather than waiting for the unpredictability of Mother Nature to increase water resources through rainstorms, these communities can rely on more effective water systems.

I look forward to working with my colleagues to pass this measure to help the citizens of the Lower Rio Grande Valley better conserve their water resources. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 519

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 ''Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2005''.

SEC. 2. AUTHORIZATION OF ADDITIONAL PROJECTS AND ACTIVITIES UNDER THE LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) ADDITIONAL PROJECTS.—Section 4(a) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended by adding at the end the following:

''(20) In Cameron County, Texas, Bayview Irrigation District No. 11, water conservation and improvement projects as identified in the March 3, 2004, engineering report by NRS Consulting Engineers at a cost of $1,425,219.

''(21) In the Cameron County, Texas, Brownsville Irrigation District, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of $722,100.

''(22) In the Cameron County, Texas Harlingen Irrigation District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $4,173,950.

''(23) In the Cameron County, Texas, Cameron County Irrigation District No. 2, water conservation and improvement projects as identified in the February 11, 2004 engineering report by NRS Consulting Engineers at a cost of $8,269,576.

''(24) In the Cameron County, Texas, Cameron County Irrigation District No. 6, water conservation and improvement projects as identified in an engineering report by Turner Collie Braden, Inc., at a cost of $5,607,300.

''(25) In the Cameron County, Texas, Adams Gardens Irrigation District No. 19, water conservation and improvement projects as identified in the March, 2004 engineering report by Axiom-Blair Engineering at a cost of $2,500,000.

''(26) In the Hidalgo and Cameron Counties, Texas, Hidalgo and Cameron Counties Irrigation District No. 9, water conservation and improvement projects as identified by the February 11 engineering report by NRS Consulting Engineers at a cost of $8,929,152.

''(27) In the Hidalgo and Willacy Counties, Texas, Delta Lake Irrigation District, water conservation and improvement projects as identified in the March, 2004 engineering report by Axiom-Blair Engineering at a cost of $8,000,000.

''(28) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 2, a water conservation and improvement project identified in the engineering reports attached to a letter dated February 11, 2004, from the district's general manager, at a cost of $5,312,475.

''(29) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 1, water conservation and improvement projects identified in an engineering report dated March 5, 2004 by Melden and Hunt, Inc. at a cost of $5,595,018.

''(30) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 6, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $3,450,000.

''(31) In the Hidalgo County, Texas Santa Cruz Irrigation District No. 15, water conservation and improvement projects as identified in an engineering report dated March 5, 2004 by Melden and Hunt at a cost of $4,609,000.

''(32) In the Hidalgo County, Texas, Engelman Irrigation District, water conservation and improvement projects as identified in an engineering report dated March 5, 2004 by Melden and Hunt, Inc. at a cost of $2,251,480.

''(33) In the Hidalgo County, Texas, Valley Acres Water District, water conservation and improvement projects as identified in an engineering report dated March, 2004 by Axiom-Blair Engineering at a cost of $500,000.

''(34) In the Hudspeth County, Texas, Hudspeth County Conservation and Reclamation District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $1,500,000.

''(35) In the El Paso County, Texas, El Paso County Water Improvement District No. 1, water conservation and improvement projects as identified in the March, 2004, engineering report by Axiom-Blair Engineering at a cost of $10,500,000.

''(36) In the Hidalgo County, Texas, Donna Irrigation District, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of $2,500,000.

''(37) In the Hidalgo County, Texas, Hidalgo County Irrigation District No. 16, water conservation and improvement projects identified in an engineering report dated March 22, 2004 by Melden and Hunt, Inc. at a cost of $2,800,000.

''(38) The United Irrigation District of Hidalgo County water conservation and improvement projects identified in a March 2004 engineering report by Sigler Winston, Greenwood and Associates at a cost of $6,067,021.''.

(b) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY; TRANSFERS AMONG PROJECTS.—Section 4 of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) INCLUSION OF ACTIVITIES TO CONSERVE WATER OR IMPROVE SUPPLY.—In addition to the activities identified in the engineering reports referred to in subsection (a), each project that the Secretary conducts or participates in under subsection (a) may include any of the following:

''(1) The replacement of irrigation canals and lateral canals with buried pipelines.

''(2) The impervious lining of irrigation canals and lateral canals.

''(3) Installation of water level, flow measurement, pump control, and telemetry systems.

''(4) The renovation and replacement of pumping plants.

''(5) Other activities that will result in the conservation of water or an improved supply of water.

''(d) TRANSFERS AMONG PROJECTS.—Of amounts made available for a project referred to in any of paragraphs (20) through (38) of subsection (a), the Secretary may transfer and use for another such project up to 10 percent.''.

SEC. 3. REAUTHORIZATION OF APPROPRIATIONS FOR LOWER RIO GRANDE CONSTRUCTION.

Section 4(e) of the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (Public Law 106–576; 114 Stat. 3067) (as redesignated by section 2(b)) is amended by inserting before the period the following: ''for projects referred to in paragraphs (1) through (19) of subsection (a), and $42,356,145 (2004 dollars) for projects referred to in paragraphs (20) through (38) of subsection (a)''.

By Mrs. HUTCHISON (for herself, Mr. KENNEDY, Mr. CORNYN, and Mr. SCHUMER):

S. 521. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 521

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 ''Hepatitis C Epidemic Control and Prevention Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Approximately 5,000,000 Americans are infected with the hepatitis C virus (referred to in this section as ''HCV''), and more than 3,000,000 Americans are chronically infected, making HCV the Nation's most common chronic blood borne virus infection.

(2) Nearly 2 percent of the population of the United States have been infected with HCV.

(3) Conservative estimates indicate that approximately 30,000 Americans are newly infected with HCV each year, and that number has been growing since 2001.

(4) HCV infection, in the United States, is the most common cause of chronic liver disease, liver cirrhosis, and liver cancer, the most common indication for liver transplant, and the leading cause of death in people with HIV/AIDS. In addition, there may be links between HCV and certain other diseases, given that a high number of people infected with HCV also suffer from type 2 diabetes, lymphoma, thyroid and certain blood disorders, and autoimmune disease.

(5) The majority of individuals infected with HCV are unaware of their infection. Individuals infected with HCV serve as a source of transmission to others and, since few individuals are aware they are infected, they are unlikely to take precautions to prevent the spread or exacerbation of their infection.

(6) There is no vaccine available to prevent HCV infection.

(7) Treatments are available that can eradicate the disease in approximately 50 percent of those who are treated, and behavioral changes can slow the progression of the disease.

(8) Conservative estimates place the costs of direct medical expenses for HCV at more than $1,000,000,000 in the United States annually, and such costs will undoubtedly increase in the absence of expanded prevention and treatment efforts.

(9) To combat the HCV epidemic in the United States, the Centers for Disease Control and Prevention developed Recommendations for Prevention and Control of Hepatitis C Virus (HCV) Infection and HCV-Related Chronic Disease in 1998 and the National Hepatitis C Prevention Strategy in 2001, and the National Institutes of Health convened

Consensus Development Conferences on the Management of Hepatitis C in 1997 and 2002. These recommendations and guidelines provide a framework for HCV prevention, control, research, and medical management referral programs.

(10) The Department of Veterans Affairs (referred to in this paragraph as the ''VA''), which cares for more people infected with HCV than any other health care system, is the Nation's leader in HCV screening, testing, and treatment. Since 1998, it has been the VA's policy to screen for HCV risk factors all veterans receiving VA health care, and the VA currently recommends testing for all those who are found to be ''at risk'' for the virus and for all others who wish to be tested. In fiscal year 2004, over 98 percent of VA patients had been screened for HCV risk factors, and over 90 percent of those ''at risk'' were tested. For all veterans who test positive for HCV and enroll in VA medical care, the VA offers medications that can help HCV or its complications. The VA also has programs for HCV patient and provider education, clinical care, data-based quality improvement, and research, and it has 4 Hepatitis C Resource Centers to develop and disseminate innovative practices and tools to improve patient care. This comprehensive program should be commended and could potentially serve as a model for future HCV programs.

(11) Federal support is necessary to increase knowledge and awareness of HCV and to assist State and local prevention and control efforts.

SEC. 3. PREVENTION, CONTROL, AND MEDICAL MANAGEMENT OF HEPATITIS C.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART R—PREVENTION, CONTROL, AND MEDICAL MANAGEMENT OF HEPATITIS C

''SEC. 399AA. FEDERAL PLAN FOR THE PREVENTION, CONTROL, AND MEDICAL MANAGEMENT OF HEPATITIS C.

''(a) IN GENERAL.—The Secretary shall develop and implement a plan for the prevention, control, and medical management of the hepatitis C virus (referred to in this part as 'HCV') that includes strategies for education and training, surveillance and early detection, and research.

''(b) INPUT IN DEVELOPMENT OF PLAN.—In developing the plan under subsection (a), the Secretary shall—

''(1) be guided by existing recommendations of the Centers for Disease Control and Prevention and the National Institutes of Health; and

''(2) consult with—

''(A) the Director of the Centers for Disease Control and Prevention;

''(B) the Director of the National Institutes of Health;

''(C) the Administrator of the Health Resources and Services Administration;

''(D) the heads of other Federal agencies or offices providing services to individuals with HCV infections or the functions of which otherwise involve HCV;

''(E) medical advisory bodies that address issues related to HCV; and

''(F) the public, including—

''(i) individuals infected with the HCV; and

''(ii) advocates concerned with issues related to HCV.

''(c) BIENNIAL ASSESSMENT OF PLAN.—

''(1) IN GENERAL.—The Secretary shall conduct a biennial assessment of the plan developed under subsection (a) for the purpose of incorporating into such plan new knowledge or observations relating to HCV and chronic HCV (such as knowledge and observations that may be derived from clinical, laboratory, and epidemiological research and disease detection, prevention, and surveillance outcomes) and addressing gaps in the coverage or effectiveness of the plan.

''(2) PUBLICATION OF NOTICE OF ASSESSMENTS.—Not later than October 1 of the first even numbered year beginning after the date of enactment of the Hepatitis C Epidemic Control and Prevention Act, and October 1 of each even numbered year thereafter, the Secretary shall publish in the Federal Register a notice of the results of the assessments conducted under paragraph (1). Such notice shall include—

''(A) a description of any revisions to the plan developed under subsection (a) as a result of the assessment;

''(B) an explanation of the basis for any such revisions, including the ways in which such revisions can reasonably be expected to further promote the original goals and objectives of the plan; and

''(C) in the case of a determination by the Secretary that the plan does not need revision, an explanation of the basis for such determination.

''SEC. 399BB. ELEMENTS OF THE FEDERAL PLAN FOR THE PREVENTION, CONTROL, AND MEDICAL MANAGEMENT OF HEPATITIS C.

''(a) EDUCATION AND TRAINING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall implement programs to increase awareness and enhance knowledge and understanding of HCV. Such programs shall include—

''(1) the conduct of health education, public awareness campaigns, and community outreach activities to promote public awareness and knowledge about risk factors, the transmission and prevention of infection with HCV, the value of screening for the early detection of HCV infection, and options available for the treatment of chronic HCV;

''(2) the training of healthcare professionals regarding the prevention, detection, and medical management of the hepatitis B virus (referred to in this part as 'HBV') and HCV, and the importance of vaccinating HCV-infected individuals and those at risk for HCV infection against the hepatitis A virus and HBV; and

''(3) the development and distribution of curricula (including information relating to the special needs of individuals infected with HBV or HCV, such as the importance of early intervention and treatment and the recognition of psychosocial needs) for individuals providing hepatitis counseling, as well as support for the implementation of such curricula by State and local public health agencies.

''(b) EARLY DETECTION AND SURVEILLANCE.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall support activities described in paragraph (2) to promote the early detection of HCV infection, identify risk factors for infection, and conduct surveillance of HCV infection trends.

''(2) ACTIVITIES.—

''(A) VOLUNTARY TESTING PROGRAMS.—

''(i) IN GENERAL.—The Secretary shall support and promote the development of State, local, and tribal voluntary HCV testing programs to aid in the early identification of infected individuals.

''(ii) CONFIDENTIALITY OF TEST RESULTS.—The results of a HCV test conducted by a testing program developed or supported under this subparagraph shall be considered protected health information (in a manner consistent with regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note)) and may not be used for any of the following:

''(I) Issues relating to health insurance.

''(II) To screen or determine suitability for employment.

''(III) To discharge a person from employment.

''(B) COUNSELING REGARDING VIRAL HEPATITIS.—The Secretary shall support State, local, and tribal programs in a wide variety of settings, including those providing primary and specialty healthcare services in nonprofit private and public sectors, to—

''(i) provide individuals with information about ongoing risk factors for HCV infection with client-centered education and counseling that concentrates on changing behaviors that place them at risk for infection; and

''(ii) provide individuals infected with HCV with education and counseling to reduce the risk of harm to themselves and transmission of the virus to others.

''(C) VACCINATION AGAINST VIRAL HEPATITIS.—With respect to individuals infected, or at risk for infection, with HCV, the Secretary shall provide for—

''(i) the vaccination of such individuals against hepatitis A virus, HBV, and other infectious diseases, as appropriate, for which such individuals may be at increased risk; and

''(ii) the counseling of such individuals regarding hepatitis A, HBV, and other viral hepatides.

''(D) MEDICAL REFERRAL.—The Secretary shall support—

''(i) referral of persons infected with or at risk for HCV, for drug or alcohol abuse treatment where appropriate; and

''(ii) referral of persons infected with HCV—

''(I) for medical evaluation to determine their stage of chronic HCV and suitability for antiviral treatment; and

''(II) for ongoing medical management of HCV.

''(3) HEPATITIS C COORDINATORS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, upon request, provide a Hepatitis C Coordinator to a State health department in order to enhance the management, networking, and technical expertise needed to ensure successful integration of HCV prevention and control activities into existing public health programs.

