

(Mr. SARBANES), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1580, a bill to improve the health of minority individuals.

S. 1615

At the request of Mrs. CLINTON, the names of the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1615, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

S. RES. 204

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 204, a resolution recognizing the 75th anniversary of the American Academy of Pediatrics and supporting the mission and goals of the organization.

S. RES. 225

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 225, a resolution designating the month of November 2005 as the "Month of Global Health".

S. RES. 227

At the request of Mr. DEWINE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 227, a resolution pledging continued support for international hunger relief efforts and expressing the sense of the Senate that the United States Government should use resources and diplomatic leverage to secure food aid for countries that are in need of further assistance to prevent acute and chronic hunger.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1619. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that will help protect our children from the harmful health effects of pesticides.

This legislation, a companion bill to Congressman RUSH HOLT's School Environment Protection Act, SEPA, addresses the need for States and local education agencies to protect schoolchildren and school staff from exposure to harmful chemicals in school buildings and on school grounds.

According to the Environmental Protection Agency, EPA, children face higher risks than adults from pesticides because their systems are still developing, and therefore not as capable of detoxification. Pesticide exposure can adversely affect a child's neurological, respiratory, immune, and endocrine systems and has been linked to exacerbated asthma symptoms.

In July of this year, the Journal of the American Medical Association released a study which confirmed that pesticide exposure at schools causes acute illnesses in school employees and students. The study recommends that integrated pest management programs, designed to require less, if any, chemical pesticide application, be used in schools to help keep our children safe and healthy.

Safe alternatives to the use of dangerous chemical pesticides exist. This bill would require all schools, local education agencies, and States to develop school pest management plans that emphasize these safe alternatives, minimizing health damage from pesticides and minimizing economic damage by pests at the same time. This legislation would encourage schools to use techniques that attempt to move away from chemical pesticides where possible, that are proven to be safe and effective, and that involve proper timing and notification of students, families, and school employees in cases when pesticides cannot be avoided.

This bill builds the foundation for a strong working relationship between the Environmental Protection Agency, EPA, and State and local agencies so that they may solve this problem together. The EPA is called upon to develop guidelines with State and local education agencies for school pest management plans. Local education agencies would be required to develop and implement school pest management plans that comply. The EPA would continue to offer program assistance after such plans are implemented.

The Senate passed a similar version of this bill in the 107th Congress, but the full Congress has been slow to act. I sincerely hope that Congress finally acts on this important issue. We must take the advice of scientists, especially considering the ever-growing body of knowledge concerning the effects of harmful chemicals on children, and pass the School Environment Protection Act. Children have the right to learn in a healthy atmosphere. Parents and guardians have the right to know whether their children are to be exposed to toxic chemicals and take mitigating steps. I urge all my colleagues to support the School Environmental Protection Act.

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. 1619

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 "School Environment Protection Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1992, the National Parent Teacher Association passed a resolution calling for the reduced use of pesticides in schools and calling on policymakers to consider all possible alternatives before using any pesticides;

(2) the National Education Association and many other national public interest organizations have announced support for reducing or eliminating pesticide use in schools;

(3) childhood cancer is continuing to increase at the alarming rate of 1 percent per year;

(4) the overall incidence of childhood cancer increased 10 percent between 1974 and 1991, making cancer the leading cause of childhood death from disease;

(5) approximately 4,800,000 children in the United States under the age of 18 have asthma, the most common chronic illness in children, and the incidence of asthma is on the rise;

(6) children are more susceptible to hazardous impacts from pesticides than are adults;

(7) numerous scientific studies have linked both cancer and asthma to pesticide exposure;

(8) the Environmental Protection Agency has recommended the use of an integrated pest management system by local educational agencies, which emphasizes nonchemical ways of reducing pests, such as sanitation and maintenance;

(9) integrated pest management—

(A) promotes nonchemical methods of pest prevention and management using least toxic pesticides after all other methods have been exhausted; and

(B) requires a notification process by which each student, parent, guardian, staff member, and teacher shall be notified of a pesticide application;

(10) parents and guardians have a right to know that there is an integrated pest management system in their children's schools;

(11) an integrated pest management system provides long-term health and economic benefits; and

(12) parents and guardians wish to and have a right to be notified in advance of any use of a pesticide in their children's schools.

SEC. 3. INTEGRATED PEST MANAGEMENT SYSTEMS FOR SCHOOLS.

The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 34 and 35 (7 U.S.C. 136x, 136y) as sections 35 and 36, respectively; and

(2) by inserting after section 33 (7 U.S.C. 136w-8) the following:

"SEC. 34. INTEGRATED PEST MANAGEMENT SYSTEMS FOR SCHOOLS.

"(a) DEFINITIONS.—In this section:

"(1) BOARD.—The term 'Board' means the National School Integrated Pest Management Advisory Board established under subsection (c).

"(2) CONTACT PERSON.—The term 'contact person' means an individual who is—

"(A) knowledgeable about integrated pest management systems; and

“(B) designated by a local educational agency as the contact person under subsection (f).

“(3) CRACK AND CREVICE TREATMENT.—The term ‘crack and crevice treatment’ means the application of small quantities of a pesticide in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

“(4) EMERGENCY.—The term ‘emergency’ means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

“(5) FUND.—The term ‘Fund’ means the Integrated Pest Management Trust Fund established under subsection (m).

“(6) INTEGRATED PEST MANAGEMENT SYSTEM.—The term ‘integrated pest management system’ means a managed pest control system that—

“(A) eliminates or mitigates economic, health, and aesthetic damage caused by pests;

“(B) uses—

“(i) integrated methods;

“(ii) site or pest inspections;

“(iii) pest population monitoring;

“(iv) an evaluation of the need for pest control; and

“(v) 1 or more pest control methods, including sanitation, structural repair, mechanical and biological controls, other non-chemical methods, and (if nontoxic options are unreasonable and have been exhausted) least toxic pesticides; and

“(C) minimizes—

“(i) the use of pesticides; and

“(ii) the risk to human health and the environment associated with pesticide applications.

“(7) LEAST TOXIC PESTICIDES.—

“(A) IN GENERAL.—The term ‘least toxic pesticides’ means—

“(i) boric acid and disodium octoborate tetrahydrate;

“(ii) silica gels;

“(iii) diatomaceous earth;

“(iv) nonvolatile insect and rodent baits in tamper resistant containers or for crack and crevice treatment only;

“(v) microbe-based insecticides;

“(vi) botanical insecticides (not including synthetic pyrethroids) without toxic synergists;

“(vii) biological, living control agents; and

“(viii) materials for which the inert ingredients are nontoxic and disclosed.

“(B) EXCLUSIONS.—The term ‘least toxic pesticides’ does not include a pesticide that is determined by the Administrator to be an acutely or moderately toxic pesticide, carcinogen, mutagen, teratogen, reproductive toxin, developmental neurotoxin, endocrine disrupter, or immune system toxin, and any application of the pesticide using a broadcast spray, dust, tenting, fogging, or baseboard spray application.

“(8) LIST.—The term ‘list’ means the list of least toxic pesticides established under subsection (d).

