setting forth the determination of the Secretary made under paragraph (1). The Secretary shall update the regulations as necessary.

''(4) APPLICABILITY.—Regulations issued under paragraph (2) shall apply to all vehicles and loads operating on the National Highway System.

''(5) STATE REQUIREMENTS.—A State may establish any requirement that is not inconsistent with regulations issued under paragraph (2).

''(6) STATEMENT OF POLICY.—The purpose of this subsection is to promote conformity with Interstate weight limits to preserve publicly funded infrastructure and protect motorists by limiting maximum vehicle weight on key portions of the Federal-aid highway system.''.

SEC. 6. WAIVERS OF WEIGHT LIMITATIONS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is further amended by adding at the end the following:

''(j) WAIVERS DURING PERIODS OF NATIONAL EMERGENCY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section or section 126, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section or section 126 with respect to a highway route during a period of national emergency in order to respond to the effects of the national emergency.

''(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.''.

SEC. 7. VEHICLE WEIGHT LIMITATIONS—NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 125 the following:

''§ 126. Vehicle weight limitations—National Highway System

''(a) NON-INTERSTATE HIGHWAYS ON NHS.—

''(1) IN GENERAL.—After the 270th day after the date of enactment of the Safe Highways and Infrastructure Preservation Act, any Interstate weight limit that applies to vehicles and combinations (other than longer combination vehicles) operating on the Interstate System in a State under section 127 shall also apply to vehicles and combinations (other than longer combination vehicles) operating on non-Interstate segments of the National Highway System in such State, unless such segments are subject to lower State weight limits as provided for in subsection (d).

''(2) EXISTING HIGHWAYS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), in the case of a non-Interstate segment of the National Highway System that is open to traffic on June 1, 2003, a State may allow the operation of any vehicle or combination (other than a longer combination vehicle) on such segment that the Secretary determines under subsection (b) could be lawfully operated on such segment on June 1, 2003.

''(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations described in subparagraph (A) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

''(3) NEW HIGHWAYS.—Subject to subsection (d)(1), the gross vehicle weight limitations and axle loading limitations applicable to all vehicles and combinations (other than longer combination vehicles) on a non-Interstate segment of the National Highway System that is not open to traffic on June 1, 2003, shall be the Interstate weight limit.

''(b) LISTING OF VEHICLES AND COMBINATIONS.—

''(1) IN GENERAL.—The Secretary shall initiate a proceeding to determine and publish a list of vehicles and combinations (other than longer combination vehicles), otherwise exceeding an Interstate weight limit, that could be lawfully operated on a non-Interstate segment of the National Highway System on June 1, 2003.

''(2) REQUIREMENTS.—In publishing a list of vehicles and combinations under paragraph (1), the Secretary shall identify—

''(A) the gross vehicle weight limitations and axle loading limitations in each State applicable, on June 1, 2003, to vehicles and combinations (other than longer combination vehicles) on non-Interstate segments of the National Highway System; and

''(B) operations of vehicles and combinations (other than longer combination vehicles), exceeding State gross vehicle weight limitations and axle loading limitations identified under subparagraph (A), which were in actual and lawful operation on a regular or periodic basis (including seasonal operations) on June 1, 2003.

''(3) LIMITATION.—An operation of a vehicle or combination may not be included on the list published under paragraph (1) on the basis that a State law or regulation could have authorized such operation at some prior date by permit or otherwise.

''(4) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of vehicles and combinations described in paragraph (1).

''(5) UPDATES.—The Secretary shall update the list published under paragraph (1) as necessary to reflect new designations made to the National Highway System.

''(c) APPLICABILITY OF LIMITATIONS.—The limitations established by subsection (a) shall apply to any new designation made to the National Highway System and remain in effect on those non-Interstate highways that cease to be designated as part of the National Highway System.

''(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—

''(1) STATE ENFORCEMENT OF MORE RESTRICTIVE WEIGHT LIMITS.—This section does not prevent a State from maintaining or imposing a weight limitation that is more restrictive than the Interstate weight limit on vehicles or combinations (other than longer combination vehicles) operating on a non-Interstate segment of the National Highway System.

''(2) STATE ACTIONS TO REDUCE WEIGHT LIMITS.—This section does not prevent a State from reducing the State's gross vehicle weight limitation, single or tandem axle weight limitations, or the overall maximum gross weight on 2 or more consecutive axles on any non-Interstate segment of the National Highway System.

''(e) LONGER COMBINATION VEHICLES.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—After the 270th day after the date of enactment of the Safe Highways and Infrastructure Preservation Act, a longer combination vehicle may continue to operate on a non-Interstate segment of the National Highway System only if the operation of the longer combination vehicle configuration type was authorized by State officials pursuant to State statute or regulation on June 1, 2003, and in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 2003.

''(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations described in subparagraph (A) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

''(2) LISTING OF VEHICLES AND COMBINATIONS.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to determine and publish a list of longer combination vehicles that could be lawfully operated on non-Interstate segments of the National Highway System on June 1, 2003.

''(B) LIMITATION.—A longer combination vehicle may not be included on the list published under subparagraph (A) on the basis that a State law or regulation could have authorized the operation of such vehicle at some prior date by permit or otherwise.

''(C) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of longer combination vehicles described in subparagraph (A).

''(D) UPDATES.—The Secretary shall update the list published under subparagraph (A) as necessary to reflect new designations made to the National Highway System.

''(3) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent a State from further restricting in any manner or prohibiting the operation of a longer combination vehicle if the restrictions or prohibitions are consistent with the requirements of section 127 of this title and sections 31112 through 31114 of title 49, United States Code.

''(f) MODEL SCHEDULE OF FINES.—

''(1) IN GENERAL.—The Secretary, in consultation with the States, shall establish a model schedule of fines to be assessed for violations of this section.

''(2) PURPOSE.—The purpose of the schedule of fines shall be to ensure that fines are sufficient to deter violations of the requirements of this section and to permit States to recover costs associated with damages caused to the National Highway System by the operation of such vehicles.

''(3) ADOPTION BY STATES.—The Secretary shall encourage but not require States to adopt the schedule of fines.

''(g) DEFINITIONS.—In this section:

''(1) INTERSTATE WEIGHT LIMIT.—The term 'Interstate weight limit' has the meaning given that term in section 127(h).

''(2) LONGER COMBINATION VEHICLE.—The term 'longer combination vehicle' has the meaning given that term in section 127(d).''.

(b) ENFORCEMENT OF REQUIREMENTS.—Section 141(a) of title 23, United States Code, is amended—

(1) by striking ''the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System'' and inserting ''the National Highway System, including the Interstate System,''; and

(2) by striking ''section 127'' and inserting ''sections 126 and 127''.

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 125 the following:

''126. Vehicle weight limitations—National Highway System.''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. BENNETT):

S. 168. A bill to reauthorize additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleague Senator BENNETT to introduce the Indian School Bus Route Safety Reauthorization Act of 2005. This bill continues an important Federal program begun in 1998 that addresses a unique problem with the roads in and around the Nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I'd like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Navajo Nation is by far the nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three States: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,800 miles of public roads serve the Navajo nation. Only about one-fifth of these roads are paved. The remaining 7,600 miles, seventy-eight percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,400 miles of the roads on the Navajo reservation are BIA roads, and about 2,500 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in TEA–21 is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the three States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, three-quarters of McKinley County is either tribal or federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, UT, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four preschools.

The situation is similar in neighboring San Juan County, NM, and Apache, Navajo, and Coconino Counties, AZ. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses don't get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. The funding was included at my request in section 1214(d) of TEA–21. Under this provision, $1.5 million was made available each year to be shared equally among the three States. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For the last six years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I had an opportunity in 1998 to see first hand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of that program, for fiscal years 2005 through 2010, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the three States. The text of the bill is identical to that passed last year by the full Senate in H.R. 3550, the SAFETEA bill.

I believe that continuing this program for six more years is fully justified because of the vast area of the Navajo reservation—by far the Nation's largest—and the unique nature of this need that only the Federal Government can deal with effectively.

I don't believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. The Senate already passed this legislation last year. I ask all Senators to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I am pleased that Congressmen TOM UDALL of New Mexcio, RICK RENZI of Arizona, and JAMES DAVID MATHESON of Utah are introducing a companion bill today in the House. I look forward to working with them this year and with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation bill.

I ask unanimous consent that 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. 168

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 ''Indian School Bus Route Safety Reauthorization Act of 2005''.

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by striking ''$1,500,000 for each of fiscal years 1998 through 2003'' and inserting ''$1,800,000 for each of fiscal years 2005 through 2010''.

By Mr. BINGAMAN (for himself, Mr. ROBERTS, and Mr. INHOFE):

S. 169. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Otero, Lincoln, Torrance, Guadalupe, and Quay Counties.

The purpose of this legislation is to focus attention on the need to upgrade U.S. Highway 54 to four lanes. I believe improving the transportation infrastructure will help attract good jobs to South, Central, and Eastern New Mexico.

I am honored to have my good friend and colleague, Senator ROBERTS, as the lead cosponsor of the bill. I am also pleased to have Senators INHOFE as an original cosponsor. In addition, Representatives UDALL (NM), LUCAS, and PEARCE are introducing this bill today on the House side.

Our bill designates U.S. Highway 54 from the border with Mexico at the Bridge of the Americas in El Paso, TX, through New Mexico, and Oklahoma to Wichita, KS, as the Southwest Passage Initiative for Regional and Interstate Transportation, or SPIRIT, corridor. Congress has already included Highway 54 as part of the National Highway System. This bill adds the SPIRIT Corridor to Congress's list of High Priority Corridors on the National Highway System.

About half of the 700-mile-long SPIRIT corridor is in New Mexico and another 200 miles of it are in Kansas. Our goal in asking Congress to designate SPIRIT as a High Priority Corridor on the National Highway System is to help focus attention on the need for a complete four-lane upgrade of the route from El Paso to Wichita. When completed, the route will link rural areas in the four States to major market centers.

I continue to believe strongly in the importance of highway infrastructure for economic development in my state. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways more readily attract out-of-state visitors and new jobs. Truck drivers and the traveling public prefer the safety of a four-lane divided highway.

In New Mexico, U.S. 54 is a fairly level route, bypassing New Mexico's major mountain ranges. The route also traverses some of New Mexico's most dramatic scenery, including three of the state's popular Scenic Byways. One is the Mesalands Scenic Byway in Guadalupe, San Miguel and Quay Counties, incorporating the beautiful tablelands known as El Llano Estacado. Another is the State's newest byway, La Frontera de Llano, which follows highway 39 from Logan to Abbott in Harding County, including the spectacular Canadian River Canyon and the Kiowa National Grasslands. The third byway is the historic Route 66, which crosses Highway 54 from Santa Rosa to Tucumcari.

The SPIRIT corridor passes through Alamogordo, home of the New Mexico Museum of Space History and gateway to the stunning White Sands National Monument.

Highway 54 is also important to our Nation from the perspective of national security. The route directly serves Fort Bliss, the White Sands Missile Range, and Holloman Air Force Base. It also passes through the Nation's breadbasket as well as some of the Nation's most important oil and gas fields.

The route of the SPIRIT corridor starts at Juarez, Chihuahua, Mexico, home of one the largest concentrations of manufacturing in the border region. As a result of increased trade under NAFTA, commercial border traffic is now much higher at the border crossings in El Paso, Texas, and Santa Teresa, New Mexico. In New Mexico, truck traffic from the border has risen to over 1000 per day and is expected to triple in the next twenty years.

The SPIRIT corridor is perfectly situated to serve international trade and promote economic development along its entire route. The route provides direct connections to four major Interstate Highways: I–10, 1–35, I–40, and 1–70. SPIRIT is also the shortest route between Chicago and El Paso shaving 137 miles off the major alternative.

Though much of U.S. 54 is currently only two lanes, traffic has been rising dramatically along the entire route since NAFTA was implemented. In New Mexico, total daily traffic levels are nearing 10,000 and are projected to rise to 30,000, with trucks making up 35 percent of the total. In Oklahoma, traffic levels are up to 6,500 per day—40 percent of which are commercial trucks. These traffic statistics clearly reflect the SPIRIT corridor's attraction to commercial and passenger drivers.

New Mexicans recognize the importance of efficient roads to economic development and safety. I have long supported my State's efforts to complete the four-lane upgrade of U.S. 54. The State Department of Transportation rates the project a high priority for New Mexico. The four-lane upgrade of the first 56-mile segment from the Texas border to Alamogordo was completed in 2002. Two more sections in New Mexico remain to be upgraded: 163 miles from Tularosa, north through Carrizozo, Corona, and Vaughn, to Santa Rosa and 50 miles from Tucumcari to the Texas border near Nara Visa in Quay County. This corridor is currently a two-lane facility with no shoulders, no passing zones and various deficient areas. The cost to four-lane these two segments is estimated at $420 million.

I am pleased Governor Richardson has set aside over $130 million as part of the New Mexico's GRIP initiative to upgrade key portions of the route between Tularosa and Santa Rosa. I am committed to working with State to secure the funding required to complete New Mexico's four-lane upgrade as soon as possible. I am pleased the other states are also moving quickly to four-lane their portion of the route.

Once the SPIRIT corridor is designated, New Mexico will have four high-priority corridors on the National Highway System. The other three are the Ports-to-Plains corridor, the Camino Real Corridor, and the East West Transamerica Corridor. These four trade corridors, as well as our close proximity to the border, strongly underscore the vital role New Mexico plays in our Nation's interstate and international transportation network.

The SPIRIT project has broad grassroots support. Most of the cities, counties, and chambers of commerce all the way from Wichita to El Paso have passed resolutions of support for the four-lane upgrade of U.S. 54 along the entire corridor.

I do believe the four-lane upgrade of Highway 54 is vital to the continued economic development for all of the communities along the SPIRIT corridor in New Mexico. I again thank Senators ROBERTS and INHOFE for cosponsoring the bill, and I hope all senators will join us in support of this important legislation. It is my hope that our bill can pass quickly this year or be included when the Senate again considers the reauthorization of a six-year surface transportation bill.

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. 169

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

SECTION 1. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

''(46) The corridor extending from the point on the border between the United States and Mexico at El Paso, Texas, where United States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.''.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 170. A bill to clarify the definition of rural airports; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, and Mrs. MURRAY):

S. 171. A bill to exempt seaplanes from certain transportation taxes; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two related pieces of legislation addressing inequities that affect seaplane operators and passengers in rural areas. Both of these were included in S. 1072 when it passed the Senate last year, but because that business remains unfinished, it is necessary to reintroduce them.

The first of these—on which Senator STEVENS is joining me as a cosponsor, is a modification to the definition of a ''rural airport.'' The law adopted in 1997 provides for a per-passenger fee—now $3.20—on each domestic flight segment. Rural airports were exempted from the tax on the grounds it was intended to cover increased security costs for airports handling large aircraft and international flights. The law defines a rural airport as one which—for a given calendar year—has fewer than 100,000 departures in the second preceding calendar year, and which either received essential air service subsidies as of August 5, 1997, or is more than 75 miles from a larger airport.

The latter provision is a significant problem in my State. It was intended to reflect the fact that 75 miles is not really a long way to drive to and from an airport. Unfortunately, that assumes there is a road to drive on. That's not always the case. My State has a number of small community airports that are within 75 miles of a larger airport, but where there are no roads connecting the two. Thus, passengers cannot choose to drive to the larger airport. In order to fly to their ultimate destination, they are forced to fly from their village to the larger airport, where the passenger tax is legitimately collected. The bottom line is that these rural residents are unfairly taxed at least twice as much as all the other passengers leaving from the larger airport.

My bill simply adds this one additional unique criterion to the definition of a rural airport—that it may include a small airport that is within 75 miles from a larger one, but where there is no road connection between the two.

The second bill I am introducing today—along with Senator STEVENS and Senator MURRAY—is also intended to correct an inequity. Air passenger transportation is subject to a 7.5 percent excise tax in addition to the $3.20 per-segment fee. This generates revenue that goes toward the maintenance and improvements of airports receiving Airport Improvement Program (AIP) funding. However, in several cases in Alaska, and in at least one case in the State of Washington, the taxes are imposed on seaplane operators who land on and take off from open waters, not from facilities using AIP funds, and which rarely if ever make use of FAA communication and navigation systems. It should be a fundamental tenet that those who do not receive a service should not be required to pay for it. That is exactly the basis for my second bill.

Both these proposals have been in circulation for several years. Each of them has been estimated by the Joint Committee on Taxation to have negligible impacts on revenue—less than $2 million per year for the rural airport definition and less than $1 million for the excise tax. In that connection, it should also be noted that even if the excise tax for seaplane operators is eliminated, they will still be paying their fair share because they will automatically begin paying higher fuel taxes. The latter will go up from 4.4 cents per gallon to 19.4 cents per gallon for aviation gasoline and to 21.9 cents per gallon for jet fuel.

I encourage my colleagues' support of these two important measures.

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

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

S. 170

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

SECTION 1. RURAL AIRPORTS.

(a) IN GENERAL.—Clause (ii) of section 4261(e)(1)(B) of the Internal Revenue Code of 1986 (defining rural airport) is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'', and

(3) by adding at the end the following:

''(III) is not connected by paved roads to another airport.''.

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

S. 171

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

SECTION 1. EXEMPTION FROM TAX FOR TRANSPORTATION PROVIDED BY SEAPLANES.

(a) IN GENERAL.—Section 4261 of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) EXEMPTION FOR TRANSPORTATION PROVIDED BY SEAPLANES.—No tax shall be imposed by this section or section 4271 on any air transportation by a seaplane with respect to any segment consisting of a takeoff from, and a landing on, water.''.

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

By Mr. DEWINE (for himself and Mr. KENNEDY):

S. 172. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. 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. 172

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

SECTION 1. FINDINGS.

Congress finds as follows:

(1) All contact lenses have significant effects on the eye and pose serious potential health risks if improperly manufactured or used without appropriate involvement of a qualified eye care professional.

(2) Most contact lenses currently marketed in the United States, including certain plano and decorative contact lenses, have been approved as medical devices pursuant to premarket approval applications or cleared pursuant to premarket notifications by the Food and Drug Administration (''FDA'').

(3) FDA has asserted medical device jurisdiction over most corrective and noncorrective contact lenses as medical devices currently marketed in the United States, including certain plano and decorative contact lenses, so as to require approval pursuant to premarket approval applications or clearance pursuant to premarket notifications.

(4) All contact lenses can present risks if used without the supervision of a qualified eye care professional. Eye injuries in children and other consumers have been reported for contact lenses that are regulated by FDA as medical devices primarily when used without professional involvement, and noncorrective contact lenses sold without approval or clearance as medical devices have caused eye injuries in children.

SEC. 2. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following:

''REGULATION OF CONTACT LENS AS DEVICES

''(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

''(2) Paragraph 1 shall not be construed as having any legal effect on any article that is not described in that paragraph.''.

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

S. 173. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare program that have received an organ transplant; to the Committee on Finance.

Mr. DEWINE. 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. 173

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 ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005''.

SEC. 2. COMPREHENSIVE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR ORGAN TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive

drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) OTHER TRANSPLANT RECIPIENTS.—The flush matter following paragraph (2)(C)(ii)(II) of section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended by striking ''of this subsection)'' and inserting ''of this subsection and except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))''.

(3) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking ''Every individual who'' and inserting ''(a) IN GENERAL.—Every individual who''; and

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

''(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

''(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2), the following rules shall apply:

''(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

''(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

''(C) The provision of such drugs shall be subject to the application of—

''(i) the deductible under section 1833(b); and

''(ii) the coinsurance amount applicable for such drugs (as determined under this part).

''(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

''(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

''(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2); and

''(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.''.

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 4. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2707)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of immunosuppressive drugs''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of immunosuppressive drugs'';

and

(2) by inserting after section 9812 the following:

''SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

''A group health plan shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2006.

By Mr. DEWINE (for himself, Mr. DODD, and Mrs. MURRAY):

S. 174. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I would like to discuss a bill Senator DODD and I are introducing today. This is a bill about children, and it covers an issue that is difficult to think about or talk about, but one that is critical to many children and their families in our Nation.

What I am talking about is what we can do when a child develops a life-threatening or terminal illness. How do we make sure we do everything in our power to make a sick child as comfortable as possible and as happy as possible—everything in our power to ease their suffering—when that child is terminally ill. We have a pressing need for comprehensive, compassionate, continuous care for children who are facing death as a result of serious illness.

