cases without felony-level penalties. Both the Senate and House included this felony provision in their farm bills in 2002, with identical wording, but the provision was dropped in conference. The Senate also passed this as an amendment to the ''Healthy Forests'' bill, but it was again removed in conference.

The bill also outlaws cockfighting implements by prohibiting interstate and foreign commerce of the razor-sharp knives and ice pick-like gaffs are strapped onto birds' legs during cockfighting combat. These devices are specially designed for cockfighting and have no other known purpose.

H.R. 4264 tracks language in Section 26 of the Animal Welfare Act (7 U.S.C. 2156) that prohibits interstate and foreign commerce of animals for fighting purposes. This covers dog fighting, cockfighting, and other fights between animals ''conducted for purposes of sport, wagering, or entertainment,'' with an explicit exemption for an activity ''the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting.''

Under current law, it already is illegal to: 1. Sponsor or exhibit an animal in an animal fighting venture if the person knows that any animal was bought, sold, delivered, transported, or received in interstate or foreign commerce for participation in the fighting venture. 2. Knowingly sell, buy, transport, deliver, or receive an animal in interstate or foreign commerce for purposes of participation in a fighting venture, regardless of the law in the destination State, dog fighting is illegal in all 50 States; cockfighting is illegal in 48 States. 3. Knowingly use the Postal Service or any interstate instrumentality to promote an animal fighting venture in the U.S., e.g., through advertisement, unless the venture involves birds and the fight is to take place in a State that allows cockfighting. As explained on USDA's website explaining the Federal animal fighting law, ''In no event may the Postal Service or other interstate instrumentality be used to transport an animal for purposes of having the animal participate in a fighting venture, even if such fighting is allowed in the destination state''.

The efforts to pass further Federal animal fighting prohibitions have been endorsed by more than 150 local police and sheriffs departments across the country, as well as The Humane Society of the United States, the National Chicken Council, representing 95 percent of U.S. chicken producers/processors, the American Veterinary Medical Association, and many other organizations. I urge my colleagues in the Senate to cosponsor this bill and support its quick passage.

By Mr. SPECTER:

S. 2909. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I seek recognition to introduce a bill to authorize the Secretary of the Interior to modify existing right-of-way agreements to allow an increase in the diameter of an existing natural gas pipeline in the Delaware Water Gap National Recreation Area in Pike County, Pennsylvania.

In 1947, Columbia Gas Transmission Corporation installed a 14-inch diameter pipeline, known as Line 1278, that included construction in the then rural areas of Pike, Northampton and Monroe counties. This system has become an important part of the energy delivery system to key eastern markets.

The United States Department of Transportation (DOT) directed Columbia in 2002 and 2003 to take actions going forward with Line 1278, including additional testing, additional cathodic, corrosion, protection and replacement of portions of the pipeline. DOT ordered that the replacement must be completed by 2007. To comply with the DOT instructions, Columbia in December 2003 filed an application with the Federal Energy Regulatory Commission to replace about 43 miles of this pipeline, including 3.5 miles of the line that now lie within the Delaware Water Gap National Recreation Area.

At issue are two right-of-way agreements affecting property now within the Delaware Water Gap National Recreation Area that do not allow Columbia to increase the diameter of the pipeline. The Recreation Area was formed in 1965 through the acquisition of many tracts of private property. Columbia's Line 1278 runs through 14 of these tracts under the terms of right-of-way agreements obtained from landowners prior to the Recreation Area's creation. Agreements affecting 12 of the 14 tracts include language allowing Columbia to increase the diameter of the pipeline. However, two of the agreements, representing about 890 feet of the pipeline, do not include such authorization.

Under current law, the Secretary of the Interior lacks legislative authorization to enter into an agreement to grant a pipeline easement that will allow an increase in the diameter of Line 1278. To complete the planned upgrade to improve energy reliability in the region, enabling legislation is required.

This bill would authorize the Secretary of the Interior to enter into an agreement with Columbia to grant a pipeline easement to allow an increase in the diameter of Line 1278 from 14 inches to 20 inches in diameter. Timely enactment will allow the replacement to be performed efficiently in conjunction with the overall replacement project, and the uniform size will facilitate the use of ''smart pigging'' technology to utilize inspection vehicles inside pipelines to help assure long-term safety and reliability of this important energy infrastructure.