“(9) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(10) PERSON.—The term ‘person’ means—

“(A) an individual that attends, has children enrolled in, works at, or uses a school;

“(B) a resident of a school district; and

“(C) any other individual that may be affected by pest management activities of a school.

“(11) OFFICIAL.—The term ‘official’ means the official appointed by the Administrator under subsection (e).

“(12) PESTICIDE.—

“(A) IN GENERAL.—The term ‘pesticide’ means any substance or mixture of substances, including herbicides and bait stations, intended for—

“(i) preventing, destroying, repelling, or mitigating any pest;

“(ii) use as a plant regulator, defoliant, or desiccant; or

“(iii) use as a spray adjuvant such as a wetting agent or adhesive.

“(B) EXCLUSION.—The term ‘pesticide’ does not include antimicrobial agents such as disinfectants or deodorizers used for cleaning products.

“(13) SCHOOL.—The term ‘school’ means a public—

“(A) elementary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801));

“(B) secondary school (as defined in section 14101 of that Act); or

“(C) kindergarten or nursery school.

“(14) SCHOOL GROUNDS.—

“(A) IN GENERAL.—The term ‘school grounds’ means the area outside of the school buildings controlled, managed, or owned by the school or school district.

“(B) INCLUSIONS.—The term ‘school grounds’ includes a lawn, playground, sports field, and any other property or facility controlled, managed, or owned by a school.

“(15) SPACE SPRAYING.—

“(A) IN GENERAL.—The term ‘space spraying’ means application of a pesticide by discharge into the air throughout an inside area.

“(B) INCLUSION.—The term ‘space spraying’ includes the application of a pesticide using a broadcast spray, dust, tenting, or fogging.

“(C) EXCLUSION.—The term ‘space spraying’ does not include crack and crevice treatment.

“(16) STAFF MEMBER.—

“(A) IN GENERAL.—The term ‘staff member’ means an employee of a school or local educational agency.

“(B) INCLUSIONS.—The term ‘staff member’ includes an administrator, teacher, and other person that is regularly employed by a school or local educational agency.

“(C) EXCLUSIONS.—The term ‘staff member’ does not include—

“(i) an employee hired by a school, local educational agency, or State to apply a pesticide; or

“(ii) a person assisting in the application of a pesticide.

“(17) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(18) UNIVERSAL NOTIFICATION.—The term ‘universal notification’ means notice provided by a local educational agency or school to—

“(A) all parents or guardians of children attending the school; and

“(B) staff members of the school or local educational agency.

“(b) INTEGRATED PEST MANAGEMENT SYSTEMS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, shall establish a National School Integrated Pest Management Advisory System to develop and update uniform standards and criteria for implementing integrated pest management systems in schools.

“(2) IMPLEMENTATION.—Not later than 18 months after the date of enactment of this subsection, each local educational agency of a school district shall develop and implement in each of the schools in the school district an integrated pest management system that complies with this section.

“(3) STATE PROGRAMS.—If, on the date of enactment of this section, a State maintains

an integrated pest management system that meets the standards and criteria established under paragraph (1) (as determined by the Board), a local educational agency in the State may continue to implement the system in a school or in the school district in accordance with paragraph (2).

“(4) APPLICATION TO SCHOOLS AND SCHOOL GROUNDS.—The requirements of this section that apply to a school, including the requirement to implement an integrated management system, apply to pesticide application in a school building and on the school grounds.

“(5) APPLICATION OF PESTICIDES WHEN SCHOOLS IN USE.—A school shall prohibit—

“(A) the application of a pesticide when a school or a school ground is occupied or in use; or

“(B) the use of an area or room treated by a pesticide, other than a least toxic pesticide, during the 24-hour period beginning at the end of the treatment.

“(c) NATIONAL SCHOOL INTEGRATED PEST MANAGEMENT ADVISORY BOARD.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, shall establish a National School Integrated Pest Management Advisory Board to—

“(A) establish uniform standards and criteria for developing integrated pest management systems and policies in schools;

“(B) develop standards for the use of least toxic pesticides in schools; and

“(C) advise the Administrator on any other aspects of the implementation of this section.

“(2) COMPOSITION OF BOARD.—The Board shall be composed of 12 members and include 1 representative from each of the following groups:

“(A) Parents.

“(B) Public health care professionals.

“(C) Medical professionals.

“(D) State integrated pest management system coordinators.

“(E) Independent integrated pest management specialists that have carried out school integrated pest management programs.

“(F) Environmental advocacy groups.

“(G) Children’s health advocacy groups.

“(H) Trade organization for pest control operators.

“(I) Teachers and staff members.

“(J) School maintenance staff.

“(K) School administrators.

“(L) School board members.

“(3) APPOINTMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall appoint members of the Board from nominations received from Parent Teacher Associations, school districts, States, and other interested persons and organizations.

“(4) TERM.—

“(A) IN GENERAL.—A member of the Board shall serve for a term of 5 years, except that the Administrator may shorten the terms of the original members of the Board in order to provide for a staggered term of appointment for all members of the Board.

“(B) CONSECUTIVE TERMS.—Subject to subparagraph (C), a member of the Board shall not serve consecutive terms unless the term of the member has been reduced by the Administrator.

“(C) MAXIMUM TERM.—In no event may a member of the Board serve for more than 6 consecutive years.

“(5) MEETINGS.—The Administrator shall convene—

“(A) an initial meeting of the Board not later than 60 days after the appointment of the members; and

“(B) subsequent meetings on a periodic basis, but not less often than 2 times each year.

“(6) COMPENSATION.—A member of the Board shall serve without compensation, but may be reimbursed by the Administrator for expenses (in accordance with section 5703 of title 5, United States Code) incurred in performing duties as a member of the Board.

“(7) CHAIRPERSON.—The Board shall select a Chairperson for the Board.

“(8) QUORUM.—A majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

“(9) DECISIVE VOTES.—Two-thirds of the votes cast at a meeting of the Board at which a quorum is present shall be decisive for any motion.

“(10) ADMINISTRATION.—The Administrator—

“(A) shall—

“(i) authorize the Board to hire a staff director; and

“(ii) detail staff of the Environmental Protection Agency, or allow for the hiring of staff for the Board; and

“(B) subject to the availability of appropriations, may pay necessary expenses incurred by the Board in carrying out this subtitle, as determined appropriate by the Administrator.

“(11) RESPONSIBILITIES OF THE BOARD.—

“(A) IN GENERAL.—The Board shall provide recommendations to the Administrator regarding the implementation of this section.

“(B) LIST OF LEAST TOXIC PESTICIDES.—Not later than 1 year after the initial meeting of the Board, the Board shall—

“(i) review implementation of this section (including use of least toxic pesticides); and

“(ii) review and make recommendations to the Administrator with respect to new proposed active and inert ingredients or proposed amendments to the list in accordance with subsection (d).

“(C) TECHNICAL ADVISORY PANELS.—

“(i) IN GENERAL.—The Board shall convene technical advisory panels to provide scientific evaluations of the materials considered for inclusion on the list.

“(ii) COMPOSITION.—A panel described in clause (i) shall include experts on integrated pest management, children's health, entomology, health sciences, and other relevant disciplines.

