

Protect Social Security and stop privatization. It is a message my colleagues are hearing from their constituents in every part of the country.

Because of this widespread opposition, some here in Washington have apparently concluded they could not pass this proposal on the Senate floor in an open and public debate. Rather than give up on this unpopular proposal, they are, instead, adopting a stealth strategy. It has been widely reported that many in the minority party are now seeking to move a bill through the Senate without the private accounts or painful benefit cuts included in the President's plan, not because the President has abandoned privatization or benefit cuts but, instead, because they recognize this is the only means available to them to get their flawed plan adopted by Congress.

Under this bait-and-switch strategy, what the Senate says or does on private accounts or benefit cuts during its consideration of legislation would be largely irrelevant. The Senate would pass a bill lacking private accounts or significant cuts and send it to conference with the House, which would be controlled by a handful of privatization supporters. These supporters would work behind closed doors to ensure that private accounts emerge in the conference report.

We will not allow that to happen. In recent weeks, we have seen new evidence that this is, in fact, the administration's strategy. Last week, for example, bills were introduced in the Senate and the House that were advertised as establishing private accounts with no pain whatsoever. But these proposals are nothing more than political gimmicks. In truth, they still would threaten benefits, they still would require massive borrowing from foreign countries, and they would still fail, at one day, Social Security's solvency. In fact, like the President's plan, the private accounts they propose would make matters worse.

No one is going to be fooled by this type of gimmickry, and Democrats are not naive or foolish enough to fall for a bait-and-switch strategy that has been widely advertised in advance.

So I call on the President and his supporters to face reality and give up on privatization. Rather than continuing to push for this radical and ideologically driven proposal, which is a buzzword for getting rid of Social Security, I propose they listen to the words of another Republican President from 50 years ago, Dwight D. Eisenhower. This is what General Eisenhower said back then—This is not some Democratic Senator, Democratic Governor, Democratic State legislator, or Democratic Member of the Senate. This is President Eisenhower:

Should any political party attempt to abolish Social Security, unemployment insurance, and eliminate labor laws and farm programs, you would not hear of that party again in our political history. There is a tiny splinter group, of course, that believes you

can do all these things. Among them are H.L. Hunt . . . and a few other Texas oil millionaires, and an occasional politician or businessman from other areas. Their number is negligible and they are stupid.

President Eisenhower.

As I have said, I want to make sure these words are not coming from me. These are President Eisenhower's words. But if President Eisenhower's view is not persuasive to our current President, I would propose he listen to the words of another Republican President, his dad. In 1987, the first President Bush called privatization, "nutty." As he said at the time: "It may be a new idea, but it's a dumb one."

That is what two Republican Presidents said about privatization. They are right.

So I hope we can move beyond privatization, move beyond gimmicks, move beyond the attempt to secure private accounts through a transparent strategy of bait and switch. Instead, let's agree to strengthen Social Security and to do it on a bipartisan basis. That would be the right thing to do for America's workers and our country.

Is it my understanding the distinguished Senator from Texas wants to speak in time that has been reserved to the minority?

Mr. CORNYN. That is correct. I will need about 15 minutes.

Mr. REID. I don't think we have anyone coming, so you are sure welcome to use our time.

Mr. CORNYN. I thank the distinguished Democratic leader.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized.

(The remarks of Mr. CORNYN, relating to the introduction of S. 1313, are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. BURNS. Parliamentary inquiry, Mr. President, we are now on the Interior appropriations bill; is that correct?

#### DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2361, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Burns (for Voinovich) amendment No. 1010, to prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located.

AMENDMENT NO. 1022

Mr. BURNS. Mr. President, I send an amendment to the desk. First of all, it is on behalf of the majority leader and minority leader. It relates to congressional security.

This issue relates to a recent DC Board zoning adjustment granting a building height variance for a developer here in the vicinity of the Capitol.

Without going through some sensitive detail, let me simply say our two leaders have offered this amendment to prevent this variance from going into effect until the Capitol Police Board, with the consent of the Senate and House leadership, certifies that such a variance will not impact negatively on congressional security and increase Federal expenditures related to congressional security.

This amendment does not preclude development of the property, but it ensures that existing height regulations are honored and the security of the Capitol and all the people who work here is protected.

So I offer this amendment for the majority leader and minority leader.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

Mr. BURNS. Mr. President, I have a very important little conference to go to at 3:15. I see the ranking member of this committee on the floor. He did a great job on Friday, I am told, flying solo. So I am going to go to that meeting and just kind of turn the reins over to Senator DORGAN, my good friend from North Dakota.

We will start going through some amendments and start working this bill out this afternoon. It is our intention not to keep the Senate open all that long today. We will start working on those amendments as soon as possible.

The PRESIDING OFFICER. The clerk will now report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. FRIST, for himself and Mr. REID, proposes an amendment numbered 1022.

The amendment is as follows:

At the end of title IV, insert the following:  
SEC. \_\_\_\_ . CONGRESSIONAL SECURITY RELATING TO CERTAIN REAL PROPERTY.

(a) IN GENERAL.—Except as provided under subsection (b)—

(1) the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW,

Square 631, Lot 17 in the District of Columbia; and

(2) if any variance described under paragraph (1) is granted before the effective date of this section, such variance shall be set aside and shall have no force or effect.

(b) CONDITIONS FOR VARIANCE.—A variance described under subsection (a) may be granted or shall be given force or effect if—

(1) the Capitol Police Board makes a determination that any such variance shall not—

(A) negatively impact congressional security; and

(B) increase Federal expenditures relating to congressional security;

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

Mr. DORGAN. Mr. President, is there an amendment pending that requires a vote?

Mr. BURNS. We do not know yet.

The PRESIDING OFFICER. The amendment that was offered has been set aside.

Mr. BURNS. It has been set aside.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1023

Mr. DORGAN. Mr. President, I offer an amendment on behalf of Senator BARBARA BOXER, for herself, Senator NELSON of Florida, Senators CLINTON and SCHUMER of New York, and Senator OBAMA of Illinois, and send it to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for Mrs. BOXER, for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, and Mr. OBAMA, proposes an amendment numbered 1023.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds by the Administrator of the Environmental Protection Agency to accept, consider, or rely on third-party intentional dosing human studies for pesticides or to conduct intentional dosing human studies for pesticides)

At the appropriate place, add the following:

SEC. 4 \_\_\_\_\_. None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

(1) to accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1024

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for Mrs. FEINSTEIN, proposes an amendment numbered 1024.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3; Public Law 108-7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.”.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1025

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1025.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury, to be used for the provision of Indian health care services)

At the end of title IV, add the following:

SEC. 429. (a) IN GENERAL.—Section 7 of the Federal Reserve Act (12 U.S.C. 789 et seq.) is amended by adding at the end the following:

“(d) ADDITIONAL TRANSFERS FOR FISCAL YEAR 2006.—

“(1) IN GENERAL.—The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of \$1,000,000,000 in fiscal year 2006.

“(2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2006, the Board of Governors of the Federal Reserve System shall determine the amount that each such bank shall pay in such fiscal year.

“(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—No Federal reserve bank may replenish the surplus fund of such bank by the amount of any transfer by such bank under paragraph (1) during fiscal year 2006.”.

(b) USE OF SURPLUS.—Of amounts transferred to the general fund of the Treasury under section 7(d) of the Federal Reserve Act, as added by this section—

(1) \$140,000,000 shall be made available to the Secretary of the Interior for use by the Bureau of Indian Affairs; and

(2) \$860,000,000 shall be made available to the Secretary of Health and Human Services for use by the Director of the Indian Health Service in providing Indian health care services and facilities.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1026

Mr. SUNUNU. Mr. President, I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU], for himself and Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD, proposes an amendment numbered 1026.

The amendment is as follows:

(Purpose: To prohibit the use of funds to plan, design, study, or construct certain forest development roads in the Tongass National Forest)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

Mr. SUNUNU. Mr. President, I offer this amendment on my behalf, but also on behalf of Senator BINGAMAN, and I ask unanimous consent that Senators MCCAIN and FEINGOLD be added as co-sponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. This amendment is pretty straightforward. It reads very

simply: To place a restriction on the use of Federal taxpayer funds to be used to build logging roads in the Tongass National Forest on behalf of private companies. This is a case where we need to be very careful about providing Federal subsidies for private corporations.

This was a topic of discussion during some of the remarks I made on the Energy bill and I have raised this issue many times in the past. We need to be careful about using Federal resources to provide subsidies for private companies because it distorts the marketplace, promotes inefficiencies, and isn't good stewardship of Federal resources.

In 2004, the Federal Government, through the Forest Service, spent between \$45 and \$50 million building logging roads in this segment of the national forest. They took in roughly \$1 million in revenues. I would like to make sure we give the benefit of the doubt any time we are spending money. We understand it can have economic impacts, it can create jobs and the like, but to spend \$45 or \$50 million on programs that provide \$1 million in revenues when there is a timber sale seems like an enormous inequity to me. If you compound these shortfalls over 20 years, the losses amount to between \$750 and \$850 million. I don't think this is an appropriate use of Federal resources.

I am pleased to offer this amendment with Senator BINGAMAN. I hope it will restore a little bit of fiscal restraint and balance to this Interior appropriations bill. It is important to recognize what this amendment does not do because, as the debate is carried forward, I want to make sure that concerns raised speak to the amendment and not to other issues.

What this amendment does not do is prohibit logging in the Tongass or any other segment of our national forest. It doesn't change policy regarding logging in any substantive way. It doesn't curtail uses in the national forest, again, in the Tongass or anywhere else in the country. I come from a State, New Hampshire, that has a great tradition of multiple use in our national forest system—recreational use, economic operations, timber program, hunting, fishing. It is a true multiuse forest. I believe that general approach to our national forest makes the most sense.

Finally, this amendment does not restrict the use of private funds to build logging roads. I don't think that is inappropriate in any way. If we have a timber sale on any segment of the national forest, that should be conducted in an open, transparent way, but the market should dictate the attractiveness of a particular cut, the sale of that timber, the pricing, and the like.

People who speak to this amendment may well raise concerns about regulation, about legal barriers and legal obstacles, about subsidies that other timber concerns in other countries may enjoy. Those are all valid concerns. I

have stepped forward to try to address those concerns to allow timber management, an important segment of our economy, to operate in a fair and reasonable way. But this amendment doesn't address or solve or make worse any of those concerns. Those are issues that we need to continue to address. We should have reasonable regulatory processes that are understandable, that allow appropriate timber sales and logging operations to continue on national forest land. We should do everything in our power to minimize frivolous lawsuits throughout our economy but also those types of frivolous lawsuits that might necessarily hinder and raise the cost of the timber program. And, of course, there are subsidies being provided by other countries. New Hampshire and Canada share a border, and the issue of subsidies in the timber industry—placing operations in the United States at a competitive disadvantage—is something that I have dealt with time and time again.

But all this amendment does is say we will no longer use Federal funds to support the building, construction, and planning and development of roads for private entities in the Tongass. When you have a cost of \$45 or \$50 million for revenue of just \$1 million, you don't have to be an economist to understand why this amendment makes good, common sense for the taxpayer.

I encourage my colleagues to support this legislation. It has been endorsed by a number of groups who are looking at this matter from a purely fiscal perspective and doing what is right for taxpayers. It reflects much more commonsense use of Federal resources.

I yield the floor.

#### AMENDMENT NO. 1029

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I send to the desk an amendment on behalf of Senator KERRY and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. KERRY, proposes an amendment numbered 1029.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration)

On page 254, after line 25, add the following:

SEC. 429.(a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated \$600,000,000 for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

(b) The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

#### AMENDMENTS NOS. 1030 AND 1031, EN BLOC

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I send two amendments to the desk and ask unanimous consent that they be considered sequentially, offered by Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1030 and 1031.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

#### AMENDMENT NO. 1030

(Purpose: To modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools)

On page 182, strike lines 20 through 25 and insert the following:

SEC. 110.(a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(2) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

(b) Notwithstanding any other provision of law, \$178,730 is authorized to be appropriated for the Southwest Indian Polytechnic Institute.

#### AMENDMENT NO. 1031

(Purpose: To set aside additional amounts for Youth Conservation Corps projects)

On page 130, line 2, strike "\$1,000,000" and insert "\$1,250,000".

On page 138, line 7, strike "\$2,000,000" and insert "\$2,500,000".

On page 146, line 19, strike "\$1,937,000" and insert "\$2,500,000".

On page 211, line 25, strike "\$2,000,000" and insert "\$2,500,000".

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CARLOS LAZO

Mr. DORGAN. Mr. President, on Friday I brought to the floor a picture of a wonderful young soldier. This soldier is a man who fled from Cuba on a raft in 1992. His name is Carlos Lazo.

Sergeant Lazo has not been able to bring his family to this country from Cuba. He kept in contact with them, visiting them a number of times under the rules that allow Cuban Americans to visit close relatives in Cuba once a year.

In 1998, Carlos joined the National Guard. They were mobilized in 2003, deployed to Iraq in March of 2004. In June of 2004, Sergeant Lazo came back to the United States from Iraq on a 2-week R&R. He hoped to use that time to make his annual visit to Cuba to see his sons. But just before Sergeant Lazo came home on leave, the President announced new regulations that would limit Cuban-American family visits to once every 3 years. Even though Sergeant Lazo got to the Miami airport a day before the new regulation went into effect, our State Department prohibited him from boarding a charter flight to Cuba to visit his children.

