

OBAMA), the Senator from New Jersey (Mr. CORZINE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 334 proposed to H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 761. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce, along with my colleague, Mr. CRAPO, a bill to rename a National Conservation Area in the State of Idaho after the late Morley Nelson. This bill renames it the Morley Nelson Snake River Birds of Prey National Conservation Area.

After returning home as a decorated veteran of World War II, having served with the famed 10th Mountain Division in Italy, Morley Nelson recognized the unique importance of the Snake River area for birds of prey. He worked for its protection and various designations, culminating in its establishment by Congress as a National Conservation Area.

Starting in the 1950s, Morley Nelson spent decades convincing ranchers and farmers not to shoot raptors, but rather to accept them as an integral part of the ecosystem.

Morley Nelson raised public awareness about birds of prey through scores of speeches with an eagle on his fist, and through dozens of movies and TV specials starring his eagle or hawks, including seven films for Disney.

Morley Nelson recognized the long-standing problem with raptor electrocution from power lines and the associated power outages and even resulting wildfires. In cooperation with Idaho Power, and later with other utilities, he helped develop guards and redesigned power transmission lines to reduce raptor electrocution. This technology has since spread throughout the world.

Morley Nelson once said, "This is where the wind and the cliffs and the birds are. This is where I'll always be." It seems only fitting that the Snake River Birds of Prey National Conservation Area should bear his name.

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. 761

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 "Morley Nelson Snake River Birds of Prey National Conservation Area Act".

SEC. 2. RENAMING OF SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103-64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii-1(2)), by inserting "Morley Nelson" before "Snake River Birds of Prey National Conservation Area"; and

(2) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by inserting "Morley Nelson" before "Snake River Birds of Prey National Conservation Area".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) TECHNICAL CORRECTIONS.—Public Law 103-64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii-2(a)(1)), by striking "(hereafter referred to as the 'conservation area')"; and

(2) in section 4 (16 U.S.C. 460iii-3)—

(A) in subsection (a)(2), by striking "Conservation Area" and inserting "conservation area"; and

(B) in subsection (d), by striking "Visitors Center" and inserting "visitors center".

By Mr. VOINOVICH (for himself, Mr. LEVIN, Mr. DEWINE, Ms. STABENOW, Mr. CORNYN, Mr. ALEXANDER, Mr. DEMINT, Mrs. DOLE, Mr. VITTER, Mr. MARTINEZ, Mr. ISAKSON, Mr. NELSON of Florida, Mr. LUGAR, Mr. BURR, Mr. COCHRAN, Mr. LOTT, Mrs. HUTCHISON, Mr. CHAMBLISS, Mr. BAYH, Mr. ALLEN, and Ms. LANDRIEU):

S. 762. A bill to amend title 23, United States Code, to increase the minimum allocation provided to states for use in carrying out certain highway programs; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce the Highway Funding Equity Act of 2005. I am joined on a bipartisan basis by Senators LEVIN, DEWINE, STABENOW, CORNYN, ALEXANDER, DEMINT, DOLE, VITTER, MARTINEZ, ISAKSON, NELSON of Florida, LUGAR, BURR, COCHRAN, LOTT, HUTCHISON, CHAMBLISS, BAYH, ALLEN, and LANDRIEU.

The Transportation Equity Act for the 21st Century, TEA-21 authorized more than \$218 billion for transportation programs and expired in September 2003, but has been extended through May 2005. TEA-21 requires certain States, known as donor States, to transfer to other States a percentage of the revenue from federal highway user fees. Several of these donor States transfer more than 10 percent of every federal highway user fee dollar to other States. As a result, donor States receive a significantly lower rate-of-return on their transportation tax dol-

lars being sent to Washington. Currently, over 25 States, including my State of Ohio, contribute more money to the Highway Trust Fund than they receive back.

My State of Ohio has the Nation's 10th largest highway network, the 5th highest volume of traffic, the 4th largest interstate highway network, and the 2nd largest inventory of bridges in the country. Ohio is a major manufacturing State and is within 600 miles of 50 percent of the population of North America. The interstate highways throughout Ohio and all the donor States provide a vital link to suppliers, manufacturers, distributors, and—consumers.

Maintaining our Nation's highway infrastructure is essential to a robust economy and increasing Ohio's share of federal highway dollars has been a longtime battle of mine. One of my goals when I became Governor 14 years ago was to increase our rate-of-return from 79 percent to 87 percent in the Intermodal Surface Transportation Efficiency Act of 1991, ISTEA. Then, in 1998, as chairman of the National Governors Association, I lobbied Congress to increase the minimum rate-of-return to 90.5 percent. The goal of the Highway Funding Equity Act of 2005 is to increase the minimum guaranteed rate-of-return to 95 percent.

The Highway Funding Equity Act of 2005 has two components. First, the bill would increase the minimum guaranteed rate-of-return in TEA-21 from 90.5 percent of a State's share of contributions to the Highway Trust Fund to 95 percent. The Minimum Guarantee under TEA-21 includes all major Core highway programs: Interstate Maintenance, National Highway System, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality, Metropolitan Planning, Recreational Trails, and any funds provided by the Minimum Guarantee itself.

Second, the bill uses the table of percentages now in Section 105 of Title 23 to guarantee States with a population density of less than 50 people per square mile a minimum rate-of-return that may exceed 95 percent of that State's share of Highway Account contributions. This provision is intended to ensure that every State is able to provide the quality of road systems needed for national mobility, economic prosperity, and national defense. Under the 2000 Census, this provision would benefit 15 States: Alaska, Arizona, Colorado, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

Increasing donor States' rate of return to 95 percent will send more than \$60 million back to Ohio for road improvements we sorely need. The interstate system was built in the 1950s to serve the demands and traffic of the 1980s. Today, Ohio's infrastructure is functionally obsolete. Nearly every central urban interstate in Ohio is over capacity and plagued with accidents and congestion. Ohio's critical roadways are unable to meet today's traffic demands, much less future traffic which is expected to grow nearly 70

percent in the next 20 years. Like all the donor states, we need these funds in Ohio.

States can no longer afford to support others that are already self-sufficient. Each State has its own needs that far outweigh total available funding, especially in light of the so called "mega projects" coming due in the next decade. For example, the Brent Spence Bridge that carries Interstates 71 and 75 across the Ohio River into Kentucky is in need of replacement within the next 10 years at a cost of about \$500 million. With the inclusion of the approach work, the total project could cost close to \$1 billion.