''(c) SURVEILLANCE AND EPIDEMIOLOGY.—

''(1) IN GENERAL.—The Secretary shall promote and support the establishment and maintenance of State HCV surveillance databases, in order to—

''(A) identify risk factors for HCV infection;

''(B) identify trends in the incidence of acute and chronic HCV;

''(C) identify trends in the prevalence of HCV infection among groups that may be disproportionately affected by HCV, including individuals living with HIV, military veterans, emergency first responders, racial or ethnic minorities, and individuals who engage in high risk behaviors, such as intravenous drug use; and

''(D) assess and improve HCV infection prevention programs.

''(2) SEROPREVALENCE STUDIES.—The Secretary shall conduct a population-based seroprevalence study to estimate the current and future impact of HCV. Such studies shall consider the economic and clinical impacts of HCV, as well as the impact of HCV on quality of life.

''(3) CONFIDENTIALITY.—Information contained in the databases under paragraph (1) or derived through studies under paragraph (2) shall be de-identified in a manner consistent with regulations under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(d) RESEARCH NETWORK.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall—

''(1) conduct epidemiologic research to identify best practices for HCV prevention;

''(2) establish and support a Hepatitis C Clinical Research Network for the purpose of conducting research related to the treatment and medical management of HCV; and

''(3) conduct basic research to identify new approaches to prevention (such as vaccines) and treatment for HCV.

''(e) REFERRAL FOR MEDICAL MANAGEMENT OF CHRONIC HCV.—The Secretary shall support and promote State, local, and tribal programs to provide HCV-positive individuals with referral for medical evaluation and management, including currently recommended antiviral therapy when appropriate.

''(f) UNDERSERVED AND DISPROPORTIONATELY AFFECTED POPULATIONS.—In carrying out this section, the Secretary shall provide expanded support for individuals with limited access to health education, testing, and healthcare services and groups that may be disproportionately affected by HCV.

''(g) STUDY AND REPORT REGARDING VA PROGRAM AND FEDERAL PLAN.—

''(1) STUDY.—The Secretary shall conduct a study to examine the comprehensive HCV programs that have been implemented by the Department of Veterans Affairs (referred to in this subsection as the 'VA'), including the Hepatitis C Resource Center program, to determine whether any of these programs, or components of these programs, should be part of the Federal plan to combat HCV.

''(2) REPORT.—Not later than 12 months after date of enactment of the Hepatitis C Epidemic Control and Prevention Act, the Secretary shall submit to Congress a report that describes the results of the study required under paragraph (1).

''(3) CONSIDERATION OF REPORT.—The Secretary shall take into consideration the content of the report required under paragraph (2) in conducting the biennial assessment required under section 399AA(c).

''(h) EVALUATION OF PROGRAM.—The Secretary shall develop benchmarks for evaluating the effectiveness of the programs and activities conducted under this section and make determinations as to whether such benchmarks have been achieved.

''SEC. 399CC. GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, States, political subdivisions of States, Indian tribes, or nonprofit entities that have special expertise relating to HCV, to carry out activities under this part.

''(b) APPLICATION.—To be eligible for a grant, contract, or cooperative agreement under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''SEC. 399DD. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $90,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010.''.

SEC. 4. LIVER DISEASE RESEARCH ADVISORY BOARD.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409J. LIVER DISEASE RESEARCH ADVISORY BOARD.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Hepatitis C Epidemic Control and Prevention Act, the Director of the National Institutes of Health shall establish a board to be known as the Liver Disease Research Advisory Board (referred to in this section as the 'Advisory Board').

''(b) DUTIES.—The Advisory Board shall advise and assist the Director of the National Institutes of Health concerning matters relating to liver disease research, including by developing and revising the Liver Disease Research Action Plan.

''(c) VOTING MEMBERS.—The Advisory Board shall be composed of 18 voting members to be appointed by the Director of the National Institutes of Health, in consultation with the Director of the National Institute of Diabetes and Digestive and Kidney Diseases (referred to in this subsection as the 'NIDDK'), of whom 12 such individuals shall be eminent scientists and 6 such individuals shall be lay persons. The Director of the National Institutes of Health, in consultation with the Director of the NIDDK, shall select 1 of the members to serve as the Chair of the Advisory Board.

''(d) EX OFFICIO MEMBERS.—The Director of the National Institutes of Health shall appoint each director of a national research institute that funds liver disease research to serve as a nonvoting, ex officio member of the Advisory Board. The Director of the National Institutes of Health shall invite 1 representative of the Centers for Disease Control and Prevention, 1 representative of the Food and Drug Administration, and 1 representative of the Department of Veterans Affairs to serve as such a member. Each ex officio member of the Advisory Board may appoint an individual to serve as that member's representative on the Advisory Board.

''(e) LIVER DISEASE RESEARCH ACTION PLAN.—

''(1) DEVELOPMENT.—Not later than 15 months after the date of enactment of the Hepatitis C Epidemic Control and Prevention Act, the Advisory Board shall develop (with appropriate support from the Director) a comprehensive plan for the conduct and support of liver disease research to be known as the Liver Disease Research Action Plan. The Advisory Board shall submit the Plan to the Director of National Institutes of Health and the head of each institute or center within the National Institutes of Health that funds liver disease research.

''(2) CONTENT.—The Liver Disease Research Action Plan shall identify scientific opportunities and priorities for liver disease research necessary to increase understanding of and to prevent, cure, and develop better treatment protocols for liver diseases.

''(3) REVISION.—The Advisory Board shall revise every 2 years the Liver Disease Research Action Plan, but shall meet annually to review progress and to amend the Plan as may be appropriate because of new scientific discoveries.''.

Mr. KENNEDY. Mr. President, it is a privilege to join Senators HUTCHINSON, SCHUMER, and CORNYN in introducing the Hepatitis C Epidemic Control and Prevention Act. Our goal is to provide for the prevention, control, and treatment of Hepatitis C viral infection through education, surveillance, early detection, and research.

Hepatitis C is the most common, chronic, blood-borne infection in the United States. An estimated 5 million Americans are now infected with the Hepatitis C virus, and 30,000 more are infected every year. The rate of infection continues to rise—between 1990 and 2015, the Centers for Disease Control and Prevention project a 4-fold increase in the number of persons with chronic infection of the virus.

Persons infected with the Hepatitis C virus come from all walks of life, but those at greatest risk include health workers, emergency service personnel, and drug users. Tragically, the majority of infected individuals are unaware of their infection, are not receiving treatment, and are sources of transmission of the virus to others.

Infection with the Hepatitis C virus has serious health effects. It can cause liver disease, including cirrhosis and liver cancer, and is the leading indicator for liver transplants. The illnesses are often life-threatening—up to 10,000 Americans die yearly from Hepatitis C complications, and it is the 7th leading cause of death for men between the ages of 25 and 64. In addition to the human costs, the disease has massive financial implications. Direct costs associated with care are expected to exceed $1 billion a year by 2010. Without intervention, the epidemic is projected to result in costs of over $54 billion by the year 2019.

Greater Federal investment will have a critical role in reversing this silent epidemic. Our Hepatitis C bill will increase public awareness of the dangers of Hepatitis C, and make testing widely available. For those already infected, it will provide counseling, referrals, and vaccination against Hepatitis A and B and other infectious diseases. It will also support research to develop a vaccine against Hepatitis C, just as we now have for Hepatitis A and B. It will create a multiagency Liver Disease Research Advisory Board and mandate a study of programs used by the Veteran's Administration, in order to provide important lessons and models of care for the nation. The Centers for Disease Control and Prevention will increase surveillance activities, and provide Hepatitis C coordinators to provide technical assistance and training to state public health agencies.

This bill will have a major impact on the lives of millions of Americans who are infected by Hepatitis C, and the families and loved ones who care for them. I look forward to working closely with my colleagues to act quickly to pass this needed legislation. I especially commend the impressive work of the students at Robinson Secondary School in Fairfax, VA, for their continuing dedication to informing Members of Congress about this important issue and bringing national attention to it.

By Mr. SALAZAR:

S. 523. A bill to amend title 10, United States Code, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation, and for other purposes; to the Committee on Armed Services.

Mr. SALAZAR. Mr. President, I rise to introduce a simple piece of legislation. The idea underlying this bill is

simple: words matter. How we characterize what we do sends a message, and nowhere is that more clear than in the question of survivor benefits for survivors of military fatalities.

The Senate this year is considering major increases in survivor benefits for military families. That is as it should be, and I am proud to support two specific proposals to increase that assistance.

We have an historic opportunity to raise both the direct DoD assistance and the life insurance payouts to families from $12,420 to $100,000 and to provide an extra $150,000 in life insurance payouts.

We also have an opportunity to allow full concurrent receipt of the DoD's Survivor Benefit Plan and the VA's Dependency & Indemnity Compensation.

We also have the opportunity to improve the help that military survivors get in navigating the bureaucracies of the VA and the DoD to get the benefits they deserve.

And finally we have the opportunity to protect military families from predatory life insurance companies. All of these reforms are needed, and all are within our reach this year.

As I studied this issue, I was struck by the term ''Death Gratuity.'' That is the name for the assistance that taxpayers make available to military survivors. The term gratuity means gift.

I believe that not one of the widows, widowers, or children left behind think of that money as a gift. These families and these heroes are the ones who have given the gift to us. They are the ones who have given the ultimate sacrifice.

I know that the name of the assistance is not as important as the assistance itself, but I am sure that hearing the term ''gratuity'' is a bitter pill for survivors who have just received the worst news of their lives.

I for one refuse the term ''Death Gratuity,'' and I am introducing legislation today to change it to ''Fallen Hero Compensation.''

This is a simple change, but it more properly reflects the sacrifices military survivors have made and more properly expresses the gratitude and dignity we owe these families.

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

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

S. 523

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

SECTION 1. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479(1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—(1) Such subchapter is further amended by striking ''**Death gratuity:**'' each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting ''**Fallen hero compensation:**''.

(2) The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

By Mrs. FEINSTEIN (for herself and Mr. SESSIONS):

S. 524. A bill to strengthen the consequences of the fraudulent use of United States or foreign passports and other immigration documents; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, Senator SESSIONS and I are introducing legislation to combat the use of fraudulent immigration documents, particularly passports and other travel documents.

The need to prevent and prosecute passport and travel document fraud is clear, and this bill would increase penalties for the use of fraudulent travel documents.

We know that the threat of terrorism against the United States is real and as the 9/11 Commission Report states, ''for terrorists, travel documents are as important as weapons.'' In order to minimize the threat of terrorism to the United States, we must make every effort to limit the use of fraudulent immigration documents.

The bill Senator SESSIONS and I are introducing would make the use of fraudulent travel documents—such as passports, Border Crossing Cards, Canadian driver's licenses or identification cards, transportation letters for parolees, military identification cards or green cards—an aggravated felony which will mandate detention and increase the likelihood of prosecution.

Today, this is not the case. Instead, fraudulent documents are routinely returned to the offender and individuals are allowed to return home without suffering any consequences from their attempts to circumvent our immigration laws.

Why is this a problem?

Firstly, admission to the United States is a privilege and not a right. We should not tolerate fraud and deception at our ports of entry, particularly because it should be apparent that a terrorist organization as sophisticated as Al Qaeda is well aware of our current procedures and can be expected to take full advantage of them.

Secondly, the 9/11 Commission found that as many as 15 of the 19 hijackers on September 11, 2001 could have been intercepted by border officials, based in part on their travel documents. In fact, all but one of the September 11 hijackers acquired some form of U.S. identification document and some of those documents were acquired by fraud. All of the hijackers opened bank accounts in their names and used passports and other identification documents that appeared valid on their face.

Even before September 11, 2001, the use of fraudulent immigration documents to enter the United States was a threat that we did not sufficiently heed.

Let me give you some known examples of terrorists who have entered, or attempted to enter the United States, with fraudulent travel documents: Ahmed Ajaj and Ramzi Yousef attempted to enter the United States with fraudulent passports. Both were later implicated or convicted in the first World Trade Center bombing in February of 1993.

Ahmed Ressam used a fraudulently obtained Canadian passport, and, in 1999 attempted to cross the border from Canada at Port Angeles in Washington State. A border inspector felt Mr. Ressam looked nervous, and a search of his car turned up a trunk full of bombs. There is some debate about the exact target(s) of the attack; however, it seems likely that Los Angeles International Airport and perhaps the millennium celebrations in Seattle were the intended targets.

It is no secret that: as the 9/11 Commission Report makes clear, Al Qaeda has established a complex international travel network that allowed, and presumably still allows, its operatives to legally travel worldwide to train, conduct reconnaissance or otherwise prepare for an attack. This network included, and presumably still includes, the use of altered and counterfeit passports and visas.

Many countries, including France, Portugal and Saudi Arabia, have reported tens of thousands of passports and travel documents stolen. When these are stolen in large numbers, they are sold on the black market to others.

The 9/11 Commission found that had the immigration system set a higher bar for determining whether individuals are who they claim to be—and ensured consequences for any violations—it could potentially have denied entry, deported or come into further contact with the terrorists that were involved in the September 11, 2001 attack on the United States.

Last year, the Department of Homeland Security Office of the Inspector General issued the following reports on lost and stolen passports: ''A Review of the Use of Stolen passports from Visa Waiver Countries to Enter the United States'', December 2004; and, ''An Evaluation of the Security Implications of the Visa Waiver Program'' (April 2004).

I encourage my colleagues to read these reports on the vulnerabilities in our current border security. To summarize, the reports state that: In the United States alone, immigration officials have records for 1.2 million stolen passports.

Aliens applying for admission into the United States using stolen passports have little reason to fear being caught and are usually admitted. It has been standard practice to simply return a fraudulent passport to an individual seeking entry and let them return to their country. This, in effect, is the soft underbelly of the entire passport system.

The Director of the U.S. National Central Bureau of INTERPOL said that for 55 of the 181 INTERPOL countries, there probably were over 10 million lost and stolen passports that might be in circulation.

Law enforcement officials state that lost and stolen passports are the greatest security problem associated with the Visa Waiver Program.

And now that I've mentioned the Visa Waiver Program, let me say a few things about this program.