Mr. Lazo, in the country of Iraq wearing America's uniform, won the Bronze Star award. Let me show you the award, the Bronze Star medal given SPC Carlos Lazo, Charlie Company, 181st Support Battalion, for exceptionally meritorious service while serving as a combat medic with Charlie Company. It goes on to talk about his heroism and courage. Here is an American soldier who went to fight in Iraq because his country asked him to fight in Iraq. He was fighting for freedom. This American soldier wins the Bronze Star fighting in Iraq. He comes home to this country and his young child in Cuba has a very high temperature and is in the hospital, quite ill. He wants to go to Cuba to visit his child. After fighting in Iraq, he is told he doesn't have the freedom to travel to Cuba to see his sick child. He came to see me the other day and asked if I could help him because I have been involved in legislation in the Senate dealing with travel to Cuba. I happen to believe that we ought to treat Cuba just as we do China and Vietnam, both Communist countries. Our official policy is that we will advance the interests of each through engagement. Travel and trade will be beneficial to moving China and Vietnam towards greater human rights. But we believe that is not the case with Cuba because we have clamped down on trips to Cuba.

Now a fellow like Carlos, an American soldier who is willing to fight in Iraq and wins a Bronze Star, is told, You can't visit your children in Cuba except for once every 3 years. Even when your child is ill in a hospital, we won't allow you to visit him.

He asked the question last week: What about freedom? I was fighting for freedom. I don't have the freedom to go travel 90 miles off the shores of Florida to the country of Cuba to see a sick child who is in the hospital?

I called the Department of the Treasury, which runs the agency that would provide the licenses, and asked to speak to the Treasury Secretary. He didn't return the call.

I called the State Department, asked for Condoleezza Rice. She didn't return my call. As an aside, I would observe that she was happy to return my call when she was up for confirmation on the floor of the Senate to be the Secretary of State. But she didn't return my call this time. At any rate, her Deputy, Mr. Zoellick, returned the call. I have great admiration for him so I was pleased to talk to him.

I also called the White House and talked to Karl Rove on Friday afternoon. I just got a call back from the White House saying that Mr. Rove will not be contacting me today. In fact, Mr. Zoellick will be handling this. I have not yet heard from Mr. Zoellick, but he indicated he would be getting back to me.

When I talked to the Treasury Department, they said: The regulations that came into effect that President Bush has announced provide no humanitarian relief at all.

It means that you can't travel to Cuba except once every 3 years to see your family.

I said: Surely there must be some humanitarian exceptions to that. This guy wins the Bronze Star fighting for this country, and he doesn't have the freedom to go visit a sick kid?

They said: There are no exceptions. We have people calling us saying: My mother is dying in Cuba. I need to go see her. We tell them no because there are no exceptions.

I said what on Earth are you thinking about? You created the regulation. Don't tell me the regulations prevent you from doing the right thing. You created them; change them. So here it is, on Monday afternoon, this Sergeant Lazo—Carlos Lazo—still asks the question: Why, when I fought in Iraq, demonstrated courage under battlefield conditions, won a Bronze Star, do I come home and find I don't have the freedom to visit my sick child 90 miles away from the shores of America?

That is unbelievable. Not surprising to me, but unbelievable.

I will show you a picture of another young woman who visited my office. This is Joan Scott. Joan went to Cuba, but she didn't get permission. She didn't know she had to get permission. She went to Cuba because she wanted to distribute free Bibles. She took a supply of Bibles and went to Cuba to distribute them. Guess what this Government did. They tracked her down and slapped a \$10,000 fine on her. Why? She didn't have a license to go to Cuba.

Fidel Castro has been sticking his finger in our eye for many years. But if we think we are slapping him around by restricting the rights of the American people to travel there, we are seriously mistaken.

The quickest way to get Castro out of office in Cuba—and he has lived through 10 Presidencies—is through trade and travel, just as we do with China and South Vietnam, both of which are also Communist countries. Trade and travel will rapidly advance

the day in which Cuba will have a new government. To penalize and punish American citizens—someone who wants to distribute free Bibles in Cuba, or someone who wants to take his father's ashes with his last request to distribute his ashes on the grounds of a church he once ministered in in Cuba, to punish these people—and this Government is doing that—is unbelievable.

In this case, it is Sergeant Lazo who is penalized. So this Monday afternoon he waits and I wait. Will I get a call from the State Department saying, No, our rules in America are that you can fight for America and for freedom, but you don't have the freedom to go see a sick kid? If that is the result, that is unbelievable.

Mr. President, we will see if I get a telephone call this afternoon. If they don't find a humanitarian way to provide exceptions, not just for Sergeant Lazo but for someone whose father or mother is dying and they need to go to Cuba, then we are going to vote on that on this appropriations bill. Yes, it will take a suspension and it will take a two-thirds vote. But we will see who wants to stand up for the interests of a young soldier who was willing to fight and die for this country but doesn't have the freedom to go see his sick son. We will see who is willing to stand up for his interests and the interests of the basic proposition that you ought to be free to travel. We will see at the end of today.

I say, again, I fully intend to offer an amendment to this bill, and it will require suspension of the rules, but I will offer that and ask my colleagues to vote on it.

Mr. President, there is more to say, but I will reserve that until I get a call from the State Department today telling us what they have decided to do.

AMENDMENT NO. 1032

Mr. DORGAN. Mr. President, I ask unanimous consent that the underlying amendment be set aside, and I send to the desk an amendment by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. DURBIN, produces an amendment numbered 1032.

Mr. DORGAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds in contravention of the Executive order relating to Federal actions to address environmental justice in minority populations and low-income populations)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be able to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WASTE, FRAUD, AND ABUSE

Mr. DORGAN. Mr. President, I have spent the last nearly 2 hours prior to coming to the floor chairing a hearing of the Democratic Policy Committee on waste, fraud, and abuse, dealing with the Halliburton Corporation with respect to contracting in Iraq. I don't—along with my colleagues who joined me—take pleasure at holding hearings to expose waste and abuse and, I think, fraud. We do it because the authorizing committees in this Congress have decided they are not interested in having these kinds of hearings.

Let me just give you some idea of what we have learned at the five hearings that I have held on this subject. Today, at the hearing, an employee of Halliburton who was providing food service in a portion of Iraq to our troops, said something to me that was almost unbelievable. He said they were routinely serving food to American troops that had outdated stamps on it. When you go to the grocery store, you see that food is going to be good through a certain date. They were getting that kind of food that was out of date and serving it to American soldiers.

I understand greed because we see enough of it in some of these circumstances at these hearings. I don't understand the shameful behavior of somebody who is charging this Government for feeding our troops, and then would feed our troops food that is date stamped out of date. The Halliburton Corporation, by the way, said that it was feeding 42,000 troops a day in one contract, and it turns out that only 14,000 were eating. They were charging for 28,000 meals they were not serving. Now we discover, more than that—more than charging for 42,000 meals when only serving 14,000 meals—they were serving food that was out of date to American soldiers. That is unbelievable to me.

We send these soldiers to a war zone and we contracted that company to feed them, and they feed them food that is date stamped out of date. Nobody wants to investigate these things. No hearings. It is eerily quiet here. Normally, when you see fraud, waste, and abuse, we have people who are interested in investigating that and putting a stop to it right now. We have heard so many tales of waste, fraud, and abuse.

Halliburton orders 50,000 pounds of nails that are the wrong size, so they are laying on the sand in Iraq. Just another bit of waste. It is \$40 for a case of pop or soda and \$7,000 a month to lease SUVs. There are \$85,000 trucks that are abandoned on the roads and are torched because they had a flat tire or a plugged fuel pump. These are all stories we have heard at our hearings, which the authorizing committees won't have. They have been asked to have them, but they will not. I have chaired five hearings—because they won't—on these issues. It doesn't serve American troops. It deserves American troops to allow this sort of thing to happen.

When we get involved in circumstances where our country has an obligation to the troops we ask to go into harm's way, we have a responsibility to make sure there is not corruption and looting and thieving going on.

We had a woman testify today, Bunnatine Greenhouse. She was the highest civilian official in the Pentagon dealing with Corps of Engineer projects. She was called in at one point and told: Either you can retire or you are going to be demoted. We are not putting up with your objections anymore.

She was objecting to sole-source contracts being given to Halliburton—no bids. What is the result of that? Headline after headline about waste and fraud. Here is what she said today:

I can unequivocally state that the abuse related to contracts awarded to KBR [a subsidiary of Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

By the way, she had a meeting last week with the acting general counsel, I believe, of the Corps of Engineers, and she was told that it would not be in her best interest to speak publicly about these things. Surprise, surprise. Don't worry so much about the waste or the fraud or the abuse; worry about the people who are going to speak up, who have the courage to step out and say here is what is going on, and I am willing to risk my career to talk about it.

Good for this woman. It took courage for her to come forward today. She was one of the top senior officials in that whole pyramid. The old boys just worked around her and worked their will so they could give contracts worth billions and billions of dollars to one company—Halliburton—and then later to some others, but basically Halliburton.

Then we hear from a witness named Rory, who worked in the food facilities in Iraq, that Halliburton was routinely serving out-of-date food to American troops. I thought there wasn't much more that could shock me after having my fifth hearing on this, but there is.

I just say this to the authorizing committees: The minute you decide to do the kinds of accountability and oversight hearings Congress is supposed to do, I will not hold any more

hearings. It was in 1941 when a Senator on the floor of the Senate, named Harry Truman, with a Democratic President in the White House, initiated a series of hearings that ended up being hundreds of hearings. They documented massive amounts of fraud in defense contracting during a war. It probably wasn't pleasant for a Democratic President to have a Democratic Senator challenging them on what was going on with respect to waste, fraud, and abuse, but Harry Truman did it.

Now we have a Republican President, a Republican-controlled Congress, substantial waste, fraud, and abuse, and nobody wants to hold hearings because they are worried it will embarrass somebody. This isn't about embarrassing anybody; it is about standing up for the interests of the American taxpayer, for the interests of the American troops, and deciding that during war it is unconscionable for people to profiteer, and for companies to cheat and defraud the Federal Government.

Unfortunately, these days, when you read the headlines and the audit reports, you discover that what this is all about is a slap on the wrist, a pat on the back, and then a continuation of the buddy system.

A fellow who testified today with respect to the food service in Iraq said that when Government auditors came, they were told: You are not to be available to speak to Government auditors. And they were told this: If you are caught speaking to a Government auditor, one of two things will happen. Either, A, you will be fired or, B, you will be sent to a base where there is active fighting. It's your choice.

I could not believe that. He said it again. He said it a second time. When Government auditors came to audit the Halliburton food contracts, they were ordered not to speak to the auditors, ordered not to respond to auditors' questions, ordered not to be available. And if they were caught answering questions of auditors, they would either be sent to a base where there was active fighting, or they would be fired. So that is some of what is going on.

The question is, Does anybody care? Will they, after 2 years of our holding five straight hearings now—when I say "they," I mean the authorizing committees—perhaps begin to hold hearings themselves? Would it be embarrassing to ask that committees to do what they are supposed to do—provide oversight? When you have \$10 billion or \$12 billion lining the pockets of big contractors whose documented abuse of that money is legend—don't take it from me, take it from the facts that are on the record—will the committees of the Congress do what they have a responsibility to do? We will see.

I wanted to point out that this afternoon was spent by me—at least from 1:30 and for the first 2 hours—listening to things that I find shameful with respect to practices by some companies—notably Halliburton—in the country of Iraq, profiteering during a war.

Mr. President, the last time we held a hearing dealing with Iraq, we had one of the people there hold up a towel, and he said: My job was to buy towels, among other things. I was a procurement agent. I was to buy towels—the hand towels you would use in the bathroom in the morning.

He showed us the hand towel he was going to buy, and then he showed us the one he did buy. The one he did buy had a logo of the company on it—the contracting company. The contracting company wanted him to buy a higher priced towel, a more expensive towel, so they could put their logo on it. Waste of the money? I think so. It is unbelievable when you see all that is going on and nobody is minding the store.

I hope perhaps one day this Congress, in a deep slumber about accountability and oversight responsibilities, will wake up and do what it is required to do. At that point, we will no longer have to do hearings in our policy committee. Until that point, however, we intend to continue such hearings.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CORPORATION FOR PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, there has been quite a controversy developing in recent weeks about the Corporation for Public Broadcasting. I have spoken on the Senate floor a couple of times about the subject, and I wish to address it now, particularly because of actions that were taken last week.

The Corporation for Public Broadcasting has a Board of Directors that is headed by a Mr. Kenneth Tomlinson. Mr. Tomlinson decided to take it upon himself to describe public broadcasting as having a liberal bias. Because it has a liberal bias, according to the Chairman of the Board of Directors, appointed by President Bush, he hired a consultant, a fellow who had worked for 20 years at a journalism center founded by the American Conservative Union. He hired a consultant for just over \$14,000 without the knowledge of the Board of Directors to evaluate particularly programming by the Bill Moyers show called "Now." The Inspector General at the Corporation for Public Broadcasting is now investigating that expenditure of money.

It is curious to me that the American people, by a wide margin, believe that public television and public radio, National Public Radio, for example, and

PBS, is not biased, is good information, provides good programming, balanced programming, and yet the Chairman of the Board, who is partisan, has made it his cause to tell the American people there is a liberal bias in public broadcasting over television and radio on NPR and so on.