I urge my colleagues to support this legislation for this important project.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 448—DESIGNATING THE FIRST DAY OF APRIL 2005 AS ''NATIONAL ASBESTOS AWARENESS DAY''

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 448

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when airborne fibers are inhaled or swallowed, the damage is permanent and irreversible;

Whereas these fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival rate of those diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognosis;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, vehicle body builders (including rail vehicles), pipefitters, carpenters and electricians, construction (including insulation work and stripping), extraction, energy and water supply, and manufacturing;

Whereas the United States imports more than 30,000,000 pounds of asbestos used in products throughout the Nation;

Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have greatly increased in the last 20 years and are expected to continue to increase;

Whereas 30 percent of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and

Whereas the establishment of a ''National Asbestos Awareness Day'' would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate designates the first day of April 2005 as ''National Asbestos Awareness Day''.

Mr. REID. Mr. President, Alan Reinstein was diagnosed with mesothelioma on June 16, 2003 and underwent radical surgery to remove his affected lung, diaphragm, and other parts of his body. Today, Alan continues his courageous battle with this terrible illness.

I received a phone call last week from by brother Don, indicating that a long-time family friend, Harold Hansen, had died from mesothelioma.

I am submitting a resolution today to designate the first day of April of next year as National Asbestos Awareness Day.

Harold Hansen was a family friend, such a wonderful man. In fact, my brother called me a short time ago and said: Harold is sick. He has mesothelioma.

I said: Did he ever work around asbestos. And he said not that he remembers.

I knew a lawyer who might be able to help him and referred him to the lawyer. Now Harold is dead.

This is a terribly difficult problem in America. I talked about Alan; his wife Linda could not just sit back and watch her husband suffer. Knowing others were also suffering, she helped create the Asbestos Disease Awareness Organization to unite asbestos victims. One goal of the organization is to educate the public and the medical community about asbestos-caused diseases. The occurrence of asbestos-related diseases, including mesothelioma, asbestosis, and lung cancer is growing.

Over the next decade, it is estimated that 100,000 victims in the United States alone will die of asbestos-related disease. About 30 a day will die from this condition.

I received many letters from Nevadans with asbestos-related diseases in their families.

Eleanor Shook from Searchlight, NV, where I was born and reared, lost her husband Chuck to this dread condition 2 years ago. They found that Chuck was sick, and 2 months later he died—no cure, no treatment, no reprieve. He had been repeatedly exposed to asbestos during all the years he was working to raise his family.

I also got a letter from Jack Holmes, a former teacher from Las Vegas, who wrote:

I am dying. I have malignant mesothelioma . . . I can expect extreme pain and suffering before I die.

I also heard from Robert Wright of Henderson, who was exposed to asbestos in the Navy and now suffers from asbestosis.

These are just a few of the hundreds of Nevadans who are suffering today from asbestos-related diseases. Every one of these stories is a tragedy because they all could have been prevented. Asbestos-related diseases are uncurable, and they are deadly. They can be prevented with greater awareness and education.

Most Americans think asbestos was banned a long time ago. But companies use asbestos every day in their water pipes, as insulation, and in building materials and other substances. Asbestos kills, and kills invisibly. Asbestos cannot be smelled, tasted, or seen, and moves through the air in tiny particles and embeds itself in the lining of the lungs once it is inhaled. It stays there for up to 50 years, damaging tissue and eventually causing disease. Inhalation of asbestos is permanent and irreversible. Simply walking by a recently demolished building that contains asbestos can be enough to breathe in a deadly amount.

I was in New York and a New York police officer was with me. He was part of an undercover unit that had New York City policemen dressed in construction clothes. They were running a construction business. That was part of what they were undercover doing. One of the reasons they did it is because there are people in this country so evil, so malignant that they are willing to take asbestos that these people said they had—it really wasn't asbestos—and they would take it and dispose of it. They would dispose of it in school grounds, and they had no concern where they disposed of what they thought was asbestos. Of course, they were arrested. But asbestos is a terrible problem. It is such a difficult problem in New York City alone where they remove asbestos. They are setting up these undercover operations to catch some of the people who are trying to make money on the disposal of asbestos.