The goal of this legislation is to improve the rate-of-return on donor States' dollars to guarantee that Federal highway program funding is more equitable for all States. Donor States seek only their fair share, and I look forward to working with my colleagues to improve highway funding equity during the upcoming surface transportation reauthorization process. I am pleased with the strong bipartisan support this legislation has received. In addition, I am hopeful that the highway bill will be brought to the Senate floor quickly, so that we can move to a conference. It is vital that our Nation's highway infrastructure needs be properly addressed to ensure continued economic growth.

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. 762

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 "Highway Funding Equity Act of 2005".

SEC. 2. MINIMUM GUARANTEE.

Section 105 of title 23, United States Code, is amended—

(1) by striking subsection (a) and subsections (c) through (f);

(2) by redesignating subsection (b) as subsection (e);

(3) by inserting after the section heading the following:

“(a) GUARANTEE.—

“(1) IN GENERAL.—For each of fiscal years 2005 through 2009, the Secretary shall allocate among the States amounts sufficient to ensure that the percentage for each State of the total apportionments for the fiscal year for the National Highway System under section 103(b), the high priority projects program under section 117, the Interstate maintenance program under section 119, the surface transportation program under section 133, metropolitan planning under section 134, the highway bridge replacement and rehabilitation program under section 144, the congestion mitigation and air quality improvement program under section 149, the recreational trails program under section 206, the Appalachian development highway system under subtitle IV of title 40, and the minimum guarantee under this paragraph, equals or exceeds the percentage determined for the State under paragraph (2).

“(2) STATE PERCENTAGES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the percentage for each State referred to in paragraph (1) is the percentage that is equal to 95 percent of the ratio that—

“(i) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available; bears to

“(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

“(B) EXCEPTION.—In the case of a State having a population density of less than 50 individuals per square mile according to the 2000 decennial census, the percentage referred to in paragraph (1) shall be the greater of—

“(i) the percentage determined under subparagraph (A); or

“(ii) the percentage specified in subsection (e).

“(b) TREATMENT OF FUNDS.—

“(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion the amounts made available under this section that exceed \$2,800,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) is equal to the product obtained by multiplying—

“(A) the amount to be apportioned under this paragraph; and

“(B) the ratio that—

“(i) the amount of funds apportioned to the State for each program referred to in subsection (a)(1) (other than the high priority projects program, metropolitan planning, the recreational trails program, the Appalachian development highway system, and the minimum guarantee under subsection (a)) for a fiscal year; bears to

“(ii) the total amount of funds apportioned to the State for that program for the fiscal year.

“(2) REMAINING DISTRIBUTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall apportion the remainder of funds made available under this section to the States, and administer those funds, in accordance with section 104(b)(3).

“(B) INAPPLICABLE REQUIREMENTS.—Paragraphs (1), (2), and (3) of section 133(d) shall not apply to amounts apportioned in accordance with this paragraph.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section for each of fiscal years 2005 through 2009.

“(d) GUARANTEE OF 95 PERCENT RETURN.—

“(1) IN GENERAL.—For each of fiscal years 2005 through 2009, before making any apportionment under this title, the Secretary shall—

“(A) determine whether the sum of the percentages determined under subsection (a)(2) for the fiscal year exceeds 100 percent; and

“(B) if the sum of the percentages exceeds 100 percent, proportionately adjust the percentages specified in the table contained in subsection (e) to ensure that the sum of the percentages determined under subsection (a)(1)(B) for the fiscal year equals 100 percent.

“(2) ELIGIBILITY THRESHOLD FOR ADJUSTMENT.—The Secretary may make an adjustment under paragraph (1) for a State for a

fiscal year only if the percentage for the State in the table contained in subsection (e) is equal to or exceeds 95 percent of the ratio determined for the State under subsection (a)(1)(B)(i) for the fiscal year.

“(3) LIMITATION ON ADJUSTMENTS.—Adjustments of the percentages in the table contained in subsection (e) in accordance with this subsection shall not result in a total of the percentages determined under subsection (a)(2) that exceeds 100 percent.”; and

(4) in subsection (e) (as redesignated by paragraph (2)), by striking “subsection (a)” and inserting “subsections (a)(2)(B)(ii) and (d)”.

Mr. LEVIN. Mr. President, today I join Senator VOINOVICH in introducing the Highway Funding Equity Act of 2005.

Our bill will allow States to get back a fairer share of what they contribute in gas taxes to the highway trust fund. We do this by increasing the Federal minimum guaranteed funding level for highways to 95 percent from the current 90.5 percent of a State's share of contributions made to the Federal Highway Trust Fund in gas tax payments.

Increasing this minimum guarantee to 95 percent will bring us one step closer to achieving fairness in the distribution of Federal highway funds to States.

Historically about 20 States, including Michigan, known as “donor” States, have sent more gas tax dollars to the Highway Trust Fund in Washington than were returned in transportation infrastructure spending. The remaining 30 States, known as “donee” States, have received more transportation funding than they paid into the Highway Trust Fund.

This came about in 1956 when a number of small States and large Western States banded together to develop a formula to distribute Federal highway dollars that advantaged themselves over the remaining States. They formed a coalition of about 30 States that would benefit from the formula and, once that formula was in place, have tenaciously defended it.

At the beginning there was some legitimacy to the large low-population predominately Western States getting more funds than they contributed to the system in order to build a national interstate highway system. Some arguments remain for providing additional funds to those States to maintain the national system and our bill will do that. However, there is no justification for any State getting more than its fair share.

Each time the highway bill is reauthorized the donor States that have traditionally subsidized other States' road and bridge projects have fought to correct this inequity in highway funding. It has been a long struggle to change these outdated formulas. Through these battles, some progress has been made. For instance, in 1978, Michigan was getting around 75 cents on our gas tax dollar. The 1991 bill brought us up to approximately 80 cents per dollar and the 1998 bill guaranteed a 90.5 cent minimum return for each State.