No parent or family member ever expects a child to die. With today's modern medicine and research advances, it is easy to think that only older people die, but, tragically, we all know that is not the case. That is why today we are introducing the Compassionate Care for Children Act, a bill we introduced previously in the 108th Congress along with Representative DEBORAH PRYCE in the House. This legislation is an effort to help ensure that very sick children receive a continuum of care and that young lives do not end in preventable pain or fear or sadness.

Every year, over 55,000 children die in the United States. Some children will die suddenly and unexpectedly—in a car accident, by drowning, or fire, or by choking. Some may even be murdered. Others, though—thousands of children, actually—will be diagnosed with life-threatening illnesses or diseases that might eventually, over a period of time, take away these children's lives. Children with such illnesses are in and out of hospitals and clinics. They receive chemotherapy and radiation treatments. They might undergo multiple surgeries. They might have nurses and doctors poking and prodding at them nearly all the time. Some of these children are old enough to realize that they might die if the treatments for their diseases don't work. Others are too young to understand that reality.

One little girl—Liza—knew she was going to die. Shortly after her fourth birthday, she was diagnosed with a form of leukemia. For the next year, Liza's parents explored every possible medical option for her and every possible treatment. They took her to doctor after doctor after doctor, and they had access to the most cutting-edge therapies available to treat Liza's disease. Nothing seemed to work. At the age of five, Liza began to ask her mother what would come next, and whether she would soon die after her bone marrow transplant—her last chance for a cure—had failed.

Once the medical treatments had failed, doctors had little else to offer Liza. There was no discussion, tragically, about end-of-life care at the hospital for this little child. No one wanted to admit that they were out of

treatment options—that there was no cure—that she wasn't going to get better, have her life restored and her health restored—that she wasn't going to grow up and become an adult and have her own children someday. There was no discussion of that. No one in that hospital wanted to talk with Liza about death, even though this little girl pleaded with them to do so.

Liza's mother told the Washington Post that Liza asked her oncologist to tell her when death was near. This little five-year-old girl asked her doctor to tell her when she was going to die. Yet, on the final night of her life, as this little child lay dying in her mother's arms, near her father and her older sister, Liza asked, ''Why didn't the doctor call to tell me?''

Liza's parents were able to get some hospice care for their daughter during the last three months of her life. Tragically, fewer than 10 percent of children who die in the United States ever receive any sort of hospice care. When children like Liza are terminally ill, parents are forced to make decisions for their children under extremely emotional and stressful conditions. The decisions that confront these parents are ones that they never, of course, expected to have to make. Parents want what is best for their children. They want their children to get better and be healthy. They want their children to be pain free. They want their children to receive comfort and care when they are sick.

God forbid that parents find out their children are very sick—so sick they are never going to get better—so sick there are no more treatments and no more cures—and so sick they know their children are going to die. Those parents will try to do everything imaginable and everything possible in their power to help their children and make them comfortable—pain-free and happy in their remaining days.

Mr. President, we have an obligation to help those parents. Children with life-threatening diseases and illnesses require special medical attention to make their shortened lives more comfortable. We know that. Yet, despite that knowledge, the fact is, current federal law and regulations do not take into consideration the special care needs of a gravely ill or dying child. In fact, these federal laws and regulations get in the way of taking care of these children.

The legislation we are introducing today would help correct the deficiencies in current law and help sick children facing possible death live more comfortably and live with dignity. It would help them receive the comprehensive care they deserve and the comprehensive care we would expect for our own children.

Let me take a few moments to explain what our bill actually does. First, it offers grants so doctors and nurses can receive training and education to enable them to better understand these issues and to help them provide end-of-life care for these kids. The goal of these grants is to improve the quality of care terminally ill children receive. One of the ways we do this is to make sure doctors and nurses truly understand these issues so they can provide the care and be better informed. Our bill also provides money for the National Institutes of Health to conduct research in pain and symptom management in children. This research is critically important to improving the type of care that dying children receive.

An article in the New England Journal of Medicine stated that 89 percent of children dying of cancer die experiencing ''a lot or a great deal'' of pain and suffering. This does not have to happen. We can change that, and we must. This is simply not acceptable. Research has to be done so that children will not suffer needlessly.

In addition to grants, the second piece of our bill changes the way care is delivered to children with life-threatening illnesses. Right now, doctors, hospitals, and parents have to overcome significant insurance and eligibility barriers to enroll a dying child in hospice. First, to qualify for hospice, a doctor must certify that a child has six months or less to live. The problem with this ''six-month rule'' is that it is harder for a doctor to determine the life expectancy of a sick child than it is to determine the life expectancy of a sick adult or elderly person. A child dying of cancer, for example, may die in six months or six years, making that child ineligible for hospice care that would ensure a comfortable life while that child is alive. It is very difficult many times to estimate how long that child is going to live. This very rigid six-month predictability rule, which denies care, is very inhumane for these kids. It is wrong, and we have to change that rule.

According to Dr. Joanne Hilden and Dr. Dan Tobin, ''Sick children are still growing, which is a biological process very much like healing. So, when a child is diagnosed with illness, such as cancer or heart disease, he or she is much more likely to be cured than an adult.'' Simply put, diseases progress differently in children than adults, and children with terminal diseases get lost in the health care system designed for adults—a health care system that does not take into consideration the special needs of children.

Furthermore, the current system does not allow a patient to receive curative and palliative care simultaneously. In other words, current law does not allow doctors to continue trying life-prolonging treatments—treatments that could cure an illness or extend a life—and also at the same time provide palliative care to that patient. That means that current law does not allow the doctors to go in to provide typical hospice care where you make that child comfortable and do all the things to alleviate the pain and at the same time try to save the child's life.

That is wrong. That is simply wrong. That presents a parent with a horrible choice—a choice that no parent should ever have to make. That is tragic. Palliative care offers a continuum of care—care that involves counseling to families and patients about how to confront death—care that involves making the patient comfortable in his or her sickest hours—care that acknowledges that death is a real possibility.

Federal law requires a person who wishes to receive end-of-life care to discontinue receiving curative or life-prolonging treatment. This should not be an either/or decision for parents. I don't know of any parent who would give up trying to cure a sick child when there was any chance that child might be saved. They should not be put in this position.

Current law places parents in impossible positions. We simply must fix this. End-of-life care should be integrated with curative care so that parents, children, and doctors have access to a range of benefits and services. As I said earlier, palliative care should not be confined to the dying. It should be available to any child who is seriously ill.

That is why our bill creates Medicare and private market demonstration programs to remove these barriers, making it simpler and easier for doctors and parents to make end-of-life decisions for children. The demonstration program would allow children to receive curative and palliative care concurrently. This means children can continue to receive treatment and life-prolonging care while receiving palliative care at the same time. The demonstration program also removes the six-month rule so children can receive palliative care benefits at the time of diagnosis.

I would like to take a moment to tell my colleagues about another girl—Rachel Ann. Rachel Ann was a little girl who did receive palliative care from the time she was diagnosed with a grave heart problem. Rachel Ann had a heart that doctors describe as ''incompatible with life.'' Most babies with heart malformations like Rachel Ann die within a matter of days after birth. Rachel Ann's parents were devastated and distraught to see their tiny baby connected to a sea of wire and tubes, clinging to life.

Rachel Ann's parents were referred to a pediatric hospice and decided to bring their daughter home from the hospital so she could experience life with her family, surrounded by parents, brothers, relatives, and friends at home. Rachel Ann's parents say she seemed truly happy at home. She smiled and wiggled in response to voices and being held. Her brothers doted on their baby sister.

Rachel Ann was able to spend her life at home in comfort with her family. She lived for 42 days and her family was able to make every single moment count. On Christmas day, after spending the morning with her family, Rachel Ann passed away.

Fortunately, Rachel Ann and her family were able to spend as much time

together as possible with Rachel Ann as comfortable as possible. Her brothers were able to know their sister and to talk with hospice professionals about what was happening to her. Rachel Ann's parents and grandparents also were able to talk about her condition with hospice professionals and maintained an active role in her care. There was a support system in place for this family.

The terminal illness of a child is an incredibly difficult thing to confront for a parent and family. No one wants to think about children dying. No one wants to believe that children suffer, especially in this age of great medical advances. It is a horrible situation. But, it is one that we must face. We can always do more to improve the care that our children receive. We should continue to support research and finding cures for the diseases and illnesses from which children suffer. But, until those cures are found, and as long as children die from these diseases, we must provide care and support for a dying child. We have an obligation to provide that care and that support.

The bill we are introducing today will be an important step in this direction. It will provide tools and support networks to help grieving families in their time of need. It is the right thing to do, and I encourage my colleagues to join us in co-sponsoring this important piece of legislation.

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. 174

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 ''Children's Compassionate Care 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—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH
Sec. 101. Education and training
Sec. 102. Grants to expand pediatric palliative care
Sec. 103. Health professions fellowships and residency grants
Sec. 104. Model program grants
Sec. 105. Research
TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS
Sec. 201. Medicare pediatric palliative care demonstration projects
Sec. 202. Private sector pediatric palliative care demonstration projects
Sec. 203. Authorization of appropriations

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

SEC. 101. EDUCATION AND TRAINING.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a) by inserting ''except for section 771,'' after ''carrying out this subpart''; and

(2) by adding at the end the following:

''SEC. 771. PEDIATRIC PALLIATIVE CARE SERVICES EDUCATION AND TRAINING.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to provide training in pediatric palliative care and related services.

''(b) ELIGIBLE ENTITY DEFINED.—

''(1) IN GENERAL.—In this section the term 'eligible entity' means a health care provider that is affiliated with an academic institution, that is providing comprehensive pediatric palliative care services, alone or through an arrangement with another entity, and that has demonstrated experience in providing training and consultative services in pediatric palliative care including—

''(A) children's hospitals or other hospitals or medical centers with significant capacity in caring for children with life-threatening conditions;

''(B) pediatric hospices or hospices with significant pediatric palliative care programs;

''(C) home health agencies with a demonstrated capacity to serve children with life-threatening conditions and that provide pediatric palliative care; and

''(D) any other entity that the Secretary determines is appropriate.

''(2) LIFE-THREATENING CONDITION DEFINED.—In this subsection, the term 'life-threatening condition' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) provide short-term training and education programs in pediatric palliative care for the range of interdisciplinary health professionals and others providing such care;

''(2) provide consultative services and guidance to health care providers that are developing and building comprehensive pediatric palliative care programs;

''(3) develop regional information outreach and other resources to assist clinicians and families in local and outlying communities and rural areas;

''(4) develop or evaluate current curricula and educational materials being used in providing such education and guidance relating to pediatric palliative care;

''(5) facilitate the development, assessment, and implementation of clinical practice guidelines and institutional protocols and procedures for pediatric palliative, end-of-life, and bereavement care; and

''(6) assure that families of children with life-threatening conditions are an integral part of these processes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 102. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–1. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to eligible entities to implement or expand pediatric palliative care programs for children with life-threatening conditions.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) children's hospitals or other hospitals with a capacity and ability to care for children with life-threatening conditions;

''(2) hospices with a demonstrated capacity and ability to care for children with life-threatening conditions and their families; and

''(3) home health agencies with—

''(A) a demonstrated capacity and ability to care for children with life-threatening conditions; and

''(B) expertise in providing palliative care.

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) create new pediatric palliative care programs;

''(2) start or expand needed additional care settings, such as respite, hospice, inpatient day services, or other care settings to provide a continuum of care across inpatient, home, and community-based settings;

''(3) expand comprehensive pediatric palliative care services, including care coordination services, to greater numbers of children and broader service areas, including regional and rural outreach; and

''(4) support communication linkages and care coordination, telemedicine and teleconferencing, and measures to improve patient safety.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 103. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404H. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

''(a) ESTABLISHMENT.—The Director of the National Institutes of Health is authorized to award training grants to eligible entities to expand the number of physicians, nurses, mental health professionals, and appropriate allied health professionals and specialists (as determined by the Secretary) with pediatric palliative clinical training and research experience.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a pediatric department of a medical school and other related departments including—

''(A) oncology;

''(B) virology;

''(C) neurology; and

''(D) psychiatry;

''(2) a school of nursing;

''(3) a school of psychology and social work; and

''(4) a children's hospital or other hospital with a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 104. MODEL PROGRAM GRANTS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by section 102, is further amended by adding at the end the following:

"SEC. 399Z–2. MODEL PROGRAM GRANTS.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to enhance pediatric palliative care and care for children with life-threatening conditions in general pediatric or family practice residency training programs through the development of model programs.

''(b) ELIGIBLE ENTITY DEFINED.—In this section the term 'eligible entity' means a pediatric department of—

''(1) a medical school;

''(2) a children's hospital; or

''(3) any other hospital with a general pediatric or family practice residency program that serves a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 105. RESEARCH.

(a) PAIN AND SYMPTOM MANAGEMENT.—The Director of the National Institutes of Health (in this section referred to as the ''Director'') shall provide translational research grants to fund research in pediatric pain and symptom management that will utilize existing facilities of the National Institutes of Health including—

(1) pediatric pharmacological research units;

(2) the general clinical research centers; and

(3) other centers providing infrastructure for patient oriented research.

(b) ELIGIBLE ENTITIES.—In carrying out subsection (a), the Director may award grants for the conduct of research to—

(1) children's hospitals or other hospitals serving a significant number of children with life-threatening conditions;

(2) pediatric departments of medical schools;

(3) institutions currently participating in National Institutes of Health network of pediatric pharmacological research units; and

(4) hospices with pediatric palliative care programs and academic affiliations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

SEC. 201. MEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CARE COORDINATION SERVICES.—The term ''care coordination services'' means services that provide for the coordination of, and assistance with, referral for medical and other services, including multidisciplinary care conferences, coordination with other providers involved in care of the eligible child, patient and family caregiver education and counseling, and such other services as the Secretary determines to be appropriate in order to facilitate the coordination and continuity of care furnished to an individual.

(2) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(3) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is entitled to benefits under part A of the medicare program and who is under 18 years of age.

(4) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a pediatric palliative care program that is a public agency or private organization (or a subdivision thereof) which—

(i)(I) is primarily engaged in providing the care and services described in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395(dd)(1)) and makes such services available (as needed) on a 24-hour basis and which also provides counseling (including bereavement counseling) for the immediate family of eligible children;

(II) provides for such care and services in eligible children's homes, on an outpatient basis, and on a short-term inpatient basis, directly or under arrangements made by the agency or organization, except that—

(aa) the agency or organization must routinely provide directly substantially all of each of the services described in subparagraphs (A), (C), and (H) of such section 1861(dd)(1);

(bb) in the case of other services described in such section 1861(dd)(1) which are not provided directly by the agency or organization, the agency or organization must maintain professional management responsibility for all such services furnished to an eligible child, regardless of the location or facility in which such services are furnished; and

(III)(aa) identifies medical, community, and social service needs;

(bb) simplifies access to service;

(cc) uses the full range of community resources, including the friends and family of the eligible child; and

(dd) provides educational opportunities relating to health care; and

(ii) has an interdisciplinary group of personnel which—

(I) includes at least—

(aa) 1 physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)));

(bb) 1 registered professional nurse; and

(cc) 1 social worker;

employed by or, in the case of a physician described in item (aa), under contract with the agency or organization, and also includes at least 1 pastoral or other counselor;

(II) provides (or supervises the provision of) the care and services described in such section 1861(dd)(1); and

(III) establishes the policies governing the provision of such care and services;

(iii) maintains central clinical records on all patients;

(iv) does not discontinue the palliative care it provides with respect to an eligible child because of the inability of the eligible child to pay for such care;

(v)(I) uses volunteers in its provision of care and services in accordance with standards set by the Secretary, which standards shall ensure a continuing level of effort to use such volunteers; and

(II) maintains records on the use of these volunteers and the cost savings and expansion of care and services achieved through the use of these volunteers;

(vi) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, is licensed pursuant to such law;

(vii) seeks to ensure that children and families receive complete, timely, understandable information about diagnosis, prognosis, treatments, and palliative care options;

(viii) ensures that children and families participate in effective and timely prevention, assessment, and treatment of physical and psychological symptoms of distress; and

(ix) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the eligible children who are provided with palliative care by such agency or organization; and

(B) any other individual or entity with an agreement under section 1866 of the Social Security Act (42 U.S.C. 1395cc) that—

(i) has demonstrated experience in providing interdisciplinary team-based palliative care and care coordination services (as defined in paragraph (1)) to pediatric populations; and

(ii) the Secretary determines is appropriate.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects in accordance with the provisions of this subsection to provide pediatric palliative care to eligible children.

(2) PARTICIPATION.—

(A) ELIGIBLE PROVIDERS.—Any eligible provider may furnish items or services covered under the pediatric palliative care benefit.

(B) ELIGIBLE CHILDREN.—The Secretary shall permit any eligible child residing in the service area of an eligible provider participating in a demonstration project to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for pediatric palliative care provided under the demonstration projects in the same manner in which such section applies to the payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program.

(2) COVERAGE OF PEDIATRIC PALLIATIVE CARE.—

(A) IN GENERAL.—Notwithstanding section 1862(a)(1)(C) of the Social Security Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the pediatric palliative care benefit made available under the demonstration projects in a manner that is consistent with the requirements of subparagraph (B).

(B) BENEFIT.—Under the pediatric palliative care benefit, the following requirements shall apply:

(i) WAIVER OF REQUIREMENT TO ELECT HOSPICE CARE.—Each eligible child may receive benefits without an election under section 1812(d)(1) of the Social Security Act (42 U.S.C. 1395d(d)(1)) to receive hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))) having been made with respect to the eligible child.

(ii) AUTHORIZATION FOR CURATIVE TREATMENT.—Each eligible child may continue to receive benefits for disease and symptom modifying treatment under the medicare program.

(iii) PROVISION OF CARE COORDINATION SERVICES.—Each eligible child shall receive care

coordination services (as defined in subsection (a)(1)) and hospice care (as so defined) through an eligible provider participating in a demonstration project, regardless of whether such individual has been determined to be terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(iv) AVAILABILITY OF INFORMATION ON PEDIATRIC PALLIATIVE CARE.—Each eligible child and the family of such child shall receive information and education in order to better understand the utility of pediatric palliative care.

(v) AVAILABILITY OF BEREAVEMENT COUNSELING.—Each family of an eligible child shall receive bereavement counseling, if appropriate.

(vi) ADDITIONAL BENEFITS.—Under the demonstration projects, the Secretary may include any other item or service—

(I) for which payment may otherwise be made under the medicare program; and

(II) that is consistent with the recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families''.

(C) PAYMENT.—

(i) ESTABLISHMENT OF PAYMENT METHODOLOGY.—The Secretary shall establish a methodology for determining the amount of payment for pediatric palliative care furnished under the demonstration projects that is similar to the methodology for determining the amount of payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) under section 1814(i) of such Act (42 U.S.C. 1395f(i)), except as provided in the following subclauses:

(I) AMOUNT OF PAYMENT.—Subject to subclauses (II) and (III), the amount of payment for pediatric palliative care shall be equal to the amount that would be paid for hospice care (as so defined), increased by an appropriate percentage to account for the additional costs of providing bereavement counseling and care coordination services (as defined in subsection (a)(1)).

(II) WAIVER OF HOSPICE CAP.—The limitation under section 1814(i)(2) of the Social Security Act (42 U.S.C. 1395f(i)(2)) shall not apply with respect to pediatric palliative care and amounts paid for pediatric palliative care under this subparagraph shall not be counted against the cap amount described in such section.

(III) SEPARATE PAYMENT FOR COUNSELING SERVICES.—Notwithstanding section 1814(i)(1)(A) of the Social Security Act (42 U.S.C. 1395f(i)(1)(A)), the Secretary may pay for bereavement counseling as a separate service.

(ii) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) to any Medicare+Choice organization that provides health care items or services to an eligible child who is participating in a demonstration project.

(3) COVERAGE OF PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—Under the demonstration projects, the Secretary shall provide for a one-time payment on behalf of each eligible child who has not yet elected to participate in the demonstration project for services that are furnished by a physician who is either the medical director or an employee of an eligible provider participating in such a project and that consist of—

(A) an evaluation of the individual's need for pain and symptom management, including the need for pediatric palliative care;

(B) counseling the individual and the family of such individual with respect to the benefits of pediatric palliative care and care options; and

(C) if appropriate, advising the individual and the family of such individual regarding advanced care planning.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible providers; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—The Secretary shall accept proposals to furnish pediatric palliative care under the demonstration projects from any eligible provider at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) FACILITATION OF EVALUATION.—The Secretary shall design the demonstration projects to facilitate the evaluation conducted under subsection (e)(1).