I believe the Visa Waiver Program is the Achilles heel in our immigration system. This program allows roughly 13 million individuals to enter the United States each year from 27 countries, without a visa—meaning they enter without a thorough background and security check.

Since we do not have in place a fully operational entry and exit program, specifically an exit system, we have no real way of knowing if millions of travelers who entered the United States have left as required.

Last year, Congress extended the deadline for one year for countries participating in the Visa Waiver Program to include biometric indicators in passports to verify the identity of bearers at the request of the Administration.

It is likely this deadline will again need to be extended.

I believe that granting another extension will be another opportunity for terrorists, organized crime rings, petty crooks, counterfeiters and forgers to continue entering the United States virtually unnoticed because we won't be able to confirm that they are who they say they are.

The bottom line is that we must crack down on document fraud if we are to protect our borders. There are thousands, even millions, of lost, stolen and fraudulent international passports, travel documents, driver's licenses and other identity documents in circulation, and we must now allow those to compromise our homeland security.

The purpose of this bill is twofold: first, to give the Department of Justice the incentive to vigorously prosecute all cases involving passport and travel document fraud, as well as certain other egregious cases of immigration document fraud.

Second, by encouraging policies that make these cases a priority for prosecution, it will require that Department of Homeland Security officials not return fraudulent documents to travelers, but instead turn them over to the Department of Justice so that they can institute criminal proceedings.

Unfortunately, the prosecution of immigration document fraud is not a high priority for the Department of Justice, because, although current penalties allow for a sentence of up to 25 years, typically most alien's convicted of travel document fraud serve less than one year in prison.

Also, the immigration consequences of document fraud are relatively minor. Low sentences, coupled with minimal immigration consequences, do not provide much incentive for U.S. Attorneys nationwide to consider the prosecution of immigration document cases a priority nor can they be seen as anything but a slap on the wrists of the offenders.

Senator SESSIONS and I pose a solution to this problem by toughening penalties so that we instill in those seeking to use fraudulent travel and immigration documents a real sense of fear that they will be caught and prosecuted to the fullest extent possible under our laws.

In any kind of meaningful border protection plan, one must have a good sense of who is entering and exiting the country. That simply cannot be known if the individual is using a fraudulent document.

Mr. President, I ask my colleagues to join me in supporting this legislation.

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

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

S. 524

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

SECTION 1. FRAUDULENT USE OF PASSPORTS.

(a) CRIMINAL CODE.—

(1) SECRETARY OF HOMELAND SECURITY.—Section 1546 of title 18, United States Code, is amended by striking ''the Commissioner of the Immigration and Naturalization Service'' each place it appears and inserting ''the Secretary of Homeland Security''.

(2) DEFINITION OF PASSPORT.—Chapter 75 of title 18, United States Code, is amended by adding at the end the following:

''§ 1548. Definition

''In sections 1543 and 1544, the term 'passport' means any passport issued by the United States or any foreign country.''.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 75 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 1548. Definition.''.

(b) IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(P) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(P)) is amended to read as follows:

''(P) except for a first offense for which an alien affirmatively shows was committed solely for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent to violate a provision of this Act—

''(i) an offense described in section 1542, 1543, or 1544 of title 18, United States Code (relating to false statements in the application, forgery, or misuse of a passport);

''(ii) an offense described in section 1546(a) of title 18, United States Code, relating to document fraud used as evidence of authorized stay or employment in the United States for which the term of imprisonment is at least 12 months; or

''(iii) any other offense described in section 1546(a) of title 18, United States Code, relating to entry into the United States, regardless of the term of imprisonment imposed.''.

SEC. 2. RELEASE AND DETENTION PRIOR TO DISPOSITION.

Section 3142(f)(1) of title 18, United States Code, is amended—

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

(2) by adding at the end the following:

''(E) an offense under section 1542, 1543, 1544, or 1546(a) of this title; or''.

By Mr. ALEXANDER (for himself, Mr. DODD, Mr. ENZI, Mr. KENNEDY, Mr. HATCH, and Mr. ROBERTS):

S. 525. A bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, to improve early learning opportunities and promote school preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today I am here with Senator DODD and on behalf of Senator ENZI and Senator KENNEDY to introduce the Caring for Children Act of 2005 which reauthorizes the Child Care and Development Block Grant, CCDBG, program. This program provides funding to States for child care vouchers.

Across the United States last year low-income parents of 2.3 million children were able to use these certificates or ''vouchers'' to help pay the cost of child care while the parents worked or continued their education so they could get a better job.

Last year, my home State of Tennessee spent $251,760,528 for child care, much of which came through the CCDBG program. This important program legislates how States are to administer child care. States provide certificates to parents to choose the type of care that best fits their children's needs.

In Tennessee, 1 percent of children receive care in their own home, 19 percent have chosen to place their children in family home care, 5 percent are in group care while the vast majority, 75 percent, are in child care centers. About 24,500 Tennessee families with children are enrolled in some form of subsidized child care, and as of January of this year, 46,591 children were receiving subsidized child care in my home State.

A family of four, which is a typical size for eligible families in Tennessee, is eligible for child care support when their median income is no more than 60 percent of the State's median income. That means that families making $33,000 or less are eligible for some assistance, though they may also have to make a co-payment. For example, a family of four making $32,000 would be required to pay $56 per week for the first child and $42 per week for the second child.

This year we are making the CCDBG program even better with four key improvements.

First, the act increases the quality set-aside from 4 percent, current law, to 6 percent. Eighty percent of parents report that their child care is poor to mediocre, so we need to take steps to improve overall quality of care. The quality set-aside is used to offer training and professional development to child care workers. States can also use quality funds to provide technical assistance to child care facilities to help them enhance learning opportunities for pre-school or school-aged children while in care. Of course, States could choose to do even more, and I am happy to report that my own State of Tennessee spends at least 12 percent on quality improvements.

Second, the act requires States to use at least 70 percent of funds for direct services. This will ensure that more of the money gets into the hands of parents rather than State bureaucracies. Under current law, States vary greatly in what percentage they use for direct services since current language simply specifies that a ''significant'' portion be used for services.

Third, the legislation emphasizes the importance of school preparedness by adding a new goal: development of prereading, prenumeracy, math and language skills for children in care. Research has proven that a child's brain doubles in size between birth and age 3. These are formative years for both physical and cognitive development.

Fourth, the bill establishes a temporary small business competitive grant program to encourage small businesses to work together to provide child care services for employees. Senator ROBERTS developed this innovative $30 million grant program, and I am glad it could be included in the bill.

The CCDBG program is important for supporting parents raising children across the country. One such parent is Tameka Payton. Tameka was nineth grade when she had her first child, Javonta. When she became pregnant, Tameka was a ward of the State. She had grown up with an abusive mother who was addicted to drugs. After being removed from the care of her mother, she was placed in the care of her aunt who also proved abusive. Tameka ran away, and was placed in the foster care system until she was 18. She then had two more children, Jayla and Michael, before finding a family resource center at the Salvation Army that connected her and her children to Tennessee's Family First program.

The Family First program and the child care certificates she receives through this program enabled Tameka to find work and become a better mother. She is currently working 40 hours a week while working on her GED. She is about to take the test. Everyday she brings her children 4, 2, and 1 to the McNeilly Center. Tameka feels confident that not only are her children receiving quality care but also she is learning how to be a better mother. Her children's teachers are receptive and answer all of her questions. She has learned to spend time reading to her children so she can contribute to their education, too.

The Federal CCDBG program funds the child care certificates Tameka receives. Without them, Tameka, and her children, would be in a very different place today.

Tameka's dream is to get her GED and attend Tennessee State University. The support she receives has given her the chance to realize that dream, and make a better life for herself and her children. I expect her hard work to payoff.

Another Tennessee parent who has benefited from the program is Renee Prigmore. Renee is currently a toddler teacher at the McNeilly Center in Nashville. But she first found McNeilly as a parent, not as a teacher. As a single parent of three, she used her child care certificates at McNeilly to leave her kids in quality care while she attended community college.

Renee has attained her degree as a Child Development Associate, CDA. Her children are now 10, 6, and 4 and she is exiting out of the child care program because she is able to provide for her three kids. The child care certificates she received enabled her to take the time to receive that degree and provide for her family.

People like Tameka Payton and Renee Prigmore have used the CCDBG program to build a new and better life for their families. With the introduction of the Caring for Children Act, we can make that program even stronger, so that parents raising children are able to build a better future for their families. I ask my colleagues to join with me in this important endeavor.

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. 525

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Caring for Children Act of 2005''.

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

Sec. 1. Short title; table of contents.
TITLE I—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990
Sec. 101. Short title and goals.
Sec. 102. Authorization of appropriations.
Sec. 103. Lead agency.
Sec. 104. State plan.
Sec. 105. Activities to improve the quality of child care.
Sec. 106. Optional priority use of additional funds.
Sec. 107. Reporting requirements.
Sec. 108. National activities.
Sec. 109. Allocation of funds for Indian tribes, quality improvement, and a hotline.
Sec. 110. Definitions.
Sec. 111. Rules of construction.
TITLE II—ENHANCING SECURITY AT CHILD CARE CENTERS IN FEDERAL FACILITIES
Sec. 201. Definitions.
Sec. 202. Enhancing security.
TITLE III—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY OF QUALITY CHILD CARE
Sec. 301. Small business child care grant program.

TITLE I—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990

SEC. 101. SHORT TITLE AND GOALS.

(a) HEADING.—Section 658A of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended by striking the section heading and inserting the following:

''SEC. 658A. SHORT TITLE AND GOALS.''.

(b) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3), by striking ''encourage'' and inserting ''assist'';

(2) in paragraph (4), by striking ''parents'' and all that follows and inserting ''low-income working parents;'';

(3) by redesignating paragraph (5) as paragraph (8); and

(4) by inserting after paragraph (4) the following:

''(5) to assist States in improving the quality of child care available to families;

''(6) to promote school preparedness by encouraging children, families, and caregivers to engage in developmentally appropriate and age-appropriate activities in child care settings that will—

''(A) improve the children's social, emotional, and behavioral skills; and

''(B) foster their early cognitive, pre-reading, and language development, and prenumeracy and mathematics skills;

''(7) to promote parental and family involvement in the education of young children in child care settings; and''.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended by striking ''subchapter'' and all that follows and inserting ''subchapter $2,300,000,000 for fiscal year 2006, $2,500,000,000 for fiscal year 2007, $2,700,000,000 for fiscal year 2008, $2,900,000,000 for fiscal year 2009, and $3,100,000,000 for fiscal year 2010.''.

SEC. 103. LEAD AGENCY.

Section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amended by striking ''designate'' and all that follows and inserting ''designate an agency (which may be an appropriate collaborative agency), or establish a joint interagency office, that complies with the requirements of subsection (b) to serve as the lead agency for the State under this subchapter.''.

SEC. 104. STATE PLAN.

(a) LEAD AGENCY.—Section 658E(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(1)) is amended

by striking ''designated'' and inserting ''designated or established''.

(b) POLICIES AND PROCEDURES.—Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(1) in subparagraph (A)(i)(II), by striking ''section 658P(2)'' and inserting ''section 658T(2)'';

(2) by striking subparagraph (D) and inserting the following:

''(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—Certify that the State will—

''(i) collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

''(I) the promotion of informed child care choices, including information about the quality and availability of child care services;

''(II) research and best practices concerning children's development, including early cognitive development;

''(III) the availability of assistance to obtain child care services; and

''(IV) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and the medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.); and

''(ii) report to the Secretary the manner in which the consumer education information described in clause (i) was provided to parents and the number of parents to whom such consumer education information was provided, during the period of the previous State plan.'';

(3) by striking subparagraph (E) and inserting the following:

''(E) COMPLIANCE WITH STATE AND TRIBAL LICENSING REQUIREMENTS.—

''(i) IN GENERAL.—Certify that the State (or the Indian tribe or tribal organization) involved has in effect licensing requirements applicable to child care services provided within the State (or area served by the tribe or organization), and provide a detailed description of such requirements and of how such requirements are effectively enforced.

''(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed to require that licensing requirements be applied to specific types of providers of child care services.'';

(4) in subparagraph (F)—

(A) in the first sentence, by striking ''within the State, under State or local law,'' and inserting ''within the State (or area served by the Indian tribe or tribal organization), under State or local law (or tribal law),''; and

(B) in the second sentence, by striking ''State or local law'' and inserting ''State or local law (or tribal law)''; and

(5) by adding at the end the following:

''(I) PROTECTION FOR WORKING PARENTS.—

''(i) REDETERMINATION PROCESS.—Describe the procedures and policies that are in place to ensure that working parents (especially parents in families receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) are not required to unduly disrupt their employment in order to comply with the State's requirements for redetermination of eligibility for assistance under this subchapter.

''(ii) MINIMUM PERIOD.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 6 months before the State redetermines the eligibility of the child under this subchapter, except as provided in clause (iii).

''(iii) PERIOD BEFORE TERMINATION.—At the option of the State, demonstrate that the State will not terminate assistance under this subchapter based on a parent's loss of work or cessation of attendance at a job training or educational program for which the family was receiving the assistance, without continuing the assistance for a reasonable period of time, of not less than 1 month, after such loss or cessation in order for the parent to engage in a job search and resume work, or resume attendance of a job training or educational program, as soon as possible.

''(J) COORDINATION WITH OTHER PROGRAMS.—Describe how the State, in order to expand accessibility and continuity of quality early care and early education, will coordinate the early childhood education activities assisted under this subchapter with—

''(i) programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including the Early Head Start programs carried out under section 645A of that Act (42 U.S.C. 9840a);

''(ii)(I) Early Reading First and Even Start programs carried out under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

''(II) other preschool programs carried out under title I of that Act (20 U.S.C. 6301 et seq.); and

''(III) the Ready-to-Learn Television program carried out under subpart 3 of part D of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6775 et seq.);

''(iii) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act;

''(iv) State prekindergarten programs; and

''(v) other early childhood education programs.