We still have a long way to go to achieve fairness for Michigan and other States on the return on our Highway Trust Fund contributions. At stake are tens of millions of dollars a year in additional funding to pay for badly needed transportation improvements in Michigan alone and the jobs that go with it. Based on FHWA data, we calculate that Michigan would have received over \$55 million in additional funds in FY 2004 under the Voinovich-Levin 95 percent minimum guarantee bill. That's a critically important difference for Michigan each year. The same is true for other donor States that stand to get back millions more of their gas tax dollars currently being sent to other States. There's no logical reason for some States to be forced to continue to send that money to other states to subsidize their road and bridge projects and to perpetuate this imbalance is simply unfair and unjustifiable.

With the national interstate system completed, the formulas used to determine how much a State will receive from the Highway Trust Fund are antiquated and do not relate to what a State's real needs or contributions are.

The Voinovich-Levin bill is a consensus bill developed with the help of donor State Department of Transportation agencies and their coalition working group. This legislation would increase the minimum guarantee from 90.5 percent to 95 percent for all States. With this legislation, we intend to send a strong message to our colleagues and the authorizing Committee about the need to address the equity issue in the highway reauthorization bill. We are determined to make progress in this bill to distribute the highway funds in a more equitable manner so that every State gets its fair share.

This is simply an issue of fairness and we will not be satisfied until we achieve it.

By Mr. DORGAN (for himself and Mrs. HUTCHISON):

S. 763. A bill to direct the Federal Railroad Administration to make welded rail and tank car improvements; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am introducing bipartisan legislation to address improvements that need to be made to the Nation's rail tracks and tank cars. I am very pleased to be joined on this bill by Senator KAY BAI-LEY HUTCHISON.

It is vital that we address this issue of track and tank car safety. Rail accidents occur in our Nation too frequently, and can cause devastating harm, ranging from economic loss, environmental or health hazards, or the worst tragedy, the loss of human life.

In my own State of North Dakota a terrible derailment took place in Minot, ND in January of 2002. At approximately 1:37 a.m. on January 18, 2002, an eastbound Canadian Pacific Railway freight train, derailed 31 of its

112 cars about ½ mile west of the city limits of Minot, ND.

Five tank cars carrying anhydrous ammonia, a liquefied compressed gas, catastrophically ruptured, and a vapor plume covered the derailment site and surrounding area. About 146,700 gallons of anhydrous ammonia were released from the five cars, and a cloud of hydrolyzed ammonia formed almost immediately. This plume rose an estimated 300 feet and gradually expanded 5 miles downwind of the accident site and over a population of about 11,600 people. One resident was fatally injured, and 60 to 65 residents of the neighborhood nearest the derailment site had to be rescued. Over the next 5 days, another 74,000 gallons of anhydrous ammonia were released from six other anhydrous ammonia tank cars.

As a result of the accident, 11 people sustained serious injuries, and 322 people, including the 2 train crewmembers, sustained minor injuries. Damages exceeded \$2 million, and more than \$8 million was spent for environmental remediation. Imagine the devastation that could have occurred if this accident had happened in a more populated area.

The National Transportation Safety Board (NTSB) investigated this terrible derailment, and in its report issued important safety recommendations on track inspections and tank car crashworthiness. The findings by the NTSB raised great concern. NTSB estimated that the pre-1989 tank cars were insufficiently crashworthy. The cars were estimated to make up approximately 60 percent of the pressure tank cars in the rail system, and with a 50-year lifespan, could continue operating until 2039. The risks posed by these cars are significant, and the NTSB set forth recommendations on addressing these safety issues.

Of further concern is the fact that statistics show that there were more than 1.23 million tank car shipments of hazardous materials in 2000, the last year for which the study had data available, in the United States and Canada. Of the top 10 hazardous materials transported by tank car, 5 were class 2 liquefied compressed gases, LPG, anhydrous ammonia, chlorine, propane, and vinyl chloride, that together accounted for more than 246,600 tank car shipments, or about 20 percent of all hazardous materials shipments by tank car.

Consequently, the NTSB specifically stated concerns about continued transportation of class 2 hazardous materials in pre-1989 tank cars. Because of the high volume of liquefied gases transported in these tank cars and the cars' lengthy service lives, the NTSB concluded that using these cars to transport DOT class 2 hazardous materials under current operating practices poses an unquantified but real risk to the public. The NTSB also concluded that research was needed on improving the crashworthiness of all tank cars.

With regards to track safety, the NTSB also found that improved track

inspection, such as visual inspections, and additional oversight by the FRA was necessary. The accident was caused in part because of undetected cracks in the rail tracks, and NTSB concluded that track inspections to identify and remove cracked rail components before the cracks grow to critical size are the primary preventive measure to ensure safety.

The findings from the NTSB's report are extremely troubling, and require immediate action by the Federal Railroad Administration (FRA) to implement the safety recommendations. Our legislation incorporates these recommendations and others on track safety, and sets forth time frames for the FRA to act so that we ensure that these critical and potentially life-saving recommendations will move forward.

It is important to note that the terrible tragedy that took place in Madrid last year demonstrates that tank and track safety are vital to prevent not only against rail accidents, but also against terrorist attacks against our rail system. We cannot delay on investigating improvements to tank cars that travel every day across this country, often carrying dangerous loads of hazardous material. This is a necessary step in improving rail security.

We will now work with the Senate Commerce Committee and the Senate leadership to speed enactment of this important legislation. Last year similar provisions were included in a larger rail security bill that passed the Senate, and I am hopeful that we can proceed along the same route this year, as both measures are vital to protect our rail system. I invite my colleagues to join me in cosponsoring this bill.

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. 763

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 "Welded Rail and Tank Car Safety Improvement Act".

SEC. 2. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Railroad Administration shall—

(A) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(B) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(C) establish a program to review continuous welded rail joint bar inspection data from railroads and Administration track inspectors periodically.

(2) Whenever the Administration determines that it is necessary or appropriate the Administration may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in continuous welded rail.

(b) TANK CAR STANDARDS.—The Federal Railroad Administration shall—

(1) validate a predictive model to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions within 1 year after the date of enactment of this Act; and

(2) initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars within 18 months after the date of enactment of this Act.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Within 1 year after the date of enactment of this Act the Federal Railroad Administration shall conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989. Within 6 months after completing that analysis the Administration shall—

(1) establish a program to rank those cars according to their risk of catastrophic fracture and separation;

(2) implement measures to eliminate or mitigate this risk; and

(3) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the measures implemented.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Railroad Administration \$1,000,000 for fiscal year 2006 to carry out this section, such sums to remain available until expended.