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects in order—

(A) to determine the short-term and long-term costs and benefits of changing—

(i) hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program to children to include the pediatric palliative care furnished under the demonstration projects; and

(ii) the medicare program to permit eligible children to receive curative and palliative care simultaneously;

(B) to review the implementation of the demonstration projects compared to recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families'';

(C) to determine the quality and duration of palliative care for individuals who receive such care under the demonstration projects who would not be eligible to receive such care under the medicare program;

(D) whether any increase in payments for pediatric palliative care is offset by savings in other parts of the medicare program; and

(E) the projected cost of implementing the demonstration projects on a national basis.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

(f) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary to conduct the demonstration projects.

SEC. 202. PRIVATE SECTOR PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(2) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is—

(A) under 18 years of age;

(B) enrolled for health benefits coverage under an eligible health plan; and

(C) not enrolled under (or entitled to) benefits under a health plan described in paragraph (3)(C).

(3) ELIGIBLE HEALTH PLAN.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term ''eligible health plan'' means an individual or group plan that provides, or pays the cost of, medical care (as such term is defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)).

(B) TYPES OF PLANS INCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' includes the following health plans, and any combination thereof:

(i) A group health plan (as defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a))), but only if the plan—

(I) has 50 or more participants (as defined in section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7))); or

(II) is administered by an entity other than the employer who established and maintains the plan.

(ii) A health insurance issuer (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iii) A health maintenance organization (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iv) A long-term care policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy does not provide sufficiently comprehensive coverage of a benefit so that the policy should be treated as a health plan).

(v) An employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers.

(vi) Health benefits coverage provided under a contract under the Federal employees health benefits program under chapter 89 of title 5, United States Code.

(C) TYPES OF PLANS EXCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' does not include any of the following health plans:

(i) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(iii) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss et seq.).

(iv) The health care program for active military personnel under title 10, United States Code.

(v) The veterans health care program under chapter 17 of title 38, United States Code.

(vi) The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1072(4) of title 10, United States Code.

(vii) The Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that provides health benefits coverage under an eligible health plan.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term under section 201(a)(4).

(6) PEDIATRIC PALLIATIVE CARE.—The term ''pediatric palliative care'' means services of the type to be furnished under the demonstration projects under section 201, including care coordination services (as defined in subsection (a)(1) of such section).

(7) PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—The term ''pediatric palliative care consultation services'' means services of the type described in section 201(c)(3).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality.

(b) NONMEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects under this section at the same time as the Secretary establishes the demonstration projects under section 201 and in accordance with the provisions of this subsection to demonstrate the provision of pediatric palliative care and pediatric palliative care consultation services to eligible children who are not entitled to (or enrolled for) coverage under the health plans described in subsection (a)(3)(C).

(2) PARTICIPATION.—

(A) ELIGIBLE ORGANIZATIONS.—The Secretary shall permit any eligible organization to participate in a demonstration project on a voluntary basis.

(B) ELIGIBLE CHILDREN.—Any eligible organization participating in a demonstration project shall permit any eligible child enrolled in an eligible health plan offered by the organization to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) PROVISION OF PEDIATRIC PALLIATIVE CARE AND CONSULTATION SERVICES.—Under a demonstration project, each eligible organization electing to participate in the demonstration project shall provide pediatric palliative care and pediatric palliative care consultation services to each eligible child who is enrolled with the organization and who elects to participate in the demonstration project.

(2) AVAILABILITY OF ADMINISTRATIVE GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall award grants to eligible organizations electing to participate in a demonstration project for the administrative costs incurred by the eligible organization in participating in the demonstration project, including the costs of collecting and submitting the data required to be submitted under subsection (d)(4)(B).

(B) NO PAYMENT FOR SERVICES.—The Secretary may not pay eligible organizations for pediatric palliative care or pediatric palliative care consultation services furnished under the demonstration projects.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible organizations; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—

(A) IN GENERAL.—The Secretary shall accept proposals to furnish pediatric palliative care and pediatric palliative care consultation services under the demonstration projects from any eligible organization at such time, in such manner, and in such form as the Secretary may require.

(B) APPLICATION FOR ADMINISTRATIVE GRANTS.—If the eligible organization desires to receive an administrative grant under subsection (c)(2), the proposal submitted under subparagraph (A) shall include a request for the grant, specify the amount requested, and identify the purposes for which the organization will use any funds made available under the grant.

(4) COLLECTION AND SUBMISSION OF DATA.—

(A) COLLECTION.—Each eligible organization participating in a demonstration project shall collect such data as the Secretary may require to facilitate the evaluation to be completed under subsection (e)(1).

(B) SUBMISSION.—Each eligible organization shall submit the data collected under subparagraph (A) to the Secretary at such time, in such manner, and in such form as the Secretary may require.

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS AND ELIGIBLE ORGANIZATIONS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress and each eligible organization participating in a demonstration project on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress and each eligible organization participating in a demonstration project on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $2,500,000, to carry out the demonstration projects under section 201; and

(2) $2,500,000, to carry out the demonstration projects under section 202, including for awarding grants under subsection (c)(2) of such section.

(b) AVAILABILITY.—Sums appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.

Mr. DODD. Mr. President, I come to the floor today, along with my good friend Senator MIKE DEWINE, to introduce the Compassionate Care for Children Act of 2005. This important legislation is designed to greatly improve the quality of care provided to terminally ill children and their loved ones, as well as the training of those that provide for their medical care.

The subject of childhood illness is a difficult one. However, for children facing a serious illness and their families, it is a subject that must be examined. Tragically, we know that close to 55,000 children under the age of 19 die each year. Some are lost to accidents. Many are lost suddenly to complications related to prematurity. However, many other children are diagnosed with life-threatening conditions and begin a battle that, tragically, many will eventually lose.

For these children and their families, palliative care is often the only way to ease their great burden. Very broadly, palliative care seeks to prevent or relieve the physical and emotional distress produced by a life-threatening condition or its treatment, to help diagnosed children and their families live as normal a life as possible, and to provide accurate and timely information to ease decisionmaking. And while many view palliative care as necessary for only the terminally ill, any child with a serious illness and their family would benefit greatly from its broad scope of services.

Sadly, determining how best to care for a child facing a life-threatening or terminal illness requires an expertise that too few healthcare professionals possess. Too often, healthcare professionals serving a child with a life-threatening condition are at a loss as to how best ease the child's pain, comfort the child's family and loved ones, and coordinate the range of services required.

The legislation we introduce today would seek to close this knowledge gap by authorizing $35 million annually to provide for research and training related to childhood palliative care. Specifically, the legislation will authorize the Secretary of Health and Human Services to award grants to health care providers and health care institutions to expand pediatric palliative care programs, to research new initiatives in pediatric palliative care—such as issues related specifically to pain management for children—and to provide training to healthcare providers serving children requiring pediatric palliative care services.

According to Children's Hospice International, close to one million children are seriously ill with a variety of progressive afflictions at any one time. Parents of these children face a multitude of heart-wrenching decisions related to the appropriate course of treatment for their children. Among the choices available to some parents is one that I believe no parent should ever be forced to make. Under current law, seriously ill children are not eligible to receive simultaneous curative and palliative care.

Imagine forcing a parent to choose between seeking a cure for their seriously ill child or services designed to ease their child's burden. Again, no parent should ever be required to make

this choice and under the legislation we introduce today, parents will no longer be forced to decide whether to forgo curative treatment options for their children in order to receive palliative care. In eliminating this unnecessary and cruel requirement, the Compassionate Care for Children Act establishes a demonstration program under Medicare that will encourage the development of more coordinated model systems of curative and palliative care.

This legislation would also ensure that seriously ill children treated under the demonstration program would not be subject to the so-called 6-month rule, a regulation currently in place that requires a physician's determination that an ill child has a life expectancy of 6 months or less in order to receive hospice services. As we all know, children are not simply little adults. Children's bodies react differently than adults to the onset of disease and various treatment options, making this determination possibly dangerously inaccurate.

Lastly, I thank the legislation's chief sponsors in the House of Representatives, DEBORAH PRYCE and JOHN MURTHA. Representatives PRYCE and MURTHA have been tireless advocates on behalf of seriously ill children and their devotion to easing the struggle of these children and their families is truly admirable. I look forward to continuing working with my colleagues from the House to advance the Compassionate Care for Children Act in the 109th Congress.

Mr. President, when Senator DEWINE and I first introduced this legislation in the last Congress, we were joined by members of the National Childhood Cancer Foundation. Each year this valuable organization sponsors ''Conquer Kids Cancer Gold Ribbon Days,'' an event that brings cancer patients, families, care givers and researchers from across the Nation to the District to lobby the Congress for increased resources to battle childhood cancers. At this event we heard from dozens of children and families from across this Nation that have battled serious illness. It is because of struggles like theirs that we are here today at the outset of an effort to better serve seriously ill children and those who love and care for them.

I know that I can say with confidence that we all wish for the day when no child fell ill to serious disease. Until that day comes, the Compassionate Care for Children Act offers children battling illness and their families the hope of eased pain, expertise in treatment, and informed decisions. They deserve no less. I urge all of my colleagues to support this important legislation.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 175. A bill to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BROWNBACK. Mr. President, I am proud to join with my colleague from the great State of Kansas, Senator PAT ROBERTS, and introduce the Bleeding Kansas National Heritage Area Act. I appreciate the Senator's hard work and passion on this bill. Likewise, I commend Representative JIM RYAN who authored this bill in the House of Representatives who, like Senator ROBERTS and I, worked tirelessly to pass this bill last Congress. And finally, I would like to thank Senator DOMENICI, Chairman of the Energy and Natural Resources Committee and Senator THOMAS, Subcommittee Chair, National Parks, for working with me in the 108th Congress. Through their hard work and the work of their staff, the Bleeding Kansas National Heritage Area Act passed the Senate. It is my hope that we will once again be able to see this bill pass the Senate but also pass the House of Representatives in the 109th Session.

The great story of Kansas can be summed up in the, State motto, ''Ad Astra per Aspera,'' to the stars through difficulties. Though only a short phrase comprised of four words, the meaning and passion behind the Kansas State motto are as profound as they are descriptive of a State that though smaller than some, was a catalyst for racial equality in this Nation.

From inception, Kansas was born in controversy—a controversy that helped to shape a nation and end the egregious practice of chattel slavery that brutalized an entire race of individuals in this country. I cannot think of a more noble or more important contribution provided to our Nation—though arguably it was one of the most turbulent and darkest hours of our history. Without this struggle however, the battle to end persecution and transform our country into a symbol of freedom and democracy throughout the world would not have been realized.

Last year, 2004, marked the sesquicentennial of the signing of the Kansas-Nebraska bill which repealed the Missouri compromise, allowed States to enter into the Union with or without slavery. This piece of legislation, which was passed in May 1854, set the stage for what is now referred to as, ''Bleeding Kansas.'' During this time, our State, then a territory, was thrown into chaos with Kansans fighting passionately to ensure that the territory would inter the Union as a free State and not condone or legalize slavery in any capacity. At the end of a very difficult and bloody struggle, Kansas entered the Union as a free State and helped to spark the issue of slavery on a national level. However, Kansas' contributions to the realization of freedom in this Nation did not stop with the Kansas-Nebraska Act.

Keeping true to our motto, to the stars through difficulties, Kansas opened up her arms to a newly freed people after the Civil War ended. Many African Americans looked to Kansas for solace and prosperity when the South was still an uncertain place. Perhaps one of the best examples of Ad Astra per Aspera was the founding of a town in Kansas by African Americans coming to our State to begin their life of freedom and prosperity.

Founded in 1877, Nicodemus, which was named after a legendary slave who purchased his freedom, is the most recognized historically black town in Kansas. Nicodemus was established by a group of colonists from Lexington, KY, and grew to a population of 600 by 1879. However, Nicodemus is not the only Kansas contribution that shaped a more tolerant Nation. Kansas was also one of the first States to house an African American military regiment in the 1800s, the Buffalo Soldiers.

The Buffalo Soldiers were, and still are, considered one of the most distinguished and revered African American military regiments in our Nation's history. One of those regiments, the 10th Cavalry, was stationed at Fort Leavenworth, KS. In July 1866, Congress passed legislation establishing two cavalry and four infantry regiments that were to be solely comprised of African Americans. The mounted regiments were the 9th and 10th Cavalries, soon nicknamed ''Buffalo Soldiers'' by the Cheyenne and Comanche tribes. Lt. Henry O. Flipper, the first African American to graduate from the United States Military Academy in 1877 and commanded the 10th Cavalry unit where he proved that African Americans possessed the quality of military leadership. Until the early 1890s, the Buffalo Soldiers constituted 20 percent of all cavalry forces on the American frontier. Their invaluable service on the western frontier still remains one of the most exemplary services performed by a regiment in the U.S. Army.

These are just a few examples of why I am pleased to join with my colleague from Kansas, Senator PAT ROBERTS, today and introduce the Bleeding Kansas National Heritage Area Act, which will not only serve to educate Kansans but the Nation on the important contributions—and in many cases the sacrifices—made in order to establish this proud state. The creation of this heritage area will ensure that this legacy is not only commemorated but celebrated on a national level.

Specifically, the Bleeding Kansas National Heritage Area Act will designate 24 counties in Kansas as the ''Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area.'' Each of these counties will be eligible to apply for the heritage area grants administered by the National Park Service.

The heritage area will add to local economies within the State by increasing tourism and will encourage collaboration between interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the heritage area. Finally, the bill protects private property owners by requiring that

they provide in writing consent to be included in any request before they are eligible to receive, Federal funds from the heritage area. The bill also authorizes $10,000,000 over a 10-year period to carry out this act and states that not more than $1,000,000 may be appropriated to the heritage area for any fiscal year.

Kansas has much to be proud of in their history and it is vital that this history be shared on a national level. By establishing the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area, we will ensure that this magnificent legacy lives on and serves as a stirring reminder of the sacrifices and triumphs that created this Nation—a Nation united in freedom for all people.

Mr. ROBERTS. Mr. President, I am pleased to once again introduce, along with my distinguished colleague Senator BROWNBACK, a bill designating the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area. This project, which we hope will receive the congressional recognition it deserves, has joined communities throughout eastern Kansas in an effort to document, preserve, and celebrate Kansas' significant role in the political struggle that led to the Civil War and in other historic struggles for equality that took place in our State.

National Heritage Areas are places where natural, cultural, historic, and recreational resources combine to form complete and distinct landscape. The State of Kansas, which has a proud heritage and compelling story, will benefit from this national designation that helps preserve and celebrate America's defining landscapes. By enhancing and developing historic sites throughout eastern Kansas, we will ensure that the traditions that evolved there are preserved.

During the Civil War, William Quantrill, the head of an infamous gang of Confederate sympathizers, led a raid on Lawrence, KS. Though far from the main campaigns, this massacre caused Bleeding Kansas to become a prominent symbol in the fight for the freedom of all people, and the territory would become a battleground over the question of slavery. After these attacks, the abolitionist Senator Charles Sumner delivered his famous speech called ''The Crime Against Kansas,'' in which he brought the escalating situation into sharper focus for the nation.

Almost 100 years later, Kansas became the battleground once again, as Oliver L. Brown fought to prove that separate among the people of this great Nation is not equal. In fact, we will soon celebrate the 50th anniversary of the Brown v. Topeka Board of Education Supreme Court decision, which was a landmark victory in the civil rights movement. These are only two of the historic chapters that will make up this heritage area, marking an important era in our Nation.

I commend the Lawrence City Commission, the Douglas County Commission, and the Lawrence Chamber of Commerce, who have worked diligently on this project for over 2 years. We have a great opportunity to pass this important piece of legislation during the 109th Congress, and I encourage the Senate's swift consideration.

By Mr. DOMENICI (for himself Mr. BINGAMAN, Mr. ALLARD, Mr. BAUCUS, and Mr. ENSIGN):

S. 177. A bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to reintroduce a piece of legislation that is of paramount importance to the State of New Mexico and many other western States. This bill will address the mounting pressures brought on by the growing demands of a diminishing water supply throughout the west.

The bill that I am introducing today authorizes the Department of the Interior acting through the Bureau of Reclamation to establish a series of research and demonstration programs to help eradicate non-native species on rivers in the Western United States. This bill will help develop the scientific knowledge and experience base needed to build a strategy to control these invasive thieves. In addition to projects that could benefit the Pecos and the Rio Grande, the bill allows other States in the west such as Texas, Colorado, Utah, California and Arizona to develop and participate in projects as well.

Allow me to explain the importance of this bill. A water crisis has ravaged the west for more than five years. Drought conditions have expanded throughout the Western United States. Snow packs have been continuously low, causing severe drought conditions.

The presence of invasive species compounds the drought situation in many states. For instance, New Mexico is home to a vast amount of salt cedar. Salt cedar is a water-thirsty non-native tree that continually strips massive amounts of water out of New Mexico's two predominant water supplies—the Pecos and the Rio Grande rivers.

We have already had numerous catastrophic fires in our Nation's forests including the riparian woodland—the Bosque—that runs through the heart of New Mexico's most populous city. One of the reasons this fire ran its course through Albuquerque was the presence of large amounts of Salt cedar, a plant that burns as easily as it consumes water.

Estimates show that one mature Salt cedar tree can consume as much as 200 gallons of water per day; over the growing season that's 7 acre feet of water for each acre of Salt cedar. In addition to the excessive water consumption, Salt cedars increase fire, increase river channelization and flood frequency, decrease water flow, and increase water and soil salinity along the river. Every problem that drought causes is exacerbated by the presence of Salt cedar.

I know that the seriousness of the water situation in New Mexico becomes more acute every single day. This drought has affected every New Mexican and nearly everyone in the west in some way. Wells are running dry, farmers are being forced to sell livestock, many of our cities are in various stages of conservation and many, many acres have been charred by fire.

The drought and the mounting legal requirements on both the Pecos and Rio Grande rivers are forcing us toward a severe water crisis in New Mexico. Indeed, every river in the inter-mountain west seems to be facing similar problems. Therefore, we must bring to bear every tool at our disposal for dealing with the water shortages in the west.

Solving such water problems is one of my top priorities and I assure this Congress that this bill will receive prompt attention by the Energy and Natural Resources Committee. Controlling water thirsty invasive species is one significant and substantial step in the right direction for the dry lands of the west.

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. 177

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 ''Salt Cedar and Russian Olive Control Demonstration Act''.

SEC. 2. SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this Act as the ''Secretary''), acting through the Commissioner of Reclamation and in cooperation with the Secretary of Agriculture and the Secretary of Defense, shall carry out a salt cedar (Tamarix spp) and Russian olive (Elaeagnus angustifolia) assessment and demonstration program—

(1) to assess the extent of the infestation by salt cedar and Russian olive trees in the western United States;

(2) to demonstrate strategic solutions for—

(A) the long-term management of salt cedar and Russian olive trees; and

(B) the reestablishment of native vegetation; and

(3) to assess economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary shall complete an assessment of the extent of salt cedar and Russian olive infestation on public and private land in the western United States.

(2) REQUIREMENTS.—In addition to describing the acreage of and severity of infestation by salt cedar and Russian olive trees in the western United States, the assessment shall—

(A) consider existing research on methods to control salt cedar and Russian olive trees;

(B) consider the feasibility of reducing water consumption by salt cedar and Russian olive trees;

(C) consider methods of and challenges associated with the revegetation or restoration of infested land; and

(D) estimate the costs of destruction of salt cedar and Russian olive trees, related biomass removal, and revegetation or restoration and maintenance of the infested land.

(c) LONG-TERM MANAGEMENT STRATEGIES.—

(1) IN GENERAL.—The Secretary shall identify and document long-term management and funding strategies that—

(A) could be implemented by Federal, State, and private land managers in addressing infestation by salt cedar and Russian olive trees; and

(B) should be tested as components of demonstration projects under subsection (d).

(2) GRANTS.—The Secretary shall provide grants to institutions of higher education to develop public policy expertise in, and assist in developing a long-term strategy to address, infestation by salt cedar and Russian olive trees.