Most of us, of course, know public television by Big Bird, Ernie, the Cookie Monster, the Count, Grover. I was thinking, when I have heard the discussions about public broadcasting by the Chairman of the Board, Mr. Tomlinson, I was thinking of Oscar the Grouch, who complains about everything. I would not take the analogy so far because Oscar the Grouch lives in a trash can, but every time he peeks his head out something is wrong. He complains about everything, Oscar the Grouch.

Well, maybe we have an Oscar the Grouch running the Corporation for Public Broadcasting. After all, he is a partisan who has decided to allege that there is a partisan and liberal bias at the Corporation for Public Broadcasting. Then he hires a conservative to do an evaluation of that.

When he did that with public funding, I asked Mr. Tomlinson, by letter, to provide me the information gleaned from this consultant. He then sent me the raw data, which was many pages of raw information. I have described that on the Senate floor. I will not do that again. He told me that it was not a summary but he was completing a summary. I have now been given the summary in the last couple of days—I believe last Friday.

In the intervening period, Chairman Tomlinson also decided that his candidate to become President of the Corporation for Public Broadcasting, a position that was open, should be assumed by a former Co-Chair of the Republican National Committee. Over the objections of some members of the Board of Directors, he made that happen last week. So the former Co-Chair of the Republican National Committee is now going to become the President of the Corporation for Public Broadcasting, an organization that the Chairman of the Board of the Corporation for Public Broadcasting alleges has a liberal bias. He believes that it is political or partisan; therefore, he brings in a partisan.

If a former co-chair of the Democratic National Committee had been hired, I assume there would be a howl that one could hear all the way to West Virginia coming from this Chamber and the Chamber across the hall because they would say: You are politicizing the Corporation for Public Broadcasting. Regrettably, that is exactly what Mr. Tomlinson is doing by hiring a former Co-Chair of the Republican National Committee.

Public broadcasting does a real service in this country. There are some stories no other broadcasters will do. Do my colleagues think that ABC, CBS, NBC, or FOX will ever do a no holds barred, in-depth story about concentra-

tion in the media and about the rules that the Federal Communications Commission tried to foist on this country that would allow further concentration until they were stopped by the Federal courts? Do my colleagues think that would ever be dealt with by the major television networks? Not on your life because they are all making money consolidating.

The Federal Communications Commission came up with a goofy rule—one that, in my judgment, subverts the interests of the American people—and said it will be all right if in one major American city one company owns eight radio stations, three television stations, the dominant newspaper, and the cable company. That is just fine, according to the Federal Communications Commission. Well, it is not fine with me. That was the quickest and biggest cave-in to the special interests I have ever seen in my life, and the Federal court has at this point stopped it.

Guess who did the in-depth reporting, the hard-hitting reporting on the concentration of corporate interests in broadcasting. Was it CBS, NBC, ABC, FOX News? No, not on your life. They would not touch it because they make money continuing the concentration. It was public broadcasting. It was Bill Moyers. For that, he pays a price. The price he pays: Mr. Tomlinson and others accuse him of going astray, a liberal bias.

When I looked at the papers I was given that represent the raw data from the consultant, some of the listings evaluated programming on public broadcasting as either anti-Bush or pro-Bush. Is that what we are going to do in this country—run our evaluation of whether something is fair through a prism of whether it supports our President, whoever our President is? Is that the way one would have wanted to evaluate public broadcasting when President Clinton was in office—anti-Clinton, pro-Clinton? I do not think so. That is not the way we have a responsibility to evaluate these things.

This country is still a democracy, a free country. It is not unpatriotic to be critical of our Government. In the case of the FCC rules, that would allow massive concentration of broadcasting properties so that only four or five people will determine what the American people by and large will see, hear, and read. When that happens, when the FCC tries to do that, it is not unpatriotic to raise questions and do in-depth reporting and do tough reporting on it. There is nothing unpatriotic about that.

So the selection of the former Co-Chair of the Republican National Committee to be President of the Corporation for Public Broadcasting is a step that will injure public broadcasting. The board members who objected have told me that they felt the process for the selection of the chairman was not fair, and I intend to ask the Inspector General to include that question in the



investigation that is now ongoing about the use of funds for the consultant.

I believe most of us, Republicans, Democrats, and Independents, should care about retaining a strengthened and important public broadcasting system in this country. Big Bird is not a Republican or a Democrat, nor is the Cookie Monster. This is just good programming. It does a disservice to the interests of public broadcasting in this country to begin to undermine it by demanding that there is a liberal bias, by hiring consultants who themselves come from a conservative background with which to make a judgment of whether things are anti- or pro-Bush in public programming, and then to engineer the hiring of the former Co-Chair of the Republican National Committee as President of the Corporation for Public Broadcasting. All of that moves us in the direction that injures something very important to this country. My hope is at some point we will be able to see progress in putting this back together. But there is no question that substantial damage has been done to public broadcasting in recent weeks and that damage is because of leadership insisting that public broadcasting itself is flawed and is at fault.

I disagree with that. I think the problem is not public broadcasting; I think the problem has been the leadership of the Corporation for Public Broadcasting and the engineering of not only a known partisan to become president but also a partisan to do an evaluation that was destined to show what the Chairman of CPB was alleging.

Again I take no pleasure in coming to the floor to be critical of Mr. Tomlinson, but after what I have read from the consulting report that is now being investigated, frankly, I think there is a need to speak up and a need to decide that public broadcasting is important to this country and worth saving and won't be saved by those who want to drag it into the partisan waters.

Mr. President, I yield the floor. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1035

Mr. DORGAN. On behalf of my colleague Senator WYDEN, I propose an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. WYDEN, proposes an amendment numbered 1035.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the authority for watershed restoration and enhancement agreements)

On page 254, after line 25, add the following:

SEC. 4. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking "fiscal year 1999" and all that follows through "2005" and inserting "for each of fiscal years 2006 through 2015".

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENTS NOS. 1036 AND 1037, EN BLOC

Mr. DORGAN. I send two amendments to the desk on behalf of my colleague from Rhode Island, Senator JACK REED, and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. REED, proposes en bloc amendments 1036 and 1037.

Mr. DORGAN. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

#### AMENDMENT NO. 1036

(Purpose: To modify certain administrative provisions relating to the brownfield site characterization and assessment program)

On page 198, lines 21 and 22, strike "Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006" and insert the following: "Notwithstanding section 104(k)(4)(B)(i)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)(i)(IV)), beginning in fiscal year 2006 and thereafter, appropriated funds".

#### AMENDMENT NO. 1037

(Purpose: To authorize recipients of grants provided under the brownfield site characterization and assessment program to use grant funds for reasonable administrative expenses)

On page 200, between lines 2 and 3, insert the following:

Beginning in fiscal year 2006 and thereafter, notwithstanding any other provision of law, recipients of grants provided under section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) may use the grant funds for reasonable administrative expenses, as determined by the Administrator of the Environmental Protection Agency.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is amendment 1037 to the Interior appropriations bill.

Mr. STEVENS. What amendment is pending?

The PRESIDING OFFICER. Amendment 1037.

#### AMENDMENT NO. 1026

Mr. STEVENS. What is the number of Senator SUNUNU's amendment?

The PRESIDING OFFICER. Senator SUNUNU's amendment is 1026.

Mr. STEVENS. I thank the Chair.

Mr. President, I have come to the floor to briefly discuss this amendment that has been offered by the Senator from New Hampshire and others and tell the Senate this is opening the door to a whole series of agreements that were made in previous Congresses and approved by the President, and it is a subject I intend to debate at length. I will tell the Senate a little bit of history tonight and take an opportunity to more subsequently discuss this issue.

This amendment that has been offered will prevent the use of Federal funds to plan, design, study, or construct new forest development roads in the Tongass. The Tongass National Forest is our largest national forest. It has a southern division and a northern division. When I came to the Senate, the harvest level was about 1.5 billion board feet a year from the total Tongass. In subsequent years it has been under attack severely, until today I think it is less than 17 percent of the Tongass is available for harvesting timber.

This amendment discriminates against Alaska. There are national forests in many States and the Forest Service spends a lot of money on forest roads, but this would say that only in Alaska can the Forest Service be prohibited from spending money for forest roads.

Let me go back a little bit in the history. I am gathering the information we need to address the matter in depth tomorrow and subsequently. This area is not unique in the sense of timber harvest. The Forest Service follows about the same regulations in Alaska they would in any other national forest. The difference is that we had, in 1980, the Alaskan National Interests Conservation Land Act which withdrew a great portion of this forest from any future harvesting of timber; then after that we had the Tongass Timber Reform Act which further limited the amount that could be harvested from the Tongass; and then we had the enormous dispute over roads in the Tongass. This is another way to limit the development of Alaska's timber because of the policies of our national Government with regard to harvesting the national forests.

The debate over forest roads also has included the question of the provisions

in the 1980 act which prohibited any further withdrawal of Alaska's lands without prior approval of the Congress. This is an amendment that looks as if there is an economic concept involved, but really it is one of the goals of those who want to limit further use of the Tongass to produce timber.

Regarding the roadless concept, they tried to apply it to our national forests, the Tongass National Forest. Because of the provisions in the 1980 act which prohibit further withdrawals of Alaska's land without prior approval of the Congress, that concept did not get applied to the Tongass. The last President did issue an Executive order which purported to change that, but that has been rescinded as that was an error on the part of the last administration. We are operating under the basis that there could be roads built in the portions of the Tongass that have not been withdrawn.

The problem is this: The cost of developing roads in Alaska are different from other States. In most States, there is a road infrastructure in the area that surrounds the national forest. As a matter of fact, most national forests have a Federal highway going right through them. Southeast Alaska has no roads. It is an island community. There is no connection between those islands. There is no attempt to build a highway system in southeast Alaska. As a matter of fact, our capital city has no roads that can be used to enter Juneau from another area. I think it is the only capital you can reach only by boat or air. There is no way to drive to our capital because it is on one of the islands I am talking about.

When we look at the situation of southeast Alaska, we have to realize one of the costs of developing a timber industry in southeast Alaska is building roads on islands on which there are no roads. They are temporary roads built under specification of the Forest Service and designed to become wilderness, in effect, once the regrowth is commenced.

What I am saying is, once the timber is harvested, the natural product of what we call the "slash" that comes from developing and cutting the timber is laid across the ground, and within a very few years that area will be totally grown over again. In most instances, we will not find the roads because they have been eliminated by regrowth. I invite everyone to take a look at Admiralty Island, across from Juneau. That at one time was cut for timber and now is regrown to such an extent that it has been named a wilderness area. It is the only area in the country that is a wilderness area despite the fact that its timber was once cut.

As we get the information I am seeking from the Forest Service and from other agencies, I want to demonstrate to the Senate that the only way to be able to harvest the timber we are entitled to harvest is to follow the process the Forest Service itself has selected;

that is, that it build the forest roads. As it selects an area for timber harvest, it will build the roads, and the purchaser of the timber will agree to pay the cost of those roads as part of the cost of the contract to harvest the timber.

As time has passed and many of our areas have been selected for harvest in the area set aside for timber production now—I remind the Senate that well over three-fourths of the Tongass has been set aside as national parks, wild and scenic rivers, forest wilderness, and is not available for any kind of timber harvest. In the areas where it was agreed timber harvests would be permitted, the Forest Service builds these roads and uses the funds we appropriate for that purpose, and those funds are repaid by the person who harvests the timber.

As time has passed, the challenges from the environmental organizations of the country, the environmental costs, the environmental impact statements, and often-repeated environmental impact statements, have added up to the fact that some assert that this is not a profitable endeavor, for the Federal Government to allow timber to be harvested in the Tongass. But they forget—and that is why I am here—they forget there was an understanding and a commitment that a portion of this area would be available for timber harvest. That is one of the local products that is a renewable resource. The cutting cycle in our timber area is over 100 years. It means an area harvested this year will not be put up for sale for 100 years. Under the circumstances, to have a provision that says the roads that are to be built would be built by an individual in advance of getting a contract for timber harvesting means that great speculation would enter into this industry.

It would also mean that the decision would be made by nonresidents of the area, speculators. Currently our logging industry is a local industry. They are small logging companies. They log small areas on the islands at a competitive bid to obtain the right to harvest that timber. This is not a case of wasting Federal money.

Those who are approaching it from the point of view, saying the Federal Government should not spend this money, do not realize the best way to develop this timber industry was to have roads built by a Federal agency, designed by a Federal agency, and constructed for the safety not only of the people who are going to be working in the area but also for the protection of other resources such as the fish and wildlife resources of the area.

The problem for a person who wants to harvest this area is overwhelming if they have to make the decision of where the road should go because there is so much inter-Federal-agency consultation going into the harvests, these roads for timber harvest, that it would be almost impossible for a private sector person to be able to get to the point

where there would be approval for the location of the road. The design is determined by the Federal Government, the location is determined by the Federal Government, the safety features are determined by the Federal Government, and the purchaser of the timber has agreed to pay the costs.

The way it is done right now is in the best way, in the interests of the environment, and the interest of the people of the area. Once the roads are built, it is possible for the local people to be able to bid to harvest the timber and to make it available to the international community. By Federal law, we do not export this timber. It must be sold in the United States. This is from Federal land, and therefore is subject to the Federal law that prohibits the export of this timber.

