CRAPO) was added as a cosponsor of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 792, supra.

S. 802

At the request of Mr. DOMENICI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 802, a bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 859

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 859, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 974

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 974, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 985

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 985, a bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 1002

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1002, supra.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1151

At the request of Mr. MCCAIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1151, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, to support the deployment of new climate change-related technologies, and ensure benefits to consumers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005–2006.

S. 1309

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1350

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1350, a bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services.

S. 1353

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1423

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1423, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representatives of those individuals killed as a result of the terrorist attacks of September 11, 2001.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Montana (Mr. BURNS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1520

At the request of Mrs. FEINSTEIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. OBAMA) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1520, a bill to prohibit human cloning.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 1623

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1623 proposed to S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

AMENDMENT NO. 1626

At the request of Mr. KOHL, the names of the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1626 proposed to S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1521. A bill to provide for teacher acculturation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am introducing the Teacher Acculturation Act of 2005 as a means to address an issue that impedes effective learning in our Nation's classrooms, and that is cultural incongruence. Such a lack of congruence exists in a wide range of situations, from rural and underserved communities in remote areas to well-populated urban centers, from my State of Hawaii to areas on the Eastern seaboard. The dynamic I am describing exists along lines of race and ethnicity, socioeconomic strata, age, and many other vectors, which can muddy the stuff of learning that needs to be transmitted between students aiming to learn and teachers seeking to teach.

As many of my colleagues and I have said many times, our children are our future. Furthermore, our great Nation is dependent on the success of our educational system and what it is delivering to our children. An essential part of our educational system is a highly qualified teacher with knowledge of the subject area, and the ability to teach that subject to students. This is the most important factor in the academic success of the student. My bill will address one attribute of that success: the ability of the teacher to present the lesson in a way that students are ready to learn it.

I started my professional life as a teacher, so improvement of the field of education is never far from my thoughts. Even after all of my teacher training, I remember walking into a classroom and thinking, ''What do I do now?'' and, ''Will I be able to connect with my students?'' I have never forgotten those thoughts. Through my bill, I hope to work to help teachers answer these and similar questions, particularly for those teachers who are placed in States that are new to them, or in parts of their home States with which they have little or no familiarity. In my State of Hawaii, according to an article published Monday in the Honolulu Advertiser, Hawaii's 258 public schools need 1,400 to 1,600 new teachers every year to replace those who retire or leave the system, particularly in the areas of special education, speech pathology, autism, and hearing impairment. However, only about 500 Hawaii teachers are graduating and earning their licenses every year from both public and private colleges, and many of them are being drawn away from the State to schools on the mainland. Recruiting trips by the Hawaii Department of Education are seeking hires in cities such as New York, Chicago, Los Angeles, and San Francisco. I would like to help to ensure the success of these and other teachers in similar situations across the country, to help smooth their adjustment to their new homes, and thus, make a fluid transition to their new classrooms.

The Teacher Acculturation Act seeks to address cultural incongruence between the teacher and the student population in the classroom. To be successful, the teacher must be prepared to teach in a way that students are ready to learn. And with a increasingly diverse student population, that becomes harder and harder as time goes by. To achieve these ends, the bill proposes programs in three parts.

The first two parts recognize the success of ongoing and sustained professional development to affect positive change in teaching pedagogy. The bill authorizes demonstration programs that aim to assist teachers in learning, developing, and implementing pedagogies that help all students learn. I have modeled the programs on the Lesson Study theory of change, which is a model that uses a cohort of professionals for lesson development, presentation of the developed lesson by a member of the cohort to a class, observation of the presentation by other members of the cohort, and post-presentation analysis and reflection by the entire cohort, along with coaches, mentors, and supervising practitioners. A group of teachers working together to improve their pedagogy has been shown to be very effective, and this model is becoming more popular at every level in teacher education and professional development, from classroom work in colleges of education, to cohort work by candidates for National Board Certification—the highest performance achievement available to a teacher in the United States.

The first demonstration program would take place during the time the prospective teacher is in a college or school of education, and introduces a multicultural awareness component into the pre-service teaching activities. In this program, prospective teachers would work with members of the community, trained academics, and practicing teachers to learn about cultural characteristics of the student population, to develop pedagogies and curriculum to fit those cultures, and to study how to deliver the new lessons in a culturally relevant style. Prospective teachers would then deliver these lessons to the students in a real classroom setting while student teaching. Post-teaching analysis, reflection, and discussion would then allow the student teacher to analyze and reflect upon the performance.

The second demonstration program is structured similarly to the first program, but conducts a professional development activity during the time the teacher is new to the profession—generally the first three years—recognizing that many teachers develop teaching styles in these initial years that they may use for the duration of their teaching careers. Through this program, a cohort of teachers would undertake a year-long program, which includes two summers, under the direction of a coach trained in multicultural education. Participating teachers would already be placed in teaching positions and have a defined learning community to work with. If done right, such a program has the potential to involve the whole school community and, eventually, contribute to whole school change.

These two programs taken together have the potential to develop a cadre of teachers adept at teaching in ways that are culturally-relevant, ways that address the needs of the students, and ways in which the students are ready to learn. I truly feel that such programs working with new and prospective teachers can make a difference in addressing the current achievement gap, particularly impacting the groups most at risk of being on the losing end of the achievement gap.

The third section of the Teacher Acculturation Act of 2005 would set up Centers of Excellence in Multicultural Education. These centers would support the professional development activities from the first two parts of the bill by providing trained mentors, coaches, and academics, as well as undertaking research into the areas of multicultural education. The centers would also develop activities for use by schools and districts to provide ongoing professional development opportunities to all faculty or teachers.

We must never forget that a solid education is the cornerstone of our future. And a highly qualified teacher is needed to provide that education. The teacher not only needs to be knowledgeable about the subject being taught, but needs to know how to teach the subject to the students. This bill would help address the question of how. It seeks to prepare the teacher to deal with groups of students with different learning styles, as well as to identify the needs of divergent groups of students and how to vary teaching to support the learning of these students. My bill seeks to improve learning among those groups who are underserved today. Although my bill alone would not eliminate the achievement gap, it seeks to provide a good start.

This bill is supported by leading experts and organizations in the field of multicultural education, including Ms. Joyce Harris, Executive director of the National Academy for Multicultural Education, Dr. James Banks of the Center for Multicultural Education at the University of Washington, and Dr. Randy Hitz, Dean of the College of Education at the University of Hawaii. I ask unanimous consent that their letters of support be printed in the RECORD. I ask unanimous consent that the text of the bill be printed in the RECORD.

I urge my colleagues to cosponsor this important piece of legislation.

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

NATIONAL ASSOCIATION FOR MULTICULTURAL EDUCATION,
Washington, DC, June 28, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: It is my understanding that you will soon present legislation dealing with teacher acculturation. On behalf of the National Association for Multicultural Education (NAME), I am extending our support for you and the legislation. What you are proposing is not only admirable but very necessary. Today's school populations are more diverse than they've ever been, and this diversity will only increase. Further, while the student body is becoming ethnically and racially more diverse, the teaching force is not.

Some will argue that the 3 R's are all teachers need to focus on, and students will be all right; but others of us know that this is not the case for a growing number of today's youth. What was fine decades ago will not necessarily work in today's schools.

NAME thanks you for your foresight and courage. I'm sure that you know you may have a Herculean task before you, but please keep the faith. This is so important to make

sure that ALL of our children succeed. With the No Child Left Behind Act and the cuts in some educational programs (for example, The Dropout Prevention Program—who is more than likely to drop out? The lower SES students and students of color!), is it especially important that we have people of your stature working to ensure that all of our children receive an equitable education.

I have seen your website. I've read about your many accomplishments on behalf of your Hawaiian constituency and for the American people at large. Again, please know that NAME stands behind you. Please contact me if there is anything that the organization or I may do for you as you go forward with. this legislation.

Sincerely,

JOYCE E. HARRIS,
Executive Director.

UNIVERSITY OF HAWAI'I
AT MANOA,
Honolulu, HI, June 23, 2005

Sen. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am writing to support the Teacher Acculturation bill you are introducing in the Senate. I have carefully reviewed the bill with faculty in the University of Hawai'i, college of Education, and we think it has great potential to improve education throughout the United States.

The relationship between the teacher and the student is the key to success in education. The Teacher Acculturation bill seeks to improve student achievement by ameliorating the cultural mismatch between teachers and the students they teach, thus improving the teacher's ability to address educational needs of individual students.

The University of Hawai'i, College of Education is heavily involved in indigenous education multicultural initiatives, and other efforts to ensure that teachers are well prepared to work with diverse populations of students. As one of the nation's most diverse states, Hawai'i has significant challenges in bridging cultural gaps between teachers and students. But, nearly every school in every state in the nation faces the challenge of bridging cultural differences between teachers and students. Your bill will create models for better preparing teachers to understand and address the learning needs of the diverse student populations they serve, thus improving their academic achievement.

Thank you for your leadership in preparing this innovative and important bill, and thank you for the opportunity to comment on the bill.

Sincerely,

RANDY HITZ,
Dean.

S. 1521

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

SECTION 1. TEACHER ACCULTURATION.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—TEACHER ACCULTURATION

"SEC. 231. SHORT TITLE.

''This part may be cited as the 'Teacher Acculturation Act of 2005'.

"SEC. 232. FINDINGS.

''Congress makes the following findings:

''(1) Every person (child, adolescent, or adult) has her or his own cluster of learning modalities.

''(2) These individual learning modalities are the result of many factors, including the person's cultural heritage, language, and socioeconomic background.

''(3) Research has shown that learning occurs best within a learning environment that closely matches a person's individual learning modalities.

''(4) There is a strong correlation between—

''(A) the lack of academic achievement of a student; and

''(B) a lack of congruence between—

''(i) the learning modalities of the student; and

''(ii) the teaching pedagogy of the teacher.

''(5) One of the factors that significantly impacts learning modalities is a student's culture.

''(6) A congruence between the cultural norms embedded in the teaching environment and the culture of a student has been shown to significantly improve the academic achievement of the student.

''(7) The teacher has the most control in setting the cultural environment of the classroom.

"SEC. 233. PURPOSE.

''It is the purpose of this part to develop a core group of teachers who are able to provide instruction in a way that is culturally congruent with the learning modalities of the students they are teaching, in order to—

''(1) ameliorate the lack of cultural congruence between teachers and the students they teach; and

''(2) improve student achievement.

"SEC. 234. DEFINITIONS.

''In this part:

''(1) INDUCTION PHASE.—The term 'induction phase' means the period when a teacher is new to the profession, the classroom, or a school.

''(2) IN-SERVICE PHASE.—The term 'in-service phase' means the period during and throughout the professional life of a teacher.

''(3) PRACTICUM PHASE.—The term 'practicum phase' means the period beginning with the last year of a teacher preparation program at an institution of higher education when the student is spending time in a prekindergarten through grade 12 classroom, and culminating at the end of the student teaching portion of the student's teacher preparation program.

''(4) SUPERVISING ACADEMIC.—The term 'supervising academic' means a member of the faculty of an institution of higher education who—

''(A) is designated to oversee, coordinate, and participate in the field placement or student teaching experience of a preservice teacher; and

''(B) works in conjunction with a supervising practitioner.

''(5) SUPERVISING PRACTITIONER.—The term 'supervising practitioner' means a prekindergarten through grade 12 teacher in a school who—

''(A) is designated to coach, observe, and evaluate a preservice teacher at the school during the preservice teacher's field placement or student teaching experience in the classroom; and

''(B) works in conjunction with the supervising academic.

"SEC. 235. MEASURE OF CULTURAL MISMATCH.

''The Secretary, in consultation with relevant educational and cultural governmental and nongovernmental entities and not later than 180 days after the date of enactment of the Teacher Acculturation Act of 2005, shall develop a measure of cultural mismatch for purposes of—

''(1) the demonstration program under section 236; and

''(2) the composition of partnerships described in sections 242 and 263.

"SEC. 236. DEMONSTRATION PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to carry out a demonstration program to investigate, develop, and test methods to attempt to ameliorate the cultural mismatch between teachers and the students they teach.

''(b) COMPONENTS.—The demonstration program shall consist of—

''(1) professional development activities occurring during 3 different phases of a teacher's professional life, including the practicum phase, induction phase, and in-service phase; and

''(2) the development of centers of excellence in multicultural education.

"Subpart 1—Induction Phase Component

"SEC. 241. GRANTS AUTHORIZED.

''In carrying out the demonstration program under this part, the Secretary is authorized to award grants to eligible partnerships to enable the eligible partnerships to carry out the induction phase component of the teacher preparation assisted under this subpart.

"SEC. 242. ELIGIBLE PARTNERSHIPS.

''In this subpart, the term 'eligible partnership' means a partnership consisting of—

''(1) a local educational agency, with a high percentage of students who have a cultural mismatch with the majority of the teaching staff at the schools served by the local educational agency, collaborating with—

''(A) a cohort of induction phase teachers from the local educational agency; and

''(B) members of a school community who are—

''(i) from the cultural background of the students to be taught by the teachers assisted under the grant; and

''(ii) knowledgeable about the cultural norms of the community; and

''(2) an institution of higher education or organization with expertise in multicultural education, collaborating with a mentor, coach, or facilitator who will work with the cohort described in paragraph (1)(A).

"SEC. 243. INDUCTION PHASE COMPONENT.

''An eligible partnership that receives a grant under this subpart shall use the grant funds to carry an induction phase component of the demonstration program that may include the following:

''(1) A summer workshop held during the summer prior to a program year (as described in paragraph (2)), in which participant teachers study the basics of the following:

''(A) Multicultural education.

''(B) The cultural norms of the students served by the local educational agency where the participant teachers will be teaching.

''(C) The history of the municipality and the cultural groups where the participant teachers will be teaching.

''(2) A program year during the school year designed to include—

''(A) a series of classroom-based teaching activities and observations, including pre- and post-activity discussion under the coaching of a person experienced in leading such a program and trained in the principles of multicultural education;

''(B) individual one-on-one mentoring by a mentor, coach, or facilitator participating in the eligible partnership;

''(C) classroom visits including possible videotaping of the lessons; and

''(D) group meetings to reflect on—

''(i) a classroom visit described in subparagraph (C); or

''(ii) the progress of the program.

''(3) A workshop or institute during the summer immediately after a program year (as described in paragraph (2)) that may include the following:

''(A) Analysis of lessons developed and taught during the program year.

''(B) Practice lessons presented to the cohort described in section 242(1)(A).

''(C) Analysis of participant teacher growth over the duration of the program.

''(D) Development of a reflective portfolio, for each member of the cohort described in section 242(1)(A), of the member's experience in the program.

''SEC. 244. USE OF FUNDS.

''Grant funds provided under this subpart may be used for—

''(1) stipends and release time for participant teachers;

''(2) compensation for mentors, coaches, facilitators, or substitutes;

''(3) reimbursement for normal expenses incurred by the eligible partnership during the grant period; and

''(4) equipment, supplies, and travel necessary for the program.

''SEC. 245. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2006 and each of the 5 succeeding fiscal years.

''Subpart 2—Practicum Phase Component

''SEC. 251. GRANTS AUTHORIZED.

''In carrying out the demonstration program under this part, the Secretary is authorized to award grants to eligible partnerships to enable the eligible partnerships to carry out the practicum phase component of the teacher preparation assisted under this subpart.

''SEC. 252. ELIGIBLE PARTNERSHIPS.

''In this subpart, the term 'eligible partnership' means a partnership consisting of—

''(1) a teacher preparation program approved by a State educational agency and accredited by the National Council for Accreditation of Teacher Education, collaborating with—

''(A) a cohort of practicum phase students; and

''(B) a faculty member who serves as a supervising practitioner;

''(2) a local educational agency—

''(A) serving a student population whose cultural norms—

''(i) are different from the cultural norms of the participating teacher preparation program students; and

''(ii) are similar to the cultural norms of the students or community served by a local educational agency where the participating teacher preparation program students will be looking for employment; and

''(B) collaborating with a group of supervising practitioners; and

''(3) a support committee for the practicum program, that provides cultural norms to the practicum participants, which may include—

''(A) a center of excellence described in subpart 3;

''(B) faculty or staff of a school, local educational agency, or State educational agency;

''(C) parents or family members of a student taught by the student teachers assisted under the grant;

''(D) community stakeholders; or

''(E) organizations with expertise in multicultural education.

''SEC. 253. PRACTICUM PHASE COMPONENT.

''An eligible partnership that receives a grant under this subpart shall use the grant funds to carry out a practicum phase component of the demonstration program that may include the following:

''(1) A course for the practicum students covering multicultural education, including specifics pertaining to the cultural norms of the students served by the local educational agency where the students will be participating in the practicum.