Exposure to asbestos has had numerous consequences for victims and their families. Better awareness and education can help to eliminate future exposure. Early detection can give patients increased treatment options and often improves their prognosis. For these reasons, I am introducing a resolution to designate the first day of April as Asbestos Awareness Day. Asbestos awareness will lead to prevention, early diagnosis, new treatments, and a cure.

Just as the victims of families of asbestos-related disease joined together in founding the Asbestos Disease Awareness Organization, the Senate must unite in and pay tribute to victims by observing April 1 as Asbestos Awareness Day. I hope all Senators will join me in this effort.

SENATE RESOLUTION 449—ENCOURAGING THE PROTECTION OF THE RIGHTS OF REFUGEES

Mr. KENNEDY (for himself, Mr. BROWNBACK, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 449

Whereas the Convention Relating to the Status of Refugees dated July 28, 1951 (189 UST 150) (hereinafter referred to as the ''Convention'') and the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (19 UST 6223) (hereinafter referred to as the ''Protocol'') provide that individuals who flee a country to avoid persecution deserve international protection;

Whereas such protection includes freedom from forcible return and the basic rights necessary for a refugee to live a free, dignified, self-reliant life, even while in exile;

Whereas such rights, as recognized in the Convention, include the right to earn a livelihood, including the right to engage in wage-employment or self-employment, practice a profession, own property, freedom of movement and residence, and receive travel documents;

Whereas such rights are applicable to a refugee independent of whether a solution is available that would permit the refugee to return to the country that the refugee fled;

Whereas such rights are part of the core protection mandate of the United Nations High Commissioner for Refugees;

Whereas more than 50 percent of the refugees in the world are effectively ''warehoused'', which means such refugees have been confined to a camp or segregated settlement or otherwise deprived of their basic rights in a situation that has existed for at least 10 years;

Whereas donor countries, including the United States, have typically offered less developed countries hosting refugees assistance if they keep refugees warehoused in camps or segregated settlements but have not provided adequate assistance to host countries that permit refugees to live and work among the local population; and

Whereas warehousing refugees not only violates the rights of the refugees but also debilitates their humanity, often reducing the refugees to enforced idleness, dependency, disempowerment, and despair: Now, therefore, be it

Resolved, That the United States Senate—

(1) denounces the practice of warehousing refugees, which is the confinement of refugees to a camp or segregated settlement or other deprivation of the refugees' basic rights in a situation that has lasted 10 years or more, as a denial of basic human rights and a squandering of human potential;

(2) urges the Secretary of State to actively pursue models of refugee assistance that permit refugees to enjoy all the rights recognized in the Convention Relating to the Status of Refugees dated July 28, 1951 (189 UST 150) (hereinafter referred to as the ''Convention'') and the Protocol Relating to the Status of Refugees done at New York January 31, 1967 (19 UST 6223) (hereinafter referred to as the ''Protocol'');

(3) urges the Secretary of State to encourage other donor nations and other members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme to shift the incentive structure of refugee assistance and to build mechanisms into relief and development assistance to encourage the greater enjoyment by refugees of their rights under the Convention;

(4) encourages the international community, including donor countries, host countries, and members of the Executive Committee of the United Nations High Commissioner for Refugees' Programme, to denounce resolutely the practice of warehousing refugees in favor of allowing refugees to exercise their rights under the Convention;

(5) calls upon the United Nations High Commissioner for Refugees to monitor refugee situations more effectively for the realization of all the rights of refugees under the Convention, including those related to freedom of movement and the right to earn a livelihood;

(6) encourages those countries that have not yet ratified the Convention or the Protocol to do so;

(7) encourages those countries that have ratified the Convention or the Protocol but have done so with reservations on key articles pertaining to the right to work and freedom of movement to remove such reservations; and

(8) encourages all countries to enact legislation or promulgate policies to provide for the legal enjoyment of the basic rights of refugees as outlined in the Convention.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senator BROWNBACK and Senator LEAHY, in submitting a resolution to call attention to the plight of the large number of refugees throughout the world confined to refugee camps or segregated settlements for extended periods of time. In the vast majority of cases, these refugees are being ''warehoused,'' often for years, and in violation of their basic rights under the Refugee Convention adopted over half a century ago.