It is a forest product that would be worth a great deal more if it could be exported. But it is not. Some of the Native-owned timber is exported, but the timber from the Federal lands is not exported.

The main reason I am here is to ask the Senate to think about this. This is a provision that applies only in the Tongass National Forest of Alaska. Why not the rest of the country? Why not the forests in New Hampshire? There is a forest in New Hampshire. What about the forests of other areas of the country? I am considering offering a second-degree amendment—I understand second-degree amendments will be in order and are in order—to apply it to the whole country.

Above all, what about the commitment made to Alaska when so much of Alaska was withdrawn? In 1980, the law that was passed we called the Alaska National Interests Land Conservation Act which withdrew over 100 million acres. That was a hard-fought battle that lasted 7 years in this Senate. We finally reached a conclusion that many of my constituents disagreed with, that in order to go forward with our economy and in order to go forward with our relationship with the Federal Government, we agreed to that act. It became law despite the fact that so many people disagreed with it because it did have some commitments to Alaska. This is one of the commitments, that the areas that were not set aside would be subject to harvest by the timber industry under the concepts that existed at the time.

Now if we come along and change those concepts and say you cannot use Federal funds in the beginning, it means we will have to go back and fashion a basic Federal law that deals with the investment of private funds in those roads before the decision has been made—it is almost impossible for anyone to conceive building roads in an area before the final decision has been made that the timber can be harvested. The decision used to be made just by the Forest Service, but it is made by the courts now. Every single sale has gone to court repeatedly.

Two years ago, I had an amendment to limit the amount of time that could



be taken in those appeals. That is an issue that needs to be examined. But very clearly, the concept of using this approach that none of the funds available in this act may be used for the development of these roads is another way to make the area wilderness. This is a wilderness bill. This is not an economic amendment. This is an amendment to assure that the commitment was made to us that a portion of the timber in the Tongass could be harvested. This will be reneging on that commitment.

There is no way now for us to proceed with this type of road construction until we identify the purchaser of the timber, and there is no way really to get to the point of purchasing the timber until the roads are created. There are no roads available in the area except the ones to be constructed by the logging company that will cut the timber.

I am sure the sponsors of this amendment do not realize what they are setting in motion. They are setting in motion a total block to development of the Tongass and a total reneging on the commitment that was made to our State that timber in this area would be subject to harvest.

I hope to have an amendment that will make this apply to the whole country.

I also have an amendment that I would want the Senate to consider, and that is that there should be a study made of the developing of these roads in the forest system, and that there be a report on a new process to develop roads in the units of the National Forest System if we are not to use Federal funds to build the roads.

Again I say, from the point of view of safety, from the point of view of consistency as far as environmental protection, having the Forest Service build the roads in the areas that they agree to be available for timber harvesting is the best way we have devised so far. This concept, if it is to be studied, it ought to be studied throughout the whole National Forest Service System, not just my State, not just our State.

I do think there is a great deal more to this debate that needs to be brought up to the Senate. But above all, people have asked: Why don't we just have a vote? The main reason is I think there are Senators here who really do not know the history of the development of this relationship between Alaska and the Federal Government with regard to the resources of our State.

If you look at the 1980 act that withdrew over 100 million acres, you will find that because of those withdrawals you cannot build a north-south road in Alaska. You cannot build an east-west road in Alaska. There is no way to get through the various passes and across the rivers where you should be able to do it because withdrawals were made for national parks, wild and scenic rivers. There are a whole category of withdrawals to prevent that kind of development.

There actually was a Senator on the floor of the Senate at one time who said our whole State should be made a national park and we should not be allowed to develop any portion of it. Our State is one-fifth the size of the United States. It is as big as at least 20 of the 48 States of what we call the South 48.

We are entitled to a lifestyle. We are entitled to be treated as a State. We fought long and hard to become a State. What we are seeing here is this inching away from being treated as a State. This amendment only applies to Alaska. Of all the units of the forest system in the United States, it would only apply to Alaska. I think that type of discrimination should be reason enough for any Senator to vote against this amendment.

But above all, I do hope the Senate will take time with us. My colleague, Senator MURKOWSKI, will be with me tomorrow, and we will discuss this amendment at length.

Right now, I just have to express my deep disappointment in an amendment of this type. I cannot conceive of offering an amendment to discriminate against another State. We sought to become a member of this Union because we thought we would be equal to other States. We have witnessed, time and time again, this attitude of people from other parts of the country that we are not entitled to the same rights as other Americans in terms of our relationship to the Federal Government.

I think this is an area that needs examination. And it needs understanding. I cannot recall since I have been here holding up an appropriations bill. This one I do think is going to be held up. I want the Senate to know that I have a whole series of amendments that will be offered to this amendment. I do not take lightly the attack on our State, a discriminatory attack on Alaska.

There are few Senators who have been privileged to be part of a battle for statehood for their State who end up on the floor of the Senate. I think one of my duties as a Senator for Alaska is to see to it that we are not discriminated against. And this is a discriminatory amendment, one that really disturbs me, as I have indicated, greatly. I do hope those who come from States that have national forests will examine the practices in their States.

One of the strange things about this is we have inquired from the Forest Service about the money they are spending for roads in each of the forests. The way they handle the money, it is not too easy to find out how much money is being spent in each of the forests.

But clearly we know there are forest roads being built in the national forests in other States. I believe the Senate should understand the gravity of this kind of discrimination against my State.

I am not offering these amendments yet because I want to confer with my colleague who went home this past weekend since there are no votes

today. I will be here tomorrow to try to explain further our amendments. But I do want to explain to my friends who are the managers of this bill, I hope they will not become overly disturbed with us. But we want to find some way to convince the Senate not to discriminate against our State. If there is some change that should be made to forest roads, it should apply to all forests. And if there is some concept of making a decision with regard to the economics of this aspect of this, let's decide what to do with the Forest Service altogether, not just the Forest Service that applies to Alaska.

I close with what I started. Last year, I think we harvested less than 200 million board feet of timber, less than one-seventh of what was harvested the year I came to the Senate. Successive Congresses have found ways to whittle away, whittle away, whittle away at our ability to use the resources of our State. I think this is a time to ask the Senate to pause and consider that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENTS NOS. 1038 AND 1039

Mr. SALAZAR. Mr. President, I send two amendments to the desk en bloc and ask unanimous consent for their immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes en bloc amendments numbered 1038 and 1039.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

#### AMENDMENT NO. 1038

(Purpose: To provide additional funds for the payment in lieu of taxes program, with an offset)

On page 171, line 13, strike "\$94,627,000" and insert "\$87,627,000".

On page 172, line 17, strike "\$235,000,000" and insert "\$242,000,000".

#### AMENDMENT NO. 1039

(Purpose: To provide that certain user fees collected under the Land and Water Conservation Act of 1965 be paid to the States)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. (a) Notwithstanding subsection (b)(3) of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), any user fees collected under that Act with respect to recreational and related activities in a State shall be paid to the State in which the fees were collected.

(b) Amounts paid to a State under subsection (a) shall be in addition to, and shall not reduce, the apportionment of the collecting State under section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(b)).

Mr. SALAZAR. Mr. President, I want to just spend a few quick minutes speaking about both of these amendments. The first amendment is an amendment relating to the payment in lieu of taxes.

For those of us who come from the West, where so much of our land is owned by the Federal Government, payment in lieu of taxes is essential for our local governments to be able to function. In my great State of Colorado, most of the western half of the State is owned by the Federal Government. There are many counties in my State that rely on payment in lieu of taxes for up to 90, 95 percent of their budgets.

The amendment I have sent forward that deals with payment in lieu of taxes is an amendment that would add an additional \$7 million into the payment in lieu of taxes fund. That would bring the amount up to a level of consistency with what has come out of the House of Representatives.

I urge my colleagues in the Senate to support the amendment.

Mr. President, the second amendment deals with the Land and Water Conservation Fund. My proposal, in this amendment, is that the user fees that are collected in, for example, ski areas in places such as Montana or Wyoming or Colorado—that those amounts of money be returned back to the Land and Water Conservation Fund in those States in addition to the amount of money they already receive under the Land and Water Conservation Fund.

It seems to me it would be an appropriate investment of these dollars to be invested through the programs of the Land and Water Conservation Fund.

Again, we may be talking more about this in the days ahead, but the Land and Water Conservation Fund has had an exemplary record in the contributions it has made to preserve our water and our air and our land. I think this amendment will be helpful for us as we work on that agenda at a national level.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1040

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator BOND regarding the U.S. Geological Survey.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. BOND, proposes an amendment numbered 1040.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence)

On page 154, line 12, strike “That” and insert “That from the amount provided for the biological research activity, \$200,000 shall be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: *Provided further, That*”.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1041

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator CRAIG of Idaho regarding mineral rights in the Payette National Forest.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. CRAIG, proposes an amendment numbered 1041.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the following: “*Provided further, That, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.*”

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1042

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator WARNER of Virginia regarding the National Park Service.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. WARNER, proposes an amendment numbered 1042.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the replacement of the main gate facility at the Wolf Trap National Park for the Performing Arts, Virginia)

On page 149, line 7, after “acquisitions,” insert the following: “of which \$4,285,000

shall be made available for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia.”

AMENDMENT NO. 1028

Mr. BURNS. Mr. President, I call up amendment No. 1028 regarding the Great Smoky Mountains.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. FRIST, for himself, and Mr. ALEXANDER, proposes an amendment numbered 1028.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reinstate a provision relating to National Parks with deed restrictions)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1012

Mr. BURNS. Mr. President, I call up amendment No. 1012 offered by Senator ENSIGN regarding the sale of certain lands in Nevada.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. ENSIGN, proposes an amendment numbered 1012.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. (a) In this section:

(1) The term "Federal land" means the approximately 115 acres of Bureau of Land Management land identified on the map as "Lands identified for Las Vegas Speedway Parking Lot Expansion".

(2) The term "map" means the map entitled "Las Vegas Motor Speedway Improvement Act", dated February 4, 2005, and on file in the Office of the Director of the Bureau of Land Management.

(3) The term "Secretary" means the Secretary of the Interior.

(b)(1) If, not later than 30 days after the date of completion of the appraisal required under paragraph (2), Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall, not later than 30 days after the date of the offer, convey to Nevada Speedway, LLC, the Federal land, subject to valid existing rights.

(2)(A) Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(B) The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) All costs associated with the appraisal required under subparagraph (A) shall be paid by Nevada Speedway, LLC.

(c) Not later than 30 days after the date on which the Federal land is conveyed under subsection (b)(1), as a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b)(2).

(d) As a condition of the conveyance, any costs of the conveyance under subsection (b)(1) shall be paid by Nevada Speedway, LLC.

(e) If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (b)(1), uses the Federal land for purposes other than a parking lot for the Nevada Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) The Secretary shall deposit the proceeds from the conveyance of Federal land under subsection (b)(1) in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(g)(1) Except as provided in subsection (b)(1) and subject to valid existing rights, the Federal land is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) The withdrawal of the Federal land under paragraph (1) shall be in effect for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 2 years after the date of enactment of this Act; or

(B) the date of the completion of the conveyance of Federal land under subsection (b)(1).

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1033

Mr. BURNS. Mr. President, I call up amendment No. 1033 offered by Senator

ENSIGN regarding structures at Lake Tahoe.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. ENSIGN, proposes an amendment numbered 1033.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1002, 1003, 1015, 1019, AND 1020

Mr. BURNS. Mr. President, I ask unanimous consent, on behalf of Senator COBURN of Oklahoma, to offer en bloc amendments Nos. 1002, 1003, 1015, 1019, and 1020.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. COBURN, proposes en bloc amendments numbered 1002, 1003, 1015, 1019, and 1020.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1002

(Purpose: To reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense)

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 1.7 percent.

AMENDMENT NO. 1003

(Purpose: To require conference report inclusion of limitations, directives, and earmarks)

At the appropriate place, insert the following:

SEC. . Any limitation, directive, or earmarking contained in either the House or Senate report must also be included in the conference report in order to be considered as having been approved by both Houses of Congress.

AMENDMENT NO. 1015

(Purpose: To transfer funding to Wildland Fire Management from the National Endowment for the Arts and the National Endowment for the Humanities)

On page 233, line 9, strike "126,264,000" and insert "121,264,000".

On page 234, line 5, strike "127,605,000" and insert "122,156,000"

On page 130, line 24, strike "766,564,000" and insert "777,013,000".

AMENDMENT NO. 1019

(Purpose: To transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian Health Service from funding for federal land acquisition)

On page 133, strike lines 16 through 22.

On page 139, line 24, strike "40,827,000" and insert "8,827,000".

On page 150, line 22, strike "86,005,000" and insert "54,005,000".

On page 207, strike lines 4 through 12.

On page 216, strike "2,732,323,000" and insert "2,853,498,000".

At the appropriate place, insert the following:

*Provided further*, That of the funds provided to the Indian Health Service, no less than \$210,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than \$200,248,000 shall be made available for the Alcohol and Substance Abuse Program.

AMENDMENT NO. 1020

(Purpose: To express the Sense of the Senate that any additional emergency supplemental appropriations should be offset with reductions in discretionary spending)

At the appropriate place, insert the following:

SEC. . (a) FINDINGS.—The Senate makes the following findings:

(1) The on-budget deficit for fiscal year 2005 is estimated to be \$541 billion according to the Congressional Budget Office.