(d) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall establish a program that selects and funds not less than 5 projects proposed by and implemented in collaboration with Federal agencies, units of State and local government, national laboratories, Indian tribes, institutions of higher education, individuals, organizations, or soil and water conservation districts to demonstrate and evaluate the most effective methods of controlling salt cedar and Russian olive trees.

(2) PROJECT REQUIREMENTS.—The demonstration projects under paragraph (1) shall—

(A) be carried out over a time period and to a scale designed to fully assess long-term management strategies;

(B) implement salt cedar or Russian olive tree control using 1 or more methods for each project in order to assess the full range of control methods, including—

(i) airborne application of herbicides;

(ii) mechanical removal; and

(iii) biocontrol methods, such as the use of goats or insects;

(C) individually or in conjunction with other demonstration projects, assess the effects of and obstacles to combining multiple control methods and determine optimal combinations of control methods;

(D) assess soil conditions resulting from salt cedar and Russian olive tree infestation and means to revitalize soils;

(E) define and implement appropriate final vegetative states and optimal revegetation methods, with preference for self-maintaining vegetative states and native vegetation, and taking into consideration downstream impacts, wildfire potential, and water savings;

(F) identify methods for preventing the regrowth and reintroduction of salt cedar and Russian olive trees;

(G) monitor and document any water savings from the control of salt cedar and Russian olive trees, including impacts to both groundwater and surface water;

(H) assess wildfire activity and management strategies;

(I) assess changes in wildlife habitat;

(J) determine conditions under which removal of biomass is appropriate (including optimal methods for the disposal or use of biomass); and

(K) assess economic and other impacts associated with control methods and the restoration and maintenance of land.

(e) DISPOSITION OF BIOMASS.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall complete an analysis of economic means to use or dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(2) REQUIREMENTS.—The analysis shall—

(A) determine conditions under which removal of biomass is economically viable;

(B) consider and build upon existing research by the Department of Agriculture and other agencies on beneficial uses of salt cedar and Russian olive tree fiber; and

(C) consider economic development opportunities, including manufacture of wood products using biomass resulting from demonstration projects under subsection (d) as a means of defraying costs of control.

(f) COSTS.—

(1) IN GENERAL.—With respect to projects and activities carried out under this Act—

(A) the assessment under subsection (b) shall be carried out at a cost of not more than $4,000,000;

(B) the identification and documentation of long-term management strategies under subsection (c) shall be carried out at a cost of not more than $2,000,000;

(C) each demonstration project under subsection (d) shall be carried out at a Federal cost of not more than $7,000,000 (including costs of planning, design, implementation, maintenance, and monitoring); and

(D) the analysis under subsection (e) shall be carried out at a cost of not more than $3,000,000.

(2) COST-SHARING.—

(A) IN GENERAL.—The assessment under subsection (b), the identification and documentation of long-term management strategies under subsection (c), a demonstration project or portion of a demonstration project under subsection (d) that is carried out on Federal land, and the analysis under subsection (e) shall be carried out at full Federal expense.

(B) DEMONSTRATION PROJECTS CARRIED OUT ON NON-FEDERAL LAND.—

(i) IN GENERAL.—The Federal share of the costs of any demonstration project funded under subsection (d) that is not carried out on Federal land shall not exceed—

(I) 75 percent for each of the first 5 years of the demonstration project; and

(II) for the purpose of long-term monitoring, 100 percent for each of such 5-year extensions as the Secretary may grant.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the costs of a demonstration project that is not carried out on Federal land may be provided in the form of in-kind contributions, including services provided by a State agency or any other public or private partner.

(g) COOPERATION.—In carrying out the assessment under subsection (b), the demonstration projects under subsection (d), and the analysis under subsection (e), the Secretary shall cooperate with and use the expertise of Federal agencies and the other entities specified in subsection (d)(1) that are actively conducting research on or implementing salt cedar and Russian olive tree control activities.

(h) INDEPENDENT REVIEW.—The Secretary shall subject to independent review—

(1) the assessment under subsection (b);

(2) the identification and documentation of long-term management strategies under subsection (c);

(3) the demonstration projects under subsection (d); and

(4) the analysis under subsection (e).

(i) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit to Congress an annual report that describes the results of carrying out this Act, including a synopsis of any independent review under subsection (h) and details of the manner and purposes for which funds are expended.

(2) PUBLIC ACCESS.—The Secretary shall facilitate public access to all information that results from carrying out this Act.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $20,000,000 for fiscal year 2006; and

(2) $15,000,000 for each subsequent fiscal year.

By Mr. DOMENICI (for himself, and Mr. BINGAMAN):

S. 178. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, water is the life's blood for New Mexico. When the water dries up in New Mexico, so will many of its communities. As such, the scarcity of water in New Mexico is a dire situation. Unfortunately, the New Mexico Office of the State Engineer, NM OSE, lacks the tools necessary to undertake the Herculean task of effectively managing New Mexico's water resources.

Today, I introduce legislation that would allow New Mexico to make informed decisions about its limited water resources.

In order to effectively perform water rights administration, as well as comply with New Mexico's compact deliveries, the State Engineer is statutorily required to perform assessments and investigations of the numerous stream systems and ground water basins located within New Mexico. However, the NM OSE is ill equipped to vigorously and comprehensively undertake the daunting but critically important task of water resource planning. At present, the NM OSE lacks adequate resources to perform necessary hydrographic surveys and data collection. As such, ensuring a future water supply for my home State requires that Congress provide the NM OSE with the resources necessary to fulfill its statutory mandate.

The bill I introduce today would create a standing authority for the State of New Mexico to seek and receive technical assistance from the Bureau of Reclamation and the United States Geological Survey. It would also provide the NM OSE the sum of $12.5 million in Federal assistance to perform hydrologic models of New Mexico's most important water systems. This bill would provide the NM OSE with the best resources available when making crucial decisions about how best to preserve our limited water stores.

Ever decreasing water supplies in New Mexico have reached critical levels and require immediate action. The Congress cannot sit idly by as water shortages cause death to New Mexico's communities. I hope the Senate will give this legislation its every consideration.

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. 178

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 ''New Mexico Water Planning Assistance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NON-REIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2006 through 2010.

By Mrs. FEINSTEIN:

S. 179. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Sierra National Forest Land Exchange Act of 2005, the companion to legislation authored by Representative RADANOVICH.

This legislation would assist the Boy Scout Sequoia Council in taking ownership of part of the land on which Camp Chawanakee sits. By authorizing the transfer of ownership of part of the camp land to the Boy Scouts, we will help make Chawanakee a permanent member of the Fresno Community, and an asset that youth for generations to come can enjoy and benefit from.

Specifically, the bill would authorize a land exchange between the Federal Government and a private landowner as follows:

The landowner would receive 160 acres, 145 of which are submerged, on Shaver Lake. In exchange, the Forest Service would receive $50,000 and an 80 acre inholding that the landowner owns in the Sierra National Forest.

The Forest Service transfer to the landowner is conditional upon his conveyance of the parcel to the Boy Scouts within 4 months to benefit Camp Chawanakee.

Over the years, well over 250,000 youths and leaders from California, Nevada and Arizona have attended the Boy Scouts' Camp Chawanakee. Recently, summer camp attendance has exceeded 3,000 Scouts. While other camps in California have closed in recent years, Camp Chawanakee has grown to become one of the premier Scouting camps in the Nation.

I applaud Congressman GEORGE RADANOVICH's commitment to this issue and urge my colleagues to support this legislation. 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. 179

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 ''Sierra National Forest Land Exchange Act of 2005''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E½SW¼ and W½ SE¼, Mt. Diablo Meridian, California.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N½NW¼, Mt. Diablo Meridian, California.

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

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of $50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) ACCEPTABLE TITLE.—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(b) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (a)(1), the value of the non-Federal land shall be deemed to be $200,000 and the value of the Federal land shall be deemed to be $250,000.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(d) CONDITIONS ON CONVEYANCE OF FEDERAL LAND.—The conveyance by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (a).

(2) That, as described in section 5, the owner of the easement granted in section 4

have the right of first offer regarding any reconveyance of the Federal land by the Sequoia Council of the Boy Scouts of America.

(e) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—The Secretary shall deposit the cash equalization payment received under subsection (a) in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(f) COST COLLECTION FUNDS.—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

SEC. 4. GRANT OF EASEMENT IN CONNECTION WITH HYDROELECTRIC PROJECT NO. 67.

(a) PURPOSE.—A hydroelectric project, licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67, is located on a majority of the Federal land authorized for exchange under section 3. To protect the ability of the owner of Project No. 67 to continue to operate and maintain that hydroelectric project under the current and all future licenses or authorizations issued pursuant to the Federal Power Act or any other applicable law, this section is necessary.

(b) EASEMENT REQUIRED.—Before conveying the Federal land under section 3, the Secretary shall grant an easement, without consideration, to the owner of Project No. 67 for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67. The Project No. 67 owner shall hold harmless the Secretary for any claims against the owner due to the grant of easement.

(c) REQUIRED TERMS AND CONDITIONS.—The easement granted under this section shall provide the following: ''The United States of America, hereinafter called 'Grantor,' pursuant to a congressional authorization, hereby grants, transfers, and conveys unto the [insert name of Project No. 67 owner], its successors and assigns, hereinafter called 'Grantee,' all those certain exclusive easements and rights in, on, under, over, along, and across certain real property described in Exhibit A, attached hereto [attach description of real property subject to the easement] and incorporated herein (the 'Property'), for any purpose or activity that Grantee deems convenient or necessary to the creation, generation, transmission, or distribution of hydropower on and off the Property, including, but not limited to, the right to inundate the Property with water, reservoir management, and compliance with legal obligations in accordance with the applicable Federal Energy Regulatory Commission license and those non-exclusive easements and rights to use, occupy, and enter the Property, and to allow others to use, occupy, and enter the Property, for other purposes related to hydropower and reservoir management and use, such as recreation by Grantee or the public, and regulation of any activities on the Property that may impact such purposes, at any time and from time to time. Grantor further grants, transfers, and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation. Grantee shall have the right to take such actions on the Property as may be necessary to comply with all applicable laws, rules, regulations, ordinances, orders and other governmental, regulatory, and administrative authorities and requirements, or that may be necessary for the economical entry, occupancy, and use of the Property for hydropower purposes. Grantor, its successors and assigns, shall not deposit or permit or allow to be deposited, earth, rubbish, debris or any other substance or material on the Property, or so near thereto as to constitute, in the opinion of Grantee, an interference or obstruction to the hydropower and reservoir purposes. No other easements, leases, or licenses shall be granted on, under or over the Property by Grantor to any person, firm or corporation without the previous written consent of Grantee, which consent shall not be unreasonably withheld. The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee.''.

SEC. 5. RIGHT OF FIRST OFFER FOR SUBSEQUENT CONVEYANCE OF FEDERAL LAND.

(a) RIGHT OF FIRST OFFER.—As a condition on the conveyance of the Federal land under section 3 and its reconveyance to the Sequoia Council of the Boy Scouts of America, as required by section 3(d)(1), the Secretary shall require that the Council agree to provide the owner of the easement granted under section 4 the right of first offer to obtain the Federal land, or any portion thereof, that the Council ever proposes to sell, transfer, or otherwise convey.

(b) NOTICE AND OFFER.—If the Council proposes to sell, transfer, or otherwise convey the Federal land or a portion thereof, the Council shall give the easement owner written notice specifying the terms and conditions on which the conveyance is proposed and offering to convey to the easement owner, on the same terms and conditions, the Federal land or the portion thereof proposed for conveyance.

(c) ACCEPTANCE OR REJECTION OF OFFER.—Within 90 days after the easement owner receives the notice required by subsection (b) and all available documents necessary to perform reasonable due diligence on the proposed conveyance, the easement owner shall either accept or reject the offer. If the easement owner accepts the offer, the closing of the sale shall be governed by the terms of the offer in the notice.

(d) EFFECT OF REJECTION.—If the hydropower easement owner rejects an offer under subsection (b) or fails to respond to the offer before the expiration of the 90-day period provided in subsection (c), the Council may convey the property covered by the notice to any other person on the same terms and conditions specified in the notice. If those terms and conditions are subsequently altered in any way, then the notice and offer shall again be made to the easement owner under subsection (b). The rejection by the easement owner of one or more of such offers shall not affect its right of first offer as to any other proposed conveyance by the Council.

By Mr. ENSIGN:

S. 181. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I rise today to offer legislation to correct an inequity with the United States Tax Code that affects thousands of taxpayers every year. The bill I am offering is the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act which will correct an injustice for owners of ready mixed concrete and sanitation trucks.

Our Tax Code imposes a Federal tax on fuel sold for use in highway vehicles. This makes sense because vehicles that use our roads cause wear and tear. The money raised from the fuel tax goes directly into the Highway Trust Fund and is used for road repair and maintenance. The Code provides fuel tax exemption for ''off highway'' use so that fuel used by non-highway vehicles is not taxed. The principle is simple. Fuel used to move vehicles on our roads is taxed; fuel used for ''off-road'' purposes is not.

Mixed concrete and sanitation trucks are ''dual-use'' vehicles. In addition to consuming fuel for roadway travel, they use fuel for a secondary purpose such as turning the mixer drum or lifting a dumpster and compacting trash. This is known as a ''Power Takeoff Function.'' In the past, this function was performed by a second fuel-driven engine. But times have changed. Today, sanitation and cement trucks are more efficient and use one engine for both tasks. Today's vehicles create the situation where technology is in the fast lane but our tax system lags behind in the slow lane.

The environment benefits with the use of one engine instead of two as a result of decreased fuel use and exhaust emissions. Using one engine reduces the truck's weight which means these trucks can haul more cargo without violating weight restrictions. This decreases the number of trips these trucks must take which results in less wear and tear on the roads.

Until recently, owners of dual-use vehicles would estimate the amount of fuel taxes they paid for fuel related to off-road use and would claim a tax credit for that amount. The Tax Code does not recognize ''dual-use'' vehicles but recent IRS regulations support the idea that the fuel tax did not apply to fuel used for non-highway purposes. Despite the regulations, the IRS argued in a recent tax court case that estimating fuel consumption was too difficult to administer. In other words, the IRS dismissed its own regulations. Unfortunately for taxpayers who own dual use vehicles, the tax court agreed with the IRS's position. This decision has had the effect of penalizing efficiency, conservation and good environmental practices.

Mr. President, by establishing an annual $250.00 per vehicle tax credit my bill resolves this inequity. This legislation should not be seen as creating a new tax break. It restores tax fairness to owners of dual-use vehicles without resorting to an elaborate fuel measurement scheme that would create administrative difficulties. The amount of the tax credit is less than the estimated amount of fuel taxes paid for

non-highway purposes for these vehicles. In order to receive this credit, a vehicle would have to be registered, licensed and insured in the vehicle owner's respective State. This is a measure that will simply restore fairness to a situation involving the fuel tax where Congress never intended the tax to apply in the first place.

By Mr. BENNETT:

S. 182. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNET. Mr. President, I rise to introduce the Uintah Research and Curatorial Center Act.

This bill would authorize the National Park Service, NPS, to construct a research and curatorial facility for Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum, Museum in Vernal UT. The facility would be co-located to with the museum while helping to preserve, protect, and exhibit the vast treasures of one of the most productive sites of dinosaur bones in the world.

This is not the first time I have introduced this legislation, which was reported favorably and passed by this body in October 2004. Unfortunately there was not enough time before the end of the legislative session for this bill to be considered by the House. It is my hope that this legislation can be addressed by both bodies during the 109th Congress. With this legislation, I believe we can proactively address the Dinosaur National Monument's deteriorating storage facilities, before there is irreparable damage to the resources stored there.

Since the first discovery of Jurassic era bones by the paleontologist Earl Douglass in 1909, and the subsequent proclamation as a national monument in 1915 by President Woodrow Wilson, the Dinosaur National Monument has been a haven for both amateur and expert dinosaur enthusiasts.

At present, Dinosaur National Monument has more that 600,000 items in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. Many of these resources are at risk due to the failure of the scattered facilities to meet minimum National Park Service storage standards. A new research and curatorial facility is greatly needed to bring the park's collections up to standard and to ensure its protection.

The curatorial facility will also fill a critical role as a collection center for the park and partners' fossil, archaeological, natural resource operations and collections, and park archives. Moreover, in these days of limited budgets, the decision to co-locate this facility with the State's museum will also save taxpayer dollars. The State of Utah is nearing completion of their new Field House Museum at a cost to the State of $6.5 million. Because of the co-location, NPS staff, visiting scholars, interns and volunteers would have access to the State museum's space for exhibit, classroom, conferencing, education, restrooms, public access, parking, and other needs not included in the curatorial facility.

The 22,500 square foot facility will be built outside the boundaries of the park on land donated to the Park Service by the city of Vernal and Uintah County. The legislation will also permit the Park Service to accept the donation of the land, valued at approximately $1.5 million. The Park Service estimates the total cost of adding the research and curatorial center to be $8.7 million.

Other Federal agencies, such as the Bureau of Land Management and the Forest Service, who are also in need of collections storage, have become minor partners and would utilize a small portion of the storage facility. An additional partner in the project, the Intermountain Natural History Association, has agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept the donation.

Mr. President, it is imperative that we care for these paleontological resources and ensure their availability to future generations, both for scientific study and the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives and is an excellent example of a cost effective partnership between the National Park Service, the State of Utah Department of Natural Resources, the city of Vernal, and Uintah County, of which this Congress ought to applaud and support.

By Mr. GRASSLEY (for himself and Mr. KENNEDY):

S. 183. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join once again with my good friend Senator KENNEDY to introduce the Family Opportunity Act.

The Family Opportunity Act provides states the option to allow families with disabled children to buy into the Medicaid program.

Mr. President, Senator KENNEDY and I have tried to get the Family Opportunity Act enacted for many years.

The legislation has been scaled back dramatically as we have attempted to make the bill less costly. For example, the original proposal, introduced in the 106th Congress would have set a family's eligibility at 600 percent of the Federal Poverty Level, would have had an enhanced administrative match and provided coverage for children up to age 21.

The version we are introducing today sets the family's eligibility at 300 percent of Federal Poverty Level, no administrative match and provides coverage for children up to age 18.

I am very hopeful that these modifications will ensure that the Family Opportunity Act can be enacted this year.

The legislation is consistent with the ''compassionate conservative'' agenda advanced by the President and the Congressional leadership.

It helps families stay together. In some cases, in order to provide for the special needs of their child, parents face the unbearable prospect of having to put their child in an out of home placement just to keep their child's access to Medicaid covered services.

Some of these parents have to refuse jobs, pay raises and overtime in order to preserve access to Medicaid for their child with disabilities. These parents are hard working taxpayers.

There is precedent for allowing individuals with disabilities to continue to have access to the services that Medicaid provides while enhancing their income and self-esteem through the dignity and the contribution to society that one attains through engagement in the world of work. It only makes sense to extend these principles to adults with a child with a disability.

The Family Opportunity Act is an option for States. It is not a Federal mandate. Additionally, it encourages the use of private employer sponsored coverage. Hopefully a participating family has some private insurance. The Family Opportunity Act would allow states to offer ''wrap around'' services that the employer sponsored coverage does not provide, such as physical therapy, mental health services and customized durable medical equipment.

Children with significant disabilities need these services in order to properly develop into responsible and contributing members of society.

Additionally, the legislation would provide for the establishment of demonstration projects regarding home and community based alternatives to psychiatric residential treatment facilities for children.

Under current law, states are not allowed to offer home and community based services as an alternative to inpatient psychiatric hospitals. The legislation proposed by Senator KENNEDY and myself would help realize this goal for these children.

The Family Opportunity Act would make progress in correcting this omission by allowing for demonstration projects to test the effectiveness in improving or maintaining a child's functional level and cost-effectiveness of providing coverage of home and community based alternatives to psychiatric residential treatment for children in the Medicaid program.

Finally, the Family Opportunity Act would provide for the development of Family to Family Health Information Centers which help guide families

through the maze of programs and networks associated with the challenges of raising a child with a disability.

The Family Opportunity Act is a good bill. For many years it has garnered the support of a majority of Senators. It has the support of numerous family and child advocacy groups.

This legislation is pro-family, prowork and pro-compassion. I urge the quick enactment of the Family Opportunity Act.