“(D) SPECIAL REVIEW.—

“(i) IN GENERAL.—Not later than 2 years after the initial meeting of the Board, the Board shall review, with the assistance of a technical advisory panel, pesticides used in school buildings and on school grounds for their acute toxicity and chronic effects, including cancer, mutations, birth defects, reproductive dysfunction, neurological and immune system effects, and endocrine system disruption.

“(ii) DETERMINATION.—The Board—

“(I) shall determine whether the use of pesticides described in clause (i) may endanger the health of children; and

“(II) may recommend to the Administrator restrictions on pesticide use in school buildings and on school grounds.

“(12) REQUIREMENTS.—In establishing the proposed list, the Board shall—

“(A) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, medical and scientific literature, and such other sources as appropriate, concerning the potential for adverse human and environmental effects of substances considered for inclusion in the proposed list; and

“(B) cooperate with manufacturers of substances considered for inclusion in the proposed list to obtain a complete list of ingredients and determine that such substances contain inert ingredients that are generally recognized as safe.

“(13) PETITIONS.—The Board shall establish procedures under which individuals may pe-

tion the Board for the purpose of evaluating substances for inclusion on the list.

“(14) PERIODIC REVIEW.—

“(A) IN GENERAL.—The Board shall review each substance included on the list at least once during each 5-year period beginning on—

“(i) the date that the substance was initially included on the list; or

“(ii) the date of the last review of the substance under this subsection.

“(B) SUBMISSION TO ADMINISTRATOR.—The Board shall submit the results of a review under subparagraph (A) to the Administrator with a recommendation as to whether the substance should continue to be included on the list.

“(15) CONFIDENTIALITY.—Any business sensitive material obtained by the Board in carrying out this section shall be treated as confidential business information by the Board and shall not be released to the public.

“(d) LIST OF LEAST TOXIC PESTICIDES; PESTICIDE REVIEW.—

“(1) IN GENERAL.—The Board shall recommend to the Administrator a list of least toxic pesticides (including the pesticides described in subsection (a)(7)) that may be used as least toxic pesticides, any restrictions on the use of the listed pesticides, and any recommendations regarding restrictions on all other pesticides, in accordance with this section.

“(2) PROCEDURE FOR EVALUATING PESTICIDE USE.—

“(A) LIST OF LEAST TOXIC PESTICIDES.—

“(i) IN GENERAL.—The Administrator shall establish a list of least toxic pesticides that may be used in school buildings and on school grounds, including any restrictions on the use of the pesticides, that is based on the list prepared by the Board.

“(ii) REGULATORY REVIEW.—The Administrator shall initiate regulatory review of all other pesticides recommended for restriction by the Board.

“(B) RECOMMENDATIONS.—Not later than 1 year after receiving the proposed list and restrictions, and recommended restrictions on all other pesticides from the Board, the Administrator shall—

“(i) publish the proposed list and restrictions and all other proposed pesticide restrictions in the Federal Register and seek public comment on the proposed proposals; and

“(ii) after evaluating all comments received concerning the proposed list and restrictions, but not later than 1 year after the close of the period during which public comments are accepted, publish the final list and restrictions in the Federal Register, together with a discussion of comments received.

“(C) FINDINGS.—Not later than 2 years after publication of the final list and restrictions, the Administrator shall make a determination and issue findings on whether use of registered pesticides in school buildings and on school grounds may endanger the health of children.

“(D) NOTICE AND COMMENT.—

“(i) IN GENERAL.—Prior to establishing or making amendments to the list, the Administrator shall publish the proposed list or any proposed amendments to the list in the Federal Register and seek public comment on the proposals.

“(ii) RECOMMENDATIONS.—The Administrator shall include in any publication described in clause (i) any changes or amendments to the proposed list that are recommended to and by the Administrator.

“(E) PUBLICATION OF LIST.—After evaluating all comments received concerning the proposed list or proposed amendments to the list, the Administrator shall publish the final list in the Federal Register, together with a description of comments received.

“(e) OFFICE OF PESTICIDE PROGRAMS.—

“(1) ESTABLISHMENT.—The Administrator shall appoint an official for school pest management within the Office of Pesticide Programs of the Environmental Protection Agency to coordinate the development and implementation of integrated pest management systems in schools.

“(2) DUTIES.—The official shall—

“(A) coordinate the development of school integrated pest management systems and policies;

“(B) consult with schools concerning—

“(i) issues related to the integrated pest management systems of schools;

“(ii) the use of least toxic pesticides; and

“(iii) the registration of pesticides, and amendments to the registrations, as the registrations and amendments relate to the use of integrated pest management systems in schools; and

“(C) support and provide technical assistance to the Board.

“(f) CONTACT PERSON.—

“(1) IN GENERAL.—Each local educational agency of a school district shall designate a contact person for carrying out an integrated pest management system in schools in the school district.

“(2) DUTIES.—The contact person of a school district shall—

“(A) maintain information about pesticide applications inside and outside schools within the school district, in school buildings, and on school grounds;

“(B) act as a contact for inquiries about the integrated pest management system;

“(C) maintain material safety data sheets and labels for all pesticides that may be used in the school district;

“(D) be informed of Federal and State chemical health and safety information and contact information;

“(E) maintain scheduling of all pesticide usage for schools in the school district;

“(F) maintain contact with Federal and State integrated pest management system experts; and

“(G) obtain periodic updates and training from State integrated pest management system experts.

“(3) PESTICIDE USE DATA.—A local educational agency of a school district shall—

“(A) maintain all pesticide use data for each school in the school district; and

“(B) on request, make the data available to the public for review.

“(g) NOTICE OF INTEGRATED PEST MANAGEMENT SYSTEM.—

“(1) IN GENERAL.—At the beginning of each school year, each local educational agency or school of a school district shall include a notice of the integrated pest management system of the school district in school calendars or other forms of universal notification.

“(2) CONTENTS.—The notice shall include a description of—

“(A) the integrated pest management system of the school district;

“(B) any pesticide (including any least toxic pesticide) or bait station that may be used in a school building or on a school ground as part of the integrated pest management system;

“(C) the name, address, and telephone number of the contact person of the school district;

“(D) a statement that—

“(i) the contact person maintains the product label and material safety data sheet of each pesticide (including each least toxic pesticide) and bait station that may be used by a school in buildings or on school grounds;

“(ii) the label and data sheet is available for review by a parent, guardian, staff member, or student attending the school; and

“(iii) the contact person is available to parents, guardians, and staff members for information and comment; and

“(E) the time and place of any meetings that will be held under subsection (g)(1).

“(3) USE OF PESTICIDES.—A local educational agency or school may use a pesticide during a school year only if the use of the pesticide has been disclosed in the notice required under paragraph (1) at the beginning of the school year.

“(4) NEW EMPLOYEES AND STUDENTS.—After the beginning of each school year, a local educational agency or school of a school district shall provide the notice required under this subsection to—

“(A) each new staff member who is employed during the school year; and

“(B) the parent or guardian of each new student enrolled during the school year.