(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach \$6 trillion by 2011 according to the Congressional Budget Office.

(3) The United States and its allies are currently engaged in a global war on terrorism.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.

(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.

(3) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense discretionary activities.

(4) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1043

Mr. DORGAN. Mr. President, I send to the desk, on behalf of Senator FEINGOLD, an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. FEINGOLD, proposes an amendment numbered 1043.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Government Accountability Office to conduct an audit of the competitive sourcing program of the Forest Service)

On page 249, line 19, before the period, insert the following: "conducted in accordance with generally accepted full cost accounting principles".

On page 250, between lines 23 and 24, insert the following:

(e) AUDIT.—(1) In this subsection:

(A) The term "baseline organization" means the organization performing the work to be studied prior to initiation of a competitive sourcing study under this section.

(B) The term "new organization" means the private contractor, or the most efficient public agency, and associated management and oversight functions used at the conclusion of a competitive sourcing study under this section.

(2) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of the competitive sourcing program of the Forest Service.

(3) The audit shall include—

(A) an analysis of the costs and benefits of the competitive sourcing initiative conducted by the Forest Service;

(B) an analysis of existing procedures to track (in accordance with full cost accounting principles) all costs required to calculate accurate savings or losses attributable to a competitive sourcing study, and recommendations on how the existing procedures can be improved, including all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing (including personnel, consultant, travel, and training costs associated with program management), including—

(i) costs incurred by the Forest Service before initiation of the competitive sourcing study in performing the work to be studied with the baseline organization;

(ii) costs of performing the competitive sourcing study, including—

(I) travel and per diem costs;

(II) training and communications costs;

(III) contractor costs; and

(IV) the cost to the Federal Government of Federal employees working on any aspect of the study or performing any work necessitated by the study;

(iii) costs of implementing the competitive sourcing study results, including costs described in clause (ii) and costs associated with buyouts, transfers of station, and reductions in force;

(iv) ongoing operational costs of performing the work with the new organization employed as a result of competitive sourcing study, including any modifications to the contract or letter of obligation necessitated by omissions in the statement of work of the solicitation;

(v) costs associated with oversight and maintenance of the contract or letter of obligation;

(vi) savings realized or costs borne by the Forest Service that are not included under clause (iv), including savings or costs due to—

(I) changes in the timeliness or quality of the work provided by the new organization;

(II) changes in procedures of the Forest Service necessitated by the new organization;

(III) the assignment to employees or contractors outside of the new organization of duties previously performed by the baseline organization; and

(IV) changes in the availability of personnel to perform high priority fire suppression or other emergency response work on a collateral basis; and

(vii) costs of maintaining and operating a competitive sourcing infrastructure, including office, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;

(C) recommendations on what accounting practices should be adopted by the Forest Service to improve accountability;

(D) an evaluation of the comparative efficiencies of the Forest Service competitive sourcing and business process reengineering procedures; and

(E) an analysis of—

(i) the A-76 study that resulted in the information services organization and the continuing Federal Government activity;

(ii) the A-76 study of Region 5 fleet maintenance work that resulted in the transfer of work to Serco; and

(iii) the financial management improvement project, accomplished by means of business process reengineering.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1044

Mr. DORGAN. Mr. President, I have an amendment on behalf of Senator BYRD that I send to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BYRD, proposes an amendment numbered 1044.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the White Sulphur Springs Fish Hatchery)

On page 139, line 5, before the period insert the following: "Provided further, That of the total amounts made available under this heading, \$350,000 shall be made available for the mussel program at the White Sulphur Springs National Fish Hatchery".

#### AMENDMENT NO. 1045

Mr. DORGAN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I send to the desk an amendment by Senator CONRAD and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. CONRAD, proposes an amendment numbered 1045.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for a brownfields assessment of the Fortuna Radar Site)

On page 195, line 7, after "costs", insert the following: ", of which \$200,000 shall be made available for a brownfields assessment of the Fortuna Radar Site".

#### AMENDMENT NO. 1046

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of Senator SARBANES and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. SARBANES, for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI, proposes an amendment numbered 1046.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail)

On page 254, after line 25, add the following:

SEC. 4. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith's voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

"(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312); and

"(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267)."

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EDUCATION

Mr. BAUCUS. Mr. President, in the book of Isaiah, the prophet wrote,

"[M]y people have gone into captivity, because they have no knowledge."

Francis Bacon wrote, "Knowledge itself is power."

And when H.G. Wells summed up his history of the world, he concluded: "Human history becomes more and more a race between education and catastrophe."

In the next two decades, America's history will become more and more a race for economic leadership. For more than a century, America's economy has set the pace. We have led all competitors. Year after year, we have become used to winning the race.

But now, over our shoulder, we can hear the footsteps of another runner. That competitor is China. And it is gaining fast.

If we wish not to go into economic subservience, if we wish to maintain our economic power, if we wish to avert economic misfortune, the answer is education.

America's economic leadership has been a remarkable achievement. We Americans are just 4.6 percent of the world's people. More than a fifth of the world's people live in China. There are nearly 4½ times as many Chinese as there are Americans.

Yet America produces 60 percent more goods and services than China.

That is how Americans can enjoy one of the world's foremost standards of living. The average American's share of our economic output is \$37,610 a year. The average Chinese's share of theirs is \$1,100 a year.

But from a slow start, China has picked up the pace. Starting with Deng Xiaoping in the late 1970s, China began to reform its economy. Deng was eminently practical, when it came to economic philosophy. He said: "It doesn't matter whether the cat is black or white, as long as it catches mice." Today, you can find those capitalist cats everywhere in China.

Over the last two decades, China's economy has been growing at an average of 9.5 percent, nearly three times as fast as America's. And some project that within 20 years, China's could become the world's largest economy, ending more than a century of American leadership.

You can see how they do it at an American or Japanese factory in Shanghai. You see rows and rows of hardworking workers, in colorful uniforms, at well-lit work stations. The company pays them about \$2,000 a year, plus food and housing benefits. But that is good money in a country with an average income of \$1,100 a year. The workers there want to keep their jobs. And 200 million other workers stand ready to take their jobs if they do not.

The challenge for America in the decades to come will be: How can America compete with that factory in Shanghai? How can we get paid \$37,000 a year or more to make goods and perform services, when there are Chinese workers willing to work hard for \$2,000 a year?

The answer is not protectionism. We cannot build a wall around America. We cannot lift the drawbridge and flood a moat around our Country.

If American companies do not employ those willing workers at the Shanghai factory, companies from Japan and Italy and China itself will. Then Japanese and Italian and Chinese companies will sell products more cheaply into America. And American consumers will gladly buy those products at lower prices. American consumers will insist on buying those products at lower prices.

If America raises tariffs on goods made in China, then American consumers will pay more for their cost of living than will people in other countries. Americans will have less money to spend on other things that they want, less money to spend on other things in America. The American economy will be smaller, if America raises tariffs.

If America raises tariffs, then American businesses will pay more for their industrial inputs than will businesses in other countries. American businesses will become less competitive, lose sales, and lose jobs. Once again, the American economy will be smaller, if America raises tariffs.

No, the answer to how America can compete with that factory in Shanghai is not protectionism.

The way that we can get paid \$37,000 for our work—when Chinese workers are willing to work for \$2,000—is for Americans to add more value. Americans earn more because we produce better. Americans produce smarter.

And that means that for us to remain economic leaders of the world, Americans need to stay smarter. We need to educate our children and our workers so that American workers can add more value in an hour of work than workers in any other place in the world.

Knowledge will be economic power.

Ensuring that we continue to have more knowledge than the Chinese will not be easy. China has worked on its education system. Nine out of ten Chinese can read.

It is very Chinese to take the long view. More than 2,600 years ago, the master Kuan Chung said:

If you plan for a year, plant a seed. If for 10 years, plant a tree. If for a hundred years, teach the people. When you sow a seed once, you will reap a single harvest. When you teach the people, you will reap a hundred harvests.

We need to plant those seeds of education and tend those young saplings, in our public schools. In 1835, the Supreme Court Justice Joseph Story wrote:

Every successive generation becomes a living memorial of our public schools, and a living example of their excellence.

Ensuring that our schools are a living example of excellence will take more than just money. But ensuring that our schools are a living example of excellence will take money, as well.

We need to ensure that children can come to school ready to learn. We need to ensure that children have modern and well-equipped schools. We need to ensure that children have small classes. And most importantly, we need to ensure that children have good teachers.

In the next decade, America will need to hire 2 million new teachers. One in five new teachers leave teaching within three years. In urban schools, half of teachers leave the profession within 5 years.

Nearly two out of five low-income children are taught by teachers without a college degree in their primary instructional field. Low-income students are taught by more teacher's aides than credentialed classroom teachers. Four out of five aides do not have a 4-year college degree.

Columnist Tom Friedman wrote recently:

We are heading into an age in which jobs are likely to be invented and made obsolete faster and faster. The chances of today's college kids working in the same jobs for the same companies for their whole careers are about zero. In such an age, the greatest survival skill you can have is the ability to learn how to learn. The best way to learn how to learn is to love to learn, and the best way to love to learn is to have great teachers who inspire. And the best way to ensure that we have teachers who inspire their students is if we recognize and reward those who clearly have done so.

We need to give good teachers the recognition that they deserve. Friedman told how every year, Williams College honors four high school teachers who made a difference. Every year, members of its senior class nominate their best high school teachers. A committee at Williams then goes through the nominations, does its own research, and chooses the four most inspiring teachers.

Williams gives each of the teachers \$2,000, plus a \$1,000 donation to the teacher's high school. And Williams flies the winners and their families to the college to honor them at graduation.

Williams's president, Morton Schapiro, told Friedman: "We take these teachers, who are not well compensated and often underappreciated, and give them a great weekend."

Said Shapiro: "Every time we do this, one of the teachers says to me, 'This is one of the great weekends of my life.'"

It's a great idea.

Each of us can do our part. I have started a program that will recognize Montana teachers acknowledged for excellence. This is something that all Senators can do in their home States. A little recognition can go a long way.

But if knowledge is power, then we must also devote the resources necessary to maintain that power.

Columnist Matt Miller argues: "The answer is to think bigger." He suggests that we make the best teachers millionaires by the time that they retire.

Miller proposes a "grand bargain" where we raise salaries for teachers in

poor schools by 50 percent. And in return, teachers would agree to change their pay scale so that we could raise the top performers and those in math and science another 50 percent.

Miller, who used to work at the Office of Management and Budget, calculates that his plan would cost about \$30 billion a year. That would provide a 7 percent increase in the nation's K-through-12 spending.

I ask my colleagues: Why don't we invest \$30 billion for top teachers, and pay for it by closing abusive tax shelters?

And we need to help students to learn math and science. Companies are moving jobs offshore to China, India, and Eastern Europe not only because workers there work for less, but also because they are well educated in math and science.

Sadly, American high school students now perform below most of the world on international math and science tests. Most have little interest in pursuing scientific fields. Only 5.5 percent of the high school seniors who took the college entrance exam in 2002 planned to pursue an engineering degree. We have to do more to encourage students to love to learn math and science.

And we need to help students to learn geography and languages. Visit a primary school in a middle-sized Chinese city. Bright, enthusiastic children will greet you in English. Chinese schools are preparing students to compete in a multinational, multilingual world economy. The coming generation of Chinese businesspeople will do business around the world. Americans need to broaden our linguistic and geographic abilities, or Chinese businesspeople will cut the deals before us. As our former Colleague Bill Bradley said in 1988, "If we are going to lead the world, we have to know where it is."

And after school, almost 6 million latch-key children go without access to after-school learning opportunities. More than seven in ten mothers of children under 18 are in the workforce. America can no longer afford a school day based on 1950s family structures. Quality after-school programs can both keep children safe and improve academic achievement. We need to ensure that children have quality after-school programs.

Similarly, we continue to have a school year that reflects the harvest schedule of an agrarian economy that America long ago left behind. Long summer vacations mean reading levels drop and other learning is lost.

Schools like Des Moines's Downtown School point to another way. They have a six-week summer break. And that means less time to forget. Besides six weeks in the summer, students also have week-long breaks in October, February, and May.

Jan Drees, the principal of the Downtown School, says: "The research is becoming more and more clear that students retain more learning and need

less review with shorter summer breaks."

The Downtown school is popular, too. More than 800 children are on a waiting list to get into the school.

Iowa law requires schools to provide a minimum of 180 instructional days a year. But the Downtown School teaches students for 192 days a year. They are getting more learning in, every year. For Americans to stay smarter, students should spend more of the school year in school.

China's increasing competitive strength is also fueled by its growing population of college graduates. Last year, nearly 3 million Chinese entered the workforce from 3- and 4-year colleges and graduate programs. This is one-third more than the year before, and double the year before that.

America's college system is the finest in the world. And the work of the 21st century increasing demands good college education. But rising college costs increasingly bar Americans from getting the college education for which they are qualified.

We must make college affordable for all. We need to ensure that young Americans are not discouraged from obtaining post-secondary education because of costs. Tuition costs have risen considerably in recent years. And federal assistance programs have not kept pace.