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

S. 764. A bill to amend title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under State pharmaceutical assistance programs with the prescription drug benefit provided under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today along with my colleague, Senator LAUTENBERG, to introduce legislation, the Preserving Access to Affordable Drugs (PAAD) Act. This legislation is essential to ensuring that our most vulnerable seniors who have existing prescription drug coverage do not see a reduction or disruption in their coverage once the Medicare prescription drug program goes into effect.

Hundreds of thousands of seniors, including 190,000 in my State, currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private drug plan under the Medicare prescription drug benefit. Additionally, approximately six million seniors, including 140,000 in New Jersey, who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which are more generous and provide greater access to a variety of drugs than the Medicare benefit will.

No senior should be made worse off by the new Medicare law. The law

should expand benefits—not reduce them. The PAAD Act will make critical changes to the Medicare law to ensure that the above-mentioned benefits are safeguarded.

The PAAD Act will allow States to automatically enroll SPAP and dually eligible Medicaid beneficiaries into one or more preferred prescription drug plans to ensure that these beneficiaries are enrolled in a Medicare drug plan that maximizes both their Federal and State prescription drug coverage and ensures for a seamless transition to the new Medicare Part D drug benefit.

The PAAD Act will ensure that New Jersey seniors who currently receive prescription drug benefits under PAAD or through the State's Medicaid program are not made worse off by the new Medicare law.

The PAAD Act will allow New Jersey to provide supplemental Medicaid prescription drug benefits to low-income seniors and disabled who currently receive generous prescription drug benefits under the Medicaid program and who will now receive their prescription drug benefits through Medicare.

One of the goals of medicine is to do no harm. The manner in which the Bush Administration has chosen to implement the Medicare law violates that tenet. The Medicare legislation signed by the President created the State Pharmaceutical Assistance Transition Commission specifically to address the coordination of benefits between SPAPs, State Medicaid drug programs, and the new Medicare drug plan. The Commission was explicit in its recommendation to CMS that states be permitted to automatically enroll these beneficiaries in preferred prescription drug plans to “enhance benefits to enrollees, encourage enrollment, and promote coordination between Medicare Part D and [states].” Members of the Commission recognized that many blind, disabled, and aged beneficiaries, those who most need coverage, would not be able to navigate the plan selection process and could face gaps in coverage. Yet, CMS recently denied New Jersey's request to automatically enroll those Medicare beneficiaries currently enrolled in New Jersey's PAAD and Medicaid programs into a preferred Medicare prescription drug plan. This ruling effectively blocks New Jersey's efforts to preserve the generous prescription drug coverage the state currently provides to the 190,000 seniors enrolled in New Jersey's PAAD program and the 140,000 seniors and disabled enrolled in the state's Medicaid program when the new Medicare prescription drug benefit goes into effect on January 1, 2006.

Yesterday, I was joined by Senator LAUTENBERG in writing to the President to express our sincere dismay over the recent CMS ruling. It is clear that permitting states to automatically enroll these beneficiaries would guarantee that these seniors continue to receive the same level of prescription drug coverage, which is more generous

than the coverage that will be available under the new Medicare benefit. Furthermore, auto enrollment would relieve beneficiaries from the anxiety of selecting the appropriate plan to ensure that their drug coverage is maximized. Certainly, beneficiaries who prefer to select their own prescription drug plan should have that choice, but those who want the state to act on their behalf to ensure that they receive the most comprehensive and seamless coverage should be afforded that option.

This legislation is critical to preserving and protecting existing prescription drug coverage while expanding it to those who currently lack such coverage. States like New Jersey, Pennsylvania, and New York, States that have well-established, generous prescription drug plans for seniors and the disabled, should not be prevented from continuing to provide the same level of coverage under the new Medicare law. I look forward to working with my colleagues to pass this legislation and preserve prescription drug benefits for all seniors.

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. 764

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 “Preserving Access to Affordable Drugs Act of 2005”.

SEC. 2. STATE AS AUTHORIZED REPRESENTATIVE.

(a) IN GENERAL.—Section 1860D-1(b)(1) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)) is amended by adding at the end the following new subparagraph:

“(D) STATE AS AUTHORIZED REPRESENTATIVE.—A State Pharmaceutical Assistance Program (as defined in section 1860D-23(b)) may, at the option of the State operating the Program, act as the authorized representative for any part D eligible individual residing in the State who is enrolled in the Program or described in section 1935(c)(6)(A)(ii) in order to select one or more preferred prescription drug plans to enroll such an individual, so long as the individual is afforded the authority to decline such enrollment. A Program that acts as an authorized representative for an individual pursuant to the preceding sentence shall not be considered to have violated section 1860D-23(b)(2) solely because of the enrollment of such individual in a preferred prescription drug plan.”

(b) CONFORMING AMENDMENT TO ANTI-DISCRIMINATION PROVISION.—Section 1860D-23(b)(2) of the Social Security Act (42 U.S.C. 1395w-133(b)(2)) is amended by inserting “subject to 1860D-1(b)(1)(D),” after “which.”

SEC. 3. FACILITATION OF COORDINATION.

Section 1860D-24(c)(1) of the Social Security Act (42 U.S.C. 1395w-134(c)(1)) is amended by striking “all methods of operation” and inserting “its own methods of operation, except that a PDP sponsor or MA organization may not require a State Pharmaceutical Assistance Program or an RX plan described in subsection (b) to apply such tools when coordinating benefits”.

SEC. 4. ALLOWING MEDICAID WRAP.

Section 1935 of the Social Security Act (42 U.S.C. 1396u-5) is amended by striking subsection (d).

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2066).

By Mr. WARNER (for himself and Mr. DURBIN):

S. 765. A bill to preserve mathematics- and science-based industries in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. WARNER. Mr. President, I rise today to introduce, along with Senator DURBIN, an important bipartisan bill related to education and our national, homeland, and economic security. My good friend and colleague in the U.S. House of Representatives, Congressman FRANK WOLF, is introducing the same legislation today in the House.

Without a doubt, our ability to remain ahead of the curve in scientific and technological advancements is a key component to ensuring America's national, homeland and economic security in the post 9/11 world of global terrorism.

Yet alarmingly, the bottom line is that America faces a huge shortage of home-grown, highly trained scientific minds.

The situation America faces today is not unlike almost 50 years ago. On October 4, 1957, the Soviet Union successfully launched the first man-made satellite into space, Sputnik. The launch shocked America, as many of us had assumed that we were preeminent in the scientific fields. While prior to that unforgettable day America enjoyed an air of post World War II invincibility; afterwards our Nation recognized that there was a cost to its complacency. We had fallen behind.

In the months and years to follow, we would respond with massive investments in science, technology and engineering. In 1958, Congress passed legislation creating the National Defense Education Act, which was designed to stimulate advancement in science and mathematics. In addition, President Eisenhower signed into law legislation that established the National Aeronautics and Space Administration (NASA). And a few years later, in 1961, President Kennedy set the Nation's goal of landing a man on the moon within the decade.

These investments paid off. In the years following the Sputnik launch, America not only closed the scientific and technological gap with the Soviet Union, we surpassed them. Our renewed commitment to science and technology not only enabled us to safely land a man on the moon in 1969, it spurred research and development which helped ensure that our modern military has always had the best equipment and technology in the world. These post-Sputnik investments also laid the

foundation for the creation of some of the most significant technologies of modern life, including personal computers and the Internet.

Why is any of this important to us today? Because, as the old saying goes—he or she who fails to remember history is bound to repeat it.

The truth of the matter is that today America's education system is coming up short in training the highly technical American minds that we now need and will continue to need far into the future.

The 2003 Program for International Student Assessment found that the math, problem solving, and science skills of fifteen year old students in the United States were below average when compared to their international counterparts in industrialized countries. While a little bit better news was presented by the recently released 2003 Trends in International Mathematics and Science Study (TIMSS), it is still nothing we should cheer about. TIMSS showed that eighth grade students in the U.S. had lower average math scores than fifteen other participating countries. U.S. science scores weren't much better.

Our colleges and universities are not immune to the waning achievement in math and science education. The National Science Foundation reports the percentage of bachelor degrees in science and engineering have been declining in the U.S. for nearly two decades. In fact, the proportion of college-age students earning degrees in math, science, and engineering was substantially higher in 16 countries in Asia and Europe than it was in the United States.

In the past, this country has been able to compensate for its shortfall in homegrown, highly trained, technical and scientific talent by importing the necessary brain power from foreign countries. However, with increased global competition, this is becoming harder and harder. More and more of our imported brain power is returning home to their native countries. And regrettably, as they return home, many American high tech jobs are being outsourced with them.

Moreover, in the post 9/11 era, it is more important than ever from a security perspective to have American citizens performing certain tasks. We cannot run the risk of having to outsource the security of this country simply because we don't have enough highly trained U.S. citizens to meet our America's needs.

The legislation we are introducing today is a targeted measure that will help America meet its needs by providing strong incentives to students and graduates to pursue studies and careers in these important scientific and technical fields.

Our bill simply allows the Federal Government to pay the interest on undergraduate student loans for certain graduates of math, science, or engineering programs who agree to work in

the United States in these fields for 5 consecutive years. Priority will be given to those students with degrees in majors that are key to protecting our national, homeland and economic security as a nation.

Almost 50 years ago our Nation learned a lesson about the cost of complacency in science and technology. While we responded with immediate vigor and ultimately prevailed, today, new dangers are upon us.

Once again, America must rise to meet a new challenge. In my view, this initiative is an important step forward that will encourage Americans to enter important fields of study that are crucial to the national, homeland, and economic security of this country.

By Mr. SANTORUM:

S. 766. A bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, I am introducing the "Good Samaritan Volunteer Firefighter Assistance Act of 2005." Amazingly, every year quality firefighting equipment worth millions of dollars is wasted. In order to avoid civil liability lawsuits, heavy industry and wealthier fire departments destroy surplus equipment, including hoses, fire trucks, protective gear and breathing apparatus, instead of donating it to volunteer fire departments.

The basic purpose of this legislation is to induce donations of surplus firefighting equipment by reducing the threat of civil liability for organizations, most commonly heavy industry, and individuals who wish to make these donations. The bill eliminates civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors from "negligence" to "gross negligence." By doing this, the legislation saves taxpayer dollars by encouraging donations, thereby reducing the taxpayers' burden of purchasing expensive equipment for volunteer fire departments.

The Good Samaritan Volunteer Firefighter Assistance Act of 2005 is modeled after a bill passed by the Texas state legislature in 1997 and signed into law by then-Governor George W. Bush which has resulted in more than \$10 million in additional equipment donations from companies and other fire departments for volunteer departments which may not be as well equipped. Now companies in Texas can donate surplus equipment to the Texas Forest Service, which then certifies the equipment and passes it on to volunteer fire departments that are in need. The donated equipment must meet all original specifications before it can be sent to volunteer departments. Alabama, Arizona, Arkansas, California, Florida, Illinois, Indiana, Missouri, Nevada, South Carolina, and Pennsylvania have passed similar legislation at the State level.

In the 108th Congress, Representative CASTLE introduced the Good Samaritan Volunteer Firefighter Assistance Act, which had 64 bipartisan cosponsors in the House of Representatives. It is also supported by the National Volunteer Fire Council, the Firemen's Association of the State of New York, and a former director of the Federal Emergency Management Agency, FEMA, James Lee Witt. The legislation passed overwhelmingly in the House by a vote of 397-3. The bill has been reintroduced as H.R. 1088 in the 109th Congress and already has garnered 64 cosponsors. I introduced the Good Samaritan Volunteer Firefighter Assistance Act of 2004 in the 108th Congress that also enjoyed support from the National Volunteer Fire Council.

Federally, precedent for similar measures includes the Bill Emerson Good Samaritan Food Act, Public Law 104-210, named for the late Representative Bill Emerson, which encourages restaurants, hotels and businesses to donate millions of dollars worth of food. The Volunteer Protection Act of 1997, Public Law 105-101, also immunizes individuals who do volunteer work for non-profit organizations or governmental entities from liability for ordinary negligence in the course of their volunteer work. I have also previously introduced three Good Samaritan measures in the 106th Congress, S. 843, S. 844 and S. 845. These provisions were also included in a broader charitable package in S. 997, the Charity Empowerment Act, to provide additional incentives for corporate in-kind charitable contributions for motor vehicle, aircraft, and facility use. The same provision passed the House of Representatives in the 107th Congress as part of H.R. 7, the Community Solutions Act, in July of 2001, but was not signed into law.

Volunteers comprise approximately 73 percent of firefighters in the United States. Of the total estimated 1,078,300 firefighters across the country, 784,700 are volunteers. Of the more than 30,000 fire departments in the country, approximately 22,600 are all volunteer; 4,800 are mostly volunteer; 1,600 are mostly career; and 2,000 are all career. In 2000, 58 of the 103 firefighters who died in the line of duty were volunteers.

This legislation provides a common-sense incentive for additional contributions to volunteer fire departments around the country and would make it more attractive for corporations to give equipment to fire departments in other States. All of America has witnessed the heroic acts of selflessness and sacrifice of firefighters in New York City, Northern Virginia, and Pennsylvania. I urge my colleagues to join me in supporting this incentive for the provision of additional safety equipment for volunteer firefighters who put their lives on the line every day throughout this great Nation.

By Mr. BOND (for himself, Ms. MIKULSKI, Mr. TALENT, Mr.

HARKIN, Mr. ROBERTS, and Mr. COLEMAN):

S. 767. A bill to establish a Division of Food and Agricultural Science within the National Science Foundation and to authorize funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BOND. I rise today to introduce legislation with Senators MIKULSKI, TALENT, HARKIN, ROBERTS and COLEMAN to establish a division of food and agricultural science within the National Science Foundation to support fundamental agricultural research of the highest quality. I present this to begin a critical discussion that I believe we must have over the next several months about how we are going to ensure we capitalize on the technology to maximize the benefits and minimize the costs of our agricultural production.

We remain the world leader in food and fiber production. We do it safely and through technology and the hard work of the American farmer. In the past half century, the number of people fed by a single U.S. farm has grown from 19 to 129. We have a tremendously innovative agricultural research program. Our farmers, our farm leaders are on the cutting edge of developing new technology. And we have seen the innovations continue to come down the pike. This has made it possible for one farmer to feed 129 people.

In addition, we export \$60 billion worth of agricultural products, and we do so at less cost and at less harm to the environment than any of our competitors around the world, again, because of new practices, diligence on the part of farmers, and new technology.

In a world that has a decreasing amount of soil available for cultivation, we have a growing population and we still have 800 million children who are hungry or malnourished throughout the world. As some have said: A person who is well fed can have many problems. A person who is hungry has but one problem. Unless we maximize technology and new practices, production will continue to overtax the world's natural resources.

Many people legitimately have raised concerns regarding new diseases and pests and related food safety issues. And they are growing. The leading competitiveness of our U.S. producers is only as solid as our willingness to invest in forward-looking investments and build upon our historic successes.

Now, we also know from past experience that with new technology the doors are being opened to novel new uses of renewable agricultural products in the fields of energy, medicine, and industrial products. In the future, we can make our farm fields and farm animals factories for everyday products, fuels, and medicines in a way that is efficient and better preserves our natural resources. Advances in the life sciences have come about, such as genetics,

proteomics, and cell and molecular biology. They are providing the base for new and continuing agricultural innovations.

It was only about a dozen years ago that farmers in Missouri came to me to tell me about the potential that genetic engineering and plant biotechnology had for improving the production of food, and doing so with less impact on the environment, providing more nutritious food. Since that time, I have had a wonderful, continuing education, not in how it works but what it can do.

We know now, for example, that in hungry areas of the world as many as half a million children go blind from vitamin A deficiency, and maybe a million die from vitamin A deficiency. Well, through plant biotechnology, the International Rice Research Institute in the Philippines and others have developed Golden Rice, taking a gene from the sunflower, a beta-carotene gene, and they enrich the rice. The Golden Rice now has that vitamin A, and that is going to make a significant difference in dealing with malnutrition.

We also know that in many areas of the world, where agricultural production has overtaxed the land, where drought has cut the production, where virus has plagued production, the way we can make farmers self-sufficient, where we can restore the farm economy in many of these countries, is through plant biotechnology.

But this is just the beginning. This legislation I am introducing today seeks to lay the foundation for tremendous advances in the future.

This legislation stems from findings and recommendations produced by a distinguished group of scientists working on the Agricultural Research, Economics and Education Task Force, which I was honored to be able to include in the 2002 farm bill. The distinguished task force was led by Dr. William H. Danforth, of St. Louis, the brother of our former distinguished colleague, Senator Jack Danforth. Dr. Bill Danforth has a tremendous reputation in science and in education, with a commitment to human welfare and is known worldwide. He was joined by Dr. Nancy Betts, the University of Nebraska; Mr. Michael Bryan, president of BBI International; Dr. Richard Coombe, the Watershed Agricultural Council; Dr. Victor Lechtenbert, Purdue University; Dr. Luis Sequeira, the University of Wisconsin; Dr. Robert Wideman, the University of Arkansas; and Dr. H. Alan Wood, Mississippi State University.

I extend my congratulations and my sincere gratitude to Dr. Danforth and his team for providing the basis and the roadmap to ensure we have the mechanisms in place to solve the problems and capitalize on the opportunities in agricultural research. The full report of the task force can be found at www.ars.usda.gov/research.htm.

In summary, that study concludes that it is absolutely necessary we reinvigorate and forward focus our technology to meet the responsibilities of our time. New investment is critical for the world's consumers, the protection of our natural resources, the standard of living for Americans who labor in rural America, and for the well-being of the hungry people and the needy people throughout the world.

This legislation is supported by the some 22 Member and Associate Member Societies of the Federation of American Societies for Experimental Biology, as well as the Institute of Food Technologists, American Society of Agronomy, Crop Science Society of America, Soil Science Society of America, the Council for Agricultural Research, the National Coalition for Food and Agricultural Research, the American Soybean Association, National Cattlemen's Beef Association, National Chicken Council, National Corn Growers Association, National Farmers Union, National Milk Producers Federation, National Pork Producers Council, National Turkey Federation, Association of American Veterinary Medical Colleges and the United Fresh Fruit and Vegetable Association.

I look forward to pursuing this vision in the 109th Congress. I invite my colleagues who are interested in science and research to review this report, to look at this measure, to join with me and my cosponsors in the next session of Congress to talk about moving forward on what I think will be a tremendous opportunity to improve agriculture and its benefits to all our populations.

Madam President, this, I hope, will be the start of something really big. Today, Congressman GUTKNECHT is offering companion legislation in the House. I congratulate him on his leadership in promoting science and I am pleased to be working on this with him.

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. 767

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 "National Food and Agricultural Science Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the Standing Council of Advisors established under section 4(c).

(2) DIRECTOR.—Except as otherwise provided in this Act, the term "Director" means the Director of Food and Agricultural Science.

(3) DIVISION.—The term "Division" means the Division of Food and Agricultural Science established under section 4(a).

(4) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(5) FUNDAMENTAL AGRICULTURAL RESEARCH; FUNDAMENTAL SCIENCE.—The terms "fundamental agricultural research" and "funda-

mental science" mean fundamental research or science that—

(A) advances the frontiers of knowledge so as to lead to practical results or to further scientific discovery; and

(B) has an effect on agriculture, food, nutrition, human health, or another purpose of this Act, as described in section 3(b).

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(7) UNITED STATES.—The term "United States" when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Agricultural Research, Economics, and Education Task Force established under section 7404 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note) conducted an exhaustive review of agricultural research in the United States and evaluated the merits of establishing 1 or more national institutes focused on disciplines important to the progress of food and agricultural science. Consistent with the findings and recommendations of the Agricultural Research, Economics, and Education Task Force, Congress finds the following:

(1) Agriculture in the United States faces critical challenges, including an impending crisis in the food, agricultural, and natural resource systems of the United States. Exotic diseases and pests threaten crops and livestock, obesity has reached epidemic proportions, agriculturally-related environmental degradation is a serious problem for the United States and other parts of the world, certain animal diseases threaten human health, and United States producers of some major crops are no longer the world's lowest cost producers.

(2) In order to meet these critical challenges, it is essential that the Nation ensure that the agricultural innovation that has been so successful in the past continues in the future. Agricultural innovation has resulted in hybrid and higher yielding varieties of basic crops and enhanced the world's food supply by increasing yields on existing acres. Since 1960, the world's population has tripled with no net increase in the amount of land under cultivation. Currently, only 1.5 percent of the population of the United States provides the food and fiber to supply the Nation's needs. Agriculture and agriculture sciences play a major role in maintaining the health and welfare of all people of the United States and in husbanding our land and water, and that role must be expanded.

(3) Fundamental scientific research that leads to understandings of how cells and organisms work is critical to continued innovation in agriculture in the United States. Such future innovations are dependent on fundamental scientific research, and will be enhanced by ideas and technologies from other fields of science and research.

(4) Opportunities to advance fundamental knowledge of benefit to agriculture in the United States have never been greater. Many of these new opportunities are the result of amazing progress in the life sciences over recent decades, attributable in large part to the provision made by the Federal Government through the National Institutes of Health and the National Science Foundation. New technologies and new concepts have speeded advances in the fields of genetics, cell and molecular biology, and proteomics. Much of this scientific knowledge is ready to be mined for agriculture and food sciences, through a sustained, disciplined research effort at an institute dedicated to this research.

(5) Publicly sponsored research is essential to continued agricultural innovation to mitigate or harmonize the long-term effects of agriculture on the environment, to enhance the long-term sustainability of agriculture, and to improve the public health and welfare.

(6) Competitive, peer-reviewed fundamental agricultural research is best suited to promoting the fundamental research from which breakthrough innovations that agriculture and society require will come.

(7) It is in the national interest to dedicate additional funds on a long-term, ongoing basis to an institute dedicated to funding competitive peer-reviewed grant programs that support and promote the highest caliber of fundamental agricultural research.

(8) The Nation's capacity to be competitive internationally in agriculture is threatened by inadequate investment in research.

(9) To be successful over the long term, grant-receiving institutions must be adequately reimbursed for their costs if they are to pursue the necessary agricultural research.

(10) To meet these challenges, address these needs, and provide for vitally needed agricultural innovation, it is in the national interest to provide sufficient Federal funds over the long term to fund a significant program of fundamental agricultural research through an independent institute.

(b) PURPOSES.—The purposes of the Division established under section 4(a) shall be to ensure that the technological superiority of agriculture in the United States effectively serve the people of the United States in the coming decades, and to support and promote fundamental agricultural research of the highest caliber in order to achieve goals, including the following goals:

(1) Increase the international competitiveness of United States agriculture.

(2) Develop knowledge leading to new foods and practices that improve nutrition and health and reduce obesity.

(3) Create new and more useful food, fiber, health, medicinal, energy, environmental, and industrial products from plants and animals.

(4) Improve food safety and food security by protecting plants and animals in the United States from insects, diseases, and the threat of bioterrorism.

(5) Enhance agricultural sustainability and improve the environment.

(6) Strengthen the economies of the Nation's rural communities.

(7) Decrease United States dependence on foreign sources of petroleum by developing bio-based fuels and materials from plants.

(8) Strengthen national security by improving the agricultural productivity of subsistence farmers in developing countries to combat hunger and the political instability that it produces.

(9) Assist in modernizing and revitalizing the Nation's agricultural research facilities at institutions of higher education, independent non-profit research institutions, and consortia of such institutions, through capital investment.

(10) Achieve such other goals and meet such other needs as determined appropriate by the Foundation, the Director, or the Secretary.

SEC. 4. ESTABLISHMENT OF DIVISION.

(a) ESTABLISHMENT.—There is established within the National Science Foundation a Division of Food and Agricultural Science. The Division shall consist of the Council and be administered by a Director of Food and Agricultural Science.

(b) REPORTING AND CONSULTATION.—The Director shall coordinate the research agenda of the Division after consultation with the Secretary.

(c) STANDING COUNCIL OF ADVISORS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Division a Standing Council of Advisors composed of 12 highly qualified scientists who are not employed by the Federal Government and 12 stakeholders.

(B) SCIENTISTS.—

(i) APPOINTMENT.—The 12 scientist members of the Council shall be appointed to 4-year staggered terms by the Director of the National Science Foundation, with the consent of the Director of Food and Agricultural Science.

(ii) QUALIFICATIONS.—The persons nominated for appointment as scientist members of the Council shall be—

(I) eminent in the fields of agricultural research, nutrition, science, or related appropriate fields; and

(II) selected for appointment solely on the basis of established records of distinguished service and to provide representation of the views of agricultural research and scientific leaders in all areas of the Nation.

(C) STAKEHOLDERS.—

(i) APPOINTMENT.—The 12 stakeholder members of the Council shall be appointed to 4-year staggered terms by the Secretary, with the consent of the Director.