Mr. KENNEDY. Mr. President, it is an honor once again to join my colleague Senator GRASSLEY in introducing the Family Opportunity Act to remove the health care barriers for children with disabilities that so often prevent families from staying together and staying employed.

We know that families of disabled and special needs children continue to struggle to help their children learn to live independently and become fully contributing members of their communities.

Eight percent of children in this country have significant mental or physical disabilities, and many of them do not have access to the critical health services they need to improve their lives and prevent deterioration of their health. To obtain needed health services for their children, families are often forced to become poor themselves, stay poor, put their children in out of home placements, or even give up custody of their children so that the children can qualify for the broad health coverage available under Medicaid.

In a recent survey of 20 States, families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family so that their child can stay eligible for Medicaid through the Social Security Income Program.

Today we are reintroducing legislation intended to close the health care gap for the Nation's most vulnerable population, and enable disabled children and their families to be equal partners in the American dream.

As President Bush said in his ''New Freedom Initiative'' on February 1, 2001, ''Too many Americans with disabilities remain trapped in bureaucracies of dependence, and are denied the access necessary for success and we need to tear down these barriers''.

The Family Opportunity Act will eliminate the unfair barriers that deny needed health care to so many disabled and special needs children.

It makes health insurance coverage more widely available for children with significant disabilities, through opportunities to buy-in to Medicaid at an affordable rate.

It allows States to develop a demonstration program to provide needed Medicaid services to children with psychiatric illnesses, instead of limiting such coverage to a residential or institutional setting.

It establishes Family to Family Information Centers in each State to help families with special needs children.

The enactment of the Work Incentives Improvement Act of 1999 demonstrated the commitment of Congress to do all we can to enable people with disabilities to lead independent and productive lives. It is time for Congress to show that same commitment to children with disabilities and their families.

I look forward to working with all members of Congress to enact this legislation and give disabled children and their families across the country a genuine opportunity to fulfill their dreams and fully participate in the social and economic mainstream of the Nation.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. HAGEL, Mr. DURBIN, and Mr. DAYTON):

S. 185. A bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan; to the Committee on Armed Services.

Mr. NELSON of Florida. Mr. President, on behalf of myself and Senators CORZINE, HAGEL, DURBIN and DAYTON, I am honored to introduce legislation today that we are convinced is necessary to fix a long-standing problem in our military survivors benefits system.

The system in place right now, even with the important changes we have made recently, does not take care of our military widows and surviving children the way it should. We should act to correct this in this session.

I have sought and found inspiration on this from Holy Scripture. In fact, a simple yet powerful passage in the Book of Isaiah captures so much of what we are all about as a Nation theses days and what this legislation is trying to do.

In Isaiah we are told, ''Learn to do good. Seek justice. Help the oppressed.'' And then we are admonished to, ''Defend the orphan. Fight for the rights of widows.''

Also in the first chapter of James, verse 27 we are told that in God's eyes the true measure of our faith is to look after orphans and widows in their distress.

This is powerful and clear direction that speaks to our hearts.

Last year, under Senator REID's leadership and at the Senate's insistence, the Defense authorization bill corrected a long-standing inequity by allowing 100-percent disabled military retirees to receive concurrently their full retired pay and disability compensation.

That correction in law was long overdue and we need to continue to work to extend this change to include retirees with lower disability ratings.

But there is another related injustice that needs to be addressed. The legislation that we offer today will extend the same protection of benefits to the widows and orphans of our 100-percent disabled military retirees and those who die on active duty.

Back in 1972, Congress established the military survivors' benefits plan—or SBP—to provide retirees' survivors an annuity to protect their income. This benefit plan is a voluntary program purchased by the retiree or issued automatically in the case of service members who die while on active duty. Retired service members pay for this benefit from their retired pay. Then upon their death, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity.

Surviving spouses or dependent children of 100-percent service-connected disabled retirees or those who die on active duty are also entitled to dependency and indemnity compensation from the Veterans' Administration.

But the annuity paid by the survivors' benefits plan and received by a surviving widow or a child is reduced by the amount of the dependency and indemnity compensation received from the VA.

I know a little something about insurance and income security plans. And I don't know of any other annuity program in the government or private sector that is permitted to offset, terminate, or reduce their payments because of disability payments a beneficiary may receive from another plan or program.

The legislation that we are proposing today also makes effective immediately a change to the military SBP program that we enacted in 1999. We have already agreed that military retirees who have reached the age of 70 and paid their SBP premiums for 30 years should stop paying a premium. But we delayed the effective date for this relief until 2008. We should not delay their relief any further.

The United States owes its very existence to generations of soldiers, sailors, airmen, and Marines who have sacrificed throughout our history to keep us free. The sacrifices of today are no less important to American liberty or tragic when a life is lost in the defense of liberty everywhere.

We owe them and those they leave behind a great debt.

As Abraham Lincoln instructed us, ours is an obligation ''to care for him who shall have borne the battle, and for his widow, and for his orphan.''

Too often we fall short on this care. We must meet this obligation with the same sense of honor as was the service they and their families have rendered.

We will continue to work to do right by those who have given this Nation their all, and especially for the loved ones they may leave to our care.

I appreciate the cosponsorship of my colleagues—Senators CORZINE, HAGEL, DURBIN and DAYTON—and look forward

to working with everyone in the days ahead.

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. 185

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 ''Military Retiree Survivor Benefit Equity Act of 2005''.

SEC. 2. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after ''to whom section 1448 of this title applies'' the following: ''(except in the case of a death as described in subsection (d) or (f) of such section)''; and

(2) in section 1451(c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: ''The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 3. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2005''.

Mr. CORZINE. Mr. President, I rise today to announce the introduction of the Military Retiree Survivor Benefit Equity Act of 2005. This bill is a major step forward in making our military's Survivor Benefit Program fairer, more equitable, and more in keeping with our Nation's promise to our service members and their families. The bill combines two important fixes to the SBP. The first corrects a serious inequity in SBP that currently requires over a hundred thousand older military survivors to pay extra into the system for the same benefits as more recent enrollees. I have been fighting to fix this problem since the last Congress and am confident that this year we will succeed in providing basic fairness to these survivors.

This bill also eliminates the dollar-for-dollar deduction of the dependency indemnity compensation, DIC, which the VA pays to survivors, from SBP annuities. This policy is effectively a tax on military survivors at a time when so many of our brave men and women in uniform are dying in Iraq and their families are struggling to get by. Senator NELSON has long fought to eliminate this unfairness, and I am proud to stand with him today in introducing this comprehensive legislation.

The legislation that I introduced in the last Congress and which is included in this bill eliminates a major inequity in the SBP arising from a 1999 congressional act limiting the time required to pay into the plan. That act deemed retirees who are at least 70 years old and have already been paying into SBP for at least 30 years to be fully ''paid up'' for the purpose of receiving benefits. This was an important piece of legislation, but, unfortunately, Congress only made it effective in 2008. The result was that earlier enrollees—those who enrolled between 1972 and 1978—were forced to pay into SBP longer than enrollees from 1978 or later, up to 6 extra years of premiums. In other words, they had to pay in longer for the same benefits.

This inequity was further magnified by the fact that those earlier retirees paid much higher SBP premiums—10 percent of retired pay—for two full decades, until 1992, when the premium was reduced to 6.5 percent of retired pay.

This bill, by making the ''paid up'' provision effective this year, will finally grant these survivors—the widows and widowers of the Greatest Generation—the same benefits of those who enrolled in SBP in subsequent years. It will provide basic fairness to 135,000 survivors and allow us to honor their sacrifice and that of their loved ones.

This bill also eliminates the dollar-for-dollar reduction of SBP benefits by the amount received in dependency and indemnity compensation. Under current law, the surviving spouse of an active duty or retired military member who dies from a service-connected cause is entitled to $993 a month—for a survivor without children—from the Department of Veterans Affairs. However, the surviving spouse's SBP annuity is reduced by the amount of DIC.

SBP and DIC payments are paid for different reasons. SBP, in most cases, is elected and purchased by the retiree to provide a portion of retired pay to the survivor. DIC payments represent special compensation to a survivor whose sponsor's death was caused directly by his or her uniformed service. To offset DIC—which we provide to the families of those who have lost their life in the service of their country—from annuities earned and paid for, is blatantly unfair.

This bill has the broadest possible support among organizations representing our troops and their families, including Air Force Association, Air Force Sergeants Association, Air Force Women Officers Associated, American Logistics Association, AMVETS, Army Aviation Association of America, Associations of Military Surgeons of the United States, Association of the U.S. Army, Commissioned Officers Association of the U.S. Public Health Service, CWO and WO Association U.S. Coast Guard, Enlisted Association of the National Guard of the U.S., Fleet Reserve Association, Gold Star Wives of America, Jewish War Veterans of the USA, Marine Corps League, Marine Corps Reserve Association, Military Officers Association of America, Military Order of the Purple Heart, National Association for Uniformed Services, National Guard Association of the U.S., National Military Family Association, National Order of Battlefield Commissions, Naval Enlisted Reserve Association, Naval Reserve Association, Navy League of the U.S., Noncommissioned Officers Association of the United States of America, Reserve Officers Association, Society of Medical Consultants to the Armed Forces, Military Chaplains Association of the USA, Retired Enlisted Association, United Armed Forces Association, USCG Chief Petty Officers Association, U.S. Army Warrant Officers Association, VFW, and Veterans' Widows International Network. The Military Coalition has described this bill as a top legislative goal, and it is my expectation that it will have strong support in the Senate.

It is vital that we keep faith with the men and women who serve in our military as well as their families. The widows and widowers of our service members, those who are serving now and those who served us in earlier times, are owed our deepest gratitude. But in the face of their sacrifice, there is more that we should do. We cannot ever fully compensate them for their loss. But we can ensure that the benefits that they have earned are fair and just.

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. SHELBY, Mr. MCCONNELL, Mr. BUNNING, and Mr. SARBANES):

S. 186. A bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, I rise to discuss an issue of considerable importance to the people of southern Colorado. For nearly 50 years, the people of

southern Colorado have lived with the knowledge that within a few miles of their homes, schools, and places of business lies one of the largest stockpiles of chemical munitions in the world. The Pueblo Chemical Depot was built during World War II and continues to this day to serve as an ammunition and material storage facility. Since the mid-1990s, the primary mission of the depot has been to protect the 780,000 chemical weapons being stored there.

As required by the Chemical Weapons Convention, the Department of Defense in 1997 launched an aggressive program to dismantle the U.S. chemical weapons stockpile. The program has since repeatedly stumbled and has not met the expectations of the international community, Congress and, most important, the people who live near these stockpiles. The costs of the program have risen from $15 billion in 1997 to $24 billion in 2001, an increase of $9 billion in 4 years. Some have estimated that the program will cost as much as $30 billion by the time it is completed.

The time schedule has experienced unconscionable delays. Last year cleanup of Pueblo was expected to be completed by 2011. The Department's latest budget decision has pushed the date all the way back to 2021, 9 years after the Chemical Weapons Convention treaty deadline.

Numerous safety incidents have occurred at operational sites, shutting down one facility for 9 months. Poor contracting has resulted in the shutting down of another facility, which is now costing the Federal Government $300,000 a day to keep operationally ready. It was hardly a surprise then when the President's own management assessment last year labeled this program as ineffective.

On top of these numerous problems, the Department of Defense has failed to fully communicate its intentions to either Congress or the local community. Last week, for instance, Senator SALAZAR, my colleague from Colorado, and I met with two Department of Defense officials to discuss this program. At that meeting we requested that the Defense Department answer some questions and were promised a written response from Under Secretary of Defense Michael Wynne within 3 days. That meeting was held over a week ago, and we have yet to receive a response.

At least we in Congress can get a meeting. Members of the local community in Pueblo, CO have been trying to get an official from the Defense Department to meet with them to discuss the Pentagon's plans for weeks. Despite the fact that the Defense Department is trying to unilaterally shut down the design work at Pueblo, the Pentagon has not taken the time to meet with the residents who, if the Pentagon gets its way, will be forced to live for another 15 years near an aging stockpile housing three-quarters of a million chemical weapons.

The latest and most frustrating Pentagon effort in this program is to study once again the possibility of transporting the 2,600 tons of mustard gas across the State of Colorado to an incinerator site out of the State. Never mind that this option has been studied at least three times in the past decade, and never mind that current law prohibits the transport of chemical munitions across State lines, and never mind that transporting these weapons out of State would violate the agreement the Defense Department made with the people in Pueblo.

This study is unnecessary and a waste of taxpayers' hard-earned dollars. I don't know how simpler we can make it. I have already been told by Pentagon officials that the study is going to conclude that the transportation of chemical munitions across State lines is not practical. If that is the case, why do the study? Why waste $150,000 to study the feasibility of an option that is against the law and has already been determined by the Pentagon to be impractical?

With the Department wasting money on meaningless studies, it is no wonder that this program is over budget and behind schedule. I think it is time we took a stand against the Pentagon's wasteful actions. Therefore, I am introducing legislation today that will stop this study and force the Department of Defense to recognize that the only option for destroying its chemical munitions is to build a disposal site in Pueblo.

I am pleased to announce that my colleague from Colorado, Senator KEN SALAZAR, has agreed to cosponsor this legislation. I wanted to mention, though, that Senator MITCH MCCONNELL, Senator BUNNING, and Senator SHELBY have also agreed to cosponsor. We should not forget that Senator MCCONNELL in particular has been fighting the Department on this issue for over a decade. In many respects, Senator MCCONNELL's hard work has paved the way for the legislation I am introducing today along with my colleague from the State of Colorado, Senator SALAZAR.

I urge my other colleagues to join us in putting the Department on notice that this kind of wasteful, meaningless effort will not be tolerated.

I believe it is time the Pentagon took a good look at its chemical demilitarization program. Our country cannot afford to throw away our scarce defense dollars into a program that continues to be so incredibly mismanaged. Nor should our Nation's diplomats be put in the position of having to explain why we can't meet our treaty obligations to the likes of China, Iran, or France. Most importantly, we cannot forget the thousands of innocent Americans who continue to live near these sites. They bear the burden of the Pentagon's mismanagement. It is not fair to them when all they have asked for is that these munitions be cleaned up in a manner that is safe and does not harm the environment.

Mr. SALAZAR. Mr. President, I rise today along with my colleagues in relation to the Pueblo Chemical Depot. When the Senate ratified the Chemical Weapons Convention in 1997, it became U.S. law and our sworn obligation to destroy our Nation's chemical weapons stockpiles by 2012. With the advent of the global war on terror, this responsibility has taken on even more importance. We must destroy these weapons to ensure the health and safety of the citizens of the State of Colorado.

We must also stand as an example to the world that we are firmly resolved in our commitment to reducing the threats posed by weapons of mass destruction in our Nation.

Given the gravity of the situation, I cannot understand why the Department of Defense is shirking from their responsibility in this matter.

Until recently, the relationship between the Army and the citizens of Pueblo had an excellent track record, proving that when good people come together and operate from a position of trust, significant problems can be solved. Yet, one day after Senator ALLARD and I were absolutely assured by the Department of Defense that the chemical weapons stored in Pueblo would not be transported, and that the weapons would be destroyed in Pueblo by the environmentally safe method of water neutralization, the Department of Defense turned around and commenced a study on the feasibility of transporting the stockpiles out of Pueblo to be incinerated at another site—twenty-four hours after they said they wouldn't.

I believe we were given a good faith commitment last week that the destruction of the weapons would continue at Pueblo using the water neutralization technology agreed upon, and that the munitions would not be transferred elsewhere. While we wait for the promised clarification on these matters, Senator ALLARD and I believe it is necessary to emphasize our resolve.

To help provide that emphasis, we are introducing this bill. It is a straightforward, one-line bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

Mr. President, the sheer number of weapons awaiting destruction at the Pueblo Chemical Depot is staggering: more than three-quarters of a million artillery shells and mortar rounds. Transporting these weapons would be a dangerous and expensive enterprise. It would be subject to legal challenges by the towns and the States involved, and it is against Federal law.

In short, transporting these weapons will not save time, and it will not save money. But this bill we have brought to the floor will save both time and money, because it stops the frivolous study and returns the focus to the issue at hand: the safe destruction of the chemical weapons at Pueblo by water neutralization.

Mr. MCCONNELL. Mr. President, one of the first meetings I had as a U.S. Senator 20 years ago was about the aging chemical weapons stored at the Blue Grass Army Depot in Richmond, KY. At the time, the Army was ignoring the concerns of the community and attempting to incinerate the weapons irrespective of the potential risk.

Not much has changed.

I have spent the last 20 years fighting for the citizens of Kentucky who live in proximity to these dangerous weapons, and although the party responsible for the weapons is now the Department of Defense, the problem remains the same. Those responsible for the destruction of the chemical stockpiles are ignoring the best interests and concerns of the citizens who live near them.

Every time I have helped the community to clear a hurdle, whether it was to force the Army to investigate alternative technologies to incineration or the creation of a new organization to manage the new method of demilitarization, a new obstacle has been put in the path of stockpile destruction. Currently, the citizens of Kentucky and Colorado are being robbed to pay for the massive cost overruns at incineration sites throughout the country.

The budgets for demilitarization at Blue Grass and Pueblo have been slashed, and the money has been transferred to other accounts in spite of the fact that Blue Grass and Pueblo had succeeded in securing permits from the local environmental agencies in record time. The Assembled Chemical Weapons Agency, which has been tasked with managing the demilitarization of these stockpiles, is respected and trusted by the community. And I believe the Department's decision to cut funding for ACWA in the FY06 budget is a slap in the face to the citizens of Kentucky and Colorado, and an insult to the fine people at ACWA.

Now the Department has suggested it wants to transport the weapons from these depots through our communities to incineration sites. This will not happen so long as I am a U.S. Senator.

After the time and energy I have expended on ensuring these weapons are disposed of in a safe and environmentally friendly manner, I am personally insulted by the Department's efforts to delay destruction and its suggestion of transporting the weapons elsewhere.

The Department has an obligation to the citizens of Kentucky and Colorado to dispose of these stockpiles in an expeditious and safe manner. Congress and the Department, working with the communities, certified an alternative means of disposal, and it is unacceptable for the Department to walk away from this promise. Destruction of stockpiles at Blue Grass and Pueblo deserves full funding from the Department of Defense, and I will work to put the demilitarization of these stockpiles back on schedule.

I want to thank my friend, Senator ALLARD, for his efforts to safely dispose of these dangerous stockpiles. As a member of the Armed Services Committee, Senator ALLARD was a tireless advocate for the citizens of Colorado who live near these weapons. I am happy to welcome Senator ALLARD to the Appropriations Committee, where I look forward to working with him to ensure that Blue Grass and Pueblo receive the funding attention that is so long overdue.

Although the Department may come to its senses and decide not to pursue the shipment of decaying stockpiles of chemical weapons through suburban Kentucky or Colorado, I've come to learn that trusting the best judgment of the folks in charge of this program is never a sure bet. For that reason, I'm proud to be an original cosponsor of Senator ALLARD's legislation, which will prohibit the shipment of chemical weapons from any Army installation. These weapons need to be destroyed, but they need to be destroyed safely at the locations where they currently are stored. Moving 60-year-old stockpiles of leaking mustard agent is not a solution to a budget problem, it is a recipe for disaster.

By Mr. CORZINE (for himself, Mr. SMITH, Mr. KENNEDY, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. CONRAD, Mr. DAYTON, Mr. DURBIN, Mr. DODD, Mr. HARKIN, Mr. INOUYE, Mr. JEFFORDS, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. SCHUMER, Mr. WYDEN, Ms. COLLINS, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, and Mr. BIDEN):

S. 187. A bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005–2006, published in the Federal Register on December 23, 2004; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I join with Senators KENNEDY and SMITH and twenty-seven of our colleagues today in introducing a very important piece of legislation, the Ensuring College Access for All Americans Act.

This bill would prevent any student from seeing a reduction in the Pell grants under recent changes by the Bush administration to the formula used to calculate student aid eligibility. On December 23, 2004—just 2 days before the Christmas holiday, I might note—the Department of Education published updates to the allowance for state and other taxes that is used by students and their families to calculate their expected family contribution, or EFC, to college tuition. The EFC is the amount that students and their families are expected to contribute towards college in a given year.

Changes in a student's ''expected family contribution'' have a direct impact on that student's eligibility for a variety of types of financial aid. Simply put, as a student's expected family contribution goes up, their eligibility for financial aid goes down.