We know of 300,000 Angolans in Zambia, Congo-Kinshasa, and Namibia, two million Afghans in Iran and Pakistan, 100,000 Bhutanese in Nepal, and 500,000 refugees from Sudan who have lived in refugee camps in various countries for 20 years. Shamefully, of the world's nearly 12 million more than 7 million have been restricted to refugee camps or segregated settlements for a decade or even longer.

These tragic statistics aren't front page news. Refugees seldom dominate the headlines. But the reality is that the troubles of our time are exacting a heavy toll on people fleeing from conflicts and oppression. Throughout the world, men, woman and children are on the move, silent witnesses to the cruelties that plague our age.

Refugee camps are often created quickly, to address a crisis. But the solution sometimes creates a greater problem when temporary refugee camps turn into long-term places of detention and confinement, often under extreme conditions with little attention paid to the growing number of refugees that find themselves in endless and harmful situations.

Under the Refugee Convention of 1951, refugees have rights, including the right to earn a livelihood, to engage in wage-employment or self-employment, to practice a profession, to own property, and to have freedom of movement and residence. ''Warehoused'' refugees can do none of these things. Unable to work, travel, own property or obtain an education, they live unlived lives, without the basic freedoms they are entitled to have under the Convention of 1951.

Without the chance to obtain an education or earn a living, refugees becomes easy recruitment targets for terrorist groups. We can be vigilant against terrorism, and we can do so without abandoning the basic humanity of refugees and squandering their lives in squalid warehouses.

The resolution we are offering denounces the practice of warehousing refugees and urges all nations to grant refugees their basic rights under the Refugee Convention.

America has a proud history as a haven for refugees, especially since the end of World War II. Assistance to refugees has been a conspicuous aspect of our leadership in the world. As a leader in this area, we need to say to the world that the widespread practice of warehousing refugees violates international law. As members of the world community, we have a responsibility to ensure that refugees are able to exercise the basic rights granted to them under the Refugee Convention.

Over 100 international organizations support the end of warehousing, including more than twenty U.S.-based agencies. Nobel laureates have condemned this practice, including Archbishop Desmond Tutu of South Africa, and worldwide support continues to grow.

Last year, the United States was the largest global contributor to agencies assisting refugees. But, there is far more to do. We must strengthen our own commitment, and work with other countries to meet the worldwide challenge. To do too little will only add to the injustice endured by millions of refugees around the world, jeopardize our own national security, and ignore incalculable human potential that is being lost.

I urge our colleagues to join us in supporting this resolution, and help us to give new priority to ending this inhumane practice that has been festering too long in so many parts of the world.

I ask unanimous consent that editorials from the New York Times and Washington Times be printed in the RECORD.

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

[From The New York Times, Sept. 28, 2004]

WAREHOUSES FOR REFUGEES

The starvation and disease stalking the refugee camps near the Darfur region of Sudan are a reminder that for many refugees, conditions where they land are not much better than the conditions they flee. The world has 12 million refugees, and 7.4 million of them have been living in camps or settlements for more than 10 years. Many are prohibited from traveling or working, confined to crowded, squalid tents, at the mercy of marauding gangs, and utterly dependent on handouts of food insufficient to ward off hunger and on health care that does not prevent cholera and dysentery. Some people have lived in such camps for generations.

Half a million refugees from Myanmar, for example, have lived in camps in neighboring countries for 20 years, with no right to work or travel. The same is true of about 140,000 Somalis, who have lived since 1991 in closed camps in northern Kenya.

The camps are often established quickly to deal with refugee emergencies and never get dismantled. The original goal—allowing refugees to return home when conditions improve—has had the perverse effect of preventing them from establishing new lives in a new country. Countries like Pakistan, Zambia and Chad, which end up accepting the vast majority of refugees from troubled countries on their borders, would rather quarantine them than integrate them into their societies.

It is time to rethink warehousing, and refugee groups and the United Nations high commissioner for refugees have recently begun to explore how to help refugees become more self-reliant. Refugees who learn skills or earn money can be an asset to their war-torn homelands when they return. Moreover, there are ways to open up refugee camps without angering host populations. Zambia, for example, has given Angolan refugees land to farm. The food they grow has turned sleepy villages into trading centers, fueling local commerce.