''(2) A program running contemporaneous to the practicum that includes—

''(A) a program under the coaching of a supervising academic where the practicum students interact with each other to discuss their experiences;

''(B) individual one-on-one coaching by a supervising academic;

''(C) classroom visits to the locations of other student teachers in the cohort described in section 252(1)(A), including possible videotaping of the lessons; and

''(D) periodic cohort meetings during the practicum to reflect on the progress of the program.

''(3) A followup program at the conclusion of the practicum carried out by the teacher preparation program participating in the eligible partnership.

''SEC. 254. USE OF FUNDS.

''Grant funds provided under this subpart may be used for—

''(1) compensation for a supervising academic or a supervising practitioner;

''(2) scholarships for participants; and

''(3) equipment, supplies, travel, and other expenses appropriate to the program.

''SEC. 255. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2006 and each of the 5 succeeding fiscal years.

''Subpart 3—Centers of Excellence in Multicultural Education

''SEC. 261. CENTERS OF EXCELLENCE AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to establish not more than 10 centers to support excellence in multicultural education.

''(b) DUTIES.—Such centers shall—

''(1) support participants during the practicum phases and induction phases of their teacher preparation;

''(2) develop and implement an in-service phase program;

''(3) develop or expand the theory and practice of multicultural education; and

''(4) collect appropriate data to allow for the evaluation of the activities implemented under this part.

''SEC. 262. LOCATION OF CENTERS.

''The centers shall—

''(1) be located within universities, colleges or schools with teacher education programs approved by the appropriate State educational agency and accredited by the National Council for Accreditation of Teacher Education;

''(2) be located in geographically diverse areas of the United States; and

''(3) be distributed among institutions of higher education serving various cultural communities.

''SEC. 263. PARTNERSHIPS.

''The centers may form partnerships, for the purpose of carrying out the duties described in section 261(b), with—

''(1) a college or school of teacher education;

''(2) at least 1 local educational agency with a high degree of cultural mismatch between the local educational agency's teachers and the students they teach;

''(3) an academic department, center, or program that focuses on the study of cultural mismatches, such as cultural mismatches related to gender, race, national origin, or other similar areas; or

''(4) such additional entities as the centers determine appropriate.

''SEC. 264. USE OF FUNDS.

''Funds made available under this subpart may be used for the following:

''(1) Financial support for researchers, such as doctoral and post-doctoral fellowships.

''(2) In-service multicultural education workshops for teachers.

''(3) Supporting the programs assisted under subpart 1 or 2.

''(4) Supporting research into best practices in multicultural education, performing evaluation of the best practices, and carrying out a dissemination program for the best practices that improve student academic achievement.

''(5) Evaluation of—

''(A) the activities of the centers; and

''(B) the impact of the activities of the centers on teaching practices and student achievement.

''SEC. 265. ANNUAL MEETING OF THE CENTERS.

''The Secretary is authorized to convene an annual meeting of all centers assisted under this subpart for the purpose of enabling the centers to share information, research, and best practices.

''SEC. 266. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2006 and each of the 5 succeeding fiscal years.

''Subpart 4—General Provisions

''SEC. 271. ANNUAL REPORTS.

(a) REPORT.—Each eligible partnership that receives a grant, and each center that receives assistance, under this part shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, a report on the activities of the eligible partnership or center, respectively, that are supported under this part.

(b) DATE.—The report described in subsection (a) shall be submitted 2 years after the date of enactment of the Teacher Acculturation Act of 2005, and annually thereafter for the duration of the grant or assistance, as the case may be.''.

By Mr. CHAMBLISS (for himself, Mr. STEVENS, Mr. BURR, and Ms. MURKOWSKI):

S. 1522. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President, today I introduce the Hunting Heritage Protection Act of 2005. With the introduction of this important legislation, we are able to acknowledge our Nation's rich heritage of hunting. The purpose of this bill is to pass that legacy on to future generations by protecting and preserving the rights of our Nation's sportsmen and women.

In 2001, over 13 million Americans contributed over $20.6 billion to the U.S. economy while hunting—a true recreational activity. Many believe that in order to hunt you must own land, but that is not true. I believe that hunting should be available as a recreational activity for everyone.

I have been an avid outdoor sportsman since my adulthood. I am also an avid conservationist, like most other hunters. Recreational hunting provides many opportunities to spend valuable time with children, just as I do with my son. He has been hunting since he was a young boy where he discovered and learned to appreciate one of the Earth's greatest treasures, nature.

Over the years, hunters have contributed billions of dollars to wildlife conservation, by purchasing licenses, permits, and stamps, as well as paying excise taxes on goods used by hunters.

Since the time of President Teddy Roosevelt, father of the conservation movement, sportsmen and women have been and will continue to be some of the greatest supporters of sound wildlife management and conservation practices in the U.S.

Hunters need to be recognized for the vital role they play in conservation in this country. The Hunting Heritage Protection Act will do just that. This bill formalizes a policy by which the Federal Government will support, promote, and enhance recreational hunting opportunities, as permitted under State and Federal law. Further, the bill mandates that Federal public land and water are to be open to access and use for recreational hunting where and when appropriate. I should clarify and stress that this bill does not suggest that we open all national parks to hunting. As I mentioned, the goal is simple—I want recreational hunting on our public land to be available to the citizens of this country where and when appropriate.

It is crucial that the tradition of hunting is protected and that the valuable contributions that hunters have made to conservation in this country are recognized. And, we want to ensure that Federal land management decisions and their actions result in a ''no net loss of hunting opportunities'' on our public lands. This bill allows Congress to address this issue and to honor our Nation's sportsmen and women.

By Ms. SNOWE:

S. 1523. A bill to amend the Internal Revenue Code of 1986 to make permanent increased expensing for small businesses; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation on behalf of the Nation's millions of small businesses and self-employed individuals. I am pleased to join with my colleague in the House, Congressman WALLY HERGER, in reforming the Internal Revenue Code of 1986 to permanently extend the amount of new investment a business can expense.

This bill is a critical incentive for the small business sector of our economy to invest in new technology, expand their operations, and most important, create jobs.

We can never minimize the role that small businesses play in our economy. They represent 99 percent of all employers, employ 51 percent of the private-sector workforce, provide nearly 75 percent of the net new jobs, contribute 51 percent of the private-sector output, and represent 96 percent of all exporters of goods. In short, size is the only ''small'' aspect of small business.

The bill I introduce today recognizes the vitality and uniquely American innovation of the small business owners and entrepreneurs throughout our country. It will make permanent the provisions in Section 179 of the Internal Revenue Code, which enables small businesses to write off the cost of new equipment, rather than depreciate it over a period of years.

As the chair of the Senate Committee on Small Business and Entrepreneurship, I am responding today to the repeated requests from small businesses in my State of Maine and from across the Nation for greater expensing of new equipment.

By making permanent the current expensing limit of $100,000 and indexing these amounts for inflation, this bill will achieve two important objectives.

First, qualifying businesses will be able to write off more equipment purchases today, instead of waiting 5, 6, 7 or more years to recover their costs through depreciation.

That represents substantial savings both in dollars and in the time small businesses would otherwise be forced to spend complying with complex depreciation rules. Moreover, new equipment contributes to continued productivity growth in the business community, which Federal Reserve Chairman Alan Greenspan has repeatedly stressed is essential to long-term economic growth and job creation.

Second, more businesses will qualify for this benefit because the phase-out limit will be made permanent at $400,000 in new equipment purchases. This will occur at the same time small business capital investment pumps more money into the many sectors of the economy. My bill is a win-win for small business and the economy as a whole.

Small businesses are always at the forefront of our national economic recoveries and our national economic booms. This bill strengthens their ability to lead the way. I urge my colleagues to join me in supporting this important legislation as we work with the President to enact this bill into law.

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

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

S. 1523

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Expensing Permanency Act of 2005''.

SEC. 2. INCREASED EXPENSING FOR SMALL BUSINESS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$25,000 ($100,000 in the case of taxable years beginning after 2002 and before 2008)'' and inserting ''$100,000''.

(b) INCREASE IN QUALIFYING INVESTMENT AT WHICH PHASEOUT BEGINS.—Paragraph (2) of section 179(b) of such Code (relating to reduction in limitation) is amended by striking ''$200,000 ($400,000 in the case of taxable years beginning after 2002 and before 2008)'' and inserting ''$400,000''.

(c) INFLATION ADJUSTMENTS.—Section 179(b)(5)(A) of such Code (relating to inflation adjustments) is amended by striking ''and before 2008''.

(d) REVOCATION OF ELECTION.—Section 179(c)(2) of such Code (relating to election irrevocable) is amended by striking ''and before 2008''.

(e) OFF-THE-SHELF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code (relating to section 179 property) is amended by striking ''and before 2008''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. ROCKEFELLER, Mrs. BOXER, Mr. FEINGOLD, Mr. CORZINE, Mr. SALAZAR, Mr. OBAMA, and Ms. MIKULSKI):

S. 1525. A bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the ''Medical Malpractice Insurance Antitrust Act of 2005.'' In the ongoing debate about health care costs, this legislation is a targeted and responsible move toward fixing one significant part of the system that is broken the skyrocketing insurance premiums for medical malpractice.

For too long, doctors and hospitals have endured dramatic increases in the cost of their malpractice insurance. I doubt there is a single Senator who has not heard repeatedly from beleaguered physicians back home. Rising insurance rates are reportedly forcing some doctors to abandon their practices.

Some of my colleagues in the other body seem content to echo the refrains of the insurance industry and heap blame for the problem of rising insurance premiums rates on trial lawyers and the victims of medical malpractice themselves. I have opposed arbitrary caps on damages because they will inflict additional harm on the most vulnerable victims of medical malpractice.

Many of us have questioned the insurance industry's claim that lawsuits are causing the rise in premium costs since doctors in States that have imposed damages caps have not seen a reduction in their medical malpractice insurance premiums.

A newly released report provides shows that our questions were well-founded. This report provides real evidence rather than anecdotal stories routinely trotted out by the insurance industry advocates. This study was prepared by a former State Insurance Commissioner and uses the insurance industry's own numbers to debunk the myths being advanced by the insurance industry.

The study entitled, ''Falling Claims and Rising Premiums in the Medical Malpractice Insurance Industry,'' suggests that malpractice insurers have been overcharging, even gouging, physicians unconscionably. I expect a number of Senators will be surprised to learn that the malpractice claims payments actually went down, in real

terms, over the past five years. In addition, even the insurers' own projections of future losses are declining. Despite these downward trends, year in and year out, these insurers are burdening doctors with increased premium costs and shifting the blame for their increases on to lawyers and victims.

In the past five years, premiums have more than doubled even though claims payments have been stable. In 2004, malpractice insurers' total premiums were three times higher than their payouts. During the years 2000 to 2004, net premiums increased by 120 percent, while net claims payments increased by less than 6 percent.

I urge Senators to read this report. It is based entirely on data from annual statements filed under oath with State insurance departments by the Nation's 15 largest malpractice insurers. The statements contain each insurer's estimate of how much it will pay out in malpractice claims, as well as data showing how much it actually paid out in claims and took in premiums. Claims and projected losses are down. It is only premiums that are rising, not claims.

What this boils down to is an insurance industry problem, not a problem with the legal system. No wonder that the State attorneys general of Connecticut and Missouri have reacted to the study by attacking industry practices and calling for an aggressive regulatory response.

As this study makes clear, high malpractice insurance premiums are not the result of malpractice lawsuit verdicts. They are the result of investment decisions by the insurance companies and of business models geared toward ever-increasing profits. I hope that this study once and for all shines light on the real culprit in rising malpractice insurance rates and informs the Senate with solid evidence of the best way to assist the good doctors who commit their professional lives to caring for others. I ask unanimous consent that the executive summary of the study be printed in the RECORD.

To be sure, different States have different experiences with medical malpractice insurance, and insurance remains a largely State-regulated industry. Each State should endeavor to develop its own solution to rising medical malpractice rates because each state has its own unique problems. Some States—such as my own, Vermont—while experiencing problems, do not face as great a crisis as others.

But another fact of the insurance industry's business model requires a Federal legislative correction its blanket exemption from federal anti-trust laws. Insurers have for years enjoyed a special benefit in our marketplace. The McCarran-Ferguson Act permits insurance companies to operate without being subject to most of the Federal antitrust laws, and our Nation's physicians and their patients are suffering from this special treatment. Using their exemption, insurers can collude to set rates, resulting in higher premiums than true competition would achieve and because of this exemption, enforcement officials cannot investigate any such collusion. If Congress is serious about controlling rising premiums, we must revoke this blanket exemption created in the McCarran-Ferguson Act.

That is why today I introduce the ''Medical Malpractice Insurance Antitrust Act of 2005.'' I want to thank Senators Kennedy, Boxer, Corzine, Durbin, Feingold, Mikulski, Obama, Rockefeller, and Salazar for cosponsoring this essential legislation. Our bill modifies the McCarran-Ferguson Act for the most pernicious anti-trust offenses: price fixing, bid rigging, and market allocations. I am hard-pressed to imagine that anyone could object to a prohibition on insurance carriers' fixing prices or dividing territories for anticompetitive purposes. After all, the rest of our Nation's industries manage either to abide by these laws or pay the consequences.

Many State insurance commissioners police the industry well within the power they are accorded in their own laws, and some States have antitrust laws of their own that could cover some anticompetitive activities in the insurance industry. Our legislation would not affect regulation of insurance by State insurance commissioners and other State regulators. There is no reason to continue a system in which the Federal enforcers are precluded from prosecuting the most harmful antitrust violations just because they are committed by insurance companies.

This legislation is a carefully tailored solution to one critical aspect of the problem of excessive medical malpractice insurance premiums. I hope that quick action by the Judiciary Committee and then by the full Senate, will ensure that this real solution is adopted before more damage is done to the physicians of this country and to the patients that they serve.

Only professional baseball has enjoyed an anti-trust exemption comparable to that created for the insurance industry by the McCarran-Ferguson Act. Senator HATCH and I have joined forces several times in recent years to scale back that exemption for baseball, and in the Curt Flood Act of 1998 we successfully eliminated the exemption as it applied to employment relations. I hope we can work together again to create more competition in the insurance industry, just as we did with baseball.

If Congress is serious about helping to control rising medical malpractice insurance premiums, then we must limit the insurance industry's broad exemption to Federal antitrust law and promote real competition in the insurance marketplace.

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

FALLING CLAIMS AND RISING PREMIUMS IN THE MEDICAL MALPRACTICE INSURANCE INDUSTRY

(By Jay Angoff)

EXECUTIVE SUMMARY

This Report analyzes the 2000–2004 performance of each of the 15 largest medical malpractice insurers in the United States rated by A.M. Best, the principal rating service for the insurance industry. The Report is based primarily on data from the carriers' 2004 Annual Statements filed with state insurance departments.

The Report finds the following:

Over the last five years the amount the major medical malpractice insurers have collected in premiums has more than doubled, while their claims payouts have remained essentially flat.

Some malpractice insurers substantially increased their premiums while both their claims payments and their projected future claims payments were decreasing.

Malpractice insurers accumulated record amounts of surplus over the last three years.

Taken together, the malpractice carriers analyzed increased their net premiums by 120.2% during the period 2000–2004, although their net claims payments rose by only 5.7%. Thus, they increased their premiums by 21 times (120.2/5.7 = 21.09) the increase in their claims payments.

As a result of these two dramatically different trends, the ratio between these insurers' claims payments and premiums fell by more than half between 2000 and 2004: it declined from 69.9% to 33.6% on a net basis, and from 68.8% to 32.1% on a gross basis. Put another way, in 2004 the leading medical malpractice insurers took in approximately three times as much in premiums as they paid out in claims.

Moreover, several insurers substantially increased their premiums even though their claims payments actually fell—and fell substantially. For example:

Healthcare Indemnity, Inc. (HCI), an affiliate of HCA corporation, increased its premiums by $173 million, or 88%, while its claims payments fell by $74 million, or 32%. As a result, in 2004 it paid out only 43 cents in claims for each premium dollar it collected.

ProNational, an affiliate of ProAssurance Corporation, increased its premiums by $87 million, or 79%, while its claims payments fell by $43 million, or 63%. As a result, in 2004 it paid out only 13 cents in claims for each premium dollar it collected.

Medical Assurance, another ProAssurance affiliate, increased its premiums by $151 million, or 89%, while its claims payments fell by a third. As a result, in 2004 it paid out only 10 cents in claims for each premium dollar it collected.

In addition, Lexington Insurance Company, an affiliate of AIG, reported that its net written premiums increased from $21.1 million in 2000 to 483.0 million in 2004—an increase of $461.9 million, or 2200%—while its net paid losses increased by only $52.9 million. As a result, in 2004 it paid out only 14 cents in claims for each premium dollar it collected.