“(h) USE OF PESTICIDES.—

“(1) IN GENERAL.—If a local educational agency or school determines that a pest in the school or on school grounds cannot be controlled after having used the integrated pest management system of the school or school district and least toxic pesticides, the school may use a pesticide (other than space spraying of the pesticide) to control the pest in accordance with this subsection.

“(2) PRIOR NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—

“(A) IN GENERAL.—Subject to paragraphs (4) and (5), not less than 72 hours before a pesticide (other than a least toxic pesticide) is used by a school, the school shall provide to a parent or guardian of each student enrolled at the school and each staff member of the school, notice that includes—

“(i) the common name, trade name, and Environmental Protection Agency registration number of the pesticide;

“(ii) a description of the location of the application of the pesticide;

“(iii) a description of the date and time of application, except that, in the case of outdoor pesticide applications, 1 notice shall include 3 dates, in chronological order, that the outdoor pesticide applications may take place if the preceding date is canceled;

“(iv) a statement that The Office of Pesticide Programs of the United States Environmental Protection Agency has stated: ‘Where possible, persons who potentially are sensitive, such as pregnant women and infants (less than 2 years old), should avoid any unnecessary pesticide exposure.’;

“(v) a description of potential adverse effects of the pesticide based on the material safety data sheet of the pesticide;

“(vi) a description of the reasons for the application of the pesticide;

“(vii) the name and telephone number of the contact person of the school district; and

“(viii) any additional warning information related to the pesticide.

“(B) METHOD OF NOTIFICATION.—The school may provide the notice required by subparagraph (A) by—

“(i) written notice sent home with the student and provided to the staff member;

“(ii) a telephone call;

“(iii) direct contact; or

“(iv) written notice mailed at least 1 week before the application.

“(C) REISSUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall reissue the notice under this paragraph for the new date of application.

“(3) POSTING OF SIGNS.—

“(A) IN GENERAL.—Subject to paragraphs (4) and (5), at least 72 hours before a pesticide (other than a least toxic pesticide) is used by a school, the school shall post a sign that provides notice of the application of the pesticide—

“(i) in a prominent place that is in or adjacent to the location to be treated; and

“(ii) at each entrance to the building or school ground to be treated.

“(B) ADMINISTRATION.—A sign required under subparagraph (A) for the application of a pesticide shall—

“(i) remain posted for at least 72 hours after the end of the treatment;

“(ii) be at least 8½ inches by 11 inches; and

“(iii) state the same information as that required for prior notification of the application under paragraph (2).

“(C) OUTDOOR PESTICIDE APPLICATIONS.—

“(i) IN GENERAL.—In the case of outdoor pesticide applications, each sign shall include 3 dates, in chronological order, that the outdoor pesticide application may take place if the preceding date is canceled due to weather.

“(ii) DURATION OF POSTING.—A sign described in clause (i) shall be posted after an outdoor pesticide application in accordance with subparagraph (B).

“(4) ADMINISTRATION.—

“(A) APPLICATORS.—Paragraphs (2) and (3) shall apply to any person that applies a pesticide in a school or on a school ground, including a custodian, staff member, or commercial applicator.

“(B) TIME OF YEAR.—Paragraphs (2) and (3) shall apply to a school—

“(i) during the school year; and

“(ii) during holidays and the summer months, if the school is in use, with notice provided to all staff members and the parents or guardians of the students that are using the school in an authorized manner.

“(5) EMERGENCIES.—

“(A) IN GENERAL.—A school may apply a pesticide (other than a least toxic pesticide) in the school or on school grounds without complying with paragraphs (2) and (3) in an emergency, subject to subparagraph (B).

“(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next school day, the school shall provide to each parent or guardian of a student enrolled at the school, and staff member of the school, notice of the application of the pesticide for emergency pest control that includes—

“(i) the information required for a notice under paragraph (2)(A);

“(ii) a description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member; and

“(iii) a description of the steps the school will take in the future to avoid emergency application of a pesticide under this paragraph.

“(C) METHOD OF NOTIFICATION.—The school may provide the notice required by subparagraph (B) by—

“(i) written notice sent home with the student and provided to the staff member;

“(ii) a telephone call; or

“(iii) direct contact.

“(D) POSTING OF SIGNS.—A school applying a pesticide under this paragraph shall post a sign warning of the pesticide application in accordance with paragraph (3).

“(E) MODIFICATION OF INTEGRATED PEST MANAGEMENT PLANS.—If a school in a school district applies a pesticide under this paragraph, the local educational agency of the school district shall modify the integrated pest management plan of the school district to minimize the future applications of pesticides under this paragraph.

“(6) DRIFT OF PESTICIDES ONTO SCHOOL GROUND.—Each local educational agency, State pesticide lead agency, and the Administrator are encouraged to—

“(A) identify sources of pesticides that drift from treated land to school grounds of the educational agency; and

“(B) take steps necessary to create an indoor and outdoor school environment that are protected from pesticides described in subparagraph (A).

“(i) MEETINGS.—

“(1) IN GENERAL.—Before the beginning of a school year, at the beginning of each new calendar year, and at a regularly scheduled meeting of a school board, each local educational agency shall provide an opportunity for the contact person designated under subsection (d) to receive and address public comments regarding the integrated pest management system of the school district.

“(2) EMERGENCY MEETINGS.—An emergency meeting of a school board to address a pesticide application may be called under locally appropriate procedures for convening emergency meetings.

“(j) INVESTIGATIONS AND ORDERS.—

“(1) IN GENERAL.—Not later than 60 days after receiving a complaint of a violation of this section, the Administrator shall—

“(A) conduct an investigation of the complaint;

“(B) determine whether it is reasonable to believe the complaint has merit; and

“(C) notify the complainant and the person alleged to have committed the violation of the findings of the Administrator.

“(2) PRELIMINARY ORDER.—If the Administrator determines it is reasonable to believe a violation occurred, the Administrator shall issue a preliminary order (that includes findings) to impose the penalty described in subsection (j).

“(3) OBJECTIONS TO PRELIMINARY ORDER.—

“(A) IN GENERAL.—Not later than 30 days after the preliminary order is issued under paragraph (2), the complainant and the person alleged to have committed the violation may—

“(i) file objections to the preliminary order (including findings); and

“(ii) request a hearing on the record.

“(B) FINAL ORDER.—If a hearing is not requested within 30 days after the preliminary order is issued, the preliminary order shall be final and not subject to judicial review.

“(4) HEARING.—A hearing under this subsection shall be conducted expeditiously.

“(5) FINAL ORDER.—Not later than 120 days after the end of the hearing, the Administrator shall issue a final order.

“(6) SETTLEMENT AGREEMENT.—Before the final order is issued, the proceeding may be terminated by a settlement agreement, which shall remain open, entered into by the Administrator, the complainant, and the person alleged to have committed the violation.

“(7) COSTS.—

“(A) IN GENERAL.—If the Administrator issues a final order against a school or school district for violation of this section and the complainant requests, the Administrator may assess against the person against whom the order is issued the costs (including attorney’s fees) reasonably incurred by the complainant in bringing the complaint.

“(B) AMOUNT.—The Administrator shall determine the amount of the costs that were reasonably incurred by the complainant.