Wealthy countries need to absorb more people for permanent resettlement. Europe, shamefully, accepts only a handful. The United States has become far less welcoming over the last 10 years, and particularly since the terrorist acts of Sept. 11, 2001. In 1992, the United States accepted 132,531 refugees; last year it was 28,422, although this year that number will almost double.

The security concerns about accepting refugees from the camps are unfounded. No terrorist would want to spend years in squalid camps and then undergo a long and uncertain vetting process simply to infiltrate the United States.

Indeed, the security threat comes from the camps' concentration of idle, frustrated, resentful young men. Warehousing itself can breed terrorism; Afghanistan's Taliban movement was born in the refugee camps of Pakistan.

Initially, reducing warehousing will require commitment from wealthy countries with the wherewithal to provide land, training and microcredit. That will cost more than doling out a weekly ration of rice and cooking oil. But it could reduce costs later, and it is a way to create a more promising future for millions.

[From the Washington Times, Sept. 10, 2004]

UNWAREHOUSING REFUGEES

(By Arthur E. Dewey)

Long-staying refugees in rural camps or urban ghettos are not commodities in a sad state of storage, but vibrant human beings carving out lives for themselves in exile.

That said, where they lack the right to work legally or integrate into the community, they can languish in dependency and lose hope for the future. Refugee ''warehousing'' is an issue that demands attention—and is getting it.

The U.S. Committee for Refugees has made this issue a centerpiece of its current advocacy campaign. Meanwhile, the State Department, the Office of the U.N. High Commissioner for Refugees, UNHCR, and other partner agencies are taking dramatic steps to address the warehousing problem.

The key step is facilitating voluntary repatriation. Tens of thousands of long-staying refugees have returned to Sierra Leone, Angola and Liberia from neighboring countries. More than 80,000 Iraqis have gone home since the fall of Saddam. But the biggest success story is Afghanistan, where more than 3 million have returned from long stays in Pakistan and Iran.

This continuing repatriation represents one of the largest refugee solutions in modern times, and the number of refugees caught in these dead-end situations has decreased remarkably.

While ''de-warehousing'' refugees—through repatriation, local integration, or resettlement—is an important first step, it is not enough. Sustaining repatriation requires commitment from the international donor community over the long haul. Returnees need long-term transitional help and employment opportunities to restore their dignity and self reliance.

To that end, the U.S. started an employment program called the Afghan Conservation Corps, ACC. Already, 750,000 seedlings

have been planted on the dusty hillsides around Kabul by thousands of returning refugees, internally displaced persons, demilitarized militias, and Afghan women.

Ultimately, hundreds of thousands will join them in working on similar projects. The ACC is a model for how to make dewarehousing irreversible.

There are still critics who charge we are not doing enough to bring to the United States needy refugees who can't be repatriated. I say, ''Watch what we are doing.'' Watch, for example, the rapid response to an unexpected opening in Thailand to interview 15,000 Lao Hmong stranded for more than a decade in Wat Tham Krabok. By year's end, most will be resettled in the U.S. Watch also our admitting Meshketian Turks from Russia who had been rootless for decades.

Resettlement is costly and labor-intensive, but we have spared no expense or effort to resettle refugees in the United States, when that is the most appropriate solution.

We know there remain vulnerable people—especially women and children—who have waited for years or even decades for rescue. This administration is committed to overcoming the obstacles in the way of such a rescue.

We urge other countries to be more generous in giving aid, admitting refugees and facilitating local integration where appropriate. As Secretary of State Colin Powell said during World Refugee Day commemorations in June: ''We join other nations in easing the plight of all those who will close their eyes tonight in a strange land to dream of the home they were forced to flee. It's up to all of us to defend the non-negotiable demands of human dignity. It's up to all of us to help the world's refugees feel at home again.''

It takes a home, not a warehouse, to make these dreams come true.

SENATE RESOLUTION 450—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. DANIEL BAYLY, ET. AL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 450

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, by Senate Resolution 394, 108th Congress, the Senate authorized testimony and legal representation of a former employee of, and a detailee to, the Permanent Subcommittee on Investigation in the case of United States V. Daniel Bayly, et al., Cr. No. H–03–363, pending in the United States District Court for the Southern District of Texas;

Whereas, in the case of United States v. Daniel Bayly, et al., subpoenas for