Finally, even the ratio between the amount the leading malpractice insurers estimated they would pay out in the future and the premiums they earn—what insurers somewhat counter-intuitively call their ''incurred loss'' ratio—declined by almost 25% between 2000 and 2004. Due to this decline—which is in addition to the decline in the amounts these insurers have actually been paying out—they estimated in 2004 that they would ultimately pay out in claims only 51.4 cents of each premium dollar they earned. Perhaps most striking, in 2004 these 15 insurers taken together increased their earned

premium by 9.3%, even though their incurred losses—the amount they estimated they would pay out in the future—declined by 21.1%.

Because of the overall surge in malpractice premiums with no corresponding surge in claims payments during the last five years, the leading malpractice insurers have increased their surplus by more than a third in only three years, and they are now charging more for malpractice insurance than * * *

By Mr. SPECTER (for himself and Mrs. CLINTON):

S. 1526. A bill to provide education to students in grades 7 through 12 about the importance of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Roads to Success Act of 2005, which is legislation designed to expand higher educational and career opportunities for American students. There is no doubt as to the benefit of receiving a post-secondary education. The level of education that individuals accumulate has an important influence on their experience in the labor market. According to 2002 U.S. Census Bureau statistics on educational attainment and earnings, the mean earnings of men with a bachelor's degree is $63,354, while the mean earnings of men with a high school degree is $32,363. This is a difference of more than $30,000 or 97 percent.

In recent years, there have been clear signs that more Americans are pursuing higher education opportunities. In June 2002, USA Today reported that 63 percent of high school graduates go to college immediately after graduation, the highest percentage in U.S. history. Yet not all of the news on college graduation rates has been good. Only 18 percent of African Americans and 11 percent of Hispanic high school graduates earn a bachelor's degree by their late twenties, compared to 33 percent of whites according to the National Center for Education Statistics, NCES, in 2001. Further, in 2000, NCES reported that 22 percent of low-income, college qualified high school graduates do not pursue post-secondary education, compared to 4 percent of high-income graduates.

As I travel through Pennsylvania, I still hear from too many middle school and high school students that they do not have the preparation necessary to enroll in higher education institutions. On a trip to the Commonwealth, I joined Andrew McKelvey—the founder of the McKelvey Foundation—to announce Federal funding for entrepreneurial scholarships to rural, low-income Pennsylvania high school graduates. During that trip, I had a frank discussion with Mr. McKelvey regarding the need to not only ensure access to funding for students to pursue higher education, but the need to inform students about the importance of higher education, as well as prepare students for the application process.

The bill I am introducing today, the ''Roads to Success Act of 2005'', will help to educate middle school and high school students in grades 7, 8, 9, 10, 11, and 12, about higher education and career opportunities. This bill will create a program which will provide students with access to information on higher education and career development, and prepare students with the skills necessary to plan for higher education. The availability of information on higher education opportunities makes an enormous difference to students contemplating continuing their education at the undergraduate level.

My legislation will authorize a grant to Roads to Success, a nonprofit educational organization, to develop a core curriculum to be taught in the classroom to equip middle and high school students with the appropriate skills and knowledge to pursue post-secondary education and their career goals. Given the importance of higher education, it makes sense to prepare students for the undergraduate process as part of their class instruction to ensure that all students have access to the necessary information to attain their objectives. To this end, middle schools and high schools participating in the program will dedicate one hour each week of their classroom activity to higher education and career preparation of students utilizing the core curriculum.

Additionally, I seek to create a network of intensive academic support for students by encouraging public-private partnerships to emphasize the importance of higher education and career development. Partnerships with private entities create a unique opportunity for middle schools and high schools to supplement and enhance the core curriculum by offering appropriate enrichments, including guest speakers, videos and web-based services. For example, through these partnerships, middle school and high school students will gain first-hand knowledge of the skills that businesses are seeking by having the opportunity to speak with business leaders, as well as perhaps tour local facilities. This will underscore the significance and importance of higher education for students as they embark on their future career paths.

To implement this initiative, my bill will authorize $10 million annually for fiscal years 2006 through 2011, for Roads to Success to develop a core curriculum which has as its cornerstone increasing awareness of the importance of higher education, developing career awareness, building life skills, and providing education planning to students. Under this legislation, Roads to Success will award subgrants to five State educational agencies to offer higher education preparation programs using the core curriculum in middle and high schools with historically low rates of student application and admission to post-secondary institutions.

It is my sincere hope that this act will ensure that students who wish to enroll in a higher education institution will have access to the tools and resources necessary to help them plan for undergraduate study. We must take this step to encourage students to pursue their educational and career goals—especially those who might not otherwise have this opportunity. I urge my colleagues to join me in cosponsoring this act, and urge its swift adoption.

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

S. 527. A bill to amend the Public Health Service Act with respect to immunizations against vaccine-preventable diseases, including influenza, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today, Senator REED and I are introducing the ''Vaccine Administration and Supply Act.'' Congressman WAXMAN is introducing a companion bill in the House. Our goal is to improve vaccine accessibility and administration across the country, by guaranteeing that every American has access to recommended vaccines, and strengthening our public health infrastructure.

Vaccines are one of the Nation's most significant success stories in public health. They have wiped out mass killers such as polio and smallpox, and protected millions of Americans from other life-threatening or debilitating infectious diseases. They save lives, and save costs too, in needless treatment and hospitalization for illnesses that could have been prevented.

Today, the threat of infectious disease is ever present. Deadly strains of naturally occurring viruses, such as avian flu, are moving from animals to humans. The possibility of bioterrorism is looming. Accessibility to vaccines and improving our public health infrastructure are essential to protect the health of our communities and our Nation—and efforts to do so are long overdue.

We have made remarkable progress in protecting children from vaccine-preventable diseases by making vaccines available to uninsured and underinsured children at no cost through the Vaccines for Children and Immunization Grant programs. As a result, childhood immunization rates and disease reductions are near all-time highs.

On the other hand, there is a huge gap in adult and adolescent vaccination. Each year, 46,000 to 48,000 adults die from diseases that could be cheaply and effectively prevented by vaccination. Many of these persons miss the opportunity to protect themselves against vaccine-preventable diseases because they don't have adequate insurance coverage.

Our legislation will close this gap in public health by mandating that the Secretary of HHS establish an immunization program for adults. Uninsured and underinsured adolescents and adults will be vaccinated at no charge

in any Federally qualified health center, or local or State public health department.

Participating States will also receive increased funding for the Immunization Grant Program, so that Program Managers can administer vaccinations to uninsured and underinsured citizens, as well as conduct education and awareness campaigns on the importance of vaccination and carry out strategies to increase vaccination rates throughout the States.

In addition to increasing vaccine accessibility through State programs, this bill will also improve the national immunization infrastructure. Last year's shortage of influenza vaccine was a wake up call for greater national coordination of vaccine allocation and delivery. Our bill requires the Secretary of HHS to purchase and stockpile needed vaccines, and develop an emergency response plan, within one-year of enactment, to guide States in administering vaccines in the case of a shortage or emergency.

As our Health Subcommittee on Bioterrorism and Public Health Preparedness continues to discuss provisions to encourage the development of vaccines and other countermeasures to bioterrorism, this legislation will establish the infrastructure needed to ensure the efficient administration of such countermeasures in a time of crisis.

The Association of State and Territorial Health Officials said it well when stating, ''Immunization is a vital public health tool and an essential element in protecting the nation's health.'' In light of the obvious dangers, it is urgent for Congress to increase immunization rates and ensure the efficient allocation of vaccines in an emergency. I commend Congressman WAXMAN for his leadership on this important health issue in the House, and Senator REED and I urge our colleagues in the Senate to join in this important effort to improve our public health preparedness.

By Mr. MCCONNELL (for himself, Mrs. LINCOLN, and Mr. BUNNING):

S. 1528. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Equine Equity Act of 2005 with my colleague from Arkansas, Mrs. LINCOLN, and my colleague from Kentucky, Mr. BUNNING.

Each spring on the first Saturday of May, the sporting world turns its attention to my hometown of Louisville for the annual running of the Kentucky Derby. It has been appropriately called ''the most exciting two minutes in sports,'' and has given us such great champions as Secretariat, Seattle Slew, and Smarty Jones.

The activities surrounding the Derby also allow Kentucky to show off one of its signature industries, the horse industry. Long after the pageantry and festivities of Derby day, the horse industry remains a vital part of Kentucky's economy and cultural heritage. Horses are Kentucky's largest agricultural product. The horse industry contributes $3.5 billion to Kentucky's economy, and directly employs more than 50,000 Kentuckians.

While many Americans appropriately identify the horse industry as one of Kentucky's signature industries, the industry's economic impact extends well beyond the borders of the Commonwealth. A recent economic impact study by the firm of Deloitte Touche Tohmatsu found that the horse industry contributes approximately $39 billion in direct economic impacts to the U.S. economy each year. The industry sustains 1.4 million full-time equivalent jobs each year, with over 460,000 of those jobs created from direct spending within the industry.

Nearly 2 million Americans own horses, either for racing, showing, or recreational purposes. While the popular image of horse owners might focus on Millionaire's Row at Churchill Downs on Derby Day, the facts tell a different story. Only about one-quarter, 28 percent, of U.S. horse owners have incomes greater than $100,000. More than one in every three, 34 percent, horse owners has an income of less than $50,000.

Like many businesses, outside investments are essential to the operation and growth of the horse industry. Without investors willing to buy and breed horses, it is impossible for the industry to thrive. Unfortunately, there are several unfair, unwise provisions in Federal law that discourage investment in the horse industry.

In an effort to address these concerns, today I introduce the Equine Equity Act with my colleague from Arkansas, Mrs. LINCOLN, and my good friend from Kentucky, Mr. BUNNING. The Equine Equity Act includes three key provisions.

First, it will provide capital gains treatment for horses that is equal to other investments. Nearly all capital assets are eligible to receive more favorable capital gains tax treatment once they are held for 12 months. However, horses and cattle must be held for 2 years to receive capital gains treatment. This legislation would reduce the capital gains holding period for horses from 24 months to 12 months.

Second, it will apply equal depreciation standards for all racehorses. Current law states that racehorses that begin training when older than 24 months of age are depreciated over 3 years, while those horses that begin training before reaching 24 months of age are depreciated over 7 years.

Most horses begin training before they reach 24 months, but their racing careers do not last 7 years. This legislation would reduce the depreciation period for racehorses to 3 years to more accurately reflect the racing life of horses.

Finally, the Equine Equity Act would establish equity in eligibility for disaster assistance between horses and other livestock. Most livestock, beef, dairy, sheep, and goats, are eligible for Federal disaster assistance during a drought, but horses are not. This legislation would make horses eligible for disaster-assistance programs offered by the U.S. Department of Agriculture.

I appreciate the willingness of my colleagues from Arkansas and Kentucky to join me in introducing this legislation of tremendous importance to our States. I look forward to working with them and our colleagues in the Senate to enact this bipartisan bill into law.

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

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

S. 1528

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Equine Equity Act of 2005''.

SEC. 2. 3-YEAR DEPRECIATION FOR ALL RACE HORSES.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (defining 3-year property) is amended to read as follows:

''(i) any race horse,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 3. REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.

(a) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of property used in the trade or business) is amended by striking ''and horses''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 4. LIVESTOCK ASSISTANCE.

(a) IN GENERAL.—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of ''livestock'' covered by the program.

(b) CONFORMING AMENDMENTS.—

(1) Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(A) by inserting ''horses,'' after ''bison,''; and

(B) by striking ''equine animals used for food or in the production of food,''.

(2) Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51) is amended by inserting ''(including losses to elk, reindeer, bison, and horses)'' after ''livestock losses''.

(3) Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(4) Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 541) is amended by striking ''and bison'' and inserting ''bison, and horses''.

(c) APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section apply to

losses resulting from a disaster that occurs on or after the date of enactment of this Act.

(2) PRIOR LOSSES.—This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before the date of enactment of this Act.

Mr. KYL. Mr. President, today: I am pleased to join with Senator MCCAIN to introduce the City of Yuma Improvement Act of 2005. This bill authorizes the conveyance to the city of Yuma of six small parcels of Federal land currently held by the Bureau of Reclamation in exchange for three railroad parcels owned by the city on which the Bureau of Reclamation rail line exists. A companion bill has already been introduced in the House by Congressmen GRIJALVA and FRANKS.

These land conveyances will enable the city to complete the redevelopment of the riverfront in downtown Yuma. The Riverfront Master Redevelopment Plan was approved by the City Council in November, 2001. The plan was developed through a joint planning process with the city and the developer. The city's responsibility is to amass the property along the riverfront. The developer must raise the needed capital. The redevelopment includes the development of a welcome center, a new hotel, a conference center, and mixed-use retail stores. This redevelopment is designed to connect Main Street with the Heritage Area and the river to enhance the quality of life of Yuma's citizens and one of the primary economic assets of the area—tourism.

Most of the land in this 22 acre area is already city-owned. However, the Bureau of Reclamation does own several parcels within the redevelopment area that the city seeks to acquire. Since 2001, when the redevelopment plan was approved, the city and the Bureau have been working together to effectuate this acquisition for this public purpose. These efforts include: relocating, at the city's expense, the Bureau facilities that were within the redevelopment area and completing the necessary environmental analyses of the project area, including historic resource studies, site assessments, and asbestos and lead-based paint inspections.

Essentially, the deal is complete with one exception: the authority to accomplish the conveyances. Currently, the Bureau of Reclamation does not have the authority to exchange the lands it possesses for the railroad parcels it seeks—it must be done legislatively. There is broad support in Yuma for this legislated land swap given its public purpose objectives, thorough planning, and the economic opportunity it brings. I hope my colleagues agree and will work with me to pass this legislation this year.

By Mr. ENZI (for himself, Ms. MIKULSKI, Mr. COCHRAN, Mr. BAUCUS, Mr. GRASSLEY, Mrs. MURRAY, and Mrs. DOLE):

S. 1531. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, these people all have something in common: the former Queen Mother of Britain; diet guru Dr. Robert Atkins; former Tonight Show co-host Ed McMahon; former first lady Nancy Reagan; and former Senator Bob Dole. What is it? They are all famous seniors who have suffered a fall during the past three years that had serious repercussions on their lives.

Queen Elizabeth's mother had a history of falling. She underwent a major operation in 1995 to replace her right hip and had a second hip replacement in 1998 when she broke her left hip. In 2000, she tripped and fell in her sitting room and fractured the left-hand side of her collarbone. Then, in 2002 at 101-years-old, she stumbled again in her sitting room while getting up from a chair and cut her arm.

Dr. Robert Atkins, the creator of the high-protein, low-carbohydrate Atkins diet, suffered a severe head trauma in 2003 when an accidental fall outside his New York office left him comatose. Although surgeons removed a blood clot to relieve the pressure on his brain, the 72-year-old died eight days later.

In March of this year, former Tonight Show co-host Ed McMahon spent his 82nd birthday in the hospital after a fall in his Beverly Hills home left him with a mild concussion and a gash in his head that required stitches.

Just last month, former first lady Nancy Reagan slipped and fell in her London hotel room. Fortunately, she was not seriously injured, but was told by doctors to limit her activities for two weeks until the pain subsided and full mobility returned.

The final story hits even closer to home. In January of this year, 81-year-old former Senator and presidential candidate Bob Dole felt light-headed and suffered a near fatal fall while putting away a suitcase. After a quick trip to the hospital to stitch up a cut from his eyeglasses, he was taken back home. Later, he felt ill and had to be taken back to Walter Reed Army Medical Center. Doctors worked fast to save his life. In the fall he had severely damaged his left ''good'' arm, and he suffered bleeding in his head which was worsened by the blood thinners he was given a month earlier after a hip replacement operation. After spending 22 days at Walter Reed, he told a reporter that he was ''getting better slowly'' and that the recovery was ''humiliating'' at times.

As evidenced, falling is a very common and serious problem for older persons. These stories demonstrate the fact that falls can happen to anyone—even the rich and famous. A new report finds that although the life expectancy for Americans has reached an all-time high and senior citizens are more active than previous generations were, they are also reporting to emergency rooms in greater numbers for fall-related injuries. Falls can result in decreased physical function and mobility, disability, reduced independence, and a diminished quality of life. Loss of confidence and fear of falling can lead to further functional decline, depression, feelings of helplessness, and social isolation.

The statistics are overwhelming. More than one-third of adults age 65 years and older fall each year. Falls are the leading cause of injury deaths among individuals in that age group. In 2002, falls among older adults accounted for 12,800 deaths and 1,640,000 emergency department visits.

Hospital admissions for hip fractures among the elderly have increased from 231,000 in 1988 to 327,000 in 2001. One in 5 older Americans who suffer a hip fracture die within a year, and 1 in 5 people with a hip fracture end up in a nursing home within a year. Among people 75 years and older, those who fall are four to five times more likely to be admitted to a long-term care facility for a year or longer.