Pell Grants help to make college education affordable for 5 million students, a third of American undergraduates. But students receive grants averaging just \$2,500 a year, while the average annual cost of tuition at a public college in-state averages more than \$9,000 a year, and private college averages more than \$23,000 a year. The most that a student can get in Pell Grants is \$4,050 a year. Expanding Pell Grants would increase the ability of low-income young Americans to prepare for the 21st century.

As well, we should improve, consolidate, and expand the government's education tax incentives to make them more effective. We could expand and extend the deduction for tuition expenses. We could expand the Hope and Lifetime Learning credits. We could craft targeted incentives for students pursuing science and engineering careers. We could do more to make it possible for non-traditional students to obtain an education. There are many good options.

As with elementary school students, we need to help encourage college students to learn the subjects needed in the 21st century.

In 1975, America ranked third in the world in the share of 24-year-olds who held a science or engineering degree. By 2000, we had slipped to 15th. By 2004, we were 17th. And in the future, the Department of Labor projects that new jobs requiring science, engineering, and technical training will increase four times faster than the average national job growth rate.

Last year, China produced 220,000 new engineers, while America educated just

60,000. And America trains only half as many engineers as Japan and Europe.

In a recent report, McKinsey Global Institute found that there are already twice as many young university-trained professionals in low-wage countries as in high-wage countries. China has twice as many young engineers as America.

Engineers play a critical role in the development of new jobs and new industries. We should increase scholarships and loan forgiveness for engineering students to entice more people to love to learn engineering.

At that Shanghai factory, American and Japanese research and development stand behind many of the products being built. But ask the American or Japanese company their plans, and they will tell you that they plan to move R&D work closer to the plant, there in China. And Shanghai's government hopes to lure more R&D to town. Chinese business understands that innovation is the source of American value-added. And they want part of that action, too.

Clive Cookson reported in the Financial Times about a bioscience park outside Beijing. A firm there called CapitalBio is emerging as a world leader in the new technology of biochips. Biochips are cutting-edge devices that combine biotechnology and electronics for biological testing and medical diagnostics. The 4-year-old company is already selling instruments to American drug companies.

Last month, CapitalBio entered into a partnership with Affymetrix in California, the world's largest biochip producer. CapitalBio's chief executive said: "Affymetrix had never imagined that there was such a big research effort in biochips in China, working to such a high standard."

Dozens of similar examples exist. Already, several Asian countries boast of such science and technology centers. They are following in Japan's wake as world-class centers for research and development.

Asia's R&D investment and scientific output have both surged rapidly. Between 1998 and 2003, China's research and development spending roughly tripled.

You can judge a scientific paper's effect by how often other researchers cite it. The number of frequently-cited Chinese research papers has risen from just 21 in 1994 to 223 in 2003. And China's contribution to the world's scientific journals has increased from less than half a percent in 1981 to more than 5 percent in 2003.

And Chinese researchers will do research for less cost. Newly-graduated researchers in China generally earn about a quarter of what Americans do. For more senior staff, salaries are usually at least half American salaries. And in exceptional cases, they can sometimes exceed ours.

Chinese scientists who have returned after studying and working in the west are playing an important role. In Beijing, CapitalBio's CEO said that he



“made a special effort at the beginning to attract [Chinese expatriates] from abroad, with salary and stock options. We offered at least to match the salaries that senior scientists were receiving; the highest we offered was \$120,000 a year,” he said.

So far, Asia has been able to make a global mark only in a few new areas of the life sciences where western expertise is not entrenched. Stem cell technology is an example. South Korea, China, Singapore, and India are racing ahead on stem cell research. Those countries accept human embryo research in a way that the American government has not.

But America still has an advantage in innovation. And America also benefits from a risk-taking entrepreneurial culture. You can see it in the venture capital that funds companies spun out of American research laboratories or universities. America's capital markets remain the envy of the world.

We can help to maintain that edge in innovation by supporting research. American universities and research institutes do much of the most innovative research in the world.

But over the last 20 years, Federal research funding in the physical sciences and engineering has declined by nearly a third as a share of the economy.

We should reverse this trend and increase Federal spending on basic research. The money we spend will come back to us many times over in the creation of new jobs in new industries making products yet to be invented.

We should support the National Science Foundation. The NSF funds research and education in science and engineering through a variety of successful programs. It accounts for a fifth of all Federal support to academic institutions for basic research, a crucial engine of innovation.

NSF funds have helped discover new technologies that have led to multi-billion dollar industries and millions of new jobs. NSF-funded work in the basic sciences and engineering made possible fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

Each year, the NSF helps fund over 200,000 students, teachers, and researchers. Many of them take their NSF-supported work into industry. They found start-up companies selling new products and new technologies.

In addition, we should make it easier—consistent with the requirements of national security—for foreign students to study in America. America has traditionally poached many of the best and brightest students from around the globe. Well over a third of American science and engineering doctorate holders were born abroad.

Since 9/11, however, many students are having a difficult time getting visas to study in America. In 2004, foreign applications to American graduate schools declined by 28 percent. Enrollments of foreign students at all lev-

els of college declined for the first time in 30 years.

Foreign students are increasingly studying in Europe and elsewhere. That is a terrible loss. It will affect our economic health in the long-term. We need to do a better job balancing security and economic health.

America must not compromise on its security needs in hosting foreign businesspeople or foreign students. But there must be ways to streamline visa procedures and otherwise lighten the burden. We need to make it easier for foreigners to study and conduct business in America.

We should support community colleges, and strengthen the link between them and the workforce. That will allow schools to develop training programs relevant to jobs in the real world. That is a primary goal of the Enzi-Baucus Higher Education Access, Affordability and Opportunity Act.

And when American jobs are lost to trade, we need to retrain people and help them to get back into the workforce. The philosopher and educator John Dewey said, “Education is not preparation for life; education is life itself.” We can no longer afford to think of education as something just for the young.

We need to help displaced workers to receive the retraining that they need to succeed in a changing economy. Jobs will change. We should help workers to get the educational tools to change with those jobs.

That is why I joined with Senators WYDEN and COLEMAN to introduce legislation to expand Trade Adjustment Assistance to service workers who lose their jobs because of trade. TAA is a vital means of helping displaced workers get the education to change careers and stay productive.

When Plato envisioned the ideal society in his work *The Laws*, he wrote of the importance of education, through the course of life. He wrote:

[N]owhere should education be dishonored, as it is first among the noblest things for the best men. If it ever goes astray, and if it is possible to set it right, everyone ought always to do so as much as he can, throughout the whole of life.

And so, through advancing education, America can compete with that factory in Shanghai. Through advancing education, America can respond to competition, without erecting harmful barriers to trade. And through advancing education, America can respond to a growing China, without forcing confrontation with China.

University of California economist Brad DeLong wrote of the choice that we face in how we address the challenge of China. He wrote:

A world 60 years from now in which Chinese schoolchildren are taught that the U.S. did what it could to speed their economic growth is a much safer world for my great-grandchildren than a world in which Chinese schoolchildren are taught that the U.S. did all it could to keep China poor.

Through advancing education, America can seek that safer world.

But perhaps most importantly, America should seek to advance education not just to preserve our economy, but also to preserve our freedom.

As Senator Daniel Webster said in a speech in 1837, “On the diffusion of education among the people rest the preservation and perpetuation of our free institutions.”

As Thomas Jefferson wrote in 1816, “If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.”

And as the Phrygian philosopher Epictetus said, “Only the educated are free.”

And so, let us advance education to preserve our economic power.

Let us advance education to win the race for economic leadership.

And most importantly, let us advance education to help preserve our American democracy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the Senator from Arkansas allowing me to either call up or offer three specific amendments.

AMENDMENT NO. 1048

Mr. KYL. Mr. President, I call up, on behalf of Senator SMITH, amendment No. 1048.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. SMITH, proposes an amendment numbered 1048.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to report to Congress on the rehabilitation of the Biscuit Fire area of southern Oregon)

**SEC.—, BISCUIT FIRE RECOVERY PROJECT, REPORT.**

(a) Within 90 days of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the rehabilitation of the Biscuit Fire area in southern Oregon, including:

(1) the change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision;

(2) the commercial value lost, as well as recovered, of fire-killed timber within the Biscuit Fire area; and

(3) all actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

AMENDMENT NO. 1049

Mr. KYL. Mr. President, I call up, on my behalf, amendment No. 1049.

The PRESIDING OFFICER. Without objection, the last amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1049.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide certain earmarks for State and tribal assistance grant funds)

On page 195, line 9, after the semicolon, insert the following: “\$500,000 shall be for debt retirement for the State Water Pollution Control Revolving Fund for the wastewater treatment plant in Safford, Arizona; \$3,000,000 shall be for the expansion of the wastewater treatment plant in Lake Havasu City, Arizona; \$1,000,000 shall be for the expansion of the wastewater treatment plant in Avondale, Arizona;”.

#### AMENDMENT NO. 1050

Mr. KYL. Mr. President, I ask that the pending amendment be laid aside, and I call up amendment No. 1050.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1050.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds)

On page 254, after line 25, add the following:

SEC. 4. Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and  
(2) by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this subsection:

“(1) NEEDS SURVEY.—The term ‘needs survey’ means a need survey under section 516(2).

“(2) NEEDS SURVEY PERCENTAGE.—The term ‘needs survey percentage’, with respect to a State, means the percentage applicable to the State under a formula for the allotment of funds made available to carry out this section for a fiscal year to States in amounts determined by the Administrator, based on the ratio that—

“(A) the needs of a State described in categories I through VII of the most recent needs survey; bears to

“(B) the needs of all States described in categories I through VII of the most recent needs survey.

“(3) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia; and

“(C) the Commonwealth of Puerto Rico.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Funds made available to carry out this section for a fiscal year shall be allocated by the Administrator in accordance with this subsection.

“(2) INDIAN TRIBES.—Of the total amount of funds available for a fiscal year, the Administrator shall reserve, before making allotments to States under paragraph (4), not less than 1.5 percent of the funds to be allocated to Indian tribes (within the meaning of section 518(c)).

“(3) CERTAIN TERRITORIES AND FREELY ASSOCIATED STATES.—Of the total amount of funds made available for a fiscal year, 0.25 percent shall be allocated to and among, as determined by the Administrator—

“(A) Guam;

“(B) American Samoa;

“(C) the Commonwealth of the Northern Mariana Islands;

“(D) the Federated States of Micronesia;

“(E) the Republic of the Marshall Islands;

“(F) the Republic of Palau; and

“(G) the United States Virgin Islands.

“(4) STATES.—

“(A) TARGET ALLOCATION.—Each State shall have a target allocation for a fiscal year, which—

“(i) in the case of a State for which the needs survey percentage is less than 1.0 percent, shall be 1.0 percent; and

“(ii) in the case of any other State, shall be the most recent needs survey percentage.

“(B) UNALLOCATED BALANCE.—Any unallocated balance of available funds shall be allocated in equal parts to all States that, in the most recent needs survey, report higher total needs both in absolute dollar terms and as a percentage of total United States needs.”.

#### AMENDMENT NO. 1051

Mr. KYL. Mr. President, on behalf of Senator INHOFE, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for Mr. INHOFE, proposes an amendment numbered 1051.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage competition in assistance agreements awarded by the Environmental Protection Agency)

On page 200, after line 2, add the following:

SEC. .

None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to award assistance agreements to national organizations that represent the interests of State, tribal, and local governments unless the award is subject to open competition.

Mr. KYL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today to thank the chairman, Senator CONRAD BURNS, and the ranking member, Senator BYRON DORGAN, of the Appropriations Subcommittee on the Interior for their support of a project that is most important to me: the National Park Service’s Little Rock Central High School Museum and Visitors Center.

Due to Senator BURNS’ and Senator DORGAN’s ongoing efforts, the new Little Rock Central High Museum and Visitors Center is back on track to be built for the 50th anniversary of the 1957–1958 Little Rock desegregation crisis. I thank the subcommittee staff, Bruce Evans and Peter Kieffhaber, for their help as well in making this project a reality.

This is important because in September of 2007, it is anticipated that we will have a very large 50th anniversary commemoration and celebration of the Little Rock Central High School desegregation crisis. Hopefully, one of the things that we will have there to show-

case is a brand new visitors center that will allow people to learn about not only Little Rock Central High and the role it played in integration, but also learn about the civil rights movement in general.

I remind my colleagues and others listening about the events that took place at Little Rock Central High almost 50 years ago.

Little Rock Central High School was a place in 1957 where nine Black teenagers integrated the all-White Central High in Little Rock, testing the Brown v. Board of Education Supreme Court decision that ultimately ended legal segregation in our schools in this Nation.

To its credit, the Little Rock School Board took Brown v. Board of Education seriously. When the Supreme Court said “all deliberate speed,” they took that literally. They looked at their calendars and thought: That decision came out in 1954. They probably thought they could not get it done in 1955, probably not in 1956, but in the fall of 1957, they made the determination that they could have the high school in Little Rock ready to integrate.

As these nine teenagers attempted to enter the doors of Central High School, they were confronted with an angry, rampaging mob. President Eisenhower was forced to order Federal troops to Little Rock to end the brutal intimidation campaign mounted against the Black children and to uphold the Brown decision.

The Little Rock Nine—Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair, and Melba Pattillo Beals—changed the course of American history by claiming the right to receive an equal education.

I must not let the moment pass without mentioning the amazing courage exhibited by Daisy Bates of Little Rock who was a civil rights leader and, by all accounts, was a key person in making equal education a reality in Arkansas and also in the Nation.