The Administration's changes to the tax tables have the effect of cutting $300 million from the successful Pell grant program, upon which more than five million students nationwide rely. It is projected that, as a result of these cuts, 1.3 million students will see a reduction in their Pell grants and another 89,000 will become ineligible for Pell grant assistance.

Not only will these changes drastically affect Pell grant eligibility and aid, but because the EFC formula is used to calculate eligibility for other forms of Federal aid, including federal student loans, as well as private institutional and state aid, these changes will cut practically all forms of student aid. Unfortunately, the Department's changes to the state and local tax allowance will increase the EFC for nearly all American families and students. While no New Jersey students are projected to lose assistance under this year's proposed cuts, they were projected to lose assistance under similar cuts proposed in 2003. I am very concerned that New Jersey students could be hurt going forward if the administration continues to update the tax tables based on outdated tax information.

Certainly, I do not disagree that the tax tables used to determine EFC, which have not been updated since 1988, may need to be revised to reflect current state and local tax burden. However, the administration's proposal does not reflect current tax levels. The updates reduce the credit that families receive for paying state and local taxes at a time in which they are actually paying more taxes. For example, the administration's new tax tables are based on Fiscal Year 2002 state tax information. According to the National Association of State Budget Officers, though, since FY 2002, states have enacted $14.1 billion in tax and fee increases. Again, because the administration's proposal is based on outdated tax information, it does not take into account these substantial increases in State tax burden.

In fact, the General Accounting Office issued a report last week that found that the Department of Education's procedures for revising the tax tables and the formula the Department used are seriously flawed. The GAO report, entitled Student Financial Aid: Need Determination Could be Enhanced through Improvements in Education's Estimate of Applicants' State Tax Payments, states, ''Education could not provide us with written procedures guiding staff on the routine steps necessary to update the tax allowance, nor did it maintain detailed records of its efforts to obtain data.'' The report goes on to say of the data the Department used to revise the tables,

As a result of certain limitations of the SOI [statistics of income] dataset for the purpose of calculating the allowance and problems with how Education uses this dataset, the current state and other tax allowance may not fully reflect the amount of taxes paid by students and families. The dataset itself is not ideally suited for calculating the allowance because it is limited to financial data from those who itemize their taxes, does not include state and local taxes, and is several years older than the income information reported by students and families on the FAFSA.

The report further notes that because the SOI compiles data only for those who itemize their tax deductions, who may pay different tax rates than non-itemizers, the data is further flawed. The GAO goes on to suggest improvements to the Department's calculations and the data they use.

These changes also come at a time when tuition is rising dramatically at double digit rates, and students and working families are straining to provide the financial wherewithal to access America's promise of education. According to the College Board, tuition, room, and board at a four-year public university costs an average of $11,354, $824 more than last year and $1775 more than 2 years ago. In other words, tuition at public institutions has been increasing by almost ten percent a year. In fact, according to the National Association of State Universities and Land-Grant Colleges, tuition and fees at public institutions in New Jersey has increased by more than 40 percent since the 1999–2000 school year. In some states they've increased by more than 60 percent in the last five years.

To really understand these numbers, though, it's necessary to look at the people who are struggling to afford to go to college. To that end, I would like to read a couple of personal stories about the importance of the Pell grant program to a college-bound student and a student struggling to afford college now.

One student writes,

I am lucky enough to be attending a top-rate University and receiving a quality education, but I rely on many federal loans and aid, including a Pell Grant, in order to remain where I am. When President Bush decided not to fully fund Pell Grants, he left me and many others in a precarious position. My Pell grant is still pending and I really am counting on it to cover some of my basic expenses; it will be a hardship until it comes—or worse if it doesn't come in full. The President says he's an advocate for young people with his dubious social security plans, but he leaves us behind with his non-commitment to higher education.

A mother who fears she will no longer be able to afford to send her son to school writes,

I've saved money from the day my son was born so that he may attend the college of his dreams. He is a gifted musician and was awarded scholarships to attend Berklee in Boston. With the help of the Pell Grant and other student loans, he is now a freshman there and I'm proud to say is doing very well. However, I am worried that with Bush having lowered the income standard for Pell, Timmy may lose his grant and there won't be enough money saved for him to stay in school. I would like to give him the opportunity to pursue his dreams and let his talent take him where it may. I see Bush cutting programs from the have nots to give to the haves. How many dreams is he going to destroy and how many more programs is he going to cut?''

It's wrong, to cut $300 million—a small price to pay to ensure that low-income families can afford to send their children to college—from this program. And it's even worse to cut aid to 1.4 million families based on faulty calculations.

A college education today is essential to survival in our competitive marketplace. Not only does our economy thrive on an educated workforce, but also those who are educated and as a result are gainfully employed contribute enormously to our tax base. I am willing to venture that the costs of the Pell grant program are more than paid back by those who were able to go to attend college because of a Pell grant and today are productive, tax-paying citizens.

The Senate must prevent these cuts from becoming a reality. Thirty Senators stand behind the legislation I introduce today a bipartisan group of thirty Senators, I might add.

I hope that we can put politics aside and pass this legislation immediately to prevent any student from losing Pell grant assistance. Finally, I strongly urge the administration to take a close look at the GAO report and to reform the flawed system they have used to revise the tax tables.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 187

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 ''Ensuring College Access for all Americans Act''.

SEC. 2. ALLOWANCE FOR STATE AND OTHER TAXES.

Notwithstanding any other provision of law, the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2005–2006 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), published in the Federal Register on Thursday, December 23, 2004 (69 Fed. Reg. 76926), shall not apply to a student to the extent the updates will reduce the amount of Federal student assistance for which the student is eligible.

Mr. KENNEDY. Today I join Senator CORZINE and 26 of our colleagues to introduce legislation to prohibit the implementation of the proposed changes in the State and local tax tables on college students receiving need-based aid.

When decisions are made by any administration that affect the price that families pay for college, it is important that the Congress understands both the factors that influenced that decision and the impact of those decisions on our constituents. In light of the slumping economy, State budget crises, and rising college costs, the Department's proposed changes come at a very difficult time for students and their families. Raising the cost of tuition by a few hundred dollars may cause a student to have to leave school and it is our responsibility to ensure that these changes are being made for sound reasons.

I urge the Department of Education to work with Congress when making these decisions so that members of this body are made aware of policy changes through a collaborative process—and not the media.

Ms. CANTWELL. Mr. President, I want to take a moment to talk about the advantages of having a college education and the importance of ensuring access to higher education. That is why I am pleased to join as a cosponsor the Corzine-Smith Kennedy Ensuring College Access for All Americans Act of 2005. Due to recent changes made to the formula determining federal Pell grant awards, many students are at risk of losing needed financial aid. This bill would guarantee that no student sees a reduction in his or her Pell grant assistance in the 2005–2006 school year or loses the grant completely.

We are all familiar with the adage: education is the great equalizer—and that a college education is the economic ladder to upward mobility. Not only do individuals reap benefits from having a college degree, society also values higher education—as we have also heard that education is the engine that drives a healthy economy. Basically, in addition to all its other benefits, having a good education pays individuals in the long run.

According to a recent report by the college board, college graduates earn about 73 percent more than high school graduates over their working lives. For those with advanced degrees, earnings are two to three times higher than high school graduates. Moreover, society enjoys the financial returns on the investment in higher education—from generated higher tax payments to decreased dependency on public income-transfer programs. Overall, higher education improves individual and societal quality of life.

While we are convinced that higher levels of educational attainment produces positive outcomes we need to do more to ensure access to higher education.

With the cost of college tuition continuing to rise, financial aid is the decisive factor in determining whether thousands of high school seniors are college bound or not. In particular, Federal Pell grants are especially critical for low-income students financing their way through college. According to the college board, college tuition at 4 year institutions increased on average by over 10 percent in the 2004–2005

school year. At 2-year public colleges, tuition increased by over 8 percent.

However, the Department of Education's recent changes to the formulas for financial aid eligibility will cut $300 million in Pell grant assistance to students nationwide, resulting in drastic reductions of Pell grant awards to more then one million students. The American Council on Education estimates that 89,000 students who are currently eligible for a Pell grant will lose this financial assistance. An additional 1.3 million student will likely see a reduction of $100 to $300 in their Pell Grants.

In my home State, over 4,000 students, just at one college, the University of Washington, will be adversely impacted from the change in financial aid eligibility. Early estimates show that about 3,900 students of the 6,900 eligible for a Pell Grant will lose up to $200 a year. Two hundred more students will probably lose their minimum grants of $400. Many of the students likely to see a decrease in their Pell grant award are low income.

Federal financial aid was critical to my own educational achievements. I went to college on a Pell grant. It was a critical to my being able to finance my way through school. With these new rules, some students may quit school or will have to spend more time working when they should be going to class.

The Ensuring Access for All Americans Act of 2005 would restore this critical financial assistance to thousands of needy students in the 2005–2006 school year. At a time when more and more employers are requiring a college degree for employment and tuition costs are skyrocketing, government should be opening the doors to educational opportunity, not locking students out. I urge prompt Senate action on this measure.

Mrs. FEINSTEIN. Mr. President. I am pleased to join Senators CORZINE and KENNEDY as a cosponsor of the bill Ensuring College Access for All Americans that restores cuts to the Federal Pell Grant Program for millions of students nationwide.

Federal Pell grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

These grants provide nearly $12.8 billion to help about 5.3 million low-income students attend college.

However, approximately 89,000 students currently eligible for a Pell grant will lose it, while an additional 1.3 million students will see their grants reduced by as much as $100 to $300 due to cuts in the Federal Pell Grant Program.

In California, nearly 150,000 low-income students will see their federal Pell grants decrease or disappear.

These cuts have a huge impact on students at California's public colleges and universities.

Within the University of California system, almost half of the 46,000 Pell grant recipients who attend one of the eight UC campuses will receive reduced grants and about 500 students who receive $400 a year will lose their grants completely.

On December 23, 2004, the Department of Education issued a proposal that will cut $300 million from the Federal Pell Grant Program.

The proposal updates State and local tax tables used to determine families' expected contribution towards college cost in a given year resulting in students and their families being expected to contribute more for college expenses.

These changes, which use Fiscal Year 2002 State and local data, reduce the credit that families receive for paying State and local taxes at a time when they are actually paying more taxes.

Senators CORZINE and KENNEDY's bill ensures that no student loses their Pell grant or sees a reduction in assistance under the Department of Education's proposal to update State and local tax tables.

It would simply ''hold harmless'' any student who stands to lose under the new proposal, so that no student would see a reduction in their Pell grant. Those students in the States that stand to gain would still benefit from the new tax tables.

It is imperative that cuts to this important student aid program be restored so that students can continue to receive their Pell grants that they are eligible for.

I recently received a letter from one my constituents from Chino, CA, a parent who is very concerned about the cuts to the Pell grant program. The letter said:

> This would result in millions of families, many of whom depend on financial aid including Pell grants, such as my children in college, losing all or part of their federal support. . . . this affects us all and our children's future.

A college student from Contra Costa County in California wrote:

> The amount of my Pell grant will not cover the cost of supplies that I need for the semester. . . . my parents cannot take out loans themselves. . . . so now I have to take out loans of my own, which for the amount I was approved for, doesn't even cover a quarter of my tuition. I really felt let down and disappointed.

There could not be a worst time for making changes that would take away or shrink a student's financial aid.

Over 500,000 low and middle-income California students rely on Pell grants for financial assistance. The maximum Pell grant has been frozen at $4,050 for 3 consecutive years, while the costs of attending a 4-year public college or private college have increased both nationwide and in California.

We must do all we can to make college education more accessible and affordable for our Nation's students.

I urge my colleagues to join Senators CORZINE and KENNEDY in supporting this legislation.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mrs. BOXER, Mr. MCCAIN, Mr. DURBIN, Mr. CRAPO, Ms. CANTWELL, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALEXANDER, and Mr. LAUTENBERG):

S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today legislation to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program, SCAAP.

I am pleased to be joined on this bill by a bipartisan group of Senators, including Senators KYL, SCHUMER, CORNYN, BOXER, MCCAIN, DURBIN, CRAPO, CANTWELL, HUTCHISON, BINGAMAN and ALEXANDER.

This legislation is critical to ensuring that cash strapped states and localities are at least partially reimbursed for the costs of housing undocumented criminal aliens in their jails. Ultimately, were it not for the failure of the federal government to control illegal immigration, States and localities would not have to spend hundreds of millions of dollars in housing these individuals in their prisons and jails.

During the 108th Congress, this bill passed the Senate by unanimous consent but stalled in the House of Representatives. This year, passage of this legislation is even more critical given that the authorization for appropriations for SCAAP in the Immigration and Nationality Act expired in 2004.

While hard numbers can be elusive when determining the actual costs to American taxpayers of illegal immigration, not many would disagree that the costs are in the billions of dollars each year. These costs go to, for instance, education, medical care and incarceration. And even if we consider the tax contributions of undocumented aliens and subtract that from the total costs, we are still left with expenditures in the billions of dollars.

The cost of incarcerating undocumented criminal aliens alone is a staggering figure—millions of dollars each year. And these dollars expended by States and localities are not optional. They must be expended since incarcerating individuals convicted of committing a crime is not optional.

Since funding for SCAAP began in 1995, the amount appropriated has been as high as $565 million and as low as $250 million—and these figures only covered a portion of the costs expended by States and localities to house undocumented criminal aliens. Furthermore, every day States and localities expend other monies on undocumented criminal aliens that are not reimbursed by the federal government through SCAAP. Those expenses include public safety expenditures, expenses of trial proceedings, use of translators, cost of public defenders and the incarceration

expenses of undocumented criminal aliens for minor offenses that do not meet the standards of SCAAP.

The reality is that all 50 States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands requested reimbursement through the SCAAP program in fiscal year 2004. In that year, $281,605,292 was awarded through the program.

Congress has an obligation to reimburse States and localities for the costs of incarcerating undocumented criminal aliens when the federal government fails in its responsibility to effectively deter illegal immigration.

During the 108th Congress, this bill—S. 460—passed the Senate by unanimous consent.

This year, passage of this legislation is all the more critical because authorization for SCAAP funds expired in 2004. Without funding, cash strapped states and localities are going to have to re-allocate monies from other areas within their criminal justice system to meet the costs of housing undocumented criminal aliens.

We in Congress can assist, albeit in small part, our states by supporting the ''State Criminal Alien Assistance Program Reauthorization Act of 2005''. This bill would amend section 241(i)(5) of the Immigration and Nationality Act to authorize appropriations at a level of $750 million for FY 2006, $850 million for FY 2007 and $950 million for FY 2008 through FY 2011.

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, SCAAP reimburses States and localities that incur costs for incarcerating undocumented criminal aliens. These aliens must be convicted of a felony or two or more misdemeanors in violation of State or local law, and incarcerated for at least 4 consecutive days.

Funding for SCAAP has been appropriated by Congress annually since 1995. The program is administered by the Office of Justice Programs' Bureau of Justice Assistance, which is located in the Department of Justice.

During FY1997 to FY2003, approximately $3.5 billion was distributed to States and localities. California has historically received the largest annual awards since the program's inception, with Arizona, Illinois, New York and Texas also consistently receiving large awards. Unfortunately, authorization for SCAAP expired in October 2004.

SCAAP was established with the belief that protecting the nation's borders from illegal immigration is the responsibility of the Federal Government and that States and localities should be reimbursed by the Federal Government for expenses relating to these duties.

It is clear to everyone in this Chamber that immigration is a federal responsibility. In fact, the Constitution gives Congress plenary power over immigration, so States are legally barred from acting on their own. SCAAP has been set up over the years to reimburse states and local government for the costs of incarcerating undocumented criminal aliens.

It is based on the principle that when the Federal Government fails to enforce its laws against immigration violators, it should bear the responsibility for the financial costs of this failure.

Mr. President, I ask my colleagues to join me in supporting this legislation. I also ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 188

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 ''State Criminal Alien Assistance Program Reauthorization Act of 2005''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2005 THROUGH 2011.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the following: ''appropriated to carry out this subsection—

''(A) such sums as may be necessary for fiscal year 2005;

''(B) $750,000,000 for fiscal year 2006;

''(C) $850,000,000 for fiscal year 2007; and

''(D) $950,000,000 for each of the fiscal years 2008 through 2011.''.

By Mr. INHOFE:

S. 189. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today to introduce legislation requiring parental consent for intrusive physical exams administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these intrusive physical exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. To clarify the code, my bill will not allow any nonemergency intrusive exam by a Head Start agency without parental consent. This would not include exams such as hearing, vision or scoliosis screenings.

This issue was brought to my attention by some of my constituents from Tulsa, OK who felt their rights were violated when their children were subjected to genital exams and blood tests without their consent. I am pleased to see that the Rutherford Institute has taken an interest in this crucial issue and are representing my constituents.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

I ask unanimous consent that the text of the following article be printed in the RECORD, ''Federal Head Start suit pending.''

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

FEDERAL HEAD START SUIT PENDING

A lawsuit against Tulsa's Head Start program alleging a violation of the constitutional rights of preschool children remains pending in the U.S. District Court.

The 10th U.S. Circuit Court of Appeals reinstated the lawsuit in July 2003 saying the program appears to have ''directly violated'' their rights by subjecting children to genital exams and blood tests without their parents' consent.

The appellate decision reversed a 2001 decision by U.S. District Judge Terence Kern in Tulsa in favor of the Community Action Project.

The lawsuit arose as a result of exams of Head Start boys and girls at Roosevelt Elementary School on Nov. 5, 1998. The appellate judges said a registered nurse, who was a CAP employee, insisted on the exams over the objection of a parent, who was also a CAP aide.

The appeals court also reinstated claims for invasion of privacy and ''technical battery'' under Oklahoma law, and claims against CAP for allegedly interfering with the parents' ''constitutional right to direct and control the medical treatment of their children.''

The parents are represented by Steven Aden, chief litigator for the Virginia-based Rutherford Institute, a conservative legal foundation that focuses on religious rights, parental rights and freedom from government intrusion.

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

S. 190. A bill to address the regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HAGEL. Mr. President, I rise today to introduce, along with my colleagues Senators SUNUNU and DOLE, the Federal Housing Enterprise Regulatory Reform Act of 2005. This is needed regulatory reform at a critical time for the Federal National Mortgage Association (Fannie Mae the Federal Home Loan Mortgage Corporation, Freddie Mac, and the Federal Home Loan Banks.

There is no doubt that our housing government sponsored enterprises GSEs, have been successful in carrying out their mission of providing liquidity for the housing market. The market has remained strong through tough economic times, and homeownership in this country is at an all-time high.

The housing GSEs, however, are uncommon institutions with a unique set of responsibilities and stakeholders. Fannie and Freddie are chartered by Congress, limited in scope, and are subject to Congressional mandates, yet they are publicly traded companies with all the earnings pressure that Wall Street demands. Additionally, Fannie and Freddie enjoy an implicit

guarantee by the Federal Government that has aided them in developing substantial clout on Wall Street. With their influence in the markets, their ability to raise capital at near-Treasury bill rates, and their use of the most sophisticated portfolio management tools, Fannie and Freddie today are no longer simply secondary market facilitators for mortgages.

The significance of Fannie Mae and Freddie Mac to our economy cannot be overstated. Together, the companies own or guarantee roughly 45.6 percent of all mortgage loans in the United States. The companies combined have issued over $3.9 trillion in obligations comprised of $2.2 trillion in mortgage backed securities and $1.7 trillion of GSE debt.

It is clear that the recent revelations at both Freddie Mac and Fannie Mae precipitate the need for Congress to address GSE regulatory reform. In 2003, Freddie Mac found itself treading through a wave of accounting problems and questionable management actions. That led to an income restatement of $5 billion, a penalty of $125 million and the removal of several members of its executive management. One year later, a similar surge of questionable practices was discovered at Fannie Mae. That led to the retirement and resignation of two of Fannie Mae's top management officials, as well as last month's ruling by the Securities and Exchange Commission, SEC, that Fannie could face a $9 billion income restatement.

At a minimum, the bar for a GSE should not be held lower than it is for any other company. In fact, given its congressionally chartered mission to serve a public interest, the bar should be held significantly higher. The operations of such companies should be managed with uncompromising integrity and unabridged transparency.