“(8) JUDICIAL REVIEW AND VENUE.—

“(A) IN GENERAL.—A person adversely affected by an order issued after a hearing under this subsection may file a petition for review not later than 60 days after the date that the order is issued, in a district court of the United States or other United States court for any district in which a local educational agency or school is found, resides, or transacts business.

“(B) TIMING.—The review shall be heard and decided expeditiously.

“(C) COLLATERAL REVIEW.—An order of the Administrator subject to review under this paragraph shall not be subject to judicial review in a criminal or other civil proceeding.

“(k) CIVIL PENALTY.—

“(1) IN GENERAL.—Any local educational agency, school, or person that violates this section may be assessed a civil penalty by the Administrator under subsections (h) and (i), respectively, of not more than \$10,000 for each offense.

“(2) TRANSFER TO TRUST FUND.—Except as provided in subsection (i)(4)(B), civil penalties collected under paragraph (1) shall be deposited in the Fund.

“(l) INTEGRATED PEST MANAGEMENT TRUST FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ‘Integrated Pest Management Trust Fund’, consisting of—

“(A) amounts deposited in the Fund under subsection (j)(2);

“(B) amounts transferred to the Secretary of the Treasury for deposit into the Fund under paragraph (5); and

“(C) any interest earned on investment of amounts in the Fund under paragraph (3).

“(2) EXPENDITURES FROM FUND.—

“(A) IN GENERAL.—Subject to subparagraph (B), on request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator, without further appropriation, such amounts as the Secretary determines are necessary to provide funds to each State educational agency of a State, in proportion to the amount of civil penalties collected in the State under subsection (j)(1), to carry out education, training, propagation, and development activities under integrated pest management systems of schools in the State to remedy the harmful effects of actions taken by the persons that paid the civil penalties.

“(B) ADMINISTRATIVE EXPENSES.—An amount not to exceed 6 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this subsection.

“(3) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(4) TRANSFERS OF AMOUNTS.—

“(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(5) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out paragraph (2)(A). Amounts received by the Secretary in the form of dona-

tions shall be transferred to the Secretary of the Treasury for deposit into the Fund.

“(m) EMPLOYEE PROTECTION.—

“(1) IN GENERAL.—No local educational agency, school, or person may harass, prosecute, hold liable, or discriminate against any employee or other person because the employee or other person—

“(A) is assisting or demonstrating an intent to assist in achieving compliance with this section (including any regulation);

“(B) is refusing to violate or assist in the violation of this section (including any regulation); or

“(C) has commenced, caused to be commenced, or is about to commence a proceeding, has testified or is about to testify at a proceeding, or has assisted or participated or is about to participate in any manner in such a proceeding or in any other action to carry out this section.

“(2) COMPLAINTS.—Not later than 1 year after an alleged violation occurred, an employee or other person alleging a violation of this section, or another person at the request of the employee, may file a complaint with the Administrator.

“(3) REMEDIAL ACTION.—If the Administrator decides, on the basis of a complaint, that a local educational agency, school, or person violated paragraph (1), the Administrator shall order the local educational agency, school, or person to—

“(A) take affirmative action to abate the violation;

“(B) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

“(C) pay compensatory damages, including back pay.

“(n) GRANTS.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, shall provide grants to local educational agencies to develop and implement integrated pest management systems in schools in the school district of the local educational agencies.

“(2) AMOUNT.—The amount of a grant provided to a local educational agency of a school district under paragraph (1) shall be based on the ratio that the number of students enrolled in schools in the school district bears to the total number of students enrolled in schools in all school districts in the United States.

“(o) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—This section (including regulations promulgated under this section) shall not preempt requirements imposed on local educational agencies and schools related to the use of integrated pest management by State or local law (including regulations) that are more stringent than the requirements imposed under this section.

“(p) REGULATIONS.—Subject to subsection (m), the Administrator shall promulgate such regulations as are necessary to carry out this section.

“(q) RESTRICTION ON PESTICIDE USE.—Not later than 6 years after the date of enactment of this section, no pesticide, other than a pesticide that is defined as a least toxic pesticide under this subsection, shall be used in a school or on school grounds unless the Administrator has met the deadlines and requirements of this section.

“(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2006 through 2010.”

SEC. 4. CONFORMING AMENDMENT.

The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 34 and 35 and inserting the following:

“Sec. 34. Integrated pest management systems for schools.

“(a) Definitions.

“(1) Board.

“(2) Contact person.

“(3) Crack and crevice treatment.

“(4) Emergency.

“(5) Fund.

“(6) Integrated pest management system.

“(7) Least toxic pesticides.

“(8) List.

“(9) Local educational agency.

“(10) Official.

“(11) Person.

“(12) Pesticide.

“(13) School.

“(14) School ground.

“(15) Space spraying.

“(16) Staff member.

“(17) State educational agency.

“(18) Universal notification.

“(b) Integrated pest management systems.

“(1) In general.

“(2) Implementation.

“(3) State programs.

“(4) Application to schools and school grounds.

“(5) Application of pesticides when schools in use.

“(c) National School Integrated Pest Management Advisory Board

“(1) In general.

“(2) Composition of Board.

“(3) Appointment.

“(4) Term.

“(5) Meetings.

“(6) Compensation.

“(7) Chairperson.

“(8) Quorum.

“(9) Decisive votes.

“(10) Administration.

“(11) Responsibilities of the Board.

“(12) Requirements.

“(13) Petitions.

“(14) Periodic review.

“(15) Confidentiality.

“(d) List of Least Toxic Pesticides.

“(1) In general.

“(2) Procedure for evaluating pesticide use.

“(e) Office of Pesticide Programs.

“(1) Establishment.

“(2) Duties.

“(f) Contact person.

“(1) In general.

“(2) Duties.

“(3) Pesticide use data.

“(g) Notice of Integrated Pest Management System.

“(1) In general.

“(2) Contents.

“(3) Use of pesticides.

“(4) New employees and students.

“(h) Use of pesticides.

“(1) In general.

“(2) Prior notification of parents, guardians, and staff members.

“(3) Posting of signs.

“(4) Administration.

“(5) Emergencies.

“(6) Drift of pesticides onto school ground.

“(i) Meetings.

“(1) In general.

“(2) Emergency meetings.

“(j) Investigations and orders.

“(1) In general.

“(2) Preliminary order.

“(3) Objections to preliminary order.

“(4) Hearing.

“(5) Final order.

“(6) Settlement agreement.

“(7) Costs.

“(8) Judicial review and venue.

“(k) Civil penalty.

“(1) In general.

- “(2) Transfer to Trust Fund.
- “(1) Integrated Pest Management Trust Fund.
- “(1) Establishment.
- “(2) Expenditures from Fund.
- “(3) Investment of amounts.
- “(4) Transfers of amounts.
- “(5) Acceptance and use of donations.
- “(m) Employee protection.
- “(1) In general.
- “(2) Complaints.
- “(3) Remedial action.
- “(n) Grants.
- “(1) In general.
- “(2) Amount.
- “(o) Relationship to State and local requirements.
- “(p) Regulations.
- “(q) Restriction on pesticide use.
- “(r) Authorization of appropriations.

“Sec. 35. Severability.