Little Rock Central High School Museum and Visitors Center will provide America with an understanding of the events of 1957 and 1958, the broader civil rights movement, and how the bravery of the Little Rock Nine still influences life in the 21st century. It will teach our youth that nine young high school students proved that all men are created equal and that the rule of law is paramount in the democracy of the United States. It will remind the world that children all over America have the right to learn because of the courage and the sacrifice of the Little Rock Nine.

We have been racing against time to secure the funds to build the center in time for the 50th anniversary of the crisis. On June 9 of this year, I had the privilege of having a conference call with eight of the nine. By the way, all

nine are still living. I had the privilege of having a conference call with eight of the nine and reporting news that Senator BURNS and Senator DORGAN had provided the crucial \$5.1 million for the Central High center in this year's bill.

The joy expressed by the Little Rock Nine made me once again reflect on their acts of courage and heroism. Their gratitude made me reflect on their continuing self-sacrifice and the importance of our—the Senate's—support to share their story with our current generation and generations to follow.

In the words of Minnijean Brown Trickey, the funds in this bill are "an affirmation of a very beautiful and tragic story."

Carlotta Walls LaNier said:

With this museum, visitors will remember the events of 1957, but more importantly understand the difference individuals can make in promoting equal rights and tolerance.

On behalf of Little Rock Nine, the Arkansas delegation, and the Nation, I express my deepest gratitude for the support of Little Rock Central High School Museum and Visitors Center. I thank my colleagues for ensuring that these extraordinary achievements are recorded and shared for a better America.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, while the Senator from Arkansas is on the floor, I want to mention to him how pleased I was to play a very small role in getting funding for this and give him a little background of why I have had a special interest in this.

One of the more inspirational things I ever attended was in the East Room at the White House, perhaps some 5 years ago, an event at which President Clinton had invited the Little Rock Nine. There they sat, these nine people, on a riser in the East Room of the White House as part of a celebration of the 45th anniversary of when those then-nine young children marched into the Little Rock school and integrated the Little Rock school.

That integration was ordered by Judge Ronald Davies of North Dakota. He was a Federal judge who was from the Fargo Federal district in North Dakota who traveled to Little Rock, AR, and issued the landmark ruling that resulted in the integration of that school.

I was privileged to name a courthouse, in legislation, after Judge Ronald Davies about 5 years ago because I wanted North Dakotans to long remember this man. He was a short fellow, 5 foot 2, perhaps. He strutted around with great flair, but was a remarkable Federal judge by all accounts and issued a courageous decision. He was, in fact, required to have security because of threats on his life when he issued the landmark civil rights decision that required the integration of that school.

With respect to the story, I want to read a couple paragraphs from Prairie

Public Television in North Dakota. They did an interview with the judge's family. It talked about when Judge Davis and Governor Faubus were deadlocked and the nine students were still not in school. There was an injunction that had been ordered.

On September 20th, Davies ruled that Faubus used the National Guard to prevent integration, not to prevent violence, and the governor was forced to withdraw the troops. The situation was now in the hands of the Little Rock Police Department.

There was a mob of a thousand people outside Central High School when those young students were ushered in. Everyone will recall the Norman Rockwell portrait of a young Black schoolgirl in pigtails and knee socks holding the hand of a U.S. Marshal walking into the Little Rock public school.

The crowd learned the students were inside, and out of fear for their safety, the police then evacuated them. President Eisenhower issued a special proclamation that evening, calling for opponents of integration to "cease and desist."

... The next morning, Little Rock's mayor sent the president a telegram asking him to send troops to maintain order.

President Eisenhower sent 10,000 Arkansas National Guard and 1,000 members of the 101st Airborne. Those young students the next day, under heavy guard with substantial military around the city, entered Little Rock Central High School.

I tell my colleague that only to say that Judge Ronald Davies, this Federal judge from North Dakota, played a very pivotal role in making that day happen with his ruling and paid quite a price for it at the time, with threats on his life and anger about what he had done.

But 45 years after that Little Rock day, sitting in that room with now middle-aged African Americans, to understand the courage it must have taken not just for them, especially them, but their parents, that they forced this issue, not just on behalf of these students but on behalf of all in this country who were similarly situated and similarly mistreated. I could not feel more strongly and feel more inspired about what this center will mean to those nine, to both Senators from Arkansas, but also to the relatives of Judge Davies and so many others who had a role in making this event happen that has literally changed the lives of a good many Americans.

I heard the Senator speak and wanted to acknowledge his appreciation and say that we are the ones really who appreciate the opportunity to do this.

Mr. PRYOR. I thank the Senator. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1052

Mr. BYRD. Mr. President, our country is now involved in two wars—not one, two wars; one in Afghanistan and the other in Iraq. Each day we read in the newspapers about the human toll this nation is paying. As of today, 1,730

troops, men and women, have been killed in Iraq; 194 have been killed in Afghanistan and elsewhere. The toll of these wars is also borne by those men and women who carry the scars of battle.

In Iraq, more than 13,000 troops have been wounded. In Afghanistan, 476 troops have shed their blood in service to our country. The American people thank these servicemembers for their sacrifice. However, late last week, Congress learned that the Department of Veterans Affairs has been shortchanged in its mission to provide medical care to these warriors and all of the other men and women who have served in time of war before them.

Now, this is a shame. This is a sham. If our Nation owes just one thing to all of those men and women who have risked their lives in answer to our country's call, it surely must be, in the words of Abraham Lincoln, "to care for him who shall have borne the battle."

It is a shock that the administration has only now revealed it has not budgeted the funds to fulfill this mission. I offer an amendment this afternoon on behalf of Senator PATTY MURRAY, myself, and Senator FEINSTEIN to provide \$1.42 billion in emergency funds to address the shortfall in health care funds for the Department of Veterans Affairs. Of this figure, \$600 million would be used to reimburse VA construction accounts that have been raided to pay for health care costs. Another \$400 million would be used to reimburse other accounts that have been raided for the same purpose.

Finally, an additional \$420 million is included to compensate each Veterans and Integrated Service Network, or VISN, for the additional expenses incurred because of the high caseload of wounded veterans. This \$1.42 billion is urgently needed and the Senate must not delay in providing the funds that are required to allow our veterans to see their physicians at the Department of Veterans Affairs.

Earlier this year, the Senate rejected on a nearly party-line vote an amendment to the Iraq supplemental appropriations bill to add funding to VA health care. The administration told Congress additional funds were not needed to care for our Nation's veterans. We now know this claim was wrong. According to the estimate provided to Congress by the Department of Veterans Affairs, VA funding is short \$1 billion this year. Congress must act to care for our veterans. When it comes to our veterans health care, half a loaf is not good enough.

Some may argue against this amendment by urging the Senate to wait for the administration's plan. However, according to VA testimony before the House of Representatives last week, the administration intends to respond to the shortfall on the cheap by robbing Peter to pay Paul. We have already waited too long for the administration to recognize the needs of our

veterans. The Murray-Byrd-Feinstein amendment is the Senate's opportunity to end this year's shortchanging of veterans.

I ask unanimous consent that the pending amendment be set aside so that I may send to the desk this amendment offered by me on behalf of Mrs. MURRAY, for herself, myself, and Mrs. FEINSTEIN.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for Mrs. MURRAY, for herself, Mr. BYRD, and Mrs. FEINSTEIN, proposes an amendment numbered 1052.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration)

On page 254, after line 25, add the following:

SEC. 429.(a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs \$1,420,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, of which \$420,000,000 shall be divided evenly between the Veterans Integrated Service Networks.

(b) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(c) This section shall take effect on the date of enactment of this Act.

#### AMENDMENT NO. 1053

(Purpose: To provide funds for the memorial to Martin Luther King, Jr.)

Mr. BYRD. Mr. President, the greatness of women and men is often best judged from an historical perspective. History gives us the detached perspective that allows us to better understand and appreciate the person, the cause, and the legacy.

This happens because great individuals often have been leaders who challenged the status quo as they pushed the country into areas where it had feared to go. As a result, such leaders often arouse criticism and opposition.

The Reverend Dr. Martin Luther King certainly was a controversial figure in his own time.

Black power advocates attacked him for moving too slowly, while more than one presidential administration attacked him for moving too swiftly.

The NAACP criticized his take-to-the-streets tactics.

Civil rights leaders broke with Dr. King because of his opposition to the Vietnam War.

I certainly had my share of differences with Reverend King—a lot of them. We were both products of our times, and both of us were doing what we believed was right.

But time and the march of history afford a better understanding of Dr. King and his contributions toward making

the United States a better, stronger, and greater Nation.

It is for this reason, I am proposing that \$10 million in funding be made available for the memorial to Dr. Martin Luther King, Jr. This \$10 million, which is available within the subcommittee's allocation, would supplement the approximately \$42 million that has already been raised and stands as a solid foundation to help make this memorial a reality.

I have come to appreciate how Martin Luther King, Jr., sought to help our Nation overcome racial barriers, bigotry, hatred, and injustice, and how he helped to inspire and guide a most important, most powerful, and most transforming social movement.

Despite the hatred and the bigotry he encountered in his efforts, Dr. King never allowed his movement to be reduced to a simple racial conflict. He stressed on more than one occasion, that the struggle was not one between people of different colors. Rather, Dr. King believed that his fight was a fight "between justice and injustice, between the forces of light and the forces of darkness."

His vision and his movement included all Americans. I remind my colleagues, and all Americans, that when Martin Luther King stood on the steps of the Lincoln Memorial and proclaimed that he had "a dream," he pointed out that he also looked forward to the time "when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands."

I remind my colleagues that Dr. King's efforts also focused on the economic rights of economically deprived people of all races and creeds, as well as on the civil rights of African Americans. In this quest, he proposed a Bill of Rights for the Disadvantaged. He advocated a guaranteed national income. At the time of his death, Dr. King was organizing a "Poor Peoples March" on Washington, an effort meant to focus national attention on poverty among not only African-Americans, but among the poor whites of Appalachia, as well.

Dr. King's vision was not only about what America could be, but what America should be.

With the passage of time, we have come to learn that his dream was the American dream, and few ever expressed it more eloquently.

Dr. King touched the conscience of a Nation, and forced us, as a country, to confront our contradictions. How could the United States present itself as the leader of the free world, he asked, while denying equality and equal opportunity to a large segment of our own people? In his book, "Where Do We Go from Here," Dr. King asked why 40 million Americans were living in poverty in "a nation overflowing with unbelievable affluence." Writing of the destructive effects of militarism, he asked: "Why [has] our nation placed itself in the position of being God's military agent on earth?" "Why have we substituted the arrogant under-

taking of policing the whole world for the high task of putting our own "house in order?"

With his works as well as his words, Dr. King left us a legacy that inspires and guides millions of Americans today. It is a legacy that demonstrates that human problems, no matter how big or complex, can be addressed—a legacy that proves that one determined person can help make a difference.

Amid all his successes and triumphs, and all of his personal accomplishments, including receiving the Noble Peace Prize, Dr. King always kept his perspective. The night before he was assassinated, he explained: "I just want to do God's will." What a powerful statement this was: "I just wanted to do God's will." What an inspiration it should be to all of us: "To do God's will."

Criticized, denounced, and opposed in his own time, Martin Luther King has become not only an American icon, but also an international symbol of social justice, and one of recent history's most beloved champions of freedom.

Mr. President, we have named a National Holiday in his honor. It is just and proper that we now place a memorial on The Mall of the Nation's Capital as a visible and tangible symbol of the thanks of a grateful nation. Martin Luther King taught us tolerance. How we need such teachings today. May his life, his legacy, and someday soon, his memorial ever remind us of his vision.

I am about to offer an amendment, and Senator COCHRAN, the illustrious chairman of the Appropriations Committee in the Senate, is the principal cosponsor of the amendment that I will offer, so it is bipartisan. I thank Senator COCHRAN, and I hope that many other Senators will join us in this effort to honor Dr. King.

Mr. President, I ask unanimous consent that the pending amendment or amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That I may offer this amendment on behalf of myself and Senator COCHRAN. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. COCHRAN, proposes an amendment numbered 1053:

On page 189, after line 20, add the following:

SEC. 128. (a) For necessary expenses for the Memorial to Martin Luther King, Jr., there is hereby made available to the Secretary of the Interior \$10,000,000, to remain available until expended, for activities authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333).

(b) Section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333) is amended by striking the second sentence.

(c) Notwithstanding any other provision of this Act, the amount reduced in Title I in

the second proviso under the heading Departmental Management, Salaries and Expenses, is further reduced by \$10,000,000.

Mr. BYRD. Mr. President, I thank the Chair. I thank the clerk, and I thank our distinguished chairman of the Senate Appropriations Committee, Senator COCHRAN.

Now I ask unanimous consent that Senator KERRY be added as a cosponsor on the veterans amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor. I thank all Senators.

AMENDMENTS NOS. 1054, 1055, 1056, 1057, AND 1058,  
EN BLOC

Mr. DORGAN. Mr. President, let me send the amendments to the desk. I have five amendments that I submit on behalf of Senator BINGAMAN. Let me ask first that the pending amendment be set aside by consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me by consent submit five amendments and ask that they be numbered separately and separately considered on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1054, 1055, 1056, 1057, and 1058.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1054

(Purpose: To set aside additional amounts for Youth Conservation Corps projects)

On page 130, line 2, strike "\$1,000,000" and insert "\$1,250,000".