''(K) TRAINING IN EARLY LEARNING AND CHILDHOOD DEVELOPMENT.—Describe any training requirements that are in effect within the State that are designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and that are applicable to child care providers that provide services for which assistance is made available under this subchapter in the State.

''(L) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State is encouraging partnerships among State agencies, other public agencies, and private entities, to leverage existing service delivery systems (as of the date of submission of the State plan) for early childhood education and to increase the supply and quality of child care services for children who are less than 13 years of age.

''(M) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which assistance is provided under this subchapter, who have children with special needs, work nontraditional hours, or require child care services for infants and toddlers.

''(N) COORDINATION WITH TITLE IV OF THE SOCIAL SECURITY ACT.—Describe how the State will inform parents receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and low-income parents about eligibility for assistance under this subchapter.''.

(c) USE OF BLOCK GRANT FUNDS.—Section 658E(c)(3) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

(1) in subparagraph (A), by striking ''as required under'' and inserting ''in accordance with''; and

(2) in subparagraph (B)—

(A) by striking ''The State'' and inserting the following:

''(i) IN GENERAL.—The State'';

(B) in clause (i) (as designated in subparagraph (A)), by striking ''appropriate to realize any of the goals specified in paragraphs (2) through (5) of section 658A(b)'' and inserting ''appropriate (which may include an activity described in clause (ii)) to realize any of the goals specified in paragraphs (2) through (8) of section 658A(b)''; and

(C) by adding at the end the following:

''(ii) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—A State may use amounts described in clause (i) to establish or support a system of local child care resource and referral organizations coordinated, to the extent determined appropriate by the State, by a statewide private, nonprofit, community-based lead child care resource and referral organization. The local child care resource and referral organizations shall—

''(I) provide parents in the State with information, and consumer education, concerning the full range of child care options, including child care provided during nontraditional hours and through emergency child care centers, in their communities;

''(II) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

''(III) submit reports to the State containing data and analysis described in clause (II); and

''(IV) work to establish partnerships with public agencies and private entities to increase the supply and quality of child care services.''.

(d) DIRECT SERVICES.—Section 658E(c)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

(1) in subparagraph (A), by striking ''(D)'' and inserting ''(E)''; and

(2) by adding at the end the following:

''(E) DIRECT SERVICES.—From amounts provided to a State for a fiscal year to carry out this subchapter, the State shall—

''(i) reserve the minimum amount required to be reserved under section 658G, and the funds for costs described in subparagraph (C); and

''(ii) from the remainder, use not less than 70 percent to fund direct services (as defined by the State).''.

(e) PAYMENT RATES.—Section 658E(c)(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)) is amended—

(1) in subparagraph (A), by striking ''The State plan'' and all that follows and inserting the following:

''(i) SURVEY.—The State plan shall—

''(I) demonstrate that the State has, after consulting with local area child care program administrators, developed and conducted a statistically valid and reliable survey of the market rates for child care services in the State (that reflects variations in the cost of child care services by geographic area, type of provider, and age of child) within the 2 years preceding the date of the submission of the application containing the State plan;

''(II) detail the results of the State market rates survey conducted pursuant to subclause (I);

''(III) describe how the State will provide for timely payment for child care services, and set payment rates for child care services, for which assistance is provided under this subchapter in accordance with the results of the market rates survey conducted pursuant to subclause (I) without reducing the number of families in the State receiving such assistance under this subchapter, relative to the number of such families on the date of introduction of the Caring for Children Act of 2005; and

''(IV) describe how the State will, not later than 30 days after the completion of the survey described in subclause (I), make the results of the survey widely available through public means, including posting the results on the Internet.

''(ii) EQUAL ACCESS.—The State plan shall include a certification that the payment rates are sufficient to ensure equal access for eligible children to child care services comparable to child care services in the State or substate area that are provided to children whose parents are not eligible to receive child care assistance under any Federal or State program.''; and

(2) in subparagraph (B)—

(A) by striking ''Nothing'' and inserting the following:

''(i) NO PRIVATE RIGHT OF ACTION.—Nothing''; and

(B) by adding at the end the following:

''(ii) NO PROHIBITION OF CERTAIN DIFFERENT RATES.—Nothing in this subchapter shall be construed to prevent a State from differentiating the payment rates described in subparagraph (A) on the basis of—

''(I) geographic location of child care providers (such as location in an urban or rural area);

''(II) the age or particular needs of children (such as children with special needs and children served by child protective services);

''(III) whether the providers provide child care during weekend and other nontraditional hours; and

''(IV) the State's determination that such differentiated payment rates are needed to enable a parent to choose child care that the parent believes to be of high quality.''.

SEC. 105. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

''SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

''(a) IN GENERAL.—

''(1) RESERVATION.—Each State that receives funds to carry out this subchapter for a fiscal year shall reserve and use not less than 6 percent of the funds for activities provided directly, or through grants or contracts with resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services.

''(2) ACTIVITIES.—The funds reserved under paragraph (1) may only be used to—

''(A) develop and implement voluntary guidelines on pre-reading and language skills and activities, and prenumeracy and mathematics skills and activities, for child care programs in the State, that are aligned with State standards for kindergarten through grade 12 or the State's general goals for school preparedness;

''(B) support activities and provide technical assistance in Federal, State, and local child care settings to enhance early learning for preschool and school-aged children, to promote literacy, to foster school preparedness, and to support later school success;

''(C) offer training, professional development, and educational opportunities for child care providers that relate to the use of developmentally appropriate and age-appropriate curricula, and early childhood teaching strategies, that are scientifically based and aligned with the social, emotional, physical, and cognitive development of children, including—

''(i) developing and operating distance learning child care training infrastructures;

''(ii) developing model technology-based training courses;

''(iii) offering training for caregivers in informal child care settings; and

''(iv) offering training for child care providers who care for infants and toddlers and children with special needs.

''(D) engage in programs designed to increase the retention and improve the competencies of child care providers, including wage incentive programs and initiatives that establish tiered payment rates for providers that meet or exceed child care services guidelines, as defined by the State;

''(E) evaluate and assess the quality and effectiveness of child care programs and services offered in the State to young children on improving overall school preparedness; and

''(F) carry out other activities determined by the State to improve the quality of child care services provided in the State and for which measurement of outcomes relating to improved child safety, child well-being, or school preparedness is possible.

''(b) CERTIFICATION.—Beginning with fiscal year 2006, the State shall annually submit to the Secretary a certification in which the State certifies that the State was in compliance with subsection (a) during the preceding fiscal year and describes how the State used funds made available to carry out this subchapter to comply with subsection (a) during that preceding fiscal year.

''(c) STRATEGY.—The State shall annually submit to the Secretary—

''(1) beginning with fiscal year 2006, an outline of the strategy the State will implement during that fiscal year to address the quality of child care services for which financial assistance is made available under this subchapter, including—

''(A) a statement specifying how the State will address the activities carried out under subsection (a);

''(B) a description of quantifiable, objective measures that the State will use to evaluate the State's progress in improving the quality of the child care services (including measures regarding the impact, if any, of State efforts to improve the quality by increasing payment rates, as defined in section 658H(c)), evaluating separately the impact of the activities listed in each of such subparagraphs on the quality of the child care services; and

''(C) a list of State-developed child care services quality targets quantified for such fiscal year for such measures; and

''(2) beginning with fiscal year 2007, a report on the State's progress in achieving such targets for the preceding fiscal year.

''(d) IMPROVEMENT PLAN.—If the Secretary determines that a State failed to make progress as described in subsection (c)(2) for a fiscal year—

''(1) the State shall submit an improvement plan that describes the measures the State will take to make that progress; and

''(2) the State shall comply with the improvement plan by a date specified by the Secretary but not later than 1 year after the date of the determination.

''(e) CONSTRUCTION.—Nothing in this subchapter shall be construed to require that the State apply measures for evaluating quality of child care services to specific types of child care providers.''.

SEC. 106. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.

The Child Care and Development Block Grant Act of 1990 is amended by inserting after section 658G (42 U.S.C. 9858e) the following:

''SEC. 658H. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.

''(a) IN GENERAL.—If a State receives funds to carry out this subchapter for a fiscal year, and the amount of the funds exceeds the amount of funds the State received to carry out this subchapter for fiscal year 2005, the State shall consider using a portion of the excess—

''(1) to support payment rate increases in accordance with the market rate survey conducted pursuant to section 658E(c)(4);

''(2) to support the establishment of tiered payment rates as described in section 658G(a)(2)(D); and

''(3) to support payment rate increases for care for children in communities served by local educational agencies that have been identified for improvement under section 1116(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(c)(3)).

''(b) NO REQUIREMENT TO REDUCE CHILD CARE SERVICES.—Nothing in this section shall be construed to require a State to take an action that the State determines would result in a reduction of child care services to families of eligible children.

''(c) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of State payment or reimbursement to providers for subsidized child care.''.

SEC. 107. REPORTING REQUIREMENTS.

(a) HEADING.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i) is amended by striking the section heading and inserting the following:

''SEC. 658K. REPORTS AND AUDITS.''.

(b) REQUIRED INFORMATION.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended to read as follows:

''(a) REPORTS.—

''(1) IN GENERAL.—A State that receives funds to carry out this subchapter shall collect the information described in paragraph (2) on a monthly basis.

''(2) REQUIRED INFORMATION.—The information required under this paragraph shall include, with respect to a family unit receiving assistance under this subchapter, information concerning—

''(A) family income;

''(B) county of residence;

''(C) the gender, race, and age of children receiving such assistance;

''(D) whether the head of the family unit is a single parent;

''(E) the sources of family income, including—

''(i) employment, including self-employment; and

''(ii) assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and a State program for which State spending is counted toward the maintenance of effort requirement under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7));

''(F) the type of child care in which the child was enrolled (such as family child care, home care, center-based child care, or other types of child care described in section 658T(5));

''(G) whether the child care provider involved was a relative;

''(H) the cost of child care for such family, separately stating the amount of the subsidy payment of the State and the amount of the co-payment of the family toward such cost;

''(I) the average hours per month of such care;

''(J) household size;

''(K) whether the parent involved reports that the child has an individualized education program or an individualized family service plan, as such terms are defined in section 602 of the Individuals with Disabilities Education Act; and

''(L) the reason for any termination of benefits under this subchapter, including whether the termination was due to—

''(i) the child's age exceeding the allowable limit;

''(ii) the family income exceeding the State eligibility limit;

''(iii) the State recertification or administrative requirements not being met;

''(iv) parent work, training, or education status no longer meeting State requirements;

''(v) a nonincome related change in status; or

''(vi) other reasons;

during the period for which such information is required to be submitted.

''(3) SUBMISSION TO SECRETARY.—A State described in paragraph (1) shall, on a quarterly basis, submit to the Secretary the information required to be collected under paragraph (2) and the number of children and families receiving assistance under this subchapter (stated on a monthly basis). Information on the number of families receiving the assistance shall also be posted on the website of such State. In the fourth quarterly report of each year, a State described in paragraph (1) shall also submit to the Secretary information on the annual number and type of child care providers (as described in section 658T(5)) that received funding under this subchapter and the annual number of payments made by the State through vouchers, under contracts, or by payment to parents reported by type of child care provider.

''(4) USE OF SAMPLES.—

''(A) AUTHORITY.—A State may comply with the requirement to collect the information described in paragraph (2) through the use of disaggregated case record information on a sample of families selected through the use of scientifically acceptable sampling methods approved by the Secretary.

''(B) SAMPLING AND OTHER METHODS.—The Secretary shall provide the States with such case sampling plans and data collection procedures as the Secretary determines necessary to produce statistically valid samples of the information described in paragraph (2). The Secretary may develop and implement procedures for verifying the quality of data submitted by the States.''.

(c) PERIOD OF COMPLIANCE AND WAIVERS.—

(1) IN GENERAL.—States shall have 2 years from the date of enactment of this Act to comply with the changes to data collection and reporting required by the amendments made by this section.

(2) WAIVERS.—The Secretary of Health and Human Services may grant a waiver from paragraph (1) to States with plans to procure data systems.

SEC. 108. NATIONAL ACTIVITIES.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

''SEC. 658L. NATIONAL ACTIVITIES.

''(a) REPORT.—

''(1) IN GENERAL.—The Secretary shall, not later than April 30, 2006, and annually thereafter, prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and, not later than 30 days after the date of such submission, post on the Department of Health and Human Services website, a report that contains the following:

''(A) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under sections 658E, 658G(c), and 658K.

''(B) Aggregated statistics on and an analysis of the supply of, demand for, and quality of child care, early education, and nonschool-hour programs.

''(C) An assessment and, where appropriate, recommendations for Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

''(D) A progress report describing the progress of the States in streamlining data reporting, the Secretary's plans and activities to provide technical assistance to States, and an explanation of any barriers to getting data in an accurate and timely manner.

''(2) COLLECTION OF INFORMATION.—The Secretary may make arrangements with resource and referral organizations, to utilize the child care data system of the resource and referral organizations at the national, State, and local levels, to collect the information required by paragraph (1)(B).

''(b) GRANTS TO IMPROVE QUALITY AND ACCESS.—

''(1) IN GENERAL.—The Secretary shall award grants to States, from allotments made under paragraph (2), to improve the quality of and access to child care for infants and toddlers, subject to the availability of appropriations for this purpose.

''(2) ALLOTMENTS.—From funds reserved under section 658O(a)(3) for a fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the amount the State receives for the fiscal year under section 658O bears to the amount all States receive for the fiscal year under section 658O.

''(c) TOLL-FREE HOTLINE.—The Secretary shall award a grant or contract, or enter into a cooperative agreement for the operation of a national toll-free hotline to assist families in accessing local information on child care options and providing consumer education materials, subject to the availability of appropriations for this purpose.

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States on developing and conducting the State market rates survey described in section 658E(c)(4)(A)(i).''.

SEC. 109. ALLOCATION OF FUNDS FOR INDIAN TRIBES, QUALITY IMPROVEMENT, AND A HOTLINE.