“Sec. 36. Authorization of appropriations.”.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2005.

By Mr. REID (for Mr. CORZINE for himself, Mr. REID, Mrs. CLINTON, Mr. BROWNBACK, Mr. DODD, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 1620. A bill to provide the non-immigrant spouses and children of non-immigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce the September 11 Family Humanitarian Relief and Patriotism Act and to urge all of my colleagues to support this important legislation.

On September 11, 2001, the world we live in was torn apart. Each of us, no matter where we lived, shared in the overwhelming sense of loss and grief. We shared our grief with the victims, their loved ones, and their friends. And each of us joined together in the midst of the devastation to unite as Americans and to show the terrorists that we will not be divided.

At that time of grief, we stood together as families, as communities, and as one Nation. We were all personally touched by this outrageous crime. And we stood together to show the terrorists that although they might destroy our buildings, they could never destroy the foundation of our democracy.

Over the years our Nation has matured, and we have become a vast melting pot of cultures and of people, joining together to create the America of today that we love and cherish.

The terrorists sought to destroy our great Nation and the very values upon which our country was built. But they were sorely mistaken. No matter how hard they try, they will never force us to turn our back on our values.

And that means that we can never turn our back on the victims of the terrorist attacks or on their family members. On September 11, almost three

thousand people were killed. Many of the victims left behind husbands, wives, sons, and daughters. We cannot turn our back on them. We can not allow these attacks, and the terrorists who perpetrated them, to undercut the love of freedom, justice, and community that makes us who we are.

Terrorists did not distinguish non-documented immigrants from documented immigrants or natural born citizens on September 11. On that date, we were all Americans, attacked by a determined enemy who sought to break our spirit and destroy our way of life.

That is why I have joined with my colleagues to introduce this legislation, which will provide legal recognition and protection to family members of non-citizen victims of the September 11 terrorist attacks.

Many of our immigrant residents lost loved ones that day, and no person who has faced such personal heartache and hardship at the hands of terrorists should be forced to face deportation.

Moreover, these family members should be permitted to remain here to visit the memorials that are presently being built in New York and other locations to honor the victims who perished in the terrorist attacks. In many cases, these memorials will be all that husbands, wives, and children, have left to remember their loved ones.

This bipartisan bill will end deportation procedures, and allow husbands, wives, sons, and daughters of non-citizen victims killed in New York, Pennsylvania and Virginia nearly four years ago to apply for green cards that will allow them to become permanent legal residents. The act will apply to dependents of the deceased victims of the September 11, 2001 terrorist attacks as determined by the September 11 Victims Compensation Fund.

The USA Patriot Act initially allowed many of these individuals to stay in the country. However, that provision expired on September 10, 2002. Moreover, many others were never protected by the Patriot Act legislation. All of these individuals today face the prospect of deportation.

Although our government has not moved forward with deportation procedures, the status of these families, who have already been through so much, remains uncertain. This Act would provide the permanent relief these families need and deserve.

And so I ask all of my colleagues to join me in supporting this legislation and in demonstrating to the spouses and children of the non-citizen victims of September 11 that we are all Americans.

By Ms. COLLINS (for herself, Mr. WARNER, and Ms. LANDRIEU):

S. 1621. A bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to introduce today the teacher tax act of 2005, which I am offering along with my good friends, Senator WARNER and Senator LANDRIEU. Our bill increases to \$400, and makes permanent, the tax deduction available to teachers who incur out-of-pocket expenses to purchase classroom supplies. It would also allow this above-the-line deduction for expenses related to professional development.

This bill builds upon the \$250 tax deduction established by legislation we authored in 2001, which became law as part of that year's tax relief package. The Tax relief provided by that bill was later extended through the end of this year.

Increasing the deduction for teachers who buy classroom supplies is warranted by the facts. So often teachers in Maine, and throughout the country, spend their own money to improve the classroom experiences of their students. While many of us are familiar with the National Education Association's estimate that teachers spend, on average, \$400 a year on classroom supplies, other surveys show that they are spending even more than that. Indeed, I have spoken to dozens of teachers in my home State who tell me they routinely spend far in excess of the \$250 deduction limit—a few even as much as \$1,000—on materials they use in their classrooms. At every school I visit, I find teachers who are spending their own money to improve the educational experiences of their students by supplementing classroom supplies. One such teacher is Debra Walker, who teaches kindergarten and first grade in the town of Milo, ME. She has taught for more than 25 years. Year after year, she spends hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. She even donated her own family computer for use by her class. She described it well by saying, “These are the extras that are needed to make learning fun for children and to create a stimulating learning environment.”

Another example is Tyler Nutter, a middle school math and reading teacher from North Berwick, ME. After teaching for just two years, Tyler incurred substantial “startup” fees as he built his own collection of needed teaching supplies. In his first years on the job, he spent well over \$500 out-of-pocket each year, purchasing books and other materials that are essential to his teaching program. This tax deduction is, in Tyler's words, “a nice recognition of the contributions that many teachers have made.”

It is important that this deduction also be available to teachers who incur expenses for professional development. While this tax relief provides modest assistance to educators, it is my view that students are its ultimate beneficiaries. Studies consistently show that well-qualified teachers, and involved parents, are the most important

contributors to student success. Educators themselves understand just how important professional development is to their ability to make a positive impact in the classroom. Teachers in Maine repeatedly tell me that they need, and want, more professional development. But tight school budgets often make funds to support this development impossible to get. By making professional development expenses deductible, this bill will help teachers take that additional course or pursue that advanced degree that will make them even better at what they love to do.

The teacher tax relief we have made available since 2001 is a step in the right direction. Increasing that deduction, and making it permanent, would be a small but appropriate means of recognizing our teachers for a job well done.

Mr. WARNER. Mr. President, I rise today in support, once again, of America's teachers by joining with Senator COLLINS in introducing the Teacher Tax Relief Act of 2005.

Senator COLLINS and I have worked closely for some time now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as part of their profession. In the 107th Congress, we were successful in providing much needed tax relief for our Nations' teachers with passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush, included the Collins-Warner Teacher Tax Relief Act of 2001 provisions that provided a \$250 above the line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students. These important provisions provided almost half a billion dollars' worth of tax relief to teachers all across America in 2002 and 2003.

In the 108th Congress we were able to successfully extend the provisions of the Teacher Tax Relief Act for 2004 and 2005.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends \$521 out of their own pocket each year on classroom materials—materials such as pens, pencils and books. First year teachers spend even more, averaging \$701 a year on classroom expenses.

Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Without a doubt the Teacher Tax Relief Act of 2001 took a step forward in helping to alleviate the Nation's teaching shortage by providing a \$250 above the line deduction for classroom expenses.

However, it is clear that our teachers are spending much more than \$250 a year out of their own pocket to better the education of our children.

Accordingly, Senator COLLINS and I have joined together to take another step forward by introducing the Teacher Tax Relief Act of 2005.