Annually, more than 80,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

A recent study of people age 72 and older found that the average health care cost of a fall injury was $19,440. This figure does not include physician services. The total medical cost of all fall injuries for people age 65 and older was calculated in 2000 to be $19.5 billion. By 2020, the cost of fall injuries is expected to reach $43.8 billion, in current dollars.

Given our aging population, by the year 2040, the number of hip fractures is expected to exceed 500,000—the annual cost of which is projected to be a shocking $240 billion.

To make matters worse, given the aging baby boomers, more and more elderly will be susceptible to falls. By the year 2040, the 65 and older population will more than double to about 77.2 million, and the relative growth rate is even faster for people over 85.

It seems that we've come to expect that a fall by an older relative is just a natural part of aging, when it is not. As the old adage says so well: ''An ounce of prevention is worth a pound of cure.'' Almost without exception, these falls are preventable. Older adults who have fallen previously or who stumble frequently are two to three times more likely to fall within the next year. We need to take action to ensure that doesn't happen.

Last year, Senator MIKULSKI and I introduced the ''Keeping Seniors Safe From Falls Act of 2004,'' which passed the Senate by unanimous consent. Today, we are reintroducing this legislation, and we look forward to working with our colleagues so that it not only passes the Senate, but is signed into law.

Our bill will direct the Department of Health and Human Services to oversee

and support national and local education campaigns focusing on reducing falls among older adults and preventing repeat falls. It also calls for research in areas such as identifying older adults at high risk for falling; designing, implementing and evaluating the most effective fall prevention interventions; improving diagnosis, treatment, and rehabilitation of older adults who have fallen; tailoring effective strategies to specific populations; and eliminating barriers to adopting proven fall prevention strategies. In addition, the bill supports demonstration and research projects to improve the science behind preventing falls. It also requires the Secretary to evaluate the effect of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing fall-related health care costs. Finally, the bill authorizes the appropriation of funds for each of fiscal years 2007 through 2009 in order to carry out its provisions.

I look forward to working again with Senator MIKULSKI, my colleagues on the HELP Committee, and the wide variety of groups who support this bill. I urge you to support this legislation that will help to keep our nation's seniors—ourselves, our family members, and our friends—safe from falls so that they may have a chance to fully enjoy and savor their ''golden years'' in a safer and healthier fashion.

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

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

S. 1531

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Keeping Seniors Safe From Falls Act of 2005''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Falls are the leading cause of injury deaths among individuals who are over 65 years of age.

(2) In 2002, falls among older adults accounted for 12,800 deaths and 1,640,000 emergency department visits.

(3) Hospital admissions for hip fractures among the elderly have increased from 231,000 admissions in 1988 to 327,000 in 2001.

(4) Annually, more than 80,000 individuals who are over 65 years of age sustain a traumatic brain injury as a result of a fall.

(5) The total medical cost of all fall injuries for people age 65 and older was calculated in 2000 to be $19,500,000,000.

(6) A national approach to reducing falls among older adults, which focuses on the daily life of senior citizens in residential, institutional, and community settings, is needed.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating section 393B (as added by section 1401 of Public Law 106–386) as section 393C and transferring such section so that it appears after section 393B (as added by section 1301 of Public Law 106–310); and

(2) by inserting after section 393C (as redesignated by paragraph (1)) the following:

''SEC. 393D. PREVENTION OF FALLS AMONG OLDER ADULTS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to develop effective public education strategies in a national initiative to reduce falls among older adults in order to educate older adults, family members, employers, caregivers, and others;

''(2) to intensify services and conduct research to determine the most effective approaches to preventing and treating falls among older adults; and

''(3) to require the Secretary to evaluate the effect of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

''(b) PUBLIC EDUCATION.—The Secretary shall—

''(1) oversee and support a national education campaign to be carried out by a nonprofit organization with experience in designing and implementing national injury prevention programs, that is directed principally to older adults, their families, and health care providers, and that focuses on reducing falls among older adults and preventing repeat falls; and

''(2) award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, for the purpose of organizing State-level coalitions of appropriate State and local agencies, safety, health, senior citizen, and other organizations to design and carry out local education campaigns, focusing on reducing falls among older adults and preventing repeat falls.

''(c) RESEARCH.—

''(1) IN GENERAL.—The Secretary shall—

''(A) conduct and support research to—

''(i) improve the identification of older adults who have a high risk of falling;

''(ii) improve data collection and analysis to identify fall risk and protective factors;

''(iii) design, implement, and evaluate the most effective fall prevention interventions;

''(iv) improve strategies that are proven to be effective in reducing falls by tailoring these strategies to specific populations of older adults;

''(v) conduct research in order to maximize the dissemination of proven, effective fall prevention interventions;

''(vi) intensify proven interventions to prevent falls among older adults;

''(vii) improve the diagnosis, treatment, and rehabilitation of elderly fall victims and those at high risk for falls; and

''(viii) assess the risk of falls occurring in various settings;

''(B) conduct research concerning barriers to the adoption of proven interventions with respect to the prevention of falls among older adults;

''(C) conduct research to develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in communities and long-term care and assisted living facilities; and

''(D) evaluate the effectiveness of community programs designed to prevent falls among older adults.

''(2) EDUCATIONAL SUPPORT.—The Secretary, either directly or through awarding grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, shall provide professional education for physicians and allied health professionals, and aging service providers in fall prevention, evaluation, and management.

''(d) DEMONSTRATION PROJECTS.—The Secretary shall carry out the following:

''(1) Oversee and support demonstration and research projects to be carried out by qualified organizations, institutions, or consortia of qualified organizations and institutions, in the following areas:

''(A) A multistate demonstration project assessing the utility of targeted fall risk screening and referral programs.

''(B) Programs designed for community-dwelling older adults that utilize multicomponent fall intervention approaches, including physical activity, medication assessment and reduction when possible, vision enhancement, and home modification strategies.

''(C) Programs that are targeted to new fall victims who are at a high risk for second falls and which are designed to maximize independence and quality of life for older adults, particularly those older adults with functional limitations.

''(D) Private sector and public-private partnerships to develop technologies to prevent falls among older adults and prevent or reduce injuries if falls occur.

''(2)(A) Award grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

''(B) Award 1 or more grants, contracts, or cooperative agreements to 1 or more qualified organizations, institutions, or consortia of qualified organizations and institutions, in order to carry out a multistate demonstration project to implement and evaluate fall prevention programs using proven intervention strategies designed for single and multifamily residential settings with high concentrations of older adults, including—

''(i) identifying high-risk populations;

''(ii) evaluating residential facilities;

''(iii) conducting screening to identify high-risk individuals;

''(iv) providing fall assessment and risk reduction interventions and counseling;

''(v) coordinating services with health care and social service providers; and

''(vi) coordinating post-fall treatment and rehabilitation.

''(3) Award 1 or more grants, contracts, or cooperative agreements to qualified organizations, institutions, or consortia of qualified organizations and institutions, to conduct evaluations of the effectiveness of the demonstration projects described in this subsection.

''(e) STUDY OF EFFECTS OF FALLS ON HEALTH CARE COSTS.—

''(1) IN GENERAL.—The Secretary shall conduct a review of the effects of falls on health care costs, the potential for reducing falls, and the most effective strategies for reducing health care costs associated with falls.

''(2) REPORT.—Not later than 36 months after the date of enactment of the Keeping Seniors Safe From Falls Act of 2005, the Secretary shall submit to Congress a report describing the findings of the Secretary in conducting the review under paragraph (1).

''(f) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated—

''(1) to carry out the national public education provisions described in subsection (b)(1), $3,000,000 for each of fiscal years 2007 through 2009;

''(2) to carry out the State public education campaign provisions of subsection (b)(2), $5,000,000 for each of fiscal years 2007 through 2009;

''(3) to carry out research projects described in subsection (c), $8,000,000 for each of fiscal years 2007 through 2009;

''(4) to carry out the demonstration projects described in subsection (d)(1), $4,000,000 for each of fiscal years 2007 through 2009; and

''(5) to carry out the demonstration and research projects described in subsection (d)(2), $5,000,000 for each of fiscal years 2007 through 2009.''.

Ms. MIKULSKI. Mr. President, I am pleased to join Senator ENZI in introducing the Keeping Seniors Safe from Falls Act of 2005. Falls are a serious public health problem that affects millions of seniors each year. This bill expands research and education on elder falls to help keep seniors safe and in their own homes longer.

The facts are staggering. One out of every three Americans over age 65 falls every year. In 2002, over 12,800 seniors died and approximately 1.6 million seniors visited an emergency department as a result of a fall. Falls are the leading cause of injury deaths among seniors. It is estimated that annually more than 80,000 individuals over 65 years of age sustain a traumatic brain injury as a result of a fall. Falls can be financially disastrous for families, and falls place a serious financial strain on our health care system. By 2020, senior falls are estimated to cost the health care system more than $32 billion.

These facts do not begin to tell the story of what falls can mean for seniors and their loved ones. Falls don't discriminate. Many of us have friends or relatives who have fallen. A fall can have a devastating impact on a person's physical, emotional, and mental health. If an older woman loses her footing on her front porch steps, falls, and suffers a hip fracture, she would likely spend about two weeks in the hospital, and there is a 50 percent chance that she would not return home or live independently as a result of her injuries.

With some help, there are simple ways that seniors can improve the safety of their homes and make a fall far less likely. Home modifications like hand rails in the bathroom, rubber mats on slippery tile floors, and cordless telephones that seniors can keep nearby can make a big difference. Well trained pharmacists can review medications to make sure that two drugs do not interact to cause dizziness and throw a senior off balance.

That is why I teamed up with Senator ENZI to introduce this important bill. This legislation is about getting behind our Nation's seniors and giving help to those who practice self-help. This bill creates public education campaigns for seniors, their families, and health care providers about how to prevent falls. It expands research on elder falls to develop better ways to prevent falls and to improve the treatment and rehabilitation of elder falls victims. This legislation also requires an evaluation of the effect of falls on health care costs, ways we can reduce falls, and effective solutions that can be adopted that can help reduce health care costs associated with falls.

Reducing the number of falls will help seniors live longer, healthier, more independent lives. This bill has the strong support of the National Safety Council, the Home Safety Council and the National Council on Aging, and has been supported in the past by over 30 national and local aging and safety organizations. I look forward to working with Senator ENZI and my colleagues on the Health, Education, Labor, and Pensions Committee to get this bill signed into law.

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

S. 1532. A bill to amend title 18 of the United States Code to criminalize acts of agroterrorism, and to enhance the protection of the United States agricultural industry and food security through the increased prevention, detection, response and recovery planning; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Agroterrorism Prevention Act of 2005, which would amend Title 18 of the United States Code to criminalize acts of agroterrorism, and to enhance the protection of the United States agricultural industry and food security through increased prevention, detection, response and recovery planning.

Since the events of September 11, 2001, Congress has taken substantive actions to protect America and indeed, the world from the threat of terrorism. Yet, there is a significant component of the United States that is at risk from terrorist attacks, and that is American agriculture. The United States agriculture industry accounts for 13 percent of the Nation's gross domestic product, makes up 8 percent of our foreign trade, and accounts for over $192 billion in cash receipts. More specifically in Pennsylvania, agriculture is the number one industry with over 59,000 farms and ranches producing cash receipts exceeding $4 billion annually. Less than 2 percent of the American people are considered farmers or ranchers; however, they are responsible for feeding 100 percent of the American population. It is incumbent upon us in Congress to do everything in our power to ensure that the American farmer and rancher, and our Nation's food supply, are protected from any act of terrorism.

During the 108th Congress, I held four forums on the issue of agroterrorism and food security at the Pennsylvania Department of Agriculture working in conjunction with the PA Secretary of Agriculture to address the needs and concerns of Pennsylvania's producers, processors, commodity representatives, veterinarians, public health officials, university administrators, and local government representatives. Collectively, the comments and issues raised at these forums provided the impetus to craft this necessary and timely legislation.

This legislation would afford the American farmer, rancher, and the United States agriculture industry the protection it deserves. My bill would amend Title 18 of the United States Code to criminalize the act of agroterrorism, ensuring that we have a legal recourse against individuals seeking to disrupt our interstate commerce and foreign trade, or who try to coerce our civilian population or government. An agroterrist act would be defined as a criminal act that consists of causing, financing, or attempting to cause damage or harm to, or destruction of, a crop, livestock, raw agricultural commodity, food product, farm or ranch equipment, a material, or any other property associated with agriculture, or a person engaged in an agricultural activity, that is committed to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to disrupt interstate commerce or foreign commerce of the United States agricultural industry. Further, I have included the death penalty provision in this legislation to be consistent with existing laws concerning acts of terrorism.

Beyond criminalizing the act of agroterrorism, this legislation would provide farmers and ranchers with on-farm bio-security resources; tools that reduce the potential for disease outbreaks. Through these resources, our farmers and ranchers would be able develop preparedness, response and recovery planning techniques. These techniques would enable farmers and ranchers to control access to their farms, separate animal shipping vehicles from animal feed facilities, and know what risks visitors present. Ultimately, the intent of this provision is to ensure that our first responders have the information, training, and critical infrastructure they need to react aggressively to an incident of agroterrorism.

The impact of globalization affects agriculture in ways that many would be unaware. For example, livestock and crop diseases can be obtained and disseminated with ever increasing ease. These diseases are endemic to other parts of the world and can be extracted from common materials, such as soil. Additionally, agricultural inspections at ports of entry, the first line of defense against the entry of foreign animal and plant diseases, have declined over the last two years at a time when imports have increased. Therefore, I have called for the Secretaries of Homeland Security, Agriculture, Interior, Health and Human Services, the Attorney General, and the Director of National Intelligence to coordinate and enhance monitoring, surveillance, and intelligence capabilities concerning threats, delivery systems, border controls, and actions that could be directed against the agriculture sector.

This legislation would authorize significant grant funding for States to establish state and local emergency response plans, information management, and to provide training for first responders, in the event of an animal or plant disease outbreak. The 2001 foot

and mouth disease outbreak in England required extensive intervention to eradicate and control the spread of disease. Therefore, the question remains if our Nation is ready to respond to such an outbreak, whether caused by a natural event or an act of terrorism.

Additionally, this legislation would authorize funding for pilot grant demonstrations concerning on-farm bio-security. The majority of our Nation's farmers, ranchers, and processors are family owned or small businesses, and they need our assistance in strengthening and changing their practices to meet the challenges they are facing in this war on terror. It is our duty as their representatives to provide the tools they need to preserve the American farm and ranch.

This legislation would ensure that our National Veterinary Stockpile contains sufficient amounts of animal vaccine, antiviral, or therapeutic products to appropriately respond to the most damaging animal diseases affecting human health and the economy. Additionally, let us not think that agroterrorism pertains only to animals. A plant disease event can impact our agricultural economy as well. Therefore, I have included provisions to ensure that our U.S. National Germplasm system can respond to such an event with the use of disease-resistant seed varieties.

Compounding the threat of agroterrorism is the fact that the United States is currently experiencing a shortage of veterinarians in rural agricultural areas. This results in an inability to respond to a disease outbreak whether natural or an act of terrorism. In response to this decline, this legislation would provide both educational debt repayment for veterinarians serving American agriculture during a disease outbreak and capacity building grants for colleges and schools of veterinary medicine to design higher education training programs in exotic animal diseases, epidemiology, and public health.

The last provision of this legislation would require the Secretaries of Homeland Security, Agriculture, HHS, Interior, and the Administrator of EPA to submit a report to Congress that describes the feasibility and need for modernizing or replacing current federal Biological Level 3 and Biological Level 4 laboratories responsible for research, technology development, diagnostic, and forensic activities on plant and animal diseases, including zoonotic diseases. As a nation we cannot adequately fight a modern war on terrorism using technology and laboratories that have exceeded their capability and useful life span.

I urge my colleagues to cosponsor and support this legislation, which would secure our Nation's most critical infrastructure, our food supply. As a nation, we cannot take for granted that our food supply will not be susceptible to terrorist activities. The measures called for in this legislation would not impose any new regulations on our farmers, ranchers, or processors but rather would provide them with the tools necessary to counteract agroterrorism. Without question, the time has come for concerted action to ensure the protection of American agriculture.

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

S. 1533. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board of Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I rise, along with my cosponsor, Senator DEWINE, to reintroduce legislation called I TEACH, Incentives to Educate America's Children Act of 2005. This legislation is an investment to support teachers in rural areas, and high poverty areas. It provides a $1,000 refundable tax credit for those teachers willing to serve in challenging schools. The bill also gives every teacher the chance to earn a refundable tax credit by offering a $1,000 refundable tax credit for every teacher who earns accreditation by the National Board for Professional Teaching Standards. A National Board Teacher in a rural school or high poverty school would receive a $2,000 credit which hopefully would promote retention of our best teachers.