(a) IN GENERAL.—Section 658O(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(a)) is amended—

(1) in paragraph (2), by striking ''not less than 1 percent, and not more than 2 percent,'' and inserting ''2 percent''; and

(2) by adding at the end the following:

''(3) GRANTS TO IMPROVE QUALITY AND ACCESS.—The Secretary shall reserve an amount not to exceed $100,000,000 for each fiscal year to carry out section 658L(b), subject to the availability of appropriations for this purpose.

''(4) TOLL-FREE HOTLINE.—The Secretary shall reserve an amount not to exceed $1,000,000 to carry out section 658L(c), subject to the availability of appropriations for this purpose.''.

(b) CONFORMING AMENDMENT.—Section 658O(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(c)(1)) is amended by inserting ''(in accordance with the requirements of subparagraphs (E) and (F) of section 658E(c)(2) for such tribes or organizations)'' after ''applications under this section''.

SEC. 110. DEFINITIONS.

(a) ELIGIBLE CHILD.—Section 658P(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking ''85 percent of the State median income for a family of the same size'' and inserting ''an income level determined by the State involved, with priority based on need as defined by the State''; and

(2) in subparagraph (C)—

(A) in clause (i), by striking ''a parent or parents'' and inserting ''a parent (including a legal guardian or foster parent) or parents''; and

(B) by striking clause (ii) and inserting the following:

''(ii)(I) is receiving, or needs to receive, protective services (which may include foster care) or is a child with significant cognitive or physical disabilities as defined by the State; and

''(II) resides with a parent (including a legal guardian or foster parent) or parents not described in clause (i).''.

(b) CHILD WITH SPECIAL NEEDS.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended by inserting after paragraph (2) the following:

''(3) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means—

''(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act;

''(B) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act; and

''(C) a child with special needs, as defined by the State involved.''.

(c) LEAD AGENCY.—Section 658P(8) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(8)) is amended by striking ''section 658B(a)'' and inserting ''section 658D(a)''.

(d) PARENT.—Section 658P(9) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(9)) is amended by inserting '', foster parent,'' after ''guardian''.

(e) NATIVE HAWAIIAN ORGANIZATION.—Section 658P(14)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(14)(B)) is amended by striking ''Native Hawaiian Organization, as defined in section 4009(4) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4909(4))'' and inserting ''Native Hawaiian organization, as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)''.

(f) REDESIGNATION.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by redesignating section 658P as section 658T; and

(2) by moving that section 658T to the end of the Act.

SEC. 111. RULES OF CONSTRUCTION.

The Child Care and Development Block Grant Act of 1990 (as amended by section 110(f)) is further amended by inserting after section 658O (42 U.S.C. 9858m) the following:

''SEC. 658P. RULES OF CONSTRUCTION.

''Nothing in this subchapter shall be construed to require a State to impose State child care licensing requirements on any type of early childhood provider, including any such provider who is exempt from State child care licensing requirements on the date of enactment of the Caring for Children Act of 2005.''.

TITLE II—ENHANCING SECURITY AT CHILD CARE CENTERS IN FEDERAL FACILITIES

SEC. 201. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CORRESPONDING CHILD CARE FACILITY.—The term ''corresponding child care facility'', used with respect to the Chief Administrative Officer of the House of Representatives, the Librarian of Congress, or the head of a designated entity in the Senate, means a child care facility operated by, or under a contract or licensing agreement with, an office of the House of Representatives, the Library of Congress, or an office of the Senate, respectively.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term ''entity sponsoring'', used with respect to a child care facility, means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term ''executive facility''—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency, a legislative office, or a judicial office.

(7) JUDICIAL FACILITY.—The term ''judicial facility'' means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (5)(B)).

(8) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(9) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(10) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

SEC. 202. ENHANCING SECURITY.

(a) COVERAGE.—

(1) EXECUTIVE BRANCH.—The Administrator shall issue the regulations described in subsection (b) for child care facilities, and entities sponsoring child care facilities, in executive facilities.

(2) LEGISLATIVE BRANCH.—The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of a designated entity in the Senate shall issue the regulations described in subsection (b) for corresponding child care facilities, and entities sponsoring the corresponding child care facilities, in legislative facilities.

(3) JUDICIAL BRANCH.—The Director of the Administrative Office of the United States Courts shall issue the regulations described in subsection (b) for child care facilities, and entities sponsoring child care facilities, in judicial facilities.

(b) REGULATIONS.—The officers and designated entity described in subsection (a) shall issue regulations that concern—

(1) matters relating to an occupant emergency plan and evacuations, such as—

(A) providing for building security committee membership for each director of a child care facility described in subsection (a);

(B) establishing a separate section in an occupant emergency plan for each such facility;

(C) promoting familiarity with procedures and evacuation routes for different types of emergencies (such as emergencies caused by hazardous materials, a fire, a bomb threat, a power failure, or a natural disaster);

(D) strengthening onsite relationships between security personnel and the personnel of such a facility, such as by ensuring that the post orders of guards reflect responsibility for the facility;

(E) providing specific, clear, and concise evacuation instructions for a facility, including instructions specifying who authorizes an evacuation;

(F) providing for good evacuation equipment, especially cribs; and

(G) promoting the ability to evacuate without outside assistance; and

(2) matters relating to relocation sites, such as—

(A) promoting an informed parent body that is knowledgeable about evacuation procedures and relocation sites;

(B) providing regularly updated parent contact information (regarding matters such as names, locations, electronic mail addresses, and cell phone and other telephone numbers);

(C) establishing remote telephone contact for parents, to and from areas that are not less than 10 miles from such a facility; and

(D) providing for an alternate site (in addition to regular sites) in the event of a catastrophe, which site may include—

(i) a site that would be an unreasonable distance from the facility under normal circumstances; and

(ii) a facility with 24-hour operations, such as a hotel or law school library.

TITLE III—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY OF QUALITY CHILD CARE

SEC. 301. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant; and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant.

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' means a small business or a consortium formed in accordance with subsection (d)(3).

(2) SMALL BUSINESS.—The term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2006 through 2010.

(2) EVALUATIONS AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(l) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2010.

Mr. ENZI. Mr. President, today I am pleased to be joined by Senators KENNEDY, ALEXANDER and DODD in introducing the ''Caring for Children Act of 2005'' which reauthorizes the Child Care and Development Block Grant (CCDBG). This legislation is essential to continued success with welfare reform because it helps low-income parents find and pay for affordable child care so that they can work.

As members of this body know, child care vouchers provided to parents by States using CCDBG funds greatly facilitate the expansion of child care subsidies and promote parental choice by allowing eligible parents to select their preferred type of care setting and provider, including faith-based providers.

Current law provides States with flexibility in determining how to address the child care needs of low-income families and children, including establishing the eligibility requirements for participation.

The legislation we are introducing today adds even greater flexibility by proposing to eliminate the arbitrary Federal ceiling for eligibility. Removal of this ceiling, previously set at 85 percent of State median income, eliminates any Federal income-based restriction on State determination of who receives benefits. However States must continue to prioritize families based on need.

States provide child care assistance to both TANF and non-TANF families. For the first time the Caring for Children Act requires States and territories to show they are spending at least 70 percent of their mandatory child care money on actual subsidies for child care. For TANF families, families transitioning off TANF, and families at risk of becoming dependent on public assistance an assurance of the State's commitment to providing significant funds for direct assistance is critical.

The bill we are introducing today also addresses factors that in the past made finding care difficult for parents. We have specifically required States to meet the child care needs of parents who have children with special needs, parents who work non-traditional hours, or parents who need child care for infants and toddlers. Additionally, the legislation streamlines and reduces unnecessary paperwork by allowing States to provide assistance to eligible families for six months before re-determining eligibility.

The bill also supports the needs of small business owners and operators, by providing resources for small businesses to join together to provide child care for their employees. This will be of great help for rural areas, where small businesses provide most of the employment opportunities.

Last, but most importantly, the bill responds to, in significant ways, the very disturbing reports about the lack of quality in child care and the lack of tangible results from current investments in quality. The bill before us increases the quality set-aside from 4 to 6 percent and directs child care quality funds toward activities that can really make a difference. Under this bill, States would develop child care quality targets and would be held accountable to reach those targets. Quality funds would be available for States to: develop and implement voluntary guidelines on pre-reading and language skills and prenumeracy and mathematic skills and activities for child care programs in the State; support activities and provide technical assistance to enhance early learning and school preparedness in Federal, State and local child care settings; offer training, professional development and educational opportunities for child care providers that relate to scientifically based curricula and teaching strategies through several means including distance learning; offer incentives for child care providers that meet or exceed State child care services guidelines; evaluate and assess the quality and effectiveness of child care programs and services offered in the State to young children on improving overall school preparedness; and other activities that can be shown to improve child safety, child well-being, or school preparedness.

The improvements made to the program by this legislation and the resources it provides will continue to help provide quality child care in my home State of Wyoming, and other rural States. Many families in Wyoming reside in very isolated areas, and by helping to support child care centers in those rural areas, this legislation will help provide high quality child care; a service that many in those communities might otherwise be forced to do without.

This legislation represents a truly bipartisan effort and I look forward to having it signed into law this year. The Caring for Children Act includes some very important changes in our nation's premier child care program that provide families with the assistance they need to work and access to child care that best meets their children's needs.

By Mr. REED (for himself, Mr. DODD, Mr. KENNEDY, and Mrs. MURRAY):

S. 526. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined today by Senators DODD, KENNEDY, and MURRAY in once again introducing the Child Care Quality Incentive Act, which seeks to redouble our child care efforts and renew the child care partnership with the States by providing incentive funding to increase payment rates.

This legislation seeks to put high-quality child care within the reach of more working families. As things stand, States too often fund only a fraction of prevailing child care costs.

Under the Child Care and Development Block Grant (CCDBG), States are required to perform market rate surveys every two years. Yet many States

disregard them when it comes time to setting their payment rates, the level at which States reimburse child care providers who care for low-income children who receive a child care subsidy. As a result, States are unable to meet the law's promise to give eligible low-income families the same access to child care services as non-eligible families.

At stake are safe, supportive, and educationally enriching environments for children during the formative years that set the stage for future performance in school and beyond. When payment rates are set too low, child care centers that serve low-income children struggle to survive and may have to close. If they choose to stay afloat despite the limited ability of families to pay, the tradeoffs directly impact the quality of care. Such tradeoffs include smaller staffs, underpaid employees with few or no benefits, and limited employee training, educational materials, and community services like health screenings. Those centers that avoid this route may turn low-income children away or be forced out of business.

Under welfare reform we expect the neediest parents to hold jobs to sustain their families. We must also afford them responsible choices to protect their children while they pursue their economic future.

Our legislation creates a new mandatory funding pool under the Child Care and Development Block Grant to help States increase payment rates, while requiring States to set payment rates in line with updated market rate surveys. As such, it will allow more low-income families access to quality child care, and increase the availability of quality child care for all families.

Support for this legislation is strong among leading national organizations such as USA Child Care, the Children's Defense Fund, the YMCA of the USA, Catholic Charities of the USA, the Child Welfare League of America, and many more. A range of local and State organizations and providers have also offered endorsements.

This year, Congress is slated to reauthorize the Child Care and Development Block Grant. I urge my colleagues to join Senators DODD, KENNEDY, MURRAY, and me in this endeavor to improve the quality of child care by cosponsoring the Child Care Quality Incentive Act and working to include its provisions in the CCDBG reauthorization. The time to bring payment rates in line with market realities is now. Only then will the commitment to offer equal access to quality child care ring true.

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

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

S. 526

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 ''Child Care Quality Incentive Act of 2005''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Recent research on early brain development reveals that much of a child's growth is determined by early learning and nurturing care. Research also shows that quality early care and education leads to increased cognitive abilities, positive classroom learning behavior, increased likelihood of long-term school success, and greater likelihood of long-term economic and social self-sufficiency.

(2) Each day an estimated 13,000,000 children, including 6,000,000 infants and toddlers, spend some part of their day in child care. However, a study in 4 States found that only 1 in 7 child care centers provide care that promotes healthy development, while 1 in 8 child care centers provide care that threatens the safety and health of children.

(3) Full-day child care can cost $4,000 to $12,000 per year.

(4) Although Federal assistance is available for child care, funding is severely limited. Even with Federal subsidies, many families cannot afford child care. For families with young children and a monthly income under $1,200, the cost of child care typically consumes 25 percent of their income.

(5) Payment (or reimbursement) rates, which determine the maximum the State will reimburse a child care provider for the care of a child who receives a subsidy, are too low to ensure that quality care is accessible to all families.

(6) Low payment rates directly affect the kind of care children get and whether families can find quality child care in their communities. In many instances, low payment rates force child care providers serving low-income children to cut corners in ways that impact the quality of care for the children, including reducing the number of staff, eliminating professional development opportunities, and cutting enriching educational activities and services.

(7) Children in low-quality child care are more likely to have delayed reading and language skills, and display more aggression toward other children and adults.

(8) Increased payment rates lead to higher quality child care as child care providers are able to attract and retain qualified staff, provide salary increases and professional training, maintain a safe and healthy environment, and purchase basic supplies, children's literature, and developmentally appropriate educational materials.

(b) PURPOSE.—The purpose of this Act is to improve the quality of, and access to, child care by increasing child care payment rates.

SEC. 3. PAYMENT RATES.

Section 658E(c)(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)) is amended—

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

(2) in subparagraph (A), by striking ''to comparable child care services'' and inserting ''to child care services that are comparable (in terms of quality and types of services provided) to child care services''; and

(3) by inserting after subparagraph (A) the following:

''(B) PAYMENT RATES.—

''(i) SURVEYS.—In order to provide the certification described in subparagraph (A), the State shall conduct statistically valid and reliable market rate surveys (that reflect variations in the cost of child care services by locality), in accordance with such methodology standards as the Secretary shall issue. The State shall conduct the surveys not less often than at 2-year intervals, and use the results of such surveys to implement, not later than 1 year after conducting each survey, payment rates described in subparagraph (A) that ensure equal access to comparable services as required by subparagraph (A).