This legislation will build upon current law in three ways. The legislation will: (1) Increase the above-the-line deduction, as President Bush has called for, from \$250 allowed under current law to \$400; (2) allow educators to include professional development costs within that \$400 deduction. Under current law, up to \$250 is deductible but only for classroom expenses; and (3) make the teacher tax relief provisions in the law permanent. Current law sunsets the Collins/Warner provisions after 2005.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. And, in my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

The Teacher Tax Relief Act of 2005 is another step forward in providing our educators with the recognition they deserve.

By Mr. CARPER (for himself and Mr. BIDEN):

S. 1627. A bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, some folks were looking for a place to go on summer vacation on the Internet. A lot of people go to national parks. A couple of summers ago, my family and I went to Alaska and visited Denali, a national park bigger than my State. We had a wonderful time in Alaska. But if you go to the national park Web site, you can find national parks to visit in 49 States. There is one State that has no national park. It is my State.

I am reintroducing legislation Senator BIDEN and I introduced at the end of the last Congress. We will reintroduce that so we get our State on the road to having our own national park and providing people around the country and the world the opportunity to learn about our coastal heritage, which

included the landing of the first Swedes and Finns when they came to America. They landed in Wilmington, DE, to establish the colony of New Sweden. I don't think the Finns called it that, but the Swedes did. We want to have a national park of our own that would include that discovery, commemorate that discovery.

Our bill authorizes the National Park Service to conduct a Special Resource Study of Delaware's coastal region. This study is the first step toward establishing the first national park in Delaware.

Delaware's coastal region is rich in historical sites, parks, and wildlife areas. This Special Resource Study will trace the various threads that make up the fabric of Delaware, which are an ideal microcosm for the tapestry of America. Together, these sites highlight the threads of history, heritage, commerce, and nature. The result would be a national park highlighting America's history, cultural heritage, commercial progress and natural beauty.

The study would be anchored on Fort Christina and the 7th Street Peninsula in Wilmington. It would extend south from there to include old New Castle and points along Delaware's coast in Kent and Sussex Counties, which have been the location of many significant events throughout America's history.

This proposed study will help encapsulate the human and natural activity that has occurred along our coast that has helped create the very fabric of our society.

I am confident this study will prove that a national park highlighting Delaware's rich coastal heritage would be a very appropriate and fitting addition to the National Park system. Our national park would demonstrate that coastal regions like those found in Delaware are a vital part of America's past, present, and future.

Delaware is first in so many ways, but it is the only state without a national park. Every year, millions of Americans plan their vacations around our nation's national park system. They log onto the Park Service web site and search for ideas for their family vacations. Right now, that search will turn up nothing for Delaware. With a national park unit here in Delaware, that will change.

In the future, those families will be considering a trip to Delaware to visit our national park. Those trips will be a significant boost to our economy and will teach new generations of Americans about Delaware's rich cultural heritage.

I have described to you today a vision resulting from the hard work of many dedicated Delawareans. Today, I take the next step in making their vision a reality.

I believe this is an exciting proposal and one that, when incorporated into the National Park System, will become an important element in preserving the wonderful human and natural history presented by our coastal region.

By Mr. LEVIN:

S. 1629. A bill to provide the President with authority to temporarily freeze the price of gasoline and other refined products; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LEVIN. Mr. President, today I am introducing legislation to give the President the temporary authority to freeze the price of gasoline and other petroleum products at their levels just prior to the devastation wrought by Hurricane Katrina on the Gulf Coast of the United States. This authority would expire once supplies of these products have been restored to their pre-hurricane levels.

Our topmost priority, of course, must be to provide immediate aid directly to the victims of this immense tragedy. Hundreds of thousands of people have been driven from their homes. Thousands may have died. The destruction along the Gulf Coast is extensive, and much of New Orleans is still submerged. We must continue to place the highest priority on providing food, clothing, and shelter for the people displaced by the hurricane.

At the same time, we must start to take measures to address other consequences of the damage caused by Katrina. Katrina has damaged a number of oil refineries along the Gulf Coast, knocking out about ten percent of our daily gasoline production. Current estimates are that it will take several months before production is restored to pre-hurricane levels.

Gasoline prices have skyrocketed in the wake of Katrina. Last Friday, the average price for a gallon of regular gasoline in Michigan reached \$3.13. Today the national average is about \$3.05 per gallon. These prices are record highs in the United States. Even adjusted for inflation, these prices are higher than they were during the energy crises of the 1970s, when high energy prices helped push the economy into a recession.

For most people, driving the car each day is not a luxury but a necessity. Millions of Americans depend upon affordable gasoline and other petroleum products for essential goods and services, including transportation to and from work, schools, grocery stores, and medical care; home heating oil; jet fuel for the other airlines; and a host of other daily needs.

Most people cannot drive less to get to work, school, or to buy groceries, so they are forced to pay whatever the oil companies charge for gasoline. In the language of economics, demand for gasoline is largely inelastic. Higher prices will not lead to a reduction in demand, or an increase in speed of repairs, since pre-Katrina production and profits were already at record levels and were more than sufficient to provide a major incentive to speed up repairs.

Moreover, the massive and unjustified gasoline price increases of the last week will not bring on more supply—only more profits for oil companies, as well as severe hardships for millions of

Americans. Higher prices will not bring on additional supply, in the short term, only more profits for the oil companies and more pain for consumers.

I do not favor price controls when the market is working properly. In a properly functioning market, prices are set by the law of supply and demand.

However, in the current situation, we do not have a properly functioning market. Part of the market infrastructure has been physically destroyed by Hurricane Katrina. Price cannot play its normal role under the laws of supply and demand because increasing prices cannot produce either an increase in supply short-term or a significant reduction in demand. In a largely inelastic market, like our gasoline markets, where people depend upon gasoline for life's necessities, and cannot significantly reduce their consumption, increasing prices in the aftermath of a disaster serve no function other than to enrich the sellers at the expense of the buyers.

At a time of national crisis and tragedy, it is unseemly for a few to gain huge profits at the expense of everyone else. In the wake of the hurricane, millions of Americans are opening their hearts and homes to aid to the victims of the hurricane. It is unfair for a few to gain huge profits while many others are sacrificing.

A frequent comment in recent discussions about the effectiveness of price controls is "Price controls didn't work in the 1970s." However, price controls in the 1970s were imposed for long periods of time, several years in fact. In the current situation, we are talking about a much shorter period of freeze—indeed I am urging a temporary freeze until supplies are restored to pre-hurricane levels. Until then, the market cannot function properly: supply cannot be increased no matter how high the price. Hence, the experience of the 1970s is not relevant to the current situation.

Under the bill I am introducing, once the market is restored to its pre-hurricane condition, the authority in this bill to freeze prices would expire.

There is a recent precedent for this action. In 2001, the Federal Energy Regulatory Commission imposed price caps on the wholesale price of electricity in California and other western markets in times when demand outstripped supply. FERC found the market was "dysfunctional" under these circumstances and price controls were necessary to provide "just and reasonable" rates for consumers.

President Bush supported FERC's price controls in the California electricity market. In so doing, the President referred to FERC's action as a "market-based mitigation plan" rather than price controls. Whatever the name, however, the effect was the same: when supply was inadequate to meet demand, the FERC stepped in to cap prices to keep rates just and reasonable.