According to the most recent survey by the American Federation of Teachers, the average teacher salary is $45,771. While teacher salaries rose an average of 3.3 percent, the health insurance benefits spiked an average 13 percent, according to the Bureau of Labor Statistics. The starting salary for a new teacher is estimated to be $30,496. Given the costs of college, the average student graduates with a debt of $19,400 and face loan payments of $210 a month, it is difficult for young, eager graduates to pursue careers in teaching and pay off their student debt and other living expenses.

It is sad when a dedicated young person decides that they simply cannot ''afford'' to be a teacher, but this happens. The I TEACH Act will help by providing meaningful tax credits to teachers willing to serve in rural areas or high poverty schools, and it will provide a strong financial incentive to keep quality teachers in the classrooms by rewarding teachers who earn National Board certification. Thirty States provide some type of financial incentive to National Board teachers, and this refundable tax credit will support such efforts. For example, West Virginia offers a $2,500 bonus for National Board teachers. If I TEACH is enacted, a National Board teacher in my State would receive a 9 percent bonus which is a meaningful incentive.

Our teachers are essential professionals that inspire and educate our children, who represent the next generation. Our teachers deserve our respect and real support. I urge my colleagues to work with me to enact I TEACH and reward our teachers.

By Mr. AKAKA:

S. 1537. A bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today to introduce legislation that would establish Parkinson's Disease Research Education and Clinical Centers and Multiple Sclerosis, MS, Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs, VA. The need for research and care is extremely pressing at a time when VA is dealing with meeting the demands of veterans suffering from debilitating neurological diseases.

VA has been a leader in the advancement of medicine and should be applauded for its progressive and innovative research endeavors. Yet, continued strides in specialized research are necessary to address the specific health care needs of our veterans. Through the establishment of the Parkinson's Disease and Multiple Sclerosis Centers, VA clinicians and educators will be able to gain a better understanding of these diseases that affect not just our veterans, but Americans across the nation. It is through this understanding that clinicians will be able to provide more effective patient care, treatment, and education.

The establishment of the Parkinson's Disease Research Education and Clinical Centers stems from the same spirit that inspired the conception of a great alliance formed between VA and the National Parkinson Foundation, Inc., NPF, in June of 1999. This alliance created an opportunity for the two entities to come together to develop research and treatment symposiums, provide information concerning Parkinson's disease, and also provide VA physicians that treat at least 20,000 Parkinson's patients with continuing education.

Those affected with Parkinson's Disease not only suffer from symptoms that manifest themselves physically, such as through tremors, muffled speech, slowness and impaired mobility. There are also psychological effects characterized in the form of depression for those suffering from this diseases. Through these centers, clinicians and educators can determine better ways to manage symptoms associated with Parkinson's Disease, as well as those symptoms such as fatigue and spasticity associated with MS that will give veterans suffering from these diseases a better quality of life.

Since the time of its inception, the VA health care system was tasked with

meeting the special needs of its veteran patients. Though VA is providing the necessary care to those currently affected by the disease, more can be done to develop new treatments to reduce the symptoms and slow down the progression of the disease.

This legislation will provide VA with the opportunity to establish these centers and mark a new phase in the pursuit of enhanced treatment for those that struggle with the daily challenges imposed by these diseases, which includes not only the veteran patients but their families as well. The Parkinson's Disease Research Education and Clinical Centers and Multiple Sclerosis Centers of Excellence will also be beacons of hope towards finding a cure for degenerative neurological diseases.

I ask my colleagues for their support of this bill as a commitment to advancing research and education for veterans battling Parkinson's Disease and Multiple Sclerosis. I also wish to thank Congressman LANE EVANS, who serves as the ranking member of the House Committee on Veterans' Affairs, for his leadership on this issue.

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

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

S. 1537

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

SECTION 1. PARKINSON'S DISEASE RESEARCH, EDUCATION, CLINICAL CENTERS, AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

''§ 7329. Parkinson's disease research, education, and clinical centers and multiple sclerosis centers of excellence

''(a) DESIGNATION.—The Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this section, shall—

''(1) designate—

''(A) at least 6 Department health care facilities as the locations for centers of Parkinson's disease research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose); and

''(B) at least 2 Department health care facilities as the locations for Multiple Sclerosis Centers of Excellence (subject to the appropriation of sufficient funds for such purpose); and

''(2) establish and operate such centers at such locations in accordance with this section.

''(b) EXISTING FACILITIES; GEOGRAPHIC DISTRIBUTION.—In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall—

''(1) designate each Department health care facility that, as of January 1, 2005, was operating a Parkinson's Disease Research, Education, and Clinical Center or a Multiple Sclerosis Center of Excellence unless the Secretary, on the recommendation of the Under Secretary for Health, determines that such facility—

''(A) does not meet the requirements of subsection (c);

''(B) has not demonstrated effectiveness in carrying out the established purposes of such center; or

''(C) has not demonstrated the potential to carry out such purposes effectively in the reasonably foreseeable future; and

''(2) assure appropriate geographic distribution of such facilities.

''(c) MINIMUM REQUIREMENTS.—The Secretary may not designate a health care facility as a location for a center under subsection (a) unless—

''(1) the peer review panel established under subsection (d) determines that the proposal submitted by such facility is among those proposals which meet the highest competitive standards of scientific and clinical merit; and

''(2) the Secretary, upon the recommendation of the Under Secretary for Health, determines that the facility has (or may reasonably be anticipated to develop)—

''(A) an arrangement with an accredited medical school which provides education and training in neurology and with which such facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's disease, or in the case of Multiple Sclerosis Centers, multiple sclerosis disease;

''(B) the ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts;

''(C) a policymaking advisory committee composed of consumers and appropriate health care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center;

''(D) the capability to conduct effectively evaluations of the activities of such center;

''(E) the capability to coordinate, as part of an integrated national system, education, clinical, and research activities within all facilities with such centers;

''(F) the capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's disease, and other movement disorders, or multiple sclerosis in the case of Multiple Sclerosis Centers, at facilities without such centers in order to ensure better access to state of the art diagnosis, care, and education for neurodegenerative disorders, or in the case of Multiple Sclerosis Centers, autoimmune disease affecting the cental nervous system throughout the health care system; and

''(G) the capability to develop a national repository in the health care system for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's disease, and other movement disorders, or in the case of Multiple Sclerosis Centers, autoimmune disease affecting the central nervous system.

''(d) PANEL.—(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

''(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's disease and other movement disorders, and, in the case of Multiple Sclerosis Centers, experts in autoimmune disease affecting the central nervous system.

''(B) Members of the panel shall serve as consultants to the Department for a period of no longer than 2 years except in the case of panelists asked to serve on the initial panel as specified in subparagraph (C).

''(C) In order to ensure panel continuity, half of the members of the first panel shall be appointed for a period of 3 years and half for a period of 2 years.

''(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

''(4) The panel shall not be subject to the Federal Advisory Committee Act.

''(e) ADEQUATE FUNDING.—Before providing funds for the operation of any such center at a health care facility other than a health care facility designated under subsection (b)(1), the Secretary shall ensure that—

''(1) the Parkinson's disease center at each facility designated under subsection (b)(1) is receiving adequate funding to enable such center to function effectively in the areas of Parkinson's disease research, education, and clinical activities; and

''(2) in the case of a new Multiple Sclerosis Center, that existing centers are receiving adequate funding to enable such centers to function effectively in the areas of multiple sclerosis research, education, and clinical activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established under subsection (a).

''(2) The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

''(g) FUNDING ELIGIBILITY AND PRIORITY FOR PARKINSON'S DISEASE RESEARCH.—Activities of clinical and scientific investigation at each center established under subsection (a) for Parkinson's disease shall—

''(1) be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account; and

''(2) receive priority in the award of funding from such account to the extent funds are awarded to projects for research in Parkinson's disease and other movement disorders.

''(h) FUNDING ELIGIBILITY AND PRIORITY FOR MULTIPLE SCLEROSIS RESEARCH.—Activities of clinical and scientific investigation at each center established under subsection (a) for multiple sclerosis shall—

''(1) be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account; and

''(2) receive priority in the award of funding from such account to the extent funds are awarded to projects for research in multiple sclerosis and other movement disorders.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the item relating to section 7328 the following:

''Sec. 7329. Parkinson's disease research, education, and clinical centers and multiple sclerosis centers of excellence''.

(b) EFFECTIVE DATE.—Section 7329 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

By Mr. ROCKEFELLER:

S. 1538. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

Mr. ROCKFELLER. Mr. President, today, I am reintroducing America's Better Classroom Act, an important incentive to support school construction and renovations. I believe that this bill is a wise investment in education and economic development. It creates jobs as we build and renovate our schools.

America's Better Classroom Act of 2005 is designed to respond to the overwhelming need for school construction. The Department of Education reports that the average public school building is 42 years old. In 1995, GAO estimated that we needed $112 billion for school construction and renovations. A more recent survey in 2001 in the Journal of Education Finance indicates that the need is increasing, and the unmet need for school infrastructure over the next decade is over $200 billion. My State, West Virginia, will need as much as $2 billion for school construction and renovations, and the cost of construction increases as the cost of building materials continues to escalate.

America's Better Classroom Act provides the financial tools to help build and renovate our schools. It will continue the Qualified Zone Academy Bonding, (QZAB) Program that has helped economically disadvantaged communities. This provision would provide $2.8 billion to continue and expand the successful QZAB Program. In recent years, this program has provided $4.2 million for support school construction and renovations in disadvantaged communities. Effective programs deserve continued support.

But we should more broadly expand investment in school construction because so many school districts need help with school construction and renovations but cannot qualify for the QZAB program. This is why the America's Better Classroom Act creates a $22 billion Qualified School Bonding Program. Funding will be allocated to states based on the Title 1 formula so it is targeted, but the states will have flexibility in allocating support among school districts.

When I visit schools in West Virginia, I am often stunned by the aging buildings and compelling needs. In our fast-growing Eastern Panhandle, we need new schools to deal with a growing population. In other parts of the State, older school building need renovations to be safe and conducive learning environments for our students. Also as technology plays an increasingly important role in education, classrooms need to be updated.

States and communities need the America's Better Classroom Act so that we can make needed investments. Also, school construction can play a positive role in helping to stimulate our economy and create needed jobs. School construction is a reliable economic stimulus, and an important investment in our children's education.

By Mr. ROCKEFELLER:

S. 1539. A bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, throughout my career in the Senate, I have sought to strengthen and improve policies for the most vulnerable children children who are at-risk of abuse and neglect in their own homes. The foster care system is the basic safety net for such children, but common sense tells us that a safe permanent home is the best place for a child. As Congress clearly stated in the 1997 Adoption and Safe Families Act, every child deserves a safe, permanent home. Now the challenge is to reform our program to deliver on this promise.

To truly fulfill that goal, we need to improve the Federal adoption assistance program, which is why I am introducing the Adoption Equality Act today. Current law only provides adoption assistance to special needs children whose parents would have been eligible for the old Aid to Families with Dependent Children (AFDC) as of July 1996. It is ridiculous to base a child's eligibility for assistance on the income of the abusive parents from whom they will have been taken for their own health and safety. Because of this Federal regulation, only half of special needs children get Federal assistance under current law. I firmly believe that every child with special needs who will not be adopted without assistance deserves Federal support. It is a basic investment to delivering on our commitment to help provide a safe, permanent home.

As we talk about the importance of families, shouldn't we invest in helping to create and maintain such families, especially for our most vulnerable children?

By supporting the Adoption Equality Act, we send a clear signal that every child deserves a safe, permanent home.

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

S. 1540. A bill to authorize the Secretary of the Army and the Secretary of the Interior to establish a program to improve water management and contribute to the recovery of endangered species in the Middle Rio Grande, New Mexico, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, in the American West, we are frequently faced with the challenge of how best to allocate our scarce water resources among numerous competing interests. There is no better example of this challenge than the one that has developed in the past six years in the Middle Rio Grande Valley in my home State of New Mexico. However, how this challenge was addressed is illustrative of what can be accomplished when people are willing to put adversity and divergent interests aside and work together to solve common problems.

In 1994, the Fish and Wildlife Service listed as endangered the Rio Grande Silvery Minnow, a fish native to the waters of the Rio Grande in New Mexico. The listing was followed by a five-year drought which began in 1999. The drought resulted in an insufficient amount of water to meet the needs of the Silvery Minnow and led several environmental groups to file the lawsuit Minnow v. Keys in Federal district court. After the district court issued a decision, the case was appealed to the United States Court of Appeals for the Tenth Circuit which held that the Endangered Species Act required that water should be taken away from municipalities, farmers and industry in order to meet the needs of the Silvery Minnow. In a water-scarce State like New Mexico, the ruling rang out like a gun shot and created acrimony amongst those who are entirely dependant on water from the Rio Grande.

In response, I established the Middle Rio Grande Collaborative Program in 2000. The program is based on the premise that it is better to work in the spirit of cooperation to develop solutions to shared problems regarding resource management including how best to meet the needs of our endangered species. When left up to the courts, there are always losers. Since 2000, the collaborative program has been a remarkable success, bringing together various stakeholders including Federal and State agencies, cities, Pueblos, environmental groups, farmers and business interests in an effort to protect our biological heritage and ecological diversity while meeting the needs of those who are dependant on the waters of the Rio Grande. Often, the process has been difficult. However, I'm sure all would agree that it is far preferable to the alternative of continued litigation. The success of the program is especially marked when one considers that the program has lacked specific goals, an organizational structure, a decision making hierarchy, and formal authorization.

I rise today to introduce the Middle Rio Grande Endangered Species Collaborative Program Act, a bill to provide the program with the authority it needs to continue its important mission. This bill would streamline the decision making process of the program, delegate responsibilities among federal agencies, and provide adequate authority for Federal participation. I have no doubt that this program will continue to serve as a model of how to deal with the West's resource management challenges.

I would like to thank my dear friend and colleague Senator BINGAMAN, who I have had the pleasure of serving with in the United States Senate for the past 22 years for being an original cosponsor of this legislation.

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

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

S. 1540

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Middle Rio Grande Endangered Species Collaborative Program Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COLLABORATIVE PROGRAM.—The term ''Collaborative Program'' means the Middle Rio Grande Endangered Species Collaborative Program established under section 3(a).

(2) EXECUTIVE COMMITTEE.—The term ''Executive Committee'' means the Executive Committee established under section 4(c).

(3) INTERESTS IN LAND AND WATER.—The term ''interests in land and water'' includes purchases, leases, easements, and agreements to provide water storage, land, or water that are obtained from willing sellers, lessors, or contributors in compliance with applicable Federal, State, or tribal laws.

(4) MIDDLE RIO GRANDE.—

(A) IN GENERAL.—The term ''Middle Rio Grande'' means the headwaters of the Rio Chama and the Rio Grande, including all tributaries, from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(B) EXCLUSION.—The term ''Middle Rio Grande'' excludes the land area reserved for the full pool of the Elephant Butte Reservoir.

(5) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The term ''Middle Rio Grande Conservancy District'' means the political subdivision of the State of that name, created in 1925.

(6) PROJECT.—

(A) IN GENERAL.—The term ''project'' means a scientific or management study, a planning, design, permitting, construction, operations, maintenance, or replacement activity, or the acquisition of interests in land or water.

(B) INCLUSIONS.—The term ''project'' includes—

(i) a project begun but not completed by the Endangered Species Collaborative Program before the date of enactment of this Act; and

(ii) a project recommended by the Executive Committee after the date of enactment of this Act that carries out the purposes described in section 3(b).

(7) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the Rio Grande Compact—

(A) for which Congress provided consent under the Act of May 31, 1939 (53 Stat. 785, chapter 155); and

(B) that was ratified by the States of Colorado, New Mexico, and Texas.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(9) SIGNATORY MEMBER.—The term ''signatory member'' means any Federal, State, or municipal agency, tribe, or public or private organization that has signed the memorandum of agreement described in section 4(c)(1)(C).

(10) SILVERY MINNOW.—The term ''silvery minnow'' means the species *Hybognathus amarus*, commonly known as the Rio Grande silvery minnow, a fish listed as an endangered species, as described in the notice entitled ''Final Rule to List the Rio Grande Silvery Minnow as an Endangered Species'' (59 Fed. Reg. 36988 (July 20, 1994)).

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

(12) TRIBE.—The term ''tribe'' means an Indian pueblo or tribe that—

(A) occupies land in the Middle Rio Grande; and

(B) is included on the list of federally recognized tribes published by the Secretary of the Interior in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(13) WILLOW FLYCATCHER.—The term ''willow flycatcher'' means the species *Empidonax traillii extimus*, commonly known as the southwestern willow flycatcher, a migratory bird listed as an endangered species, as described in the notice entitled ''Final Rule Determining Endangered Status for the Southwestern Willow Flycatcher'' (60 Fed. Reg. 10694 (February 27, 1995)).