''(ii) COST OF LIVING ADJUSTMENTS.—The State shall adjust the payment rates at intervals between such surveys to reflect increases in the cost of living, in such manner as the Secretary may specify.

''(iii) RATES FOR DIFFERENT AGES AND TYPES OF CARE.—The State shall ensure that the payment rates reflect variations in the cost of providing child care services for children of different ages and providing different types of care.

''(iv) PUBLIC DISSEMINATION.—The State shall, not later than 30 days after the completion of each survey described in clause (i), make the results of the survey widely available through public means, including posting the results on the Internet.''.

SEC. 4. INCENTIVE GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

(a) FUNDING.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking ''There'' and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—There'';

(2) in subsection (a), by inserting ''(other than section 658H)'' after ''this subchapter''; and

(3) by adding at the end the following:

''(b) APPROPRIATION OF FUNDS FOR GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—Out of any funds in the Treasury that are not otherwise appropriated, there is authorized to be appropriated and there is appropriated $500,000,000 for each of fiscal years 2006 through 2010, for the purpose of making grants under section 658H.''.

(b) USE OF BLOCK GRANT FUNDS.—Section 658E(c)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

(1) in subparagraph (B), by striking ''under this subchapter'' and inserting ''under this subchapter (other than section 658B(b))''; and

(2) in subparagraph (D), by inserting ''(other than section 658H)'' after ''under this subchapter''.

(c) ESTABLISHMENT OF PROGRAM.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by inserting ''(other than section 658H)'' after ''this subchapter''.

(d) GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

''SEC. 658H. GRANTS TO IMPROVE THE QUALITY OF CHILD CARE.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall use the amount appropriated under section 658B(b) for a fiscal year to make grants to eligible States, and Indian tribes and tribal organizations, in accordance with this section.

''(2) ANNUAL PAYMENTS.—The Secretary shall make an annual payment for such a grant to each eligible State, and for Indian tribes and tribal organizations, out of the corresponding payment or allotment made under subsections (a), (b), and (e) of section 658O from the amount appropriated under section 658B(b).

''(b) ELIGIBLE STATES.—

''(1) IN GENERAL.—In this section, the term 'eligible State' means a State that—

''(A) has conducted a statistically valid survey of the market rates for child care

services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

''(B) submits an application in accordance with paragraph (2).

''(2) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

''(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

''(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

''(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i);

''(iii) describe how the State will increase payment rates in accordance with the market survey results, for all types of child care providers who provide services for which assistance is made available under this subchapter;

''(iv) describe how payment rates will be set to reflect the variations in the cost of providing care for children of different ages and different types of care;

''(v) describe how the State will prioritize increasing payment rates for—

''(I) care of higher-than-average quality, such as care by accredited providers or care that includes the provision of comprehensive services;

''(II) care for children with disabilities and children served by child protective services; or

''(III) care for children in communities served by local educational agencies that have been identified for improvement under section 1116(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(c)(3));

''(vi) describe the State's plan to assure that the State will make the payments on a timely basis and follow the usual and customary market practices with regard to payment for child absentee days; and

''(vii) describe the State's plans for making the results of the survey widely available through public means.

''(3) CONTINUING ELIGIBILITY REQUIREMENT.—

''(A) SECOND AND SUBSEQUENT PAYMENTS.—A State shall be eligible to receive a second or subsequent annual payment under this section only if the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates.

''(B) THIRD AND SUBSEQUENT PAYMENTS.—A State shall be eligible to receive a third or subsequent annual payment under this section only if the State has conducted, at least once every 2 years, an update of the survey described in paragraph (1)(A).

''(4) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by the State pursuant to subsection (c) in an amount that is not less than 20 percent of such costs.

''(B) DETERMINATION OF STATE CONTRIBUTIONS.—Such State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

''(c) USE OF FUNDS.—

''(1) PRIORITY USE.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 100th percentile of the market rate determined under the market rate survey described in subsection (b)(1)(A).

''(2) ADDITIONAL USES.—An eligible State that demonstrates to the Secretary that the State has achieved a payment rate of the 100th percentile of the market rate determined under the market rate survey described in subsection (b)(1)(A) may use funds received under a grant made under this section for any other activity that the State demonstrates to the Secretary will enhance the quality of child care services provided in the State.

''(3) SUPPLEMENT NOT SUPPLANT.—Amounts paid to a State under this section shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under this subchapter or any other provision of law.

''(d) EVALUATIONS AND REPORTS.—

''(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased payment rates are having on the quality of child care in the State and the access of parents to high-quality child care in the State.

''(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

''(e) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall determine the manner in which and the extent to which the provisions of this section apply to Indian tribes and tribal organizations.

''(f) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.''.

(e) PAYMENTS.—Section 658J(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h(a)) is amended by inserting ''from funds appropriated under section 658B(a)'' after ''section 658O''.

(f) ALLOTMENT.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking ''section 658B'' and inserting ''section 658B(a)''; and

(B) by inserting ''and from the amounts appropriated under section 658B(b) for each fiscal year remaining after reservations under subsection (a),'' before ''the Secretary shall allot''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''the allotment under subsection (b)'' and inserting ''an allotment made under subsection (b)''; and

(B) in paragraph (3), by inserting ''corresponding'' before ''allotment''.

Mr. KENNEDY. Mr. President, I'm pleased to join my colleagues in introducing the Caring for Children Act of 2005. We were able to work together on both sides of the aisle to prepare this bill to reauthorize the Child Care and Development Block Grant program. The Caring for Children Act reflects our common goals to expand access and improve the quality of child care for children and families throughout the Nation.

Child care is a key issue in both welfare reform and education reform. The success of our welfare system rests on our ability to provide dependable and consistent child care support for low-income families, so that they can work and provide for their families. Improving the quality of child care and the environment in which our children develop is an essential responsibility of our society as a whole, and this legislation can be an important part of our effort in Congress to meet that responsibility.

Today, 65 percent of parents with young children and 79 percent of parents with school age children are in America's workforce. During the working day, 14 million children are cared for by someone other than a parent.

For low-income families and single mothers, child care assistance is a lifeline. Low-income mothers who receive child care assistance are 40 percent more likely to remain employed after 2 years, compared to those who do not receive such support. Yet child care is still unaffordable for far too many families—full-day care can easily cost thousands of dollars a year and become an impossible expense for millions of families.

The Caring for Children Act will expand access to child care and do more to deliver the support that working parents need in obtaining effective child care. The bill supports activities to help parents fmd quality care through State Resource and Referral Centers, so that greater information and outreach to parents will be available.

Child care is a vital support for working parents, and it is also an essential link in preparing young children for school. Research shows that the early environments in which children learn and develop have a profound impact on their later development and on their success in school. Unfortunately, much remains to be done to improve the quality of child care. Nearly half of all kindergarten teachers report that the majority of children in each entering class has specific problems, including difficulty in following directions, lack of even the most basic academic skills, troubled situations at home, or difficulty in relating to other children.

The Caring for Children Act seeks to improve the quality of child care available to low-income children and their families through the Child Care and Development Block Grant. The bill will raise the amount of funds that States must dedicate to quality activities from 4 to 6 percent.

Most important, the Act will promote better child care by focusing on activities that make children ready to learn, and encouraging States to improve child safety and well-being. Funds will be used to provide greater training and support for child care workers, establish voluntary guidelines for school preparedness, and enhance the early learning of young children.

Investments in the child care workforce are also essential to improve the quality of care. Today, only one in

seven child care centers provides a level of quality adequate for child development. Thirty states have no preservice training requirements for child care workers. Our bill supports professional development and education opportunities for child care providers to upgrade their skills and to use proven and effective early learning materials and teaching strategies in their work. It encourages states to increase the recruitment and retention of qualified child care staff and reduce the high turnover rates in child care centers.

We must also do more to ensure that states provide timely and adequate payments for high quality care. The Caring for Children Act will improve reimbursement rates for care in the states, and more effectively use the market survey required under current law to establish payment rates. I commend Senator REED for his leadership on those provisions.

Finally, the Caring for Children Act creates a new Federal commitment to serve children in need, including families with infants and toddlers, children with disabilities, and families that require special care during non-traditional work hours. Thanks to Senator HARKIN's leadership, the needs of infants and toddlers will continue to be addressed in this bill.

The Caring for Children Act builds on effective practices already underway in many states, but we still have a long way to go to see that all children have access to good child care. More resources are clearly required, and the need is urgent.

In nearly half the states, eligible children are being placed on waiting lists or being turned away altogether. In Massachusetts, over 16,000 low-income children are on waiting lists.

Instead of responding to this need, the President's budget for Fiscal Year 2006 freezes funding for the Child Care and Development Block Grant. Under the Administration's own calculations, 300,000 fewer low-income children will have access to child care assistance by 2010. Surely, we can do better.

It makes no sense to cut back on child care for low-income children. We need to serve as many needy children as possible. I look forward very much to working with our colleagues on the Finance Committee to make that goal a reality as the reauthorization of the Temporary Assistance for Needy Families Block Grant moves forward this year.

I commend Senators ENZI, ALEXANDER, and DODD for their impressive work on this bill. I urge all of my colleagues in the Senate to support this important legislation and work with us to provide the support for quality child care that low-income families throughout America need and deserve.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, and Mrs. CLINTON):

S. 527. A bill to protect the Nation's law enforcement officers by banning the Five-seveN Pistol and 5.7 x 28mm SS190 and SS192 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, the tragic attacks of September 11, 2001 reminded us that police are heroes who risk their lives to protect us.

That's why it's so outrageous that a gun manufacturer would design and market a ''cop killer'' weapon.

Today on the streets of our cities there is a handgun, called the Five-SeveN, that was specifically designed to pierce bulletproof vests like the ones worn by police.

The web site for this gun actually brags that it can pierce protective armor—that it is a potential cop killer.

One of these weapons was recently confiscated by police officer in Camden, NJ, from a suspect charged with trafficking in large amounts of narcotics.

If there had been a gunfight, the police would have been outgunned.

Who knows how many cop-killer guns are on the streets of my State—or yours?

Police across the nation are alarmed by this weapon. The police chief of Jersey City, Robert Troy, recently pleaded with Congress to ban this gun.

That's why I have introduced the Protect Law Enforcement Armor (PLEA) Act to take ''cop-killer guns'' off the streets. And, I am pleased Senators CORZINE, SCHUMER and CLINTON are co-sponsors of this legislation.

There might be a place for this gun on a battlefield . . . but not near a playground.

Not on our streets.

The cop-killer gun isn't good for hunting. The last time I checked, deer didn't wear bulletproof vests.

It isn't for target shooting.

It isn't even a practical weapon for protection against home intruders.

The cop-killer gun was designed for one thing—piercing the protective armor worn by police officers.

This is a weapon a terrorist or criminal would love: light and easily concealed, yet so powerful that it can penetrate a bullet-proof vest from a distance of more than two football fields.

Armor-piercing bullets are already illegal, but the cop-killer gun has slipped through a loophole in the law.

Simply put, this gun skirts the law by delivering ammunition with unusual velocity, turning otherwise legal bullets into ''cop killers.''

We can't sit by. We must protect our police.

We must ban the cop-killer gun and close the loophole on cop-killer bullets.

Our police officers risk their lives to protect us . . . but we should reduce that risk as much as possible.

Let's get cop-killer guns off our streets.

Let's pass the PLEA Act.

The PLEA Act is simple. It would ban the Five-seven assault pistol, ban the special armor piecing FN 5.7 x 28mm S 192 ammunition, expand the federal definition of armor piercing ammunition, and require the Attorney General to test any ammunition that is capable of penetrating body armor.

The PLEA Act does not apply to the military and law enforcement. In fact, it specifically exempts sale of armor piercing ammunition to the military and law enforcement.

I encourage my colleagues to support it.

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. 527

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 ''Protect Law Enforcement Armor Act'' or the ''PLEA Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Law enforcement is facing a new threat from handguns and accompanying ammunition, which are designed to penetrate police body armor, being marketed and sold to civilians.

(2) A Five-seveN Pistol and accompanying ammunition, manufactured by FN Herstal of Belgium as the ''5.7 x 28 mm System,'' has recently been recovered by law enforcement on the streets. The Five-seveN Pistol and 5.7 x 28mm SS192 cartridges are legally available for purchase by civilians under current law.

(3) The Five-seveN Pistol and 5.7 x 28mm SS192 cartridges are capable of penetrating level IIA armor. The manufacturer advertises that ammunition fired from the Five-seveN will perforate 48 layers of Kevlar up to 200 meters and that the ammunition travels at 2100 feet per second.

(4) The Five-seveN Pistol, and similar handguns designed to use ammunition capable of penetrating body armor, pose a devastating threat to law enforcement.

(b) PURPOSE.—The purpose of this Act is to protect the Nation's law enforcement officers by—

(1) testing handguns and ammunition for capability to penetrate body armor; and

(2) prohibiting the manufacture, importation, sale, or purchase by civilians of the Five-seveN Pistol, ammunition for such pistol, or any other handgun that uses ammunition found to be capable of penetrating body armor.

SEC. 3. ARMOR PIERCING AMMUNITION.

(a) EXPANSION OF DEFINITION OF ARMOR PIERCING AMMUNITION.—Section 921(a)(17)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) a projectile that—

''(I) may be used in a handgun; and

''(II) the Attorney General determines, pursuant to section 926(d), to be capable of penetrating body armor.''.

(b) DETERMINATION OF CAPABILITY OF PROJECTILES TO PENETRATE BODY ARMOR.—Section 926 of title 18, United States Code, is amended by adding at the end the following:

''(d)(1) Not later than 1 year after the date of enactment of this subsection, the Attorney General shall promulgate standards for the uniform testing of projectiles against Body Armor Exemplar.

''(2) The standards promulgated pursuant to paragraph (1) shall take into account, among other factors, variations in performance that are related to the type of handgun used, the length of the barrel of the handgun, the amount and kind of powder used to propel the projectile, and the design of the projectile.

''(3) As used in paragraph (1), the term 'Body Armor Exemplar' means body armor that the Attorney General determines meets minimum standards for the protection of law enforcement officers.''