On page 138, line 7, strike "\$2,000,000" and insert "\$2,500,000".

On page 146, line 19, strike "\$1,937,000" and insert "\$2,500,000".

On page 211, line 25, strike "\$2,000,000" and insert "\$2,500,000".

AMENDMENT NO. 1055

(Purpose: To provide for the consideration of the effect of competitive sourcing on wildland fire management activities)

On page 250, between lines 23 and 24, insert the following:

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration and document the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

AMENDMENT NO. 1056

(Purpose: To strike the title providing for the disposition of Forest Service land and the realignment of Forest Service facilities)

Beginning on page 255, strike line 1 and that follows through page 263, line 22.

AMENDMENT NO. 1057

(Purpose: To extend the Forest Service conveyances pilot program)

Beginning on page 255, strike line 1 and that follows through page 263, line 22, and insert the following:

SEC. 4 \_\_\_\_\_. Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "40 sites" and inserting "60 sites";

(2) in subsection (c), by striking "13 sites" and inserting "25 sites"; and

(3) in subsection (d), by striking "2008" and inserting "2009".

AMENDMENT NO. 1058

(Purpose: To provide a substitute for title V)

(The amendment is printed in today's RECORD, under "Text of Amendments.")

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1059

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2361 amendment No. 1059.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1059.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To facilitate family travel to Cuba in humanitarian circumstances)

SEC.—. FAMILY TRAVEL TO CUBA IN HUMANITARIAN CIRCUMSTANCES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall issue a general license for travel to, from, or within Cuba to any person subject to the jurisdiction of the United States (and any member of the person's immediate family) for the purpose of visiting a member of the person's immediate family for humanitarian reasons.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF THE PERSON'S IMMEDIATE FAMILY.—The term "member of the person's immediate family" means—

(A) the person's spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law; or

(B) the spouse, widow, or widower of any relative described in subparagraph (A).

(2) HUMANITARIAN REASONS.—The term "humanitarian reasons" means—

(A) to visit or care for a member of the person's immediate family who is seriously ill, injured, or dying;

(B) to make funeral or burial arrangements for a member of the person's immediate family;

(C) to attend religious services related to a funeral or a burial of, a member of the person's immediate family.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1060

Mr. DORGAN. I offer an amendment on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Ms. LANDRIEU, proposes an amendment numbered 1060.

Mr. DORGAN. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 147, line 25 strike \$72,500,000 and insert \$67,000,000.

Page 148, line 1 after 2007, insert "of which \$3,500,000 is for Historically Black Colleges and Universities."

Page 172 line 4 strike \$10,000,000 and insert \$13,500,000.

Mr. DORGAN. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1061 AND 1062, EN BLOC

Mr. DORGAN. I send to the desk two amendments I offer on behalf of Senator OBAMA and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. OBAMA, proposes amendments numbered 1061 and 1062, en bloc.

Mr. DORGAN. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1061

At the appropriate place insert:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used in contravention of 15 U.S.C. § 2682(c)(3) or to delay the implementation of that section.

AMENDMENT NO. 1062

At the appropriate place insert:

Provided, That of the funds made available under the heading "Environmental Programs and Management," not less than \$100,000 shall be made available to issue the proposed rule required under 15 U.S.C. § 2682(c)(3) by November 1, 2005, and promulgate the final rule

required under 15 U.S.C. 2682(c)(3) by September 30, 2006.

AMENDMENTS NOS. 1033, 1024, 1028, 1035, 1041, EN BLOC

Mr. BURNS. Mr. President, we have some amendments we can accept. I ask unanimous consent that the amendment offered by Mr. ENSIGN, 1033; Mrs. FEINSTEIN, 1024; the majority leader, Mr. FRIST, 1028; Mr. WYDEN, 1035; and Mr. CRAIG's amendment numbered 1041 be called up, and I ask unanimous consent they be agreed to en bloc.

Mr. DORGAN. The amendments have been cleared on both sides. I support their approval.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 1033

(Purpose: To prohibit the use of funds for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

#### AMENDMENT NO. 1024

(Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3; Public Law 108-7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.”.

#### AMENDMENT NO. 1028

(Purpose: To reinstate a provision relating to National Parks with deed restrictions)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)(i)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “or section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a))”.

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2004.

#### AMENDMENT NO. 1035

(Purpose: To extend the authority for watershed restoration and enhancement agreements)

On page 254, after line 25, add the following:

SEC. 4 \_\_\_\_\_. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking “fiscal year 1999” and all that follows through “2005” and inserting “for each of fiscal years 2006 through 2015”.

#### AMENDMENT NO. 1041

(Purpose: To withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the following: “Provided further, That, subject to

valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.”.

Mr. GREGG. Mr. President, the pending Department of Interior and Related Agencies Appropriations Bill fiscal year 2006, H.R. 2361, as reported by the Senate Committee on Appropriations provides \$26.261 billion in budget authority and \$27.421 billion in outlays in fiscal year 2006 for the Department of Interior and related agencies. Of these totals, \$54 million in budget authority and \$60 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of \$26.207 billion. This amount is \$532 million more than the President's request, equal to the 302(b) allocations adopted by the Senate, \$100 million more than the House-passed bill, and \$553 million less than fiscal year 2005 enacted levels.

Mr. President, I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

#### HR 2361, 2006 INTERIOR APPROPRIATIONS

#### SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, \$ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority .....	26,207	54	26,261
Outlays .....	27,361	60	27,421
Senate 302(b) allocation:			
Budget authority .....	26,207	[54]*	26,261
Outlays .....	27,373	[60]*	27,433
2005 Enacted:			
Budget authority .....	26,760	54	26,814
Outlays .....	26,788	55	26,843
President's request:			
Budget authority .....	26,675	54	25,729
Outlays .....	27,414	60	27,474
House-passed bill:			
Budget authority .....	26,107	54	26,161
Outlays .....	27,489	60	27,549
Senate-Reported Bill Compared to:			
Senate 302(b) allocation:			
Budget authority .....	0	0	0
Outlays .....	-12	0	-12
2005 Enacted:			
Budget authority .....	-553	0	-553
Outlays .....	573	5	578
President's request:			
Budget authority .....	532	0	532
Outlays .....	-53	0	-53
House-passed bill:			
Budget authority .....	100	0	100
Outlays .....	-128	0	-128

\* Initial 302(b) allocation report for 2006 omitted subcommittee allocations for mandatory spending. These baseline spending levels for appropriated mandatory accounts reflect anticipated mandatory suballocations in next report. NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.



Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

TRIBUTE TO U.S. ARMY STAFF SERGEANT  
HAROLD "GEORGE" BENNETT

Mrs. LINCOLN. Mr. President, I rise today to honor the memory of U.S. Army SSG Harold "George" Bennett. In the jungles of Vietnam, this young Arkansan displayed courage and honor while serving his Nation in uniform. Tragically, almost 40 years to the day, on or about June 26, 1965, he became the first American prisoner of war executed by the Viet Cong.

George Bennett was born on October 16, 1940, in Perryville, AR, a small town that rests just northwest of Little Rock in the foothills of the Ozarks. His father, Gordon, was a veteran of World War I, and he instilled in his sons the values and rewards of service to country. All 4 would follow his footsteps into the U.S. Army.

SGT George Bennett was trained in the Army as an airborne infantryman and served with the famed 82nd and 101st Airborne Divisions, made up of some of the finest soldiers in the world. He earned his Master Parachute Wings and Expert Infantry Badge before volunteering in 1964 for service in what was a relatively unknown area of southeast Asia called Vietnam. While deployed, Sergeant Bennett served as an infantry advisor to the 33rd Ranger Battalion, one of South Vietnam's best trained and toughest units. On December 29, 1964, they were airlifted to the village of Binh Gia after it had been overrun by a division of Viet Cong. Immediately upon landing, Sergeant Bennett's unit was confronted by a well-dug-in regiment of enemy forces and despite fighting furiously and courageously throughout the afternoon, their unit was decimated and overrun. Sergeant Bennett and his radio operator, PFC Charles Crafts, fell into the hands of the Viet Cong.

Before being captured, Sergeant Bennett twice called off American heli-

copter pilots who were attempting to navigate through the combat zone to rescue him and his radioman. Displaying a remarkably calm demeanor, his focus seemed to be on their safety and not his own. His last words to his would-be rescuers were, "Well, they are here now. My little people," his term for the South Vietnamese soldiers under his command, "are laying down their weapons and they want me to turn off my radio. Thanks a lot for your help and God Bless you."

As a prisoner of war, the only thing more remarkable than the courageous resistance he displayed throughout his captivity was his steadfast devotion to duty, honor, and country. His faith in God and the trust of his fellow prisoners was unshakable. Sadly, the only way his captors could break his spirit of resistance was to execute him and today Sergeant Bennett lies in an unmarked grave known only to God, somewhere in the jungles of Vietnam.

Recent efforts by a group of Vietnam veterans will ensure that Sergeant Bennett's valiant service will not be forgotten. Over the years, they have worked tirelessly on behalf of the Bennett family to secure the valor awards that should have been presented to Sergeant Bennett's mother, Pauline, in 1965. I am proud of all they have accomplished and have pledged my support to this effort. Most recently, their work helped lead to Sergeant Bennett's posthumous induction into the U.S. Army Ranger Hall of Fame at Fort Benning, GA, on July 8, 2004. Sergeant Bennett's brother Dicky, and his sisters, Eloise Wallace, Laura Sue Vaught, and Peggy Williams were in attendance. I hope this long overdue moment of recognition provided some sense of solace for his family. Although he may no longer be with us, the example and selflessness of this brave young Arkansan will forever live on in our hearts.

The 40th anniversary of Sergeant Bennett's execution offers us an opportunity, not to remember the events of his death, but to reflect upon the life he led and the kind of person he was. He was a selfless young man who answered his Nation's call to service and placed duty and honor above all else. While a grateful nation could never adequately express their debt to men such as George Bennett, it should take every opportunity to honor them and their families for the sacrifice they have paid on our behalf.

I would also like to ask for unanimous consent to include in the record the citation from Sergeant Bennett's posthumous induction into the Ranger Hall of Fame and an article titled "Bad Day at Binh Gia," by retired Army COL Douglas E. Moore, that provides us additional insight into the heroic service of SGT George Bennett.

BAD DAY AT BINH GIA  
(By Col. Douglas E. Moore)

When friends or family visit for the first time, we usually take them to Washington to see the Vietnam Veterans Memorial. Al-

though I have been there many times, I am still impressed with the large crowds. Most are tourists with cameras at the ready; others appear to be more somber, perhaps because they served in Vietnam themselves or lost friends or family in the war. It troubles me to see fellow veterans there wearing all sorts of military attire from that era. Many of them have pain written across their faces, which makes me wonder what terrible burdens they carry after all these years.

For me, Vietnam is now a collection of mostly good memories. As a young medevac helicopter pilot, I had the opportunity to sharpen my flying skills to a level that was never matched again. I was blessed to be able to work with some of the finest people I have ever known, and my job was satisfying. During my tours in Vietnam and Japan, I evacuated more than 11,000 casualties in one of the best flying machines ever built, the Huey helicopter. It is gratifying to know that some patients lived because we were able to help.

The bad memories have mostly faded with time. In fact, there is only one event that I still think about, and it occurred more than 34 years ago. In late December 1964, we were rushing to join the crews of two helicopter gunships in an attempt to save an American advisor. Unfortunately, we failed.

Vietnam in 1964 was as different as night and day from the later years. Back then, it was still a Vietnamese war, and there were only about 20,000 Americans assigned to the various headquarters, advisory teams and a handful of aviation units scattered around the countryside.

Ours was strictly an advisory and support role and not one of direct combat. In fact, some of the senior officers still had their families in Saigon, and many Americans lived in hotels and other civilian buildings. The old-timers may recall a memo published by one headquarters stating its concern that some living areas were taking on the appearance of armed camps.

We operated on a shoestring. We did not have U.S. Air Force aircraft or U.S. Army artillery to prestrike the landing zones in support of our operations. The only firepower available was a few lightly armed helicopter gunships flown by a group of extraordinarily brave pilots. Needless to say, we left several of the landing zones littered with downed helicopters.

The communication systems were terrible. Since most medevac requests came by telephone and passed through several Vietnamese headquarters before reaching us, delays were common. On occasion, we would rush to a tiny village located a hundred miles away only to discover the casualties had been picked up a day or so earlier by a resupply aircraft making its weekly rounds.

All new pilots found it disconcerting that they could easily lose radio contact with other Americans during the longer flights. Weather permitting, the only alternative was to gain enough altitude to talk to our old standbys, Paris Control and Paddy Control, operated by the Air Force out of Saigon and Can Tho, respectively. Otherwise, we were completely on our own at times.

The character of the war was different, too. While there were a few major battles between the Viet Cong and South Vietnamese, most of the contact was on a small scale and ended quickly. It does not seem possible now, but the number of Americans killed in the war had not reached 200 until July 1964.

In late October, I was flying past Bien Hoa Air Base when several B-57 Canberra bombers suddenly broke through the clouds ahead of me. Several days later, I learned they had come from Clark Air Force Base in the Philippines to attack Viet Cong strongholds in the jungles north of Saigon.