The legislation I am introducing would provide the President with the

authority to temporarily freeze the price of gasoline and other refined products at or below the levels that prevailed before Hurricane Katrina hit the Gulf Coast of the United States. This authority would terminate when the President determines that the domestic supply of refined petroleum products meets or exceeds the level of domestic supply before Hurricane Katrina.

I ask unanimous consent that the text of this bill be printed in the RECORD. I urge my colleagues to support this legislation.

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

S. 1629

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 "Hurricane Katrina Emergency Temporary Energy Price Freeze Act of 2005."

SEC. 2. FINDINGS.

(a) The Congress hereby finds that—

(1) Hurricane Katrina has caused extensive damage to petroleum production, refining and transportation facilities, and extensive damage to port facilities and electricity generation facilities, causing additional shutdowns of refineries and loss of transportation capacity for petroleum products;

(2) the shutdown of refineries and reduction in transportation capacity for petroleum products caused by Hurricane Katrina has led to massive price increases for petroleum products throughout the United States;

(3) these massive price increases have caused severe hardships for millions of Americans who depend upon affordable and adequate supplies of gasoline and petroleum products for transportation and other daily necessities; and

(4) these massive price increases threaten the availability and affordability of many products in interstate commerce.

(b) To address these problems caused by Hurricane Katrina, the President should temporarily freeze the price of gasoline and other petroleum products to reduce the burden on millions of Americans and interstate commerce from rapidly increasing prices of gasoline and other petroleum products.

SEC. 3. PRESIDENTIAL AUTHORITY TO FREEZE PRICES.

(a) The President is authorized to issue such orders and regulations to temporarily freeze wholesale and retail prices of gasoline and other petroleum products at or below the levels prevailing on August 27, 2005. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent any gross inequities.

(b) The President may delegate the performance of any function under this Act to such officers, departments, and agencies of the United States.

SEC. 4. ENFORCEMENT.

(a) Whoever willfully violates any order or regulation under this section shall be fined an amount up to three times the amount of the gain from such violation.

(b) The President, or any person delegated authority under this Act by the President, shall have authority to seek a temporary or permanent injunction in the proper United States district court to prevent or halt violations of orders or regulations issued under this Act.

SEC. 5. TERMINATION OF AUTHORITY.

The authority under this Act shall terminate upon a finding by the President that the

domestic supply of petroleum products meets or exceeds the level of domestic supply as of August 27, 2005.

By Mr. OBAMA:

S. 1630. A bill to direct the Secretary of Homeland Security to establish the National Emergency Family Locator System; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, today I introduce a bill to provide some assistance to those tens of thousands of Americans who have found themselves in one of the worst nightmares I can imagine—they are separated from their spouses, their children, and their parents. These Americans are struggling to locate their loved ones displaced by the horrors of Hurricane Katrina. They are searching the Astrodome, combing the Internet, hoping that their family members have survived the storm and will get in touch with them. A similar plight is faced by those victims who have weathered the storm and want to tell their family and friends that they are okay.

I have received dozens of calls to my offices in Illinois from constituents asking my caseworkers to help them locate their relatives lost in the Gulf Coast. Greta from Chicago was looking for her Aunt Perra Lee. John from Romeoville was looking for his children and grandchildren in Biloxi. The calls kept coming, but my staff could only point these constituents to various nonprofit organizations doing their best to provide locator services. There was no centralized Federal Government system in place to deal with this issue. Such a system should be in place.

The government must provide these people with a means to let their families know that they are out of harm's way. Various non-profit organizations and news services have done a stellar job at using the Internet to connect displaced people with their families. Our government, through the Department of Homeland Security, should synthesize the best aspects of these services, so that after an emergency, displaced individuals can call one phone number or go to one website, and post their location and condition. Family members and law enforcement officials should be able use this same secure, centralized system to check the status of missing loved ones.

I am introducing a bill—the National Emergency Family Locator System Act that will instruct the Department of Homeland Security to create such a system. I hope that the next time our country experiences a disaster like Katrina, this system will provide worried families with some sense of relief.

I hope my colleagues will support this legislation and 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. 1630

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Emergency Family Locator Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(2) EMERGENCY.—The term "emergency" has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(4) SYSTEM.—The term "System" means the National Emergency Family Locator System established under section 3(a).

SEC. 3. NATIONAL EMERGENCY FAMILY LOCATOR SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Department the National Family Locator System.

(b) PURPOSES.—The purposes of the System are—

(1) to enable individuals displaced by an emergency to provide to the Department the name and location of the displaced individuals and any other relevant information using the telephone, the Internet, and other means determined to be appropriate by the Secretary; and

(2) to enable the Department—

(A) to compile the information collected under paragraph (1); and

(B) to provide the information collected and compiled under the System to the family members of the displaced individuals and law enforcement officials.

(c) CONSIDERATIONS.—In establishing the System under subsection (a), the Secretary shall take into account and, to the maximum extent practicable, incorporate into the System—

(1) intermediary-based locator systems such as the National Next of Kin Registry; and

(2) information from existing family locator databases, such as the Family News Network of the International Committee of the Red Cross.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—RELATIVE TO THE DEATH OF WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES

Mr. FRIST (for himself, Mr. REID, Mr. MCCONNELL, Mr. DURBIN, Mr. SPECTER, Mr. LEAHY, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mrs. DAYTON, Mr. DEMINT, Mr. DEWINE,

Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas William H. Rehnquist, the late Chief Justice of the United States, was born in Milwaukee, Wisconsin, to William Benjamin Rehnquist and Margery Peck Rehnquist and raised in Shorewood, Wisconsin;

Whereas a young William H. Rehnquist served our Nation during the Second World War in the United States Army Air Force at home and abroad from 1943 to 1946;

Whereas William H. Rehnquist enrolled in Stanford University, where he earned a bachelor's and master's degree in political science and was elected to Phi Beta Kappa;

Whereas William H. Rehnquist earned a second master's degree in government from Harvard University;

Whereas William H. Rehnquist graduated first in a very impressive class, including his future Supreme Court colleague, Sandra Day O'Connor, from Stanford University's School of Law;

Whereas William H. Rehnquist began his legal career by serving as a law clerk to Supreme Court Justice Robert Jackson;

Whereas William H. Rehnquist married the late Natalie Cornell, and they raised 3 children, James, Janet, and Nancy;

Whereas William H. Rehnquist was an accomplished attorney, having practiced law for 16 years in Phoenix, Arizona;

Whereas President Richard Nixon selected William H. Rehnquist to serve as Assistant Attorney General for the Office of Legal Counsel of the Department of Justice;

Whereas President Richard Nixon also nominated William H. Rehnquist to serve as an Associate Justice on the Supreme Court of the United States;

Whereas President Ronald Reagan nominated William H. Rehnquist to serve as the sixteenth Chief Justice of the United States;

Whereas William H. Rehnquist had a profound love for history and respect for the arts and served as Chancellor of the Smithsonian Institution for 19 years;

Whereas William H. Rehnquist was a skilled writer and avid historian and authored several books on Supreme Court history and the American legal system;

Whereas William H. Rehnquist was a man of enormous intellect and great common sense, a combination that was reflected in the clarity of his opinions;