SEC. 4. ARMOR PIERCING HANDGUNS AND AMMUNITION.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding after subsection (y):

''(z) FIVE-SEVEN PISTOL.—

''(1) IN GENERAL.—It shall be unlawful for any person to manufacture, import, market, sell, ship, deliver, possess, transfer, or receive—

''(A) the Fabrique Nationale Herstal Five-SeveN Pistol;

''(B) 5.7 x 28mm SS190 and SS192 cartridges; or

''(C) any other handgun that uses armor piercing ammunition.

''(2) EXCEPTIONS.—This subsection shall not apply to—

''(A) any firearm or armor piercing ammunition manufactured for, and sold exclusively to, military, law enforcement, or intelligence agencies of the United States; and

''(B) the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm or armor piercing ammunition by a licensed manufacturer, or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm or ammunition to determine whether paragraph (1) applies to such firearm.''.

(b) PENALTIES.—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking ''or (q)'' and inserting ''(q), or (z)''.

By Mr. HARKIN (for himself and Mr. SMITH):

S. 528. A bill to authorize the Secretary of Health and Human Services to provide grants to States to conduct demonstration projects that are designed to enable medicaid-eligible individuals to receive support for appropriate and necessary long-term services in the settings of their choice; to the Committee on Finance.

Mr. HARKIN. Mr. President, today I, along with Senator SMITH, introduce the Money Follows the Person Act of 2005. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and community activities.

In order to work or live in their own homes, Americans with disabilities need access to community-based services and supports. Unfortunately, under current Federal Medicaid policy, the deck is stacked in favor of living in an institution. The purpose of this bill is to level the playing field and give eligible individuals equal access to community-based services and supports.

Under our legislation, the Medicaid money paid by states and the Federal government would follow the person with a disability from an institution into the community. This legislation provides 100 percent Federal reimbursement for the community services that an individual needs during the first year that they move out of an institution or nursing home. By fully reimbursing the states, it gives them some additional resources to allow people with disabilities to choose to live in the community.

President Bush first proposed the Money Follows the Person Rebalancing Initiative in his FY '04 budget and indicated that the demonstration project would provide full Federal reimbursement for community services for the first year that an individual moves out of an institution or nursing home. Senator SMITH and I have worked with the disability community and others in drafting this legislation, and we look forward to working with the Administration and our colleagues to enact the Money Follows the Person concept into law.

We have a Medicaid system in this country that is spending approximately two-thirds of its dollars on institutional care and approximately one-third on community services. This bill is an important step toward switching those numbers around.

It is shameful that our federal dollars are being spent to segregate people, not integrate them. It has been 15 years since we passed the Americans with Disabilities Act, which said ''no'' to segregation. But our Medicaid program says ''yes'' and we need to change it. This is the next civil rights battle. If we really meant what we said in the ADA in 1990, we should enact this legislation.

The civil right of a person with a disability to be integrated into his or her community should not depend on his or her address. In Olmstead v. LC, the Supreme Court recognized that needless institutionalization is a form of discrimination under the Americans with Disabilities Act. We in Congress have a responsibility to help States meet their obligations under Olmstead. An individual should not be asked to move to another state in order to avoid needless segregation. They also should not be moved away from family and friends because their only choice is an institution.

Federal Medicaid policy should reflect the consensus reached in the ADA that Americans with disabilities should have equal opportunity to contribute to our communities and participate in our society as full citizens. That means no one has to sacrifice their full participation in society because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

This bill will open the door to full participation by people with disabilities in our neighborhoods, our communities, our workplaces, and our American Dream, and I urge all my colleagues to support us on this issue. I want to thank Senator SMITH for his commitment to improving access to home and community based services for people with disabilities.

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

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

S. 528

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 ''Money Follows the Person Act of 2005''.

SEC. 2. MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) PROGRAM PURPOSE AND AUTHORITY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') is authorized to award, on a competitive basis, grants to States in accordance with this section for demonstration projects (each in this section referred to as a ''MFP demonstration project'') designed to achieve the following objectives with respect to institutional and home and community-based long-term care services under State medicaid programs:

(1) REBALANCING.—Increase the use of home and community-based, rather than institutional, long-term care services.

(2) MONEY FOLLOWS THE PERSON.—Eliminate barriers or mechanisms, whether in the State law, the State medicaid plan, the State budget, or otherwise, that prevent or restrict the flexible use of medicaid funds to enable medicaid-eligible individuals to receive support for appropriate and necessary long-term services in the settings of their choice.

(3) CONTINUITY OF SERVICE.—Increase the ability of the State medicaid program to assure continued provision of home and community-based long-term care services to eligible individuals who choose to transition from an institutional to a community setting.

(4) QUALITY ASSURANCE AND QUALITY IMPROVEMENT.—Ensure that procedures are in place (at least comparable to those required under the qualified HCB program) to provide quality assurance for eligible individuals receiving medicaid home and community-based long-term care services and to provide for continuous quality improvement in such services.

(b) DEFINITIONS.—For purposes of this section:

(1) HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES.—The term ''home and community-based long-term care services'' means, with respect to a State medicaid program, home and community-based services (including home health and personal care services) that are provided under the State's qualified HCB program or that could be provided under such a program but are otherwise provided under the medicaid program.

(2) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means, with respect to an MFP demonstration project of a State, an individual in the State—

(A) who, immediately before beginning participation in the MFP demonstration project—

(i) resides (and has resided, for a period of not less than six months or for such longer minimum period, not to exceed 2 years, as may be specified by the State) in an inpatient facility;

(ii) is receiving medicaid benefits for inpatient services furnished by such inpatient facility; and

(iii) with respect to whom a determination has been made that, but for the provision of home and community-based long-term care services, the individual would continue to require the level of care provided in an inpatient facility; and

(B) who resides in a qualified residence beginning on the initial date of participation in the demonstration project.

(3) INPATIENT FACILITY.—The term ''inpatient facility'' means a hospital, nursing facility, or intermediate care facility for the mentally retarded. Such term includes an institution for mental diseases, but only, with respect to a State, to the extent medical assistance is available under the State medicaid plan for services provided by such institution.

(4) INDIVIDUAL'S AUTHORIZED REPRESENTATIVE.—The term ''individual's authorized representative'' means, with respect to an eligible individual, the individual's parent, family member, guardian, advocate, or other authorized representative of the individual.

(5) MEDICAID.—The term ''medicaid'' means, with respect to a State, the State program under title XIX of the Social Security Act (including any waiver or demonstration under such title or under section 1115 of such Act relating to such title).

(6) QUALIFIED HCB PROGRAM.—The term ''qualified HCB program'' means a program providing home and community-based long-term care services operating under medicaid, whether or not operating under waiver authority.

(7) QUALIFIED RESIDENCE.—The term ''qualified residence'' means, with respect to an eligible individual—

(A) a home owned or leased by the individual or the individual's family member;

(B) an apartment with an individual lease, with lockable access and egress, and which includes living, sleeping, bathing, and cooking areas over which the individual or the individual's family has domain and control; and

(C) a residence, in a community-based residential setting, in which no more than 4 unrelated individuals reside.

(8) QUALIFIED EXPENDITURES.—The term ''qualified expenditures'' means expenditures by the State under its MFP demonstration project for home and community-based long-term care services for an eligible individual participating in the MFP demonstration project, but only with respect to services furnished during the 12-month period beginning on the date the individual is discharged from an inpatient facility referred to in paragraph (2)(A)(i).

(9) SELF-DIRECTED SERVICES.—The term ''self-directed'' means, with respect to, home and community-based long-term care services for an eligible individual, such services for the individual which are planned and purchased under the direction and control of such individual or the individual's authorized representative, including the amount, duration, scope, provider, and location of such services, under the State medicaid program consistent with the following requirements:

(A) ASSESSMENT.—There is an assessment of the needs, capabilities, and preferences of the individual with respect to such services.

(B) SERVICE PLAN.—Based on such assessment, there is developed jointly with such individual or the individual's authorized representative a plan for such services for such individual that is approved by the State and that—

(i) specifies those services which the individual or the individual's authorized representative would be responsible for directing;

(ii) identifies the methods by which the individual or the individual's authorized representative will select, manage, and dismiss providers of such services;

(iii) specifies the role of family members and others whose participation is sought by the individual or the individual's authorized representative with respect to such services;

(iv) is developed through a person-centered process that—

(I) is directed by the individual or the individual's authorized representative;

(II) builds upon the individual's capacity to engage in activities that promote community life and that respects the individual's preferences, choices, and abilities; and

(III) involves families, friends, and professionals as desired or required by the individual or the individual's authorized representative;

(v) includes appropriate risk management techniques that recognize the roles and sharing of responsibilities in obtaining services in a self-directed manner and assure the appropriateness of such plan based upon the resources and capabilities of the individual or the individual's authorized representative; and

(vi) may include an individualized budget which identifies the dollar value of the services and supports under the control and direction of the individual or the individual's authorized representative.

(C) BUDGET PROCESS.—With respect to individualized budgets described in subparagraph (B)(vi), the State application under subsection (c)—

(i) describes the method for calculating the dollar values in such budgets based on reliable costs and service utilization;

(ii) defines a process for making adjustments in such dollar values to reflect changes in individual assessments and service plans; and

(iii) provides a procedure to evaluate expenditures under such budgets.

(10) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act.

(c) STATE APPLICATION.—A State seeking approval of an MFP demonstration project shall submit to the Secretary, at such time and in such format as the Secretary requires, an application meeting the following requirements and containing such additional information, provisions, and assurances, as the Secretary may require:

(1) ASSURANCE OF A PUBLIC DEVELOPMENT PROCESS.—The application contains an assurance that the State has engaged, and will continue to engage, in a public process for the design, development, and evaluation of the MFP demonstration project that allows for input from eligible individuals, the families of such individuals, authorized representatives of such individuals, providers, and other interested parties.

(2) OPERATION IN CONNECTION WITH QUALIFIED HCB PROGRAM TO ASSURE CONTINUITY OF SERVICES.—The State will conduct the MFP demonstration project for eligible individuals in conjunction with the operation of a qualified HCB program that is in operation (or approved) in the State for such individuals in a manner that assures continuity of medicaid coverage for such individuals so long as such individuals continue to be eligible for medical assistance.

(3) DEMONSTRATION PROJECT PERIOD.—The application shall specify the period of the MFP demonstration project, which shall include at least two consecutive fiscal years in the 5-fiscal-year period beginning with fiscal year 2006.

(4) SERVICE AREA.—The application shall specify the service area or areas of the MFP demonstration project, which may be a Statewide area or one or more geographic areas of the State.

(5) TARGETED GROUPS AND NUMBERS OF INDIVIDUALS SERVED.—The application shall specify—

(A) the target groups of eligible individuals to be assisted to transition from an inpatient facility to a qualified residence during each fiscal year of the MFP demonstration project;

(B) the projected numbers of eligible individuals in each targeted group of eligible individuals to be so assisted during each such year; and

(C) the estimated total annual qualified expenditures for each fiscal year of the MFP demonstration project.

(6) INDIVIDUAL CHOICE, CONTINUITY OF CARE.—The application shall contain assurances that—

(A) each eligible individual or the individual's authorized representative will be provided the opportunity to make an informed choice regarding whether to participate in the MFP demonstration project;

(B) each eligible individual or the individual's authorized representative will choose the qualified residence in which the individual will reside and the setting in which the individual will receive home and community-based long-term care services;

(C) the State will continue to make available, so long as the State operates its qualified HCB program consistent with applicable requirements, home and community-based long-term care services to each individual who completes participation in the MFP demonstration project for as long as the individual remains eligible for medical assistance for such services under such qualified HCB program (including meeting a requirement relating to requiring a level of care provided in an inpatient facility and continuing to require such services).

(7) REBALANCING.—The application shall—

(A) provide such information as the Secretary may require concerning the dollar amounts of State medicaid expenditures for the fiscal year, immediately preceding the first fiscal year of the State's MFP demonstration project, for long-term care services and the percentage of such expenditures that were for institutional long-term care services or were for home and community-based long-term care services;

(B)(i) specify the methods to be used by the State to increase, for each fiscal year during the MFP demonstration project, the dollar amount of such total expenditures for home and community-based long-term care services and the percentage of such total expenditures for long-term care services that are for home and community-based long-term care services; and

(ii) describe the extent to which the MFP demonstration project will contribute to accomplishment of objectives described in subsection (a).

(8) MONEY FOLLOWS THE PERSON.—The application shall describe the methods to be used by the State to eliminate any legal, budgetary, or other barriers to flexibility in the availability of medicaid funds to pay for long-term care services for eligible individuals participating in the project in the appropriate settings of their choice, including costs to transition from an institutional setting to a qualified residence.

(9) MAINTENANCE OF EFFORT AND COST-EFFECTIVENESS.—The application shall contain or be accompanied by such information and assurances as may be required to satisfy the Secretary that—

(A) total expenditures under the State medicaid program for home and community-based long-term care services will not be less for any fiscal year during the MFP demonstration project than for the greater of such expenditures for—

(i) fiscal year 2004; or

(ii) any succeeding fiscal year before the first year of the MFP demonstration project; and

(B) in the case of a qualified HCB program operating under a waiver under subsection (c) or (d) of section 1915 of the Social Security Act (42 U.S.C. 1396n), but for the amount awarded under a grant under this section, the State program would continue to meet the cost-effectiveness requirements of subsection (c)(2)(D) of such section or comparable requirements under subsection (d)(5) of such section, respectively.

(10) WAIVER REQUESTS.—The application shall contain or be accompanied by requests for any modification or adjustment of waivers of medicaid requirements described in subsection (d)(3), including adjustments to maximum numbers of individuals included and package of benefits, including one-time transitional services, provided.

(11) QUALITY ASSURANCE AND QUALITY IMPROVEMENT.—The application shall include—

(A) a plan satisfactory to the Secretary for quality assurance and quality improvement for home and community-based long-term care services under the State medicaid program, including a plan to assure the health and welfare of individuals participating in the MFP demonstration project; and

(B) an assurance that the State will cooperate in carrying out activities under subsection (f) to develop and implement continuous quality assurance and quality improvement systems for home and community-based long-term care services.

(12) OPTIONAL PROGRAM FOR SELF-DIRECTED SERVICES.—If the State elects to provide for any home and community-based long-term care services as self-directed services (as defined in subsection (b)(9)) under the MFP demonstration project, the application shall provide the following:

(A) MEETING REQUIREMENTS.—A description of how the project will meet the applicable requirements of such subsection for the provision of self-directed services.

(B) VOLUNTARY ELECTION.—A description of how eligible individuals will be provided with the opportunity to make an informed election to receive self-directed services under the project and after the end of the project.

(C) STATE SUPPORT IN SERVICE PLAN DEVELOPMENT.—Satisfactory assurances that the State will provide support to eligible individuals who self-direct in developing and implementing their service plans.

(D) OVERSIGHT OF RECEIPT OF SERVICES.—Satisfactory assurances that the State will provide oversight of eligible individual's receipt of such self-directed services, including steps to assure the quality of services provided and that the provision of such services are consistent with the service plan under such subsection.

Nothing in this section shall be construed as requiring a State to make an election under the project to provide for home and community-based long-term care services as self-directed services, or as requiring an individual to elect to receive self-directed services under the project.

(13) REPORTS AND EVALUATION.—The application shall provide that—

(A) the State will furnish to the Secretary such reports concerning the MFP demonstration project, on such timetable, in such uniform format, and containing such information as the Secretary may require, as will allow for reliable comparisons of MFP demonstration projects across States; and

(B) the State will participate in and cooperate with the evaluation of the MFP demonstration project.

(d) SECRETARY'S AWARD OF COMPETITIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants under this section on a competitive basis to States selected from among those with applications meeting the requirements of subsection (c), in accordance with the provisions of this subsection.

(2) SELECTION AND MODIFICATION OF STATE APPLICATIONS.—In selecting State applications for the awarding of such a grant, the Secretary—

(A) shall take into consideration the manner in which and extent to which the State proposes to achieve the objectives specified in subsection (a);

(B) shall seek to achieve an appropriate national balance in the numbers of eligible individuals, within different target groups of eligible individuals, who are assisted to transition to qualified residences under MFP demonstration projects, and in the geographic distribution of States operating MFP demonstration projects;

(C) shall give preference to State applications proposing—

(i) to provide transition assistance to eligible individuals within multiple target groups; and

(ii) to provide eligible individuals with the opportunity to receive home and community-based long-term care services as self-directed services, as defined in subsection (b)(9); and

(D) shall take such objectives into consideration in setting the annual amounts of State grant awards under this section.

(3) WAIVER AUTHORITY.—The Secretary is authorized to waive the following provisions of title XIX of the Social Security Act, to the extent necessary to enable a State initiative to meet the requirements and accomplish the purposes of this section:

(A) STATEWIDENESS.—Section 1902(a)(1), in order to permit implementation of a State initiative in a selected area or areas of the State.

(B) COMPARABILITY.—Section 1902(a)(10)(B), in order to permit a State initiative to assist a selected category or categories of individuals described in subsection (b)(2)(A).

(C) INCOME AND RESOURCES ELIGIBILITY.—Section 1902(a)(10)(C)(i)(III), in order to permit a State to apply institutional eligibility rules to individuals transitioning to community-based care.

(D) PROVIDER AGREEMENTS.—Section 1902(a)(27), in order to permit a State to implement self-directed services in a cost-effective manner.

(4) CONDITIONAL APPROVAL OF OUTYEAR GRANT.—In awarding grants under this section, the Secretary shall condition the grant for the second and any subsequent fiscal years of the grant period on the following:

(A) NUMERICAL BENCHMARKS.—The State must demonstrate to the satisfaction of the Secretary that it is meeting numerical benchmarks specified in the grant agreement for—

(i) increasing State medicaid support for home and community-based long-term care services under subsection (c)(5); and

(ii) numbers of eligible individuals assisted to transition to qualified residences.

(B) QUALITY OF CARE.—The State must demonstrate to the satisfaction of the Secretary that it is meeting the requirements under subsection (c)(9) to assure the health and welfare of MFP demonstration project participants.

(e) PAYMENTS TO STATES; CARRYOVER OF UNUSED GRANT AMOUNTS.—

(1) PAYMENTS.—For each calendar quarter in a fiscal year during the period a State is awarded a grant under subsection (d), the Secretary shall pay to the State from its grant award for such fiscal year an amount equal to the lesser of—

(A) 100 percent of the amount of qualified expenditures made during such quarter; or

(B) the total amount remaining in such grant award for such fiscal year (taking into account the application of paragraph (2)).

(2) CARRYOVER OF UNUSED AMOUNTS.—Any portion of a State grant award for a fiscal year under this section remaining at the end of such fiscal year shall remain available to the State for the next four fiscal years, subject to paragraph (3).

(3) RE-AWARDING OF CERTAIN UNUSED AMOUNTS.—In the case of a State that the Secretary determines pursuant to subsection (d)(4) has failed to meet the conditions for continuation of a MFP demonstration project under this section in a succeeding year or years, the Secretary shall rescind the grant awards for such succeeding year or years, together with any unspent portion of an award for prior years, and shall add such amounts to the appropriation for the immediately succeeding fiscal year for grants under this section.

(4) PREVENTING DUPLICATION OF PAYMENT.—The payment under a MFP demonstration project with respect to qualified expenditures shall be in lieu of any payment with respect to such expenditures that could otherwise be paid under medicaid, including under section 1903(a) of the Social Security Act. Nothing in the previous sentence shall be construed as preventing the payment under medicaid for such expenditures in a grant year after amounts available to pay for such expenditures under the MFP demonstration project have been exhausted.

(f) QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—

(1) IN GENERAL.—The Secretary, either directly or by grant or contract, shall provide for technical assistance to and oversight of States for purposes of upgrading quality assurance and quality improvement systems under medicaid home and community-based waivers, including—

(A) dissemination of information on promising practices;

(B) guidance on system design elements addressing the unique needs of participating beneficiaries;

(C) ongoing consultation on quality, including assistance in developing necessary tools, resources, and monitoring systems; and

(D) guidance on remedying programmatic and systemic problems.

(2) FUNDING.—From the amounts appropriated under subsection (h) for each of fiscal years 2006 through 2010, not more than $2,400,000 shall be available to the Secretary to carry out this subsection.

(g) RESEARCH AND EVALUATION.—

(1) IN GENERAL.—The Secretary, directly or through grant or contract, shall provide for research on and a national evaluation of the program under this section, including assistance to the Secretary in preparing the final report required under paragraph (2). The evaluation shall include an analysis of projected and actual savings related to the transition of individuals to a qualified residences in each State conducting an MFP demonstration project.

(2) FINAL REPORT.—The Secretary shall make a final report to the President and the Congress, not later than September 30, 2011, reflecting the evaluation described in paragraph (1) and providing findings and conclusions on the conduct and effectiveness of MFP demonstration projects.

(3) FUNDING.—From the amounts appropriated under subsection (h) for each of fiscal years 2006 through 2010, not more than $1,100,000 per year shall be available to the Secretary to carry out this subsection.

(h) APPROPRIATIONS.—

(1) IN GENERAL.—There are appropriated, from any funds in the Treasury not otherwise appropriated, for grants to carry out this section—

(A) $250,000,000 for fiscal year 2006;
(B) $300,000,000 for fiscal year 2007;
(C) $350,000,000 for fiscal year 2008;
(D) $400,000,000 for fiscal year 2009; and
(E) $450,000,000 for fiscal year 2010.

(2) AVAILABILITY.—Amounts made available under paragraph (1) for a fiscal year shall remain available for the awarding of grants to States by not later than September 30, 2010.

(i) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as requiring a State to agree to a capped allotment for expenditures for long-term care services under medicaid.

By Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. MCCAIN, and Mr. STEVENS):

S. 529. A bill to designate a United States Anti-Doping Agency; to the Committee on Commerce, Science, and Transportation.

Mr. GRASSLEY. Mr. President, America is a nation of sports fans and sports players. In fact, it is hard to imagine something more influential in today's society than athletics. As children, we grow up emulating our favorite players in the backyard. Year in and year out we watch and hope that this is the year our favorite team makes it to the Super Bowl, the World Series, or the Big Dance. And every 4 years we watch in pride and tally the medals as American athletes compete in the Olympic games.

Every day millions of young people from across the country share the same dream of one day playing in the big leagues. But the reality is that most will never get the chance. In an average year, there are approximately 2 million high school boys playing football, baseball, and basketball. Another 68,000 men are playing the sports in college and 2,500 are participating at the major/professional level. In short, only 1 in 736, or 0.14 percent will ever play professional sports.

With that kind of competition, compounded by the lure of fame, endorsements and multi-million dollar contracts, an increasing number of young athletes are giving in to the seduction of performance enhancing drugs hoping to gain an edge on their peers. And what can you expect when some of the biggest superstars in sports have been found using steroids as a way to improve their performance. But, unlike better athletic gear, better nutrition, and better training, injecting and ingesting performance enhancing drugs as a shortcut to the big leagues jeopardizes the health and safety of young athletes and cheapens the legitimacy of competition.

In an effort to combat the use of performance enhancing drugs at the youth and amateur sports level, I am pleased to be joined by my colleagues Senator BIDEN, Senator MCCAIN and Senator STEVENS in introducing legislation to authorize continued Federal funding for the United States Anti-Doping Agency, USADA. As the anti-doping agency for the United States Olympic movement since 2000, USADA is responsible for ensuring that U.S. athletes participating in Olympic competition do not use performance enhancing drugs. Through its efforts, USADA is establishing a drug free standard for amateur athletic competition. This is achieved through testing, research, education, and adjudication.

USADA conducts nearly 6,500 random drug tests on athletes annually and has made anti-doping presentations to over 3,000 athletes and coaches last year alone. Over the last 2 years, USADA has worked to prevent U.S. Olympic athletes who have used banned substances from participating in the Olympic Games. But for the efforts of USADA, it is possible that more than a dozen elite U.S. athletes would have participated in the Athens Games last Summer and potentially embarrassed the U.S. once their drug use was exposed. USADA also works to fund research, including more than $3 million in grants for anti-doping research over the past 2 years, which is more than any other anti-doping agency in the world. The research and testing standards serve as models for other amateur athletic associations who wish to protect the health of their athletes and the fair competition of sport.

To date, the Federal Government has provided approximately 60 percent of USADA's operational budget, with the remainder of the agency's budget provided by the U.S. Olympic Committee and private funding sources. With continued support and proper funding, USADA could expand and improve upon the programs for anti-doping that already exist and continue to enhance the credibility of U.S. athletes in the eyes of the international sports community.

While the issue of anabolic steroids has received a great deal of national and international attention in the context of professional sports, the importance of stopping steroid abuse extends far beyond the track, baseball diamond, or football field. Instead our focus should be on the health and future of our children. I encourage my colleagues to join in support of this legislation to set the standard for free and fair competition.

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

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

S. 529

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

SECTION 1. DESIGNATION OF UNITED STATES ANTI-DOPING AGENCY.

(a) DEFINITIONS.—In this Act:

(1) UNITED STATES OLYMPIC COMMITTEE.—The term ''United States Olympic Committee'' means the organization established by the ''Ted Stevens Olympic and Amateur Sports Act'' (36 U.S.C. 220501 et seq.).

(2) AMATEUR ATHLETIC COMPETITION.—The term ''amateur athletic competition'' means a contest, game, meet, match, tournament, regatta, or other event in which amateur athletes compete (36 U.S.C. 220501(b)(2)).

(3) AMATEUR ATHLETE.—The term ''amateur athlete'' means an athlete who meets the eligibility standards established by the national governing body or paralympic sports organization for the sport in which the athlete competes (36 U.S.C. 22501(b)(1)).

(b) IN GENERAL.—The United States Anti-Doping Agency shall—

(1) serve as the independent anti-doping organization for the amateur athletic competitions recognized by the United States Olympic Committee;

(2) ensure that athletes participating in amateur athletic activities recognized by the United States Olympic Committee are prevented from using performance-enhancing drugs;

(3) implement anti-doping education, research, testing, and adjudication programs to prevent United States Amateur Athletes participating in any activity recognized by the United States Olympic Committee from using performance-enhancing drugs; and

(4) serve as the United States representative responsible for coordination with other anti-doping organizations coordinating amateur athletic competitions recognized by the United States Olympic Committee to ensure the integrity of athletic competition, the health of the athletes and the prevention of use of performance-enhancing drugs by United States amateur athletes.

SEC. 2. RECORDS, AUDIT, AND REPORT.

(a) RECORDS.—The United States Anti-Doping Agency shall keep correct and complete records of account.

(b) REPORT.—The United States Anti-Doping Agency shall submit an annual report to Congress which shall include—

(1) an audit conducted and submitted in accordance with section 10101 of title 36, United States Code; and

(2) a description of the activities of the agency.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the United States Anti-Doping Agency—

(1) for fiscal year 2006, $9,500,000;
(2) for fiscal year 2007, $9,900,000;
(3) for fiscal year 2008, $10,500,000;
(4) for fiscal year 2009, $10,800,000; and
(5) for fiscal year 2010, $11,100,000.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 69—EXPRESSING THE SENSE OF THE SENATE ABOUT THE ACTIONS OF RUSSIA REGARDING GEORGIA AND MOLDOVA

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 69

Whereas the Organization for Security and Cooperation in Europe (OSCE) evolved from the Conference on Security and Cooperation in Europe (CSCE), which was established in 1975, and the official change of its name from CSCE to OSCE became effective on January 1, 1995;

Whereas the OSCE is the largest regional security organization in the world with 55 participating States from Europe, Central Asia, and North America;

Whereas the 1975 Helsinki Final Act, the 1990 Charter of Paris, and the 1999 Charter for European Security adopted in Istanbul are the principle documents of OSCE, defining a steadily evolving and maturing set of