Our legislation would create a new independent world class regulator for Fannie Mae, Freddie Mac and the Federal Home Loan Banks. Our bill provides the new regulator with enhanced regulatory flexibility and enforcement tools like those afforded to the Federal Deposit Insurance Corporation, the Federal Reserve System, the Office of the Comptroller of the Currency and the Office of Thrift Supervision. Furthermore, the bill would:

Provide the new regulator the authority of receivership to close down a failing GSE and protect against a taxpayer bailout; provide the new regulator greater discretion in raising capital standards to protect against insolvency; provide the new regulator approval power over new programs and activities proposed by a GSE; provide the regulator with greater authority to limit exit compensation packages or golden parachutes for executives removed for cause; require the annual audits of Fannie Mae's and Freddie Mac's affordable housing programs to ensure that these programs support the enterprises' affordable housing mission; end presidential appointments to the board of directors of Fannie Mae and Freddie Mac, and would require all Federal Home Loan Bank directors to be elected.

This reform is important to restoring and maintaining the confidence that investors and the markets require. In light of the recent problems at Freddie Mac and Fannie Mae, it is even more important. I urge my colleagues to support this reform effort and invite them to cosponsor our bill.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, Mr. BAUCUS, and Mr. SANTORUM):

S. 191. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce important legislation aimed at helping some the world's poorest countries along their path toward economic development and self-sufficiency. Joining me in introducing this bill are my colleagues Senator FEINSTEIN, of California; Senator BAUCUS, of Montana; and Senator SANTORUM, of Pennsylvania. I appreciate their efforts in getting us to this point, and I look forward to working with them to see that this legislation is enacted into law.

When President Bush delivered his second inaugural address last week, he reaffirmed in absolute terms the commitment of the United States toward furthering human dignity around the globe. He drew on the words and the beliefs of our forefathers that every life has worth and is deserving of the freedom and security of economic independence.

The bill that I bring here today is aimed at spreading America's ideals of economic independence to regions of the world that have seen few such successes. My bill, the Tariff Relief Assistance for Developing Economies (TRADE) Act of 2005, would extend to some of the poorest people of the world the opportunity to work toward a better life.

Specifically, my legislation would provide duty-free and quota-free benefits, similar to those afforded under the Africa Growth and Opportunity Act, to some of the world's most impoverished nations. The countries covered by this legislation are 14 of the least developed countries (LDCs), as defined by the United Nations and the U.S. State Department, which are not covered by any current U.S. trade preference program. They include Afghanistan, East Timor, Maldives, Cambodia, Bangladesh, and Nepal. My bill also includes a special emergency trade provision to assist Sri Lanka as it struggles through the aftermath of the recent tsunami.

The TRADE Act countries are subject to some of the highest U.S. tariffs in the world, averaging over 15 percent. This stands in glaring contrast to the nearly negligible tariffs that face our wealthier trading partners in Europe and Japan. The TRADE LDCs have been given duty-free entry from all other Organization for Economic Cooperation and Development countries, and they need our help now.

In prior years Congress has acted generously toward LDCs in the Caribbean and Sub-Saharan Africa. It is now time for us to act in a similar fashion to LDCs of the Asia-Pacific region. By allowing duty-free imports into the United States, we can encourage these countries to diversify their economies while creating employment opportunities and promoting democracy.

In supporting these values, we can also help to bring about a safer and more peaceful world. Recent history has shown us the violence and resentment that can arise when people lose hope and societies breakdown. Backward economic policies and repressive regimes offer fertile breeding ground for radical and dangerous ideologies.

In its final report, the 9/11 Commission recommended a U.S. strategy to counter terrorism that includes ''economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and enhance prospects for their children's future.''

The bill that I am introducing today can help us meet the goal of greater economic development in an increasingly important region of the world. The devastation brought by the recent tsunami coupled with the end of the textile quota system make this legislation especially timely and hasten the need for its passage. I thank you for the opportunity to speak here today, and I look forward to working with my colleagues in Congress to pass this legislation.

By Mr. LUGAR:

S. 192. A bill to provide for the improvement of foreign stabilization and reconstruction capabilities of the United States Government; to the Committee on Armed Services.

Mr. LUGAR. The bill I am introducing today seeks to enhance United States effectiveness in dealing with countries that are either emerging from civil strife and conflict or threatened with instability. It calls for the creation of certain fundamental capabilities within the Government, and the Pentagon in particular, that are critical to success in what has come to be called stabilization and reconstruction operations. These capabilities include the training and equipping of sufficient numbers of civilian and military personnel for such activities, as well as the development of a new guiding principle—one that designates stabilization and reconstruction as a prime Defense Department mission with the same priority as combat operations.

Often these missions will occur at the end of major combat operations. We have learned from recent experiences in Afghanistan and Iraq that the

United States will encounter significant challenges in seeking to ensure stability, democracy, and a productive economy in nations affected by conflict.

While United States Armed Forces are extremely capable of effectively projecting military force and prevailing on the battlefield, achieving United States objectives also requires successful stabilization and reconstruction operations after major fighting has ceased. Without success in the aftermath of large-scale hostilities, the United States hard-won military victories will be at risk. To achieve this success, the armed forces and civilian agencies of the United States Government must have the capabilities to support stabilization and reconstruction and to undertake effective planning and preparation well before the outbreak of hostilities.

There are many cases, as well, when timely intervention to stabilize a threatening situation can head off the need for a major combat operation. This legislation envisions that the same capabilities created to stabilize a post-conflict situation may also be used to prevent conflict in the first place, thus achieving United States objectives more effectively with less loss of life and less potential risk to our relations with other countries.

Much as the military component of a conflict requires extensive planning and training, we must also be well-prepared and trained for stabilization and reconstruction operations. To be fully effective in such operations, the United States needs to have Federal Government personnel deployed continuously abroad for years-long tours of duty so that they become familiar with the local scene and can earn the trust of indigenous people. The active component of the Armed Forces cannot meet all of these requirements. Personnel from other Federal agencies, reserve component forces, contractors, United States allies and coalition partners, and indigenous personnel must help.

This bill complements legislation I introduced last year, S. 2127, which calls for creation of a stabilization and reconstruction capability within the State Department. I am pleased the State Department created a new office for such activities. This bill is the important next step. It calls upon the President to issue a directive to develop an intensive planning process for stabilization and reconstruction activities, as well as the establishment of joint interagency task forces composed of senior Government executives and military officers to ensure coordination and integration of the activities of military and civilian personnel in a particular country or area of interest.

In addition, the bill calls upon the Secretary of Defense to take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities as well as to support the development of core competencies in planning in other departments and agencies, principally the Department of State. It further calls for the Secretary of Defense to take certain actions to ensure that stabilization and reconstruction becomes a core competency of general purpose forces through training, leader development, doctrine development and the use of other force readiness tools.

I recognize that the subject matter of this bill is extremely broad in scope, and that it properly falls within the purview of other committees in addition to the Senate Foreign Relations Committee. However, I believe that the only way the United States will achieve long-term success in stabilization and reconstruction operations is if all resources of the United States Government are brought to bear on the country or area of concern. It is for that reason that I am introducing this bill, and I hope that my colleagues in this body, in particular Senators WARNER and LEVIN, will agree to take a major role in examining the merits of those aspects of this bill that fall within their jurisdiction and expertise.

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. 192

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

SECTION 1. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States are extremely capable of effectively projecting military force and achieving conventional military victory. However, achieving United States objectives not only requires military success but also successful stabilization and reconstruction operations in countries affected by conflict.

(2) Without success in the aftermath of large-scale hostilities, the United States will not achieve its objectives. Success in the aftermath follows from success in preparation before hostilities.

(3) Providing safety, security, and stability is critical to successful reconstruction efforts and for achieving United States objectives. Making progress toward achieving those conditions in a country is difficult when daily life in that country is largely shaped by violence of a magnitude that cannot be managed by indigenous police and security forces.

(4) Reconstruction activities cannot and should not wait until safety and security has been achieved. Many elements of reconstruction, including restoration of essential public services and creation of sufficient jobs to instill a sense of well-being and self-worth in a population of a country, are necessary precursors to achieving stabilization in a country affected by conflict. Stabilization operations and reconstruction operations are intrinsically intertwined.

(5) Since the end of the Cold War, the United States has begun new stabilization and reconstruction operations every 18 to 24 months. Because each such operation typically lasts for five to eight years, cumulative requirements for human resources can total three to five times the level needed for a single operation.

(6) History indicates that—

(A) stabilization of societies that are relatively ordered, without ambitious goals, may require five troops per 1,000 indigenous people; and

(B) stabilization of disordered societies, with ambitious goals involving lasting cultural change, may require 20 troops per 1,000 indigenous people.

(7) That need, with the cumulative requirement to maintain human resources for three to five overlapping stabilization operations, presents a formidable challenge. It has become increasingly clear that more people are needed in-theater for stabilization and reconstruction operations than for combat operations.

(8) Since the end of the Cold War, the United States has spent at least four times more on stabilization and reconstruction activities than on large-scale combat operations.

(9) One overarching lesson from history is that the quality, quantity, and kind of preparation in peacetime determines success in a stabilization and reconstruction operation before it even begins. If an operation starts badly, it is difficult to recover.

(10) It is clear from experience in Afghanistan and Iraq that the United States must expect to encounter significant challenges in its future stabilization and reconstruction efforts, including efforts that seek to ensure stability, democracy, human rights, and a productive economy in a nation affected by conflict. Achieving these ends requires effective planning and preparation in the years before the outbreak of hostilities in order for the Armed Forces and civilian agencies of the United States Government to have the capabilities that are necessary to support stabilization and reconstruction. Such capabilities are not traditionally found within those entities.

(11) The United States can be more effective in meeting the challenges of the transition to and from hostilities, challenges that require better planning, new capabilities, and more personnel with a wider range of skills.

(12) Orchestration of all instruments of United States power in peacetime would obviate the need for many military expeditions to achieve United States objectives, and better prepare the United States to achieve its objectives during stabilization and reconstruction operations.

(13) Choosing the priority and sequence of United States objectives, acknowledging that not everything is equally important or urgent, and noting that in other cultures certain social and attitudinal change may take decades, all require explicit management-decisionmaking and planning in the years before stabilization and reconstruction operations might be undertaken in a region.

(14) To be fully effective, the United States needs to have Federal Government personnel deployed continuously abroad for years-long tours of duty, far longer than the length of traditional assignments, so that they become familiar with the local scene and the indigenous people come to trust them as individuals.

(15) There is a significant need for skilled personnel to be stationed abroad in support of stabilization and reconstruction activities. The active components of the Armed Forces cannot meet all of these requirements. Personnel from other Federal agencies, reserve component forces, contractors, United States allies and coalition partners, and indigenous personnel must help.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) enhancing United States effectiveness in the transition to and from hostilities will require—

(A) management discipline, that is—

(i) the extension of the management focus of the Armed Forces (covering the full gamut of personnel selection, training, and promotion;

(ii) planning, budgeting, and resource allocation;

(iii) education, exercises, games, modeling, and rehearsal, performance and readiness measurement; and

(iv) development of doctrine (now focused on combat operations) to include peacetime activities, stabilization and reconstruction operations and intelligence activities that involve multi-agency participation and coordination; and

(B) building and maintaining certain fundamental capabilities that are critical to success in stabilization and reconstruction, including training and equipping sufficient numbers of personnel for stabilization and reconstruction activities, strategic communication, knowledge, understanding, and intelligence, and identification, location, and tracking for asymmetric warfare;

(2) these capabilities, without management discipline, would lack orchestration and be employed ineffectively, and management discipline without these capabilities would be impotent; and

(3) the study of transition to and from hostilities, which the Defense Science Board carried out in the summer of 2004 at the request of the Secretary of Defense, provides an appropriate framework within which the Department of Defense and personnel of other departments and agencies of the Federal Government should work to plan and prepare for pre-conflict and post-conflict stability operations.

SEC. 2. DIRECTION, PLANNING, AND OVERSIGHT.

(a) FINDINGS.—Congress finds that a new coordination and integration mechanism is needed to bring management discipline to the continuum of peacetime, combat, and stabilization and reconstruction operations.

(b) PRESIDENTIAL ACTION.—It is the sense of Congress that the President should issue a directive to develop an intensive planning process for stabilization and reconstruction activities, and that the directive should provide for—

(1) contingency planning and integration task forces, that is, full-time activities that could continue for months or years, to be staffed by individuals from all involved agencies who have expertise in the countries of interest and in needed functional areas to work under the general guidance of the Assistant to the President for National Security Affairs;

(2) joint interagency task forces composed of senior Government executives and military officers who operate in a particular country or area of interest and are created to ensure coordination and integration of the activities of all United States personnel in that country or area; and

(3) a national center for contingency support, that is, a federally funded research and development center with country and functional expertise that would support the contingency planning and integration task forces and joint interagency task forces and would augment skills and expertise of the Government task forces, provide a broad range of in-depth capability, support the planning process, and provide the necessary continuity.

(c) ACTIONS BY SECRETARY OF DEFENSE.—While a directive described in subsection (b) is being implemented, the Secretary of Defense shall—

(1) take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities;

(2) actively support the development of core competencies in planning in other departments and agencies, principally the Department of State;

(3) instruct regional combatant commanders to maintain a portfolio of operational contingency plans for stabilization and reconstruction activities similar in scope to that currently maintained for combat operations; and

(4) instruct each regional combatant commander to create a focal point within their command for stabilization and reconstruction planning and execution.

SEC. 3. STABILIZATION AND RECONSTRUCTION CAPABILITIES.

(a) CORE COMPETENCY.—The Secretary of Defense and the Secretary of State shall each—

(1) make stabilization and reconstruction one of the core competencies of the Department of Defense and the Department of State, respectively;

(2) achieve a stronger partnership and closer working relationship between the two departments; and

(3) augment their existing capabilities for stabilization and reconstruction.

(b) DEPARTMENT OF DEFENSE.—

(1) MISSION.—The Secretary of Defense shall designate the planning for stabilization and reconstruction as a mission of the Department of Defense that has the same priority as the mission of the Department of Defense to carry out combat operations.

(2) SUPPORTING ACTIONS.—In administering the planning, training, execution, and evaluation necessary to carry out the stabilization and reconstruction mission, the Secretary of Defense shall—

(A) designate the Army as executive agent for stabilization and reconstruction;

(B) ensure that stabilization and reconstruction operational plans are fully integrated with combat operational plans of the combatant commands;

(C) require the Army and the Marine Corps to develop, below the brigade level, modules of stabilization and reconstruction capabilities to facilitate task organization and exercise and experiment with them to determine where combinations of these capabilities can enhance United States effectiveness in stability operations;

(D) require the Secretary of the Army to accelerate restructuring of Army Reserve and Army National Guard forces with an emphasis on providing the capability for carrying out the stabilization mission; and

(E) ensure that stabilization and reconstruction becomes a core competency of general purpose forces through training, leader development, doctrine development, and use of other force readiness tools and, to do so, shall require that—

(i) the Secretaries of the military departments and the Joint Chiefs of Staff integrate stabilization and reconstruction operations into the professional military education programs of each of the Armed Forces and the joint professional military education programs, by including in the curricula courses to increase understanding of cultural, regional, ideological, and economic concerns, and to increase the level of participation by students from other agencies and departments in those programs;

(ii) stabilization and reconstruction be integrated into training events and exercises of the Armed Forces at every level;

(iii) the commander of the United States Joint Forces Command further develop, publish, and refine joint doctrine for stability and reconstruction operations;

(iv) the Director of Defense Research and Engineering and the senior acquisition executive of each of the military departments develop and implement a process for achieving more rapid and coherent exploitation of service and departmental science and technology programs and increase the investment in force-multiplying technologies, such as language translation devices and rapid training;

(v) the resources for support of stability operations be increased; and

(vi) a force with a modest stabilization capability of sufficient size to achieve ambitious objectives in small countries, regions, or areas, and of sufficient capability to achieve modest objectives elsewhere be developed, and consideration be given to the actual capability of that force in making a decision to commit the force to a particular stabilization and reconstruction operation or to expand the force for that operation.

(c) DEPARTMENT OF STATE.—

(1) POLICY ON RECONSTRUCTION INTEGRATION.—It is the policy of the United States that the capabilities to promote political and economic reform that exist in many civilian agencies of the United States Government, in international organizations, in nongovernmental and private voluntary organizations, and in other governments be integrated based upon a common vision and coordinated strategy.

(2) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall—

(A) be the locus for carrying out the policy on reconstruction integration set forth in paragraph (1); and

(B) develop in the Department of State capabilities—

(i) to develop, maintain, and execute a portfolio of detailed and adaptable plans and capabilities for the civilian roles in reconstruction operations;

(ii) to prepare, deploy, and lead the civil components of reconstruction missions; and

(iii) to incorporate international and nongovernmental capabilities in planning and execution.

(d) COLLABORATION AND COOPERATION BETWEEN DEPARTMENTS OF DEFENSE AND STATE.—The Secretary of Defense shall—

(1) assist in bolstering the development of the Office of Stabilization and Reconstruction of the Department of State and otherwise support that objective through the sharing of the extensive expertise of the Department of Defense in crisis management planning and in the process of deliberate planning;

(2) work collaboratively with that office and assign to that office at least 10 experts to provide the intellectual capital and guidance on the relevant best practices that have been developed within the Department of Defense; and

(3) ensure that extensive joint and collaborative planning for stabilization and reconstruction operations occurs before commencement of a conflict that leads to such an operation.

SEC. 4. STRATEGIC COMMUNICATION.

(a) PRESIDENTIAL DIRECTIVE.—Recognizing an increase in anti-American attitudes around the world, particularly in Islamic and Middle-Eastern countries, the use of terrorism, and the implications of terrorism for national security issues, it is the sense of Congress that the President should issue a directive to strengthen the United States Government's ability—

(1) to better understand global public opinion about the United States, and to communicate with global audiences;

(2) to coordinate all components of strategic communication, including public diplomacy, public affairs, and international broadcasting; and

(3) to provide a foundation for new legislation on the planning, coordination, conduct, and funding of strategic communication.

(b) NSC ORGANIZATION.—It is, further, the sense of Congress that the President should establish a permanent organizational structure within the National Security Council to oversee the efforts undertaken pursuant to a directive described in subsection (a) and that such structure should include—

(1) a deputy national security advisor for strategic communication to serve as the President's principal advisor on all matters relating to strategic communication;

(2) a strategic communication committee, chaired by the deputy national security advisor for strategic communication and with a membership drawn from officers serving at the under secretary level of departments and agencies, to develop an overarching framework for strategic communication (including brand identity, themes, messages, and budget priorities) and to direct and coordinate interagency programs to maintain focus, consistency, and continuity; and

(3) an independent, nonprofit, nonpartisan center for strategic communication to serve as a source of independent, objective expertise to support the National Security Council and the strategic communication committee, by (among other actions) providing information and analysis, developing and monitoring the effectiveness of themes, messages, products, and programs, determining target audiences, contracting with commercial sector sources for products and programs, and fostering cross-cultural exchanges of ideas, people, and information.

(c) ACTIONS BY DEPARTMENTS OF STATE AND DEFENSE.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Defense shall each allocate substantial funding to strategic communication.

(2) DEPARTMENT OF STATE.—Within the Department of State, the Under Secretary of State for Public Diplomacy and Public Affairs shall be the principal policy advisor and manager for strategic communication.

(3) DEPARTMENT OF DEFENSE.—Within the Department of Defense, the Under Secretary of Defense for Policy shall serve as that department's focal point for strategic communication.

SEC. 5. KNOWLEDGE, UNDERSTANDING, AND INTELLIGENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The knowledge necessary to be effective in conducting stabilization and reconstruction operations is different from the military knowledge required to prevail during hostilities, but is no less important.

(2) To successfully achieve United States political and military objectives, knowledge of culture and development of language skills must be taken as seriously as development of combat skills.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the collection, analysis, and integration of cultural knowledge and intelligence should be ongoing to ensure its availability far in advance of stabilization and reconstruction operations for which such knowledge and intelligence are needed; and

(2) a new approach is needed to establish systematic ways to access and coordinate the vast amount of knowledge available within the United States Government.

(c) COMMANDERS OF COMBATANT COMMANDS.—

(1) INTELLIGENCE PLANS.—The Secretary of Defense shall require the commanders of the combatant commands to develop intelligence plans as a required element of their planning process. Each such plan shall satisfy information needs for peacetime, combat, and stabilization and reconstruction (including support to other departments and agencies) and be developed by use of the same kinds of tools that are useful in traditional pre-conflict and conflict planning.