(ii) QUALIFICATIONS.—The persons nominated for appointment as stakeholder members of the Council shall—

(I) include distinguished members of the public of the United States, including representatives of farm organizations and industry, and persons knowledgeable about the environment, subsistence agriculture, energy, and human health and disease; and

(II) be selected for appointment so as to provide representation of the views of stakeholder leaders in all areas of the Nation.

(2) DUTIES.—The Council shall assist the Director in establishing the Division's research priorities, and in reviewing, judging, and maintaining the relevance of the programs funded by the Division. The Council shall review all proposals approved by the scientific committees of the Division to ensure that the purposes of this Act and the needs of the Nation are being met.

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall hold periodic meetings in order to—

(i) provide an interface between scientists and stakeholders; and

(ii) ensure that the Division is linking national goals with realistic scientific opportunities.

(B) TIMING.—The meetings shall be held at the call of the Director, or at the call of the Secretary, but not less frequently than annually.

SEC. 5. FUNCTIONS OF DIVISION.

(a) COMPETITIVE RESEARCH.—

(1) IN GENERAL.—The Director shall carry out the purposes of this Act by awarding competitive peer-reviewed grants to support and promote the very highest quality of fundamental agricultural research.

(2) GRANT RECIPIENTS.—The Director shall make grants to fund research proposals submitted by—

(A) individual scientists;

(B) single and multi-institutional research centers; and

(C) entities from the private and public sectors, including researchers in the Department of Agriculture, the Foundation, or other Federal agencies.

(b) COMPLEMENTARY RESEARCH.—The research funded by the Division shall—

(1) supplement and enhance, not supplant, the existing research programs of, or funded by, the Department of Agriculture, the Foundation, and the National Institutes of Health; and

(2) seek to make existing research programs more relevant to the United States food and agriculture system, consistent with the purposes of this Act.

(c) GRANT-AWARDING ONLY.—The Division's sole duty shall be to award grants. The Division may not conduct fundamental agricultural research or fundamental science, or operate any laboratories or pilot plants.

(d) PROCEDURES.—The Director shall establish procedures for the peer review, awarding, and administration of grants under this Act, consistent with sound management and the findings and purposes described in section 3.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—EX-PRESSING THE SENSE OF THE SENATE ENCOURAGING THE ACTIVE ENGAGEMENT OF AMERICANS IN WORLD AFFAIRS AND URGING THE SECRETARY OF STATE TO TAKE THE LEAD AND COORDINATE WITH OTHER GOVERNMENTAL AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS IN CREATING AN ONLINE DATABASE OF INTERNATIONAL EXCHANGE PROGRAMS AND RELATED OPPORTUNITIES

Mr. FEINGOLD (for himself and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 104

Whereas the United States needs to do a better job of building personal and institutional relationships with peoples and Nations around the world in order to combat the rise in anti-American sentiment that many polls and studies have reported;

Whereas a broad bipartisan consensus in favor of strengthening United States public diplomacy emerged during 2003 in Congress and was expressed in various reports, including reports of the Council on Foreign Relations, the General Accounting Office, the Advisory Commission on Public Diplomacy, the Heritage Foundation, and the Advisory Group on Public Diplomacy for the Arab and Muslim World;

Whereas, in July 2004, the National Commission on Terrorist Attacks Upon the United States released its final report on United States intelligence, which determined that “[j]ust as we did in the Cold War, we need to defend our ideals abroad vigorously. America does stand up for its values . . . If the United States does not act aggressively to define itself in the Islamic World, the extremists will gladly do the job for us.”;

Whereas the National Intelligence Reform Act of 2004 declares the sense of Congress that the United States should commit to a long-term and significant investment in promoting people-to-people engagement with all levels of society in other countries;

Whereas international exchange programs, which have assisted in extending American influence around the world by educating the world's leaders, have suffered from a decline in funding and policy priority;

Whereas, when students are instructed in their civic and community responsibilities during secondary education, the importance of their participation in global affairs should be underscored as well;

Whereas the number of United States university-level students studying abroad in 2002-2003 was 174,629, representing just over 1 percent of United States students;

Whereas ¾ of United States students studying abroad study in Western Europe (18.2 percent in the United Kingdom alone), although 95 percent of the world population growth in the next 50 years is expected to occur outside of Western Europe;

Whereas there are 29,953,000 retired workers in the United States as of December 2004, meaning that there are many older Americans who have the talent, maturity, and time to volunteer their services abroad;

Whereas the average United States college graduate who has studied 1 of the less commonly taught languages reaches no more than an intermediate level of proficiency in the language, which is insufficient to meet national security requirements; and

Whereas there are hundreds of well-established organizations in the United States that implement educational and professional exchanges, international volunteering, and related programs, and the efforts of those organizations could readily be expanded to reach out to more Americans: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the “People-to-People Engagement in World Affairs Resolution”.

SEC. 2. SENSE OF SENATE.

It is the sense of the Senate that—

(1) the Secretary of State should coordinate with implementing partners in creating an online database that provides information on how Americans can take advantage of—

(A) international exchange programs of the Department of State, the Department of Education, and other Federal Government and non-government entities;

(B) volunteer opportunities with organizations that assist refugees and immigrants in the United States;

(C) opportunities to host international students and professionals in the United States;

(D) sister-city organizations in the United States;

(E) international fairs and cultural events in the United States; and

(F) foreign language learning opportunities;

(2) Americans should strive to become more engaged in international affairs and more aware of peoples and developments outside the United States;

(3) Americans should seize 1 or more opportunities toward this end, by such means as—

(A) participating in a professional or cultural exchange;

(B) studying abroad;

(C) volunteering abroad;

(D) working with an immigrant or refugee group;

(E) hosting a foreign student or professional;

(F) participating in a sister-city program; and

(G) learning a foreign language; and

(4) Members of Congress should raise the importance of international engagement in the districts and States the Members represent.

Mr. FEINGOLD. Mr. President, I am pleased to submit the People-to-People Engagement in World Affairs resolution with my colleague from Nebraska, Senator HAGEL.

In July 2004, the National Commission on Terrorist Attacks Upon the United States released its final report, which determined that “just as we did in the Cold War, we need to defend our ideals abroad vigorously. . . . If the United States does not act aggressively to define itself in the Islamic world,