SEC. 3. COLLABORATIVE PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in collaboration with the Secretary of the Interior, shall establish the Middle Rio Grande Endangered Species Collaborative Program in accordance with section 4.

(b) PURPOSES.—The purposes of the Collaborative Program shall be—

(1) to carry out a long-term plan, including projects to protect, and promote recovery of, the silvery minnow and willow flycatcher in the Middle Rio Grande;

(2) to ensure compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) while maintaining water use in the Middle Rio Grande in compliance with applicable law;

(3) to support improved water management;

(4) to allow continued water development;

(5) to benefit overall ecological integrity;

(6) to promote cooperation and collaboration in implementation of protection and recovery activities between Federal and non-Federal entities;

(7) to coordinate Federal actions that promote protection and recovery of the silvery minnow and willow flycatcher; and

(8) to establish a scientific basis for implementation of activities through recovery plans to ensure protection and recovery of the silvery minnow and willow flycatcher.

SEC. 4. COLLABORATIVE PROGRAM STRUCTURE.

(a) REPEAL.—Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1850) is repealed.

(b) ESTABLISHMENT.—The Collaborative Program shall consist of an Executive Committee, a Program Implementation Team, and working groups.

(c) EXECUTIVE COMMITTEE.—

(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of the Interior shall—

(A) not later than 180 days after the date of enactment of this Act, establish an Executive Committee consisting of Federal and non-Federal entities described in paragraph (2) to—

(i) provide guidance to the Program Implementation Team to develop and approve a long-term plan to carry out the purposes of the Collaborative Program;

(ii) coordinate Collaborative Program projects for the recovery of the silvery minnow and the willow flycatcher with other Federal and non-Federal activities in the Middle Rio Grande to achieve the greatest effect and limit unnecessary duplication of efforts to the maximum extent practicable;

(iii) create, assign, and oversee tasks of the Program Implementation Team and working groups as necessary to implement a long-term plan and otherwise accomplish the purposes of the Collaborative Program;

(iv) develop multiyear budget priorities and present funding requests to the Corps of Engineers, the Bureau of Reclamation, the United States Fish and Wildlife Service, other Federal agencies, and non-Federal entities; and

(v) review work products undertaken by the Collaborative Program, including development of plans, budgets, reports, and requests for proposals;

(B) consider decisions made by ¾ of a quorum as the recommendation to be carried out under the Collaborative Program;

(C) develop, consistent with this Act, a memorandum of agreement describing—

(i) the goals of the Collaborative Program;

(ii) the responsibilities of the participants to contribute to the success of the Collaborative Program; and

(iii) the administrative rules, bylaws, and agreements governing Collaborative Program participation; and

(D) in cooperation with the members of the Executive Committee, develop bylaws governing the operations of the Executive Committee.

(2) MEMBERSHIP.—

(A) IN GENERAL.—Subject to subparagraph (B), the Executive Committee shall be composed of—

(i) 1 permanent voting member representing the Bureau of Reclamation, appointed by the Secretary of the Interior;

(ii) 1 permanent voting member representing the United States Fish and Wildlife Service, appointed by the Secretary of the Interior;

(iii) 1 permanent voting member representing the Corps of Engineers, appointed by the Secretary;

(iv) upon invitation by the Secretary, other voting members who have signed the memorandum of agreement described in paragraph (1)(C), representing any of—

(I) the State of New Mexico Interstate Stream Commission;

(II) the State of New Mexico Department of Game and Fish;

(III) the New Mexico Attorney General;

(IV) the Pueblo of Santo Domingo;

(V) the Pueblo of Sandia;

(VI) the Pueblo of Isleta;

(VII) the Pueblo of Santa Ana;

(VIII) the Middle Rio Grande Conservancy District;

(IX) the Albuquerque–Bernalillo County Water Authority;

(X) an organization that represents a significant portion of the environmental community; and

(XI) an organization that represents a significant portion of the farming community; and

(v) the non-Federal cochairperson elected under paragraph (4); and

(vi) upon unanimous recommendation of the existing members, members representing any additional organizations that sign the memorandum of agreement described in paragraph (1)(C).

(B) MEMBERSHIP CAP.—The total membership of the Executive Committee shall not exceed 20 members.

(C) QUORUM.—

(i) IN GENERAL.—Except as provided in clause (ii), ⅔ of the members of the Executive Committee shall constitute a quorum.

(ii) EXCEPTION.—For purposes of subparagraphs (A) and (C) of paragraph (4), ⅔ of the non-Federal members of the Executive Committee shall constitute a quorum.

(3) FEDERAL COCHAIRPERSON.—

(A) IN GENERAL.—The Secretary of the Interior shall select a Federal Cochairperson

from the Department of the Interior who shall—

(i) be a nonvoting member of the Executive Committee;

(ii) convene the Executive Committee;

(iii) develop committee agendas;

(iv) call meetings;

(v) schedule votes and other decisionmaking processes; and

(vi) hold the Program Implementation Team accountable for assignments received from the Executive Committee.

(B) REMOVAL.—The Federal Cochairperson may be replaced by the Secretary on a vote of no-confidence by ¾ of a quorum.

(4) NON-FEDERAL COCHAIRPERSON.—

(A) IN GENERAL.—A non-Federal Chairperson of the Executive Committee shall be elected on approval by ¾ of a quorum.

(B) DUTIES.—The non-Federal Chairperson shall—

(i) be a voting member of the Executive Committee;

(ii) establish the Executive Committee agenda jointly with the Federal Cochairperson; and

(iii) lead meetings in the absence of the Federal Cochairperson.

(C) REMOVAL.—

(i) IN GENERAL.—The non-Federal Cochairperson may be removed by the Secretary on a vote of no-confidence by ¾ of a quorum.

(ii) VACANCY.—If the non-Federal Chairperson is removed under clause (i), the vacancy shall be filled in accordance with subparagraph (A).

(d) PROGRAM IMPLEMENTATION TEAM.—

(1) IN GENERAL.—The Secretary shall establish a Program Implementation Team—

(A) administered by a program manager from the Corps of Engineers; and

(B) supported by 1 representative of each entity with membership on the Executive Committee that elects to provide a representative.

(2) ADDITIONAL STAFF.—To support the goals of the Collaborative Program, the Secretary of the Interior shall provide staff for the Program Implementation Team from—

(A) the Bureau of Reclamation;

(B) the Bureau of Indian Affairs;

(C) the United States Fish and Wildlife Service; or

(D) any other appropriate agency of the Department of the Interior.

(3) DUTIES.—Under the direction of the Executive Committee, the Program Implementation Team shall—

(A) provide administrative support for all Collaborative Program operations;

(B) not later than 1 year after the date of enactment of this Act, prepare a long-term plan to carry out the purposes of the Collaborative Program;

(C) consistent with the long-term plan, prepare annual revisions, annual work plans, budget requests, and activity and fiscal reports;

(D) provide information to the public concerning activities of the Collaborative Program and undertake community outreach;

(E) collaborate with other efforts relating to the protection and recovery of the silvery minnow and willow flycatcher carried out under other Federal programs and non-Federal programs, including—

(i) silvery minnow and willow flycatcher recovery teams under the direction of the United States Fish and Wildlife Service;

(ii) Bosque and ecosystem recovery programs under the United States Fish and Wildlife Service and Corps of Engineers; and

(iii) other related programs;

(F) administer project proposal processes;

(G) administer contracts and grants, except for those contracts and grants assigned to the Bureau of Reclamation;

(H) ensure that all activities undertaken by the Collaborative Program comply with applicable laws; and

(I) undertake such other duties as are assigned by the Executive Committee and necessary to carry out the Collaborative Program.

(e) WORKING GROUPS.—

(1) IN GENERAL.—The Executive Committee may create working groups to—

(A) provide advice to the Executive Committee and the Program Implementation Team; and

(B) implement tasks consistent with the purposes described in section 3(b).

(2) MEMBERSHIP.—Working groups established under paragraph (1) may consist of—

(A) members of the Program Implementation Team; and

(B) individuals appointed by, and under the direction of, the Program Implementation Team, including—

(i) representatives appointed by the Executive Committee;

(ii) signatory members; or

(iii) individuals contracted by the Program Implementation Team.

SEC. 5. COLLABORATIVE PROGRAM ACTIVITIES.

(a) IN GENERAL.—The Secretary and the Secretary of the Interior may—

(1) enter into any grants, contracts, cooperative agreements, interagency agreements, or other agreements that the Secretary and the Secretary of the Interior determine to be necessary to carry out the Collaborative Program, including interagency agreements to transfer funds between agencies within the jurisdiction of the Secretary and the Secretary of the Interior; and

(2) accept or provide grants to carry out the Collaborative Program.

(b) RESPONSIBILITIES.—In carrying out the purposes of the Collaborative Program—

(1) the Commissioner of Reclamation may—

(A) carry out flow requirements to comply with the Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) or any modifications to the Biological Opinion and other projects relating to water management, including—

(i) acquiring interests in land and water to meet minimum flow requirements;

(ii) monitoring and gaging flows;

(iii) pumping from the Low Flow Conveyance Channel and other drains and channels to support silvery minnow and willow flycatcher habitat; and

(iv) improving monitoring and gaging;

(B) consult with the signatory members regarding opportunities and methods to accomplish the responsibilities;

(C) coordinate implementation of all other activities carried out within the Middle Rio Grande under the jurisdiction of the Bureau of Reclamation with the activities of the Collaborative Program to achieve the purposes of the Collaborative Program; and

(D) construct fish passages at San Acacia Diversion Dam and at Isleta Diversion Dam;

(2) the Secretary of the Army—

(A) may carry out and fund additional projects not designated to the Commissioner of Reclamation under paragraph (1), including—

(i) actions to induce overbank flooding and creation of backwaters;

(ii) salvaging eggs;

(iii) improving monitoring and gaging;

(iv) performing habitat and ecosystem restoration;

(v) regeneration of native vegetation and monitoring of associated water depletions;

(vi) reconstructing a new San Marcial Railroad bridge and realignment of the river channel;

(vii) developing ways to—

(I) increase sediment transport through Jemez Canyon Dam, Galisteo Dam, and Cochiti Lake; and

(II) address issues of contaminated sediment;

(viii) preventing salt cedar encroachment in Angostura, Isleta and San Acacia reaches;

(ix) implementing captive propagation of silvery minnow, including expansion of facilities;

(x) creating at least 2 new naturalized refugia, 1 of which shall be carried out in partnership with the Bureau of Reclamation, United States Fish and Wildlife Service, and Middle Rio Grande Conservancy District without direct oversight by the Collaborative Program, under the Silvery Minnow Off-Channel Sanctuaries Program as authorized under section 6014 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 283);

(xi) monitoring silvery minnow protection and recovery efforts by conducting surveys of populations and habitat above Cochiti Lake;

(xii) developing comprehensive water quality assessments and managing changes in water quality;

(xiii) conducting studies and research necessary to define the needs of listed species; and

(xiv) monitoring the effects of activities on listed species;

(B) shall implement the decisions of the Executive Committee in performing the activities described in subparagraph (A); and

(C) shall coordinate implementation of all other activities carried out within the Middle Rio Grande by the Corps of Engineers with the activities of the Collaborative Program in order to achieve the purposes of the Collaborative Program.

(c) LIMITATIONS.—

(1) ACQUISITION OF LAND OR WATER.—In carrying out this Act, the Secretary or the Secretary of the Interior may only acquire interests in land and water.

(2) WATER RIGHTS.—Nothing in this Act preempts or affects State water law or an interstate compact governing water.

(3) COMPLIANCE.—All actions carried out in accordance with this Act shall be in compliance with applicable State, Federal, or tribal law.

(4) RIO GRANDE COMPACT.—No action carried out under this Act shall impair the ability of the State to meet the obligations of the State under the Rio Grande compact.

(5) STATE LAW.—The Secretary and the Secretary of the Interior shall carry out activities under the Collaborative Program consistent with State law.

(6) CONSULTATION.—

(A) IN GENERAL.—Consultations between governments under this Act shall be carried out between the Secretary or the Secretary of the Interior and tribes prior to initiating actions that would impact tribal land or water rights.

(B) CONSENT REQUIREMENT.—No action involving access to, or use of, pueblo or tribal land may be carried out without prior written consent of the affected pueblo or Indian tribe.

(7) COLLABORATION.—In carrying out this Act, the Secretary and the Secretary of Interior may collaborate with or enter into contracts, cooperative agreements, interagency agreements, or other agreements with, or accept or provide grants to, tribes that—

(A) are signatory members; but

(B) are not represented on the Executive Committee.

(8) NO EFFECT ON CERTAIN AUTHORITY.—Nothing in this Act diminishes the authority, sovereignty, or rights of any person, organization, tribe, or other governmental entity.

(9) NO EFFECT ON CERTAIN DUTIES.—

(A) IN GENERAL.—Nothing in this Act diminishes or impairs—

(i) the trust relationship or responsibility of the Federal Government to any tribe;

(ii) the obligation of the Federal Government to consult with the tribes on a government-to-government basis; or

(iii) the ability of the Federal Government to fund activities for the benefit of the tribes.

(B) FUNDING.—Nothing in this Act restricts the Secretary or the Secretary of the Interior from funding activities in accordance with the Indian trust responsibility of the Federal Government.

(10) NO EFFECT ON RESERVOIR OPERATIONS.—While this Act provides additional authorization for the Secretary and the Secretary of the Interior, nothing expands the discretion of the Secretary or the Secretary of the Interior with respect to operating reservoir facilities under the jurisdiction of the Secretary or the Secretary of the Interior in the Middle Rio Grande.

SEC. 6. REPORTING.

Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Secretary and the Secretary of the Interior shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that—

(1) describes expenditure of appropriated funds and cost-share contributions;

(2) describes activities carried out under this Act; and

(3) describes compliance with the purposes of this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this Act for each of fiscal years 2006 through 2015.

(2) NONREIUMBURSABLE.—Amounts made available pursuant to paragraph (1) shall be considered nonreimbursable Federal expenditures.

(b) COST ALLOCATION.—

(1) ACTIVITIES AT FULL FEDERAL EXPENSE.—

(A) WATER ACQUISITION.—Water acquisition and the cost of administration for water acquisition and water management by the Bureau of Reclamation described in section 5(b)(1) shall be carried out at full Federal expense.

(B) ADMINISTRATION.—Administration of the Collaborative Program, as described in section 4(d), including the participation of Federal agencies in the Program Implementation Team, shall be carried out at full Federal expense.

(2) COST-SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), all projects or activities of the Collaborative Program not described in paragraph (1) that are carried out by the Secretary or the Secretary of the Interior shall require a non-Federal cost-share of 25 percent.

(B) LIMITATION.—

(i) IN GENERAL.—The total non-Federal share required under subparagraph (A) for all projects during the period of fiscal years 2006 through 2015 shall be not more than $30,000,000.

(ii) FEDERAL EXPENSE.—On satisfaction of the total non-Federal share described in clause (i)—

(I) no further non-Federal share shall be required; and

(II) all projects and activities shall be carried out at full Federal expense.

(C) CONTRIBUTIONS.—The cost-share under subparagraph (A) may be provided as—

(i) in-kind contributions, including participation on the Program Implementation Team or in working groups, the value of which shall be determined by Secretary; or

(ii) direct cash contributions.

(D) PROGRAMMATIC BASIS.—The amount of the Federal and non-Federal cost-shares shall be determined on—

(i) a programmatic, rather than project-by-project, basis; and

(ii) a 3-year interval with excess non-Federal cost-share being credited to subsequent accounting periods.

(c) ADMINISTRATIVE COSTS.—Not more than 15 percent of amounts made available under subsection (a) shall be used to pay the administrative costs of carrying out the Program Implementation Team established under section 4(d).

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. LAUTENBERG, and Mr. LEVIN):

S. 1541. A bill to protect, conserve, and restore public land administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-shared grants to control and mitigate the spread of invasive species, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Public Land Protection and Conservation Act of 2005. I am pleased to have Senators INOUYE, LAUTENBERG and LEVIN join me in cosponsoring the bill. My legislation encourages Federal, State, and local agencies, nonprofit organizations, Indian tribes and private entities to work together through a cost-shared, cooperative grant program to control and mitigate the spread of invasive species.

Invasive species are defined as harmful, nonnative plants, animals, or organisms likely to cause economic harm, environmental harm, or harm to human health. They are widespread throughout the United States and cause billions of dollars of damage annually to crops, rangelands, and waterways. The globalization of trade, the massive volume of cargo shipments, and rising tourism have combined to increase the chance of introductions of nonnative species into the United States. They are responsible for damage to native ecosystems and vital industries such as agriculture, fisheries, and ranching. The economic, social, recreational, and ecological losses attributable to invasive species are huge. A recent Cornell University study estimated that invasive plants and animals cost the U.S. economy $137 billion annually. The costs are predicted to increase substantially as more invasive species enter the country.

The implications of the nationwide invasive species problem are enormous. The Ecological Society of America notes that invasive species contribute to the listing of 35 to 46 percent of all threatened and endangered species. Nowhere, however, are the impacts greater than in my home State of Hawaii. Hawaii is known for its biodiversity. Hawaii has more than 10,000 species found nowhere else on Earth. Unfortunately, invasive species are the number one cause of the decline of Hawaii's threatened and endangered species. This is a serious concern because of the 114 endangered species that have become extinct during the first 20 years of the Endangered Species Act, almost half were in Hawaii. Recently, gall wasps were found laying eggs in wiliwili trees. These trees were once a dominant species in dry Hawaiian forests. Now they are nearly 90 percent gone with the remnants of the remaining trees, primarily found on Maui and the Big Island, threatened by the invasive gall wasp. The fragility of our native species is compounded by the fact that most introduced species have no natural predators in the State, and such predators cannot simply cross a State border to enter Hawaii. Hawaii's Invasive Species Partnerships, a group comprised of a state council and island-based committees stated in its 2004 report that ''the silent invasion of Hawaii by alien invasive species is the single greatest threat to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people and visitors.'' Hawaii is plagued with pest invasions to a greater extent than almost any other location in the world. The invasion has limited our agricultural export market, decreased bio-diversity in the forests, and decimated native bird populations. It is imperative that this serious issue receive our full attention.

Let me give you just a few examples of invasive species problems in Hawaii. Control efforts for the Formosan ground termite are estimated to cost residents in Hawaii more than $150 million per year. Damage to our agricultural industry and the related control costs of the Mediterranean fruit fly are more than $450 million annually. Miconia, an invasive tree infesting more than 15,000 acres of rainforest in Hawaii, eliminates the habitat of endangered plants and animals and causes serious erosion problems that threaten our water supply. Bush Beardgrass is a drought-tolerant grass that increases the risk of brushfires. Wildlife authorities say the grass is beyond control on Kauai and the Big Island. Native birds in our rainforests are succumbing to malaria spread through introduced mosquitos. Coqui frogs can reach densities of 8,000 frogs per acre and threaten Hawaii's real estate, export floriculture, and nursery industries. The brown tree snake has invaded Guam and devastated native bird populations there. If the snakes become established in Hawaii, economic costs have been estimated to exceed hundreds of millions of dollars. Red fire ants threaten the agriculture industry in Hawaii and in 14 Southern States, causing more than $2 billion in annual damage. As you can see, the list

of problems is long and the time to address the issue of invasive species is now, before even more serious problems crop up.

With 73 percent of land in the continental U.S. held privately, our Federal lands will not be adequately protected without public-private partnerships. My bill requires coordination between the National Invasive Species Council, the Department of the Interior, the U.S. Department of Agriculture, and State invasive species councils and plans. The bill authorizes the Secretary of the Interior to provide grants to promote the development of voluntary State assessments to establish inventories and priorities for controlling invasive species. This is a critical step in establishing an invasives program, but many States do not have the resources to carry out this critical assessment. The legislation also provides additional grants to public or private entities, or Indian tribes, to carry out in partnership with a Federal agency an eradication, containment, or management project on Federal land or adjacent land. Control grants are cost-shared with partners. The criteria for ranking control projects include shared priorities in State and Federal plans, the severity of the invasive species impact on a State, and whether the project fosters results through public-private partnerships. Finally, and perhaps most importantly, the bill provides rapid response funds for States facing new outbreaks of invasive species, to eradicate serious new outbreaks. Rapid response funds are critical to States in order to combat newly identified invasives.

I was pleased to see that Federal departments would receive an overall increase for the seven invasive species general categories in the President's fiscal year 2006 proposed budget. I appreciate the consideration that my colleagues on the Appropriations Committee have given this important issue. However, I was dismayed to see that the budget for the category of control of invasive species declined by $25 million from its fiscal year 2005 enacted level. Control is an essential element in combating invasive species and requires additional funding.

I would like to acknowledge the fine work being accomplished by the National Park Service in establishing its Exotic Plant Management Teams. These Teams are designed to provide a highly trained, mobile strike force of plant management specialists to assist parks in the control of exotic plants. Approximately 2.6 million acres in the national parks are infected and 234 parks have invasive animals in need of management. To date, 17 Teams have been deployed throughout the country. I am grateful to the Pacific Island Team for its efforts to protect increasingly rare native communities in the Hawaiian Islands from invasion. Control of exotic species is one of the most significant land management issues facing national parks. Although I applaud the current efforts of the Department of the Interior and the U.S. Forest Service, a more coordinated and forceful attack on invasive species is needed. The attack must have robust funding and work in partnership with the States.

I am particularly pleased that the State of Hawaii is taking a leadership role in addressing its invasive species problems. Two years ago the Hawaii State Legislature established the Hawaii Invasive Species Council to coordinate the State's fight against animal and plant invaders, with the Department of Agriculture and the Department of Land and Natural Resources in leading roles. The Hawaii State Legislature has directed approximately $8 million to the invasives campaign so far. The Hawaii Invasive Species Council and each county council are committed to a proactive approach to preserve the environmental heritage and economic security of our communities for generations to come. In addition, many public and private partnerships have been formed to protect our common natural resources. For example, the East Maui Watershed Partnership brings together multiple public and private landowners and the County of Maui to control invasive species and protect 100,000 acres of our prime watershed areas. This is just one example of many highly successful and dedicated partnerships in Hawaii working to preserve our invaluable resources.

The National Environmental Coalition on Invasive Species, a coalition of representatives from major environmental organizations, has extended its full support for this legislation. Its letter of support calls this bill ''one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation's ecological and economic health.'' The State of Hawaii, Department of Land and Natural Resources, also supports the bill. The Department acknowledges that success in invasive species projects in Hawaii have come largely from the formation of strong partnerships between State, County and Federal agencies and private groups -exactly what my legislation endorses. My bill is also supported by the Conservation Council of Hawaii, the National Wildlife Federation affiliate in Hawaii. I greatly appreciate these endorsements.

As Federal efforts to combat the growing tide of invasive species increase, some landowners and private property advocates are concerned that increased efforts to combat invasives and support native plants and animals could lead to the next big government invasion of private lands. Let me assure you this is not a property rights issue. Any action taken by governments or nonprofits through this bill can occur only with the participation and willingness of the property owner.

There are increasingly severe problems and economic burdens associated with invasive species in our Nation that are borne at the State and local levels. If ever there was a time to commit to defending the security of our domestic resources for the future, it is now. My legislation provides the support necessary for agencies, organizations, and individuals to implement cooperative projects to address new threats and long-standing invasive species problems. This is an issue that must be confronted.

I ask unanimous consent that text of the bill be printed in the RECORD, as well as the letters of support from Hawaii and national groups, and urge my colleagues to support my legislation.

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

S. 1541

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Land Protection and Conservation Act of 2005''.

SEC. 2. PURPOSE.

The purpose of this Act is to encourage partnerships among Federal, State, and local agencies, nongovernmental entities, and Indian tribes to protect, enhance, restore, and manage public land and adjacent land through the control of invasive species by—

(1) promoting the development of voluntary State assessments to establish priorities for controlling invasive species;

(2) promoting greater cooperation among Federal, State, and local land and water managers and owners of private land or other interests to implement strategies to control and mitigate the spread of invasive species through a voluntary and incentive-based financial assistance grant program;

(3) establishing a rapid response capability to combat incipient invasive species invasions; and

(4) modifying the requirements applicable to the National Invasive Species Council.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONTROL.—The term ''control'' means—

(A) eradicating, suppressing, reducing, or managing invasive species in areas in which the species are present;

(B) taking steps to detect early infestations of invasive species on Public land and adjacent land that is at risk of being infested; and

(C) restoring native ecosystems to reverse or reduce the impacts of invasive species.

(2) COUNCIL.—The term ''Council'' means the National Invasive Species Council established by section 3 of Executive Order No. 13112 (64 Fed. Reg. 6184).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) INVASIVE SPECIES.—The term ''invasive species'' means, with respect to a particular ecosystem, any animal, plant, or other organism (including biological material of the animal, plant, or other organism that is capable of propagating the species)—

(A) that is not native to the ecosystem; and

(B) the introduction of which causes or is likely to cause economic harm, environmental harm, or harm to human health.

(5) NATIONAL MANAGEMENT PLAN.—The term ''National Management Plan'' means the management plan referred to in section 5 of Executive Order No. 13112 (64 Fed. Reg. 6185) and entitled ''Meeting the Invasive Species Challenge''.

(6) PUBLIC LAND.—The term ''Public land'' means all land and water that is—

(A) owned by, or under the jurisdiction of, the United States; and

(B) administered by the Department of the Interior or the Forest Service.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia;

(C) the Commonwealths of Puerto Rico and the Northern Mariana Islands;

(D) the Territories of American Samoa, Guam, and the Virgin Islands;

(E) the Federated States of Micronesia;

(F) the Republic of the Marshall Islands; and

(G) the Republic of Palau.

SEC. 4. NATIVE HERITAGE ASSESSMENT AND CONTROL GRANT PROGRAM.

(a) ASSESSMENT GRANTS.—The Secretary may provide to a State a grant to carry out an assessment project consistent with relevant invasive species management plans of the State to—

(1) identify invasive species that occur in the State;

(2) survey the extent of invasive species in the State;

(3) assess the needs to restore, manage, or enhance native ecosystems in the State;

(4) identify priorities for actions to address those needs;

(5) incorporate, as applicable, the guidelines of the National Management Plan; and

(6) identify methods to—

(A) control or detect incipient infestations of invasive species in the State; or

(B) control or assess established populations of invasive species in the State.

(b) CONTROL GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to appropriate public or private entities and Indian tribes to carry out, in partnership with a Federal agency, control projects for the management or eradication of invasive species on Public land or adjacent land that—

(A) include plans for—

(i) monitoring the project areas; and

(ii) maintaining effective control of invasive species after the completion of the projects, including through the conduct of restoration activities;

(B) in the case of a project on adjacent land, are carried out with the consent of the owner of the adjacent land; and

(C) provide public notice to, and conduct outreach activities relating to the control projects in, communities in which control projects are carried out.

(2) PRIORITY.—In prioritizing grants for control projects, the Secretary shall consider—

(A) the extent to which a project would address—

(i) the priorities of a State for invasive species control; and

(ii) the priorities for invasive species management on Public land, such as the priorities for management on National Park System and National Forest System land;

(B) the estimated number of, or extent of infestation by, invasive species in the State;

(C) whether a project would encourage increased coordination and cooperation among 1 or more Federal agencies and State or local government agencies to control invasive species;

(D) whether a project—

(i) fosters public-private partnerships; and

(ii) uses Federal resources to encourage increased private sector involvement, including the provision of private funds or in-kind contributions;

(E) the extent to which a project would aid the conservation of species included on Federal or State lists of threatened or endangered species;

(F) whether a project includes pilot testing or a demonstration of an innovative technology that has the potential to improve the cost-effectiveness of controlling invasive species; and

(G) the extent to which a project—

(i) considers the potential for unintended consequences of control methods on native species; and

(ii) includes contingency measures to address the unintended consequences.

(c) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) not later than 180 days after the date on which funds are made available to carry out this Act, publish guidelines and solicit applications for grants under this section;

(2) not later than 1 year after the date on which funds are made available to carry out this Act, evaluate and approve or disapprove applications for grants submitted under this section;

(3) consult with the Council on—

(A) any projects proposed for grants under this section, including the priority of proposed projects for the grants; and

(B) providing a definition of the term ''adjacent land'' for purposes of the control grant program under subsection (b);

(4) consult with the advisory committee established under section 3(b) of Executive Order No. 13112 (64 Fed. Reg. 6184) on projects proposed for a grant under this section, including the scientific merit, technical merit, and feasibility of a proposed project; and

(5) if a project is conducted on National Forest System land, consult with the Secretary of Agriculture.

(d) GRANT DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a grant under this section shall provide funding for the Federal share of the cost of a project for not more than 2 fiscal years.

(2) RENEWAL OF CONTROL PROJECTS.—

(A) IN GENERAL.—If the Secretary, after reviewing the reports submitted under subsection (f) with respect to a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for an additional 3 fiscal years.

(B) IMPLEMENTATION OF MONITORING AND MAINTENANCE PLAN.—The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (b) for not more than 10 years after the project is otherwise complete.

(e) DISTRIBUTION OF CONTROL GRANT AWARDS.—In making grants for control projects under subsection (b), the Secretary shall, to the maximum extent practicable, ensure that—

(1) at least 50 percent of control project funds are spent on land adjacent to Public land; and

(2) there is a balance of smaller and larger control projects conducted with grants under that subsection.

(f) REPORTING BY GRANT RECIPIENT.—

(1) ASSESSMENT PROJECTS.—Not later than 2 years after the date on which a grant is provided under subsection (a), a grant recipient carrying out an assessment project shall submit to the Secretary and the Governor of the State in which the assessment project is carried out a report on the assessment project.

(2) CONTROL PROJECTS.—A grant recipient carrying out a control project under subsection (b) shall submit to the Secretary—

(A) an annual synopsis of the control project; and

(B) a report on the control project not later than the earlier of—

(i) at least once every 2 years; or

(ii) the date on which the grant expires.

(3) CONTENTS.—A report submitted under this subsection shall include—

(A) a detailed accounting of—

(i) the funding made available for the project; and

(ii) any expenditures made for the project; and

(B) with respect to a control project—

(i) a chronological list of any progress made with respect to the project;

(ii) specific information on the methods and techniques used to control invasive species in the project area;

(iii) trends in the population size and distribution of invasive species in the project area; and

(iv) the number of acres of the native ecosystem protected or restored.

(g) COST-SHARING REQUIREMENT.—

(1) PROJECTS ON ADJACENT LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of a control project carried out on adjacent land shall be not more than 75 percent.

(B) CERTAIN CONTROL PROJECTS.—The Federal share of a control project carried out on adjacent land that uses pilot testing, demonstrates an innovative technology, or provides for the conservation of threatened or endangered species shall be 85 percent.

(2) PROJECTS ON PUBLIC LAND.—The Federal share of the cost of the portion of a control project that is carried out on Public land shall be 100 percent.

(3) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of the costs of a control project the fair market value of services or any other form of in-kind contribution to the project made by a non-Federal entity.

(4) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(h) REPORTING BY SECRETARY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to Congress a report that—

(A) describes the implementation of this section; and

(B) includes a determination whether the grants authorized under subsections (a) and (b) should be expanded to land and water that are owned and administered by Federal agencies other than the Department of the Interior or the Forest Service.

(2) CONTENTS.—A report under paragraph (1) shall include a review of control projects, including—

(A) a list of control projects selected, in progress, and completed;

(B) an assessment of project impacts, including—

(i) areas treated; and

(ii)(I) if feasible, a measurement of invasive species eradicated; or

(II) an estimate of the extent to which invasive species have been reduced or contained;

(C) the success and failure of control techniques used;

(D) an accounting of expenditures by Federal, State, regional, and local government agencies and other entities to carry out the projects;

(E) a review of efforts made to maintain an appropriate database of projects assisted under this section; and

(F) a review of the geographical distribution of Federal funds, matching funds, and in-kind contributions provided for projects.

SEC. 5. RAPID RESPONSE ASSISTANCE.

(a) IN GENERAL.—The Secretary may provide financial assistance to States, local governments, public or private entities, and Indian tribes for a period of 1 fiscal year to enable States, local governments, nongovernmental entities, and Indian tribes to rapidly respond to outbreaks of invasive species that are at a stage at which rapid eradication or control is possible.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary shall—

(1) at the request of the Governor of a State—

(A) provide assistance under this section to the State, a local government, public or private entity, or Indian tribe for the eradication of an immediate invasive species threat in the State if—

(i) there is a demonstrated need for the assistance;

(ii) the invasive species is considered to be an immediate threat to native ecosystems, human health, or the economy, as determined by the Secretary; and

(iii) the proposed response of the State, local government, public or private entity, or Indian tribe to the threat—

(I) is technically feasible; and

(II) minimizes adverse impacts to native ecosystems and non-target species; or

(B) if the requirements under subparagraph (A) are not met, submit to the Governor of the State, not later than 30 days after the date on which the Secretary received the request, written notice that the State is not eligible for assistance under this section;

(2) determine the amount of financial assistance to be provided under this section, subject to the availability of appropriations, with respect to an outbreak of an invasive species;

(3) require that entities receiving assistance under this section monitor and report on activities carried out with such assistance in the same manner that control project grant recipients monitor and report on such activities; and

(4) expedite environmental and regulatory reviews to ensure that an outbreak of invasive species can be addressed within the 180-day period beginning on the date on which the State notifies the Secretary of the outbreak.

SEC. 6. RELATIONSHIP TO OTHER AUTHORITIES.

Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

SEC. 7. BUDGET CROSSCUT.

Not later than March 31, 2006, and each year thereafter, the Director of the Office of Management and Budget, in consultation with the Council, shall submit to Congress—

(1) a comprehensive budget analysis and summary of Federal programs relating to invasive species; and

(2) a list of general priorities, ranked in high, medium, and low categories, of Federal efforts and programs in—

(A) prevention;

(B) early detection and rapid response;

(C) eradication, control, management, and restoration;

(D) research and monitoring;

(E) information management; and

(F) public outreach and partnership efforts.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSESSMENT GRANTS.—There are authorized to be appropriated to the Secretary to carry out assessment projects under section 4(a)—

(1) $25,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2010.

(b) CONTROL GRANTS.—There are authorized to be appropriated to the Secretary to carry out control projects under section 4(b)—

(1) $175,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2010.

(c) RAPID RESPONSE ASSISTANCE.—There are authorized to be appropriated to the Secretary to carry out section 5—

(1) $50,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2010.

(d) CONTINUING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

(e) ADMINISTRATIVE EXPENSES OF SECRETARY.—Of amounts made available each fiscal year to carry out this Act, the Secretary may expend not more than 5 percent to pay the administrative expenses necessary to carry out this Act.

THE NATIONAL ENVIRONMENTAL COALITION ON INVASIVE SPECIES,
July 22, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The member organizations of the National Environmental Coalition on Invasive Species are writing in support of the Pubic Land Protection and Conservation Act of 2005.

Separately, our individual organizations have protested millions of acres of land; worked with thousands of corporate partners, affiliates, and community groups; and provided scientific, economic, and legal analyses that advocate responsible policy solutions to the international, national, and local level.

Together, our organizations have over six million individual members and supporters. The threat that invasive species pose to our environment and economy and our interest in finding equitable, practical, and cost-effective solutions to this environmental problem unites us in this Coalition.

Invasive species that choke out, devour, and destroy native wildlife and their habitat have infested more than 100 million acres of the American landscape. An additional three million acres are lost each year to invasive weeds—an area equal to a strip of land two miles wide stretching from coast to coat. Invasive species are one of the most critical threats to America's natural diversity and pose clear risks to the nation's waters, forests, farmlands, rangelands, wetlands, natural area, and public and private property values. Experts estimates that these fast moving invaders are already causing $130 billion of damage each year to the economy.

The Public Land Protection and Conservation Act of 2005 is one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation's ecological and economic health. We applaud this effort to use federal funding as an incentive to encourage local government agencies, private organizations, and individuals to be more proactive in managing invasive and invading species. The Native Heritage Control Grant Program offered in the bill is noteworthy not only in that it provides such incentives, but also in that it provides additional encouragement for innovative technologies and work to benefit endangered species. The Control Grant Program is aptly tailored to encourage partnerships and work on federal and non-federal land. Invasive species do not respect administrative or political boundaries and we cannot hope to protect the best federal lands without the cooperation of neighboring landowners. Similarly helping private landowners and local governments deal with their invasive species problems is also extremely important, as recognized in this bill.

The Public Land Protection and Conservation Act of 2005 reflects some of the latest scientific conclusions on invasive species—we strongly support your esblishment of 'rapid response' funding to deal with incipient invasions. There is broad consensus among organizations, scientists, and state and federal agencies that eradicating invaders before they become widely established is second only to prevention as the most cost-effective and ultimately successful way to stop invasions. This rapid response program will be critical if the brown tree snake) Boiga irregularis) ever reaches Hawaii from Guam, if the European green crab (Carcinus maenas) ever reaches Alaska from California, or countless other potential invasions occur on our coasts, inland rangelands, grasslands, wetland, and waterways.

The Public Land Protection and Conservation Act of 2005 contains useful deadlines and guidance to help ensure that Assessment Grants, Rapid Response Assistance, and Control Grants are delivered effectively, translating into meaningful conservation results on the ground. The Coalition strongly supports the inclusion of this language, which will help get these programs up and running quickly, and help ensure quick success against rapidly spreading problems. As this bill recognizes, it is particularly important for Rapid Response Assistance to be delivered as quickly as possible after a state requests such assistance, because time is of the essence to prevent new invaders from getting a foothold within a state.

The National Environmental Coalition on Invasive Species supports this proposed legislation as now written. The grant programs it establishes are sorely needed to address the widespread damage being caused by invasive species all across America. We look forward to working with you and your staff on this legislation that will help address America's dire invasive species problem.

Sincerely,

GABY CHAVARRIA, PH.D,
Vice President for Conservation, Defenders of Wildlife.

PETER T. JENKINS,
Attorney/Policy Analyst, International Center for Technology Assessment.

TIMOTHY MALE, PH.D,
Senior Ecologist, Environemtnal Defense.

MIKE DAULTON,
Assistant Director, National Audubon Society.

ADAM KOLOTN,
Director, Congressional & Federal Affairs, National Wildlife Federation.

PHYLLIS N. WINDLE, PH.D,
Senior Scientist, Union of Concerned Scientists.

JOHN M. RANDALL,
Director, Invasive Species Initiative, The Nature Conservancy.

JUNE 14, 2004.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Conservation Council of Hawaii commends you for introducing the Public Land Protection and Conservation Act of 2004. This bill will be instrumental in preventing the invasion of new invasive species, and help prevent the spread of invasives that have already taken root in the United States.

In Hawaii, we know first hand that invasive species choke out, devour, and destroy native wildlife and their habitat. Throughout the nation, invasive species have infested more than 100 million acres of the American landscape and an additional three million acres are lost each year to invasive weeds. Invasive species are one of the most critical threats to America's natural diversity and pose clear risks to the nation's waters, forests, farmlands, rangelands, wetlands, natural areas, and public and private property values. Experts estimate that these fast moving invaders are already causing $130 billion of damage each year to the economy and are the second leading cause, after habitat loss, for wildlife being listed as threatened and endangered.

The Public Land Protection and Conservation Act of 2004 is one of the best legislative proposals to date to deal with the growing threat that invasive species pose to our nation's ecological and economic health. We applaud this effort to use federal funding as an incentive to encourage local government agencies, private organizations, and individuals to be more proactive in managing invasive and invading species. The Native Heritage Control Grant Program offered in the bill is noteworthy not only in that it provides such incentives, but also in that it provides additional encouragement for innovative technologies and work to benefit endangered species. The Control Grant Program is aptly tailored to encourage partnerships and work on federal and non-federal land. Invasive species do not respect administrative or political boundaries and we cannot hope to protect the best federal lands without the cooperation of neighboring landowners. Similarly, helping private landowners and local governments deal with their invasive species problems is also extremely important, as recognized in this bill.

The Public Land Protection and Conservation Act of 2004 reflects some of the latest scientific conclusions on invasive species—we strongly support your establishment of 'rapid response' funding to deal with incipient invasions. There is broad consensus among organizations, scientists, and state and federal agencies that eradicating invaders before they become widely established is second only to prevention as the most cost-effective and ultimately successful way to stop invasions. This rapid response program will be critical if the brown tree snake (Boiga irregularis) ever reaches Hawaii from Guam, if the European green crab (Carcinus maenas) ever reaches Alaska from California, or countless other potential invasions occur on our coasts, inland rangelands, grasslands, wetlands, and waterways.

The Conservation Council of Hawaii strongly supports this proposed legislation. We look forward to working with you and your staff on this legislation to ensure its successful passage.

Sincerely,

MARJORIE ZIEGLER,
President, Conservation Council of Hawaii.

STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES,
Honolulu, HI, April 22, 2004.

Hon. DANIEL K. AKAKA,
Prince Kuhio Federal Building,
Honolulu, HI.

DEAR SENATOR AKAKA: I would like to thank you and acknowledge the State of Hawaii's support for the Public Land Conservation Act of 2004. We feel this legislation will achieve its stated purpose of encouraging Federal, State, local and nongovernmental partnerships to assess and control invasive species on Federal and adjacent lands.

I believe that Hawaii is the best state model for developing strategies for federal agencies, not only to work together more effectively, but also to work in partnership with state and local government entities. Increasing success in invasive species projects in Hawaii has come largely from the formation of strong partnerships between State, County and Federal agencies and private groups. Just as many landowners and businesses are affected by the same invasive species concerns, many agencies are responsible for the pathways that bring potentially invasive species into Hawaii, regulate their movement and control their spread.

Partnerships to address invasive species issues have been responsible for the greatest improvements in Hawaii's ability to respond to recognized priority pests. In Hawaii, combining limited resources, authority, and expertise has led to the creation of Invasive Species Committees that carry out on the ground actions, the Coordinating Group on Alien Pest Species that has allowed agency staff to develop integrated policies within the state and most recently the Hawaii Invasive Species Council composed of State agency heads.

Implementation of current management plans developed by coordinated efforts of relevant public agencies and affected local constituents in Hawaii can help build the framework to begin or enhance larger-scale regional strategies to combat wide-ranging invasive species. Federal investments to support local, State, and regional partners who are prepared to take action now against known priority invasive species will provide valuable lessons for other regions and promote innovation and efficiency in protection and public outreach strategies. By promoting their progress, these partnerships will in turn help identify the policy and legal obstacles to success as well as build a constituency for more effective invasive-species prevention and control programs in other areas.

Please let me know of any way that we can help support this important piece of legislation. Mahalo.

Sincerely,

PETER T. YOUNG,
Chairperson

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

II S. 1545. A bill to withdraw the Los Padres National Forest in California from location, entry, and patent under mining laws, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am introducing legislation today that would ban additional oil and gas drilling in the Los Padres National Forest. My colleague from California, Senator FEINSTEIN, joins me in this effort. Representative CAPPS introduced companion legislation in the House of Representatives earlier this month.

Los Padres National Forest is on California's central coast, stretching from Monterey County's Big Sur down to Ventura and the western edge of Los Angeles County. Covering almost 1.75 million acres, it is California's third-largest national forest and one of the State's most visited. Los Padres National Forest is an ecological treasure and a recreational refuge in one of California's, indeed America's, most densely populated areas.

It provides habitat for 20 threatened and endangered wildlife species, including the spectacular California condor. Los Padres also contains unexplored archaeological sites that contain Native American historical artifacts.

Yet, despite these facts and strong local opposition to oil and gas drilling in the Forest, the Forest Service announced today that it will open up more than 52,000 acres of land to oil and gas drilling in Los Padres National Forest. While this is far less land than the Forest Service previously considered opening, additional drilling is simply unacceptable. That is why I am introducing legislation to prevent this new drilling, and any future drilling from occurring in Los Padres National Forest.

Additional oil and gas drilling will threaten the pristine and unspoiled lands in the Forest. It could damage or destroy Native American artifacts. And, it could ruin recreational opportunities by contaminating streams and increasing air pollution.

My legislation is a critical step toward protecting the irreplaceable natural, cultural, and recreational resources of the Los Padres National Forest. I urge my colleagues to support this legislation.

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

S. 1548. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, today I introduce a bill that is very important to a small community in my home State of Alaska. This bill will authorize the U.S. Forest Service to convey approximately 12 acres of land, which it no longer needs but continues to own in Coffman Cove, AK to the city of Coffman Cove. The bill authorizes that the land, a former administrative site, be conveyed without charge to the city which has a population of about 230 people.

Coffman Cove was founded in 1965 as a logging community to provide support for the timber industry on Prince of Wales Island in the Tongass National Forest. It operated for almost 35 years in that capacity. Due to changes in Federal policy, the timber industry on the island no longer provides the economic base necessary to sustain Coffman Cove. Attempts at economic diversification are very difficult so long as the Forest Service holds in Federal ownership these 12 acres which literally occupy the center of this small community.

Just a few years ago, the Forest Service in conjunction with the timber industry completed the environmental cleanup of the logging site and facility at Coffman Cove. That cleanup was funded by the timber industry as good corporate citizens. The result of the cleanup is that the 12 acres can now be made available for disposal to the city.

This bill, in which I am joined by my colleague Mr. STEVENS, would convey title to the City without cost so that it

can begin a redevelopment plan for the community. The city of Coffman Cove needs this land if it is to hope to reorient its economy from a principally logging community to a more diversified economic community. A small town of 230 people simply does not have the funds to purchase this land and the Federal Government needs to pitch in by conveying full title without cost to the community.

This is only fair since the Federal Government's change in timber policy has created the city's dilemma. As a result of the change in timber policy with which the Senate is so familiar, the city has been set adrift to fend for itself economically. And it has done a good job. It will soon become the southern terminus for the Inter-Island Ferry Authority's new northern route which will connect Prince of Wales Island with Wrangell and Petersburg. The new route will go into service in the next few months and this should provide an economic boost to the community.

But, Coffman Cove must control the land in the heart of its community if it is to economically diversify. For the new ferry route to bring economic development to the City, the City must able to sell, rent, or develop its local land base. The 12 acres which are the subject of my bill are the 12 key acres right in the center of town. Now this is a small town and without control of this land, the City cannot ever successfully diversity and recovers from the change in its economy as a result of the change in Federal timber policy.

This Forest Service desires to retain a 3 acre site for its continued administrative purposes. My bill does not affect that site and I expect the Forest Service to have no problem with the land conveyance locations provided in this bill. I appreciate the assistance of the Forest Service in helping me to draft the legislation.

This conveyance fulfills the Federal Government's commitment that changes in Federal timber policy would be matched by Federal help to the local communities to diversify. It is absolutely appropriate and fair to offer Coffman Cove this former Forest Service administrative site that no longer has value to the Federal government but that is crucial to Coffman Cove as it plans its future.

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

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

S. 1548

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coffman Cove Administrative Site Conveyance Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the community of Coffman Cove, Alaska, which originated as a logging camp in the 1960's, was incorporated as a city in 1989;

(2) the Forest Service property located in the center of the City was used by the Forest Service as a work center;

(3) the Forest Service work facilities included part of the logging camp, a log sort yard, and a log transfer site, all of which supported the long-term timber sale operations and other subsequent timber sales in the Tongass National Forest;

(4) as the long-term timber sale operations concluded, the need for the Forest Service to use the Forest Service site in Coffman Cove diminished;

(5) the Forest Service work center facilities that supported timber operations have been removed and the site has been restored;

(6) the location of the administrative site interferes with the ability of the City to further develop commercial operations and tourism support facilities relating to a new ferry terminal;

(7) the City wants to acquire a portion of the site to continue the transition of the City from a timber-dependent economy to a more fully developed and diversified economy; and

(8) the Forest Service expects that only approximately 3 acres of the administrative site will be used in the future for National Forest System purposes.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Coffman Cove, Alaska.

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

SEC. 4. CONVEYANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall convey to the City, without consideration and without additional warrants or liability on behalf of the United States, fee simple title to the parcel of Forest Service land described in subsection (b).

(b) DESCRIPTION OF LAND.—

(1) IN GENERAL.—The parcel of Forest Service land referred to in subsection (a) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled ''Subdivision of U.S. Survey No. 10099'' and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(2) EXCLUDED LAND.—The parcel of Forest Service land conveyed under subsection (a) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(c) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the Forest Service land excluded from the conveyance to the City under subsection (b)(2).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 218—DESIGNATING SEPTEMBER 2005 AND SEPTEMBER 2006 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. REID, Mr. SHELBY, Mr. CORZINE, Mr. BUNNING, Ms. LANDRIEU, Mr. HATCH, Ms. CANTWELL, Mr. CRAPO, Mrs. FEINSTEIN, Mr. LOTT, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 218

Whereas countless families in the United States have a family member that suffers from prostate cancer;

Whereas 1 in 6 men in the United States is diagnosed with prostate cancer;

Whereas throughout the past decade, prostate cancer has been the most commonly diagnosed type of cancer other than skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2005, more than 232,090 men in the United States will be diagnosed with prostate cancer and 30,350 men in the United States will die of prostate cancer according to estimates from the American Cancer Society;

Whereas 30 percent of the new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of being diagnosed with prostate cancer;

Whereas African American males suffer from prostate cancer at an incidence rate up to 65 percent higher than white males and at a mortality rate double that of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the chance that the disease will lead to death;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has double the risk of prostate cancer, if he has 2 family members with such diagnosis, he has 5 times the risk, and if he has 3 family members with such diagnosis, he has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can detect prostate cancer in earlier and more treatable stages and reduce the rate of mortality due to the disease;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting our families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2005 and September 2006 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility to—

(A) raise awareness about the importance of screening methods and the treatment of prostate cancer;

(B) increase research funding to be proportionate with the burden of prostate cancer so that the causes of the disease, improved screening and treatments, and ultimately a cure may be discovered; and

(C) continue to consider methods to improve both access to and the quality of health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons to—

(A) promote awareness of prostate cancer;

(B) take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) observe September 2005 and September 2006 with appropriate ceremonies and activities.