(2) RESOURCES.—The Secretary of Defense shall provide resources to the regional combatant commands for the establishment of offices for regional expertise outreach to support country and regional planning and operations, and to provide continuity, identify experts, and build relationships with outside experts and organizations.

(3) AREA EXPERTS.—In order to increase the number of competent area experts, the Under Secretary of Defense for Personnel and Readiness shall lead a process to set requirements and develop career paths for foreign area officers and a new cadre of enlisted area specialists, a process based on a more formal, structured definition of requirements by the commanders of the combatant commands.

(4) MILITARY EDUCATION.—The Secretaries of the military departments shall improve the regional and cultural studies curricula in the joint professional military education system, as well as in online regional and cultural self-study instruction, in order to broaden cultural knowledge and awareness.

(d) INTELLIGENCE REFORM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the United States should shift the focus of intelligence reform from reorganization to the solving of substantive problems in intelligence.

(2) ACTIONS.—The Director of National Intelligence, in consultation with the Secretary of Defense, shall—

(A) establish a human resource coordination office charged with the responsibility to develop a comprehensive human resource strategy for planning, management, and deployment of personnel that would serve as the basis for optimizing the allocation of resources against critical problems;

(B) adopt a new counterintelligence and security approach that puts the analyst in the role of determining the balance between need-to-share and need-to-know that will enable the intelligence community to enlarge its circle of trust from which to draw information and skills;

(C) improve integration between networks and data architectures across the intelligence community to facilitate enterprise-wide collaboration;

(D) harmonize special operations forces, covert action, and intelligence, and ensure that sufficient capabilities in these specialized areas are developed;

(E) accelerate the reinvention of defense human intelligence and ensure that there are enough such personnel assigned and sustained for a sufficient number of years in advance of the nation's need for their services; and

(F) enhance the analysis of intelligence collected from all sources, including by improving the selection, recruitment, training, and continuing education of analysts, producing regular and continuous assessment and post-operation appraisal of intelligence products, and creating incentives to promote the creativity and independence of analysts.

(e) FOREIGN LANGUAGE PROFICIENCY.—

(1) FINDING.—Congress finds that the utilization of individuals with foreign language skills is critical to understanding a country or a region, yet the Department of Defense lacks sufficient personnel with critical foreign language skills.

(2) ACTIONS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall—

(A) prescribe the specific foreign language and regional specialist requirements that must be met in order to meet the needs of the Department of Defense, including the needs of the commander of the United States Joint Forces Command and the commanders of the other combatant commands and the needs of the Armed Forces generally, and shall provide the resources for meeting these requirements in the annual budget submissions; and

(B) develop a more comprehensive system for identifying, testing, tracking, and accessing personnel with critical foreign language skills.

(f) EXPLOITATION OF OPEN SOURCES OF INFORMATION.—

(1) FINDINGS.—Congress finds that open sources of information—

(A) can provide much of the information needed to support peacetime needs and stabilization and reconstruction needs; and

(B) can be used to develop a broad range of products needed for stabilization and reconstruction operations, including such products as genealogical trees, electricity generation and transmission grids, cultural materials in support of strategic communication plans, and background information for noncombatant evacuation operations.

(2) EXECUTIVE AGENT FOR DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate the Director of the Defense Intelligence Agency to serve as executive agent of the Department of Defense for the development and administration of a robust and coherent program for the exploitation of open sources of information.

SEC. 6. IDENTIFICATION, LOCATION, AND TRACKING IN ASYMMETRIC WARFARE.

The Secretary of Defense, in consultation with the Director of National Intelligence, shall immediately develop a program administered by a new organization established by those officers to provide—

(1) an overall technical approach to—

(A) the identification, location, and tracking of asymmetric warfare operations carried out against the Armed Forces of the United States or allied or coalition armed forces; and

(B) tracking targets in asymmetric warfare in which the Armed Forces of the United States, or allied or coalition armed forces may be engaged;

(2) the systems and technology to implement the approach;

(3) the analysis techniques for translating sensor data into useful identification, location, and tracking information;

(4) the field operations to employ, utilize, and support the hardware and software produced; and

(5) feedback to the Secretary of Defense and the Director of National Intelligence on the impact of related policy decisions and directives on the creation of a robust identification, location, and tracking capability.

SEC. 7. MANAGEMENT IMPLEMENTATION PLANS.

(a) REQUIREMENT FOR PLANS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall each submit to Congress a management plan for carrying out the responsibilities of the Secretary of Defense (and the duties of other officials of the Department of Defense) and the responsibilities of the Secretary of State (and the duties of other officials of the Department of State), respectively, under this Act.

(b) CONTENT.—Each plan submitted under this section shall include objectives, schedules, and estimates of costs, together with a discussion of the means for defraying the costs.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

(a) DEPARTMENT OF DEFENSE.—There is authorized to be appropriated to the Department of Defense for the Office for Stability Operations such sums as may be necessary to enable that office to carry out the planning, oversight, and related stabilization and reconstruction activities required of the Department of Defense under this Act.

(b) DEPARTMENT OF STATE.—There is authorized to be appropriated to the Department of State such sums as may be necessary for carrying out the planning, oversight, and related stabilization and reconstruction activities required of the Department of State under this Act.

By Mr. NELSON of Nebraska (for himself and Mr. ENZI):

S. 194. A bill to amend the Farm Security and Rural Investment Act of 2002 to permit the planting of chicory on base acres; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. NELSON of Nebraska. Mr. President, today I am offering legislation with Senator MIKE ENZI to remove chicory from the fruit and vegetable, FAV, planting prohibition on Direct and Counter-Cyclical Program, DCP, base acres.

Diversification is a common theme among farm producers throughout the country. If we expect our producers to survive, we have to give them more options for diversifying agriculture. Our responsibility should include the elimination of the disincentive to produce alternative crops. This bill offers a clear opportunity to grow a chicory industry, creating a new revenue stream and helping to diversify agriculture production.

The State of Nebraska currently has the only chicory processing facility in the United States. There is a strong interest from producers in Nebraska and Wyoming to increase the production of chicory, due to its relatively low input cost and opportunity for high profits. Only 800 to 1,000 acres of the crop are expected to be planted in 2005. Farm bill policies are simply blocking the prospects for growth in the chicory industry.

The Farm Security and Rural Investment Act of 2002 currently provides three exceptions—lentils, mung beans, and dry peas—to the FAV planting prohibition on DCP base acres. Chicory should be added to this list of exceptions.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. DAYTON, Mr. CORZINE, Mr. SARBANES, Mr. OBAMA, Ms. MIKULSKI, and Mr. SCHUMER):

S. 195. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the No Taxation Without Representation Act of 2005 in an effort to right a persistent injustice experienced by the 600,000 citizens of the District of Columbia, who have historically been denied voting representation in Congress.

This injustice is felt directly by District residents, but it is also a shadow overhanging the democratic traditions of our Nation as a whole. It is absurd that, in this day and age, ours is the only democracy in the world in which citizens of the capital city are not represented in the national legislature with a vote. The right to vote is a civic entitlement of every American citizen, no matter where he or she resides. It is democracy's most essential right.

I am proud to be the chief Senate sponsor of this bill, which Congresswoman ELEANOR HOLMES NORTON is introducing today in the House, because it makes us the fully representative democracy we claim to be. And I am delighted that Senators OBAMA, SCHUMER, MIKULSKI, SARBANES, FEINGOLD, DAYTON, CORZINE, DODD and DURBIN are joining me as original co-sponsors. The point of the legislation is simple: It would provide the residents of the District with full voting representation by two Senators and a House Member, guaranteeing the residents of the Nation's capital with the same right to partake in our democracy that the citizens of all 50 States enjoy. Despite this bill's title, it would not exempt residents of the District from paying taxes.

In May 2002, the Governmental Affairs Committee, which I then chaired, held the first hearing since 1994 on this issue. Five months later, in October, the committee reported out legislation similar to the bill we introduce today. I was and am still proud of that accomplishment. Unfortunately, it was not enough. The bill died on the Senate floor, and with it, the hope of D.C. residents for equal voting rights.

The people of this city literally fight and die for their country. They help pay for the benefits to which all Americans are entitled. And yet, they are denied voting representation.

It is painfully ironic that we are introducing this legislation even as the young men and women, including many from the District of Columbia, are dying in Iraq so that Iraqis may live and vote in a representative democracy. About 1,000 Army and Air National Guardsmen and women from the District have been called upon to help fight the war on terrorism. Three have died in Iraq and one in Afghanistan. Yet, to our shame, these brave men and women cannot choose representatives to the Federal legislature that governs them and thus have no say in when or whether the nation should go to war.

The people of this city, more than most, live under the near constant threat of terrorism, and have been mightily inconvenienced by security precautions because of that threat. And despite Congresswoman NORTON's ability to vote in committee, residents of D.C. have no one who can vote when homeland and national security policies are being crafted. A representative without the power to vote on the floor of the House simply isn't a real representative.

Furthermore, the citizens of Washington, D.C., pay income taxes just like everyone else. Only, they pay more. Per capita, District residents have the third highest Federal tax obligation. And yet they have no voice in how high those taxes will be nor how they will be spent.

The vast majority of Americans believe that D.C. residents have voting representation in the Congress. When informed that they don't, 82 percent of Americans, according to one poll, by the advocacy group D.C. Vote, say that they should.

In righting this wrong, we won't only be following the will of the American people. We will be following the imperative of our history. When they placed our Capital, which was not yet established in their day, under the jurisdiction of the Congress, the Framers of our Constitution in effect placed with Congress the solemn responsibility of assuring that the rights of D.C. citizens would be protected in the future, just as it is our responsibility to protect the rights of all citizens throughout this great country. Congress has failed to meet this obligation for more than 200 years, and I, for one, am not prepared to make D.C. citizens wait another 200 years.

In the words of this city's namesake, our first President, ''Precedents are dangerous things; let the reins of government then be braced and held with a steady hand, and every violation of the Constitution be reprehended: If defective let it be amended, but not suffered to be trampled upon whilst it has an existence.''

The people of D.C. have suffered from this Constitutional defect for far too long. Let's reprehend it and amend it together. I urge all of my colleagues to support this essential legislation.

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

S. 195

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 ''No Taxation Without Representation Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The residents of the District of Columbia are the only Americans who pay Federal income taxes and who have fought and died in every American war but are denied voting representation in the House of Representatives and the Senate.

(2) The residents of the District of Columbia suffer the very injustice against which our Founding Fathers fought, because they do not have voting representation as other taxpaying Americans do and are nevertheless required to pay Federal income taxes unlike the Americans who live in the territories.

(3) The principle of one person, one vote requires that residents of the District of Columbia are afforded full voting representation in the House and the Senate.

(4) Despite the denial of voting representation, Americans in the Nation's Capital are third among residents of all States in per capita income taxes paid to the Federal Government.

(5) Unequal voting representation in our representative democracy is inconsistent with the founding principles of the Nation and the strongly held principles of the American people today.

SEC. 3. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

For the purposes of congressional representation, the District of Columbia, constituting the seat of government of the United States, shall be treated as a State, such that its residents shall be entitled to elect and be represented by 2 Senators in the United States Senate, and as many Representatives in the House of Representatives as a similarly populous State would be entitled to under the law.

SEC. 4. ELECTIONS.

(a) FIRST ELECTIONS.—

(1) PROCLAMATION.—Not later than 30 days after the date of enactment of this Act, the Mayor of the District of Columbia shall issue a proclamation for elections to be held to fill the 2 Senate seats and the seat in the House of Representatives to represent the District of Columbia in Congress.

(2) MANNER OF ELECTIONS.—The proclamation of the Mayor of the District of Columbia required by paragraph (1) shall provide for the holding of a primary election and a general election and at such elections the officers to be elected shall be chosen by a popular vote of the residents of the District of Columbia. The manner in which such elections shall be held and the qualification of voters shall be the same as those for local elections, as prescribed by the District of Columbia.

(3) CLASSIFICATION OF SENATORS.—In the first election of Senators from the District of Columbia, the 2 senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the 2 senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) CERTIFICATION OF ELECTION.—The results of an election for the Senators and Representative from the District of Columbia shall be certified by the Mayor of the District of Columbia in the manner required by law. The Senators and Representative elected shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of the States in the Congress of the United States.

SEC. 5. HOUSE OF REPRESENTATIVES MEMBERSHIP.

(a) IN GENERAL.—Upon the date of enactment of this Act, the District of Columbia shall be entitled to 1 Representative until the taking effect of the next reapportionment. Such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(b) INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.—Upon the date of enactment of this Act, the permanent membership of the House of Representatives shall increase by 1 seat for the purpose of future reapportionment of Representatives.

(c) REAPPORTIONMENT.—Upon reapportionment, the District of Columbia shall be entitled to as many seats in the House of Representatives as a similarly populous State would be entitled to under the law.

(d) DISTRICT OF COLUMBIA DELEGATE.—Until the first Representative from the District of Columbia is seated in the House of Representatives, the Delegate in Congress from the District of Columbia shall continue to discharge the duties of his or her office.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, and Mr. JOHNSON):

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MIKULSKI of Maryland and seven of our colleagues in introducing legislation to repeal one of the most egregious tax subsidies found in the U.S. Tax Code. Believe it or not, U.S. companies that move their manufacturing plants and good-paying jobs overseas will be rewarded with billions of dollars in tax breaks over the next 10 years. Unfortunately for both American workers and American taxpayers, this is absolutely true. Our bill will repeal this wrong-headed fiscal policy that has worked against the interest of American manufacturers for so many years.

Let me describe how this perverse tax subsidy works. Imagine two competing U.S. companies manufacturing a product for sale in this country. Company A has a plant with American workers. It sells its product here at home, immediately paying U.S. taxes on its profits. Company B, however, decides to shut down its U.S. plant, fire its American workers and build a new plant in a foreign country because it can produce the same goods at lower cost there, using underpaid foreign workers. Moreover, Company B pays almost no taxes in the foreign country and no taxes currently in the United States because it is entitled to tax ''deferral'' under our income tax laws. The Federal Tax Code allows firms like Company B to defer paying any U.S. income taxes on the earnings from those now foreign-manufactured products until those profits are returned, if ever, to this country.

In other words, when United States companies close down a manufacturing plant such as Huffy bicycles or Radio Flyer little red wagons, fire their American workers and move those good-paying jobs to countries like China, United States tax law actually gives these companies a large tax break. This tax break is not available to American companies that make the very same products here on American soil. So the U.S. company that decides to stay at home suffers a competitive disadvantage, a disadvantage that our tax laws have helped to create.

The congressional Joint Committee on Taxation says that this tax ''deferral'' loophole will dole out some $6.5 billion in tax breaks over the next decade to U.S. manufacturing companies that pack up their operations and relocate abroad. This tax loophole likely contributed to a loss of some 2.7 million U.S. manufacturing jobs since 2000 and encouraged the creation of over 1 million new jobs in the foreign manufacturing affiliates of U.S companies since 1993.

Last May, Senator MIKULSKI and I offered an amendment on the Senate floor to try to shut down this perverse $6.5 billion tax break. Our effort was supported by a number of organizations concerned about the loss of good-paying U.S. manufacturing jobs, including the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America—UAW; the AFL–CIO; the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; the International Brotherhood of Electrical Workers; and the Union of Needletrades, Industrial and Textile Workers, UNITE.

Regrettably, our amendment failed to get the votes it needed to pass. The powerful lobby for large multinational firms was able to keep this tax loophole fully intact. But I intend to offer this proposal again and again until this tax subsidy is finally repealed.

Frankly, I strongly disagree with the majority in the Senate that voted to retain this ill-conceived tax break, which hurts American businesses and workers. By their vote, our opponents essentially said let's continue to give enormous tax breaks that encourage U.S. companies to move their operations overseas and contributes to the dislocation of thousands of American workers.

The bill we are introducing today, like last year's amendment, is carefully targeted. It applies only to U.S. firms that move production overseas to low-tax countries and then turn around and import those products for sale here in the United States. Repealing this U.S. jobs export tax subsidy will not hurt the ability of U.S. firms to compete against foreign competitors in foreign markets.

In the final analysis, the approach taken in our legislation is measured and long overdue. As we work in Congress to reform the tax system in the coming year and shut down a number of arcane tax loopholes, this one should be at the top of the list. I urge you to cosponsor this bill.

By Mrs. BOXER:

S. 197. A bill to improve safety and reduce traffic congestion at grade crossings; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today in Glendale, CA, there was a tragic commuter train crash. All of the details of the crash are not available at this moment. However, at least 10 people were killed and over 100 injured. The National Transportation Safety Board has already sent a team to investigate.

I have been talking about the problem of grade crossings and the need for grade separations for several years.

According to the Federal Railroad Administration, ''grade crossings are the site of the greatest number of collisions and injuries'' in the railroad industry. In 2000, there were 3,502 incidents at grade crossings.

In addition, the large volume of freight train traffic from California's ports to the rest of the Nation is a public safety hazard on many communities

in California where traffic, including emergency vehicles, is severely delayed at these grade crossings.

In Riverside, CA, from January 2001 to January 2003, trains delayed ambulance and fire protection 88 times. This translates into more people possibly dying from health emergencies such as heart attacks and larger and more deadly fires. If there is another terrorist attack, imagine what would happen if emergency first responders could not get across the tracks.

To address the safety problem of accidents and other safety hazards at grade crossings, I am introducing the Rail Crossing Safety Act, part of which passed the Senate twice in the last Congress as part larger railroad bills considered in the Commerce Committee.

This legislation would direct the Secretary of Transportation, in consultation with State and local government officials, to conduct a study of the impact of grade crossings both on accidents and on the ability of emergency responders to perform public safety and security duties. This would include the ability of police, fire, ambulances, and other emergency vehicles to cross the railroad tracks during emergencies.

The second part of the legislation would authorize funds for the Secretary of Transportation to provide grants to State and local governments to undertake grade separations, in other words to build bridges and tunnels.

Today's incident in Glendale only underscores the needs to make our streets and rail lines safer. I urge my colleagues to support the bill.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 200. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President a mere 20 minutes away from the hustle and bustle of the booming city of Atlanta, GA, lies a quiet refuge that cradles historical remnants and nature's beauty. This area around Arabia Mountain houses the ecosystems of endangered species, historic structures, and archeological sites—a treasure deserving of our protection and our admiration.

Arabia Mountain's proximity to Atlanta makes it accessible to millions of Americans, but it also puts this national treasure in danger of urban sprawl. No condominium development should destroy the ancient soapstone quarry which attracted Native Americans over thousands of years ago. Nor should a strip mall tarnish the pristine land which contains farms from the days when the area was the heart of Georgia's dairy industry and which contains remnants of Georgia's Gold Rush in the 1820s.

I, along with my colleague Senator ISAKSON, have introduced legislation to designate Arabia Mountain, which encompasses land in DeKalb County, Rockdale County, and Henry County, as a National Heritage Area. This designation will help preserve the rare and endangered species that inhabit the land, and it will save historic buildings from the wrecking ball that often comes with modernization.

Arabia Mountain and its surrounding area is the product of significant geological changes. Starting several thousand years ago with the quarrying and trading of soapstone, the history of human settlement in the area is closely connected to its geological resources. It would be a shame to allow a decade of uncontrolled growth to deny future generations from enjoying the history and natural beauty of this land.

The quest to obtain National Heritage designation for Arabia Mountain began as a concept between conservationists, neighborhood activists, landowners, and concerned citizens, and support has grown ever since. Local Georgians even voted to tax themselves to support the project. Support has come from both sides of the aisle in both houses of Congress.

I would like to thank all of those who have worked so hard for this designation—Kelly Jordan, Chair of the Arabia Mountain Heritage Area Alliance; Mayor Marcia Glenn, of Lithonia; Vernon Jones, CEO of DeKalb County; Mark Towe and Glen Culpepper; and Senator Zell Miller and Congresswoman Denise Majette for their efforts in the 108th Congress on this issue. I ask my colleagues to support the preservation of this truly deserving area.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 13—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 13

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,923,302.

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,133,032.

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,185,132.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 14—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAMBLISS submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 14

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its Jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2005, through September 30, 2005; October 1, 2005 to September 30, 2006, and October 1, 2006 through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,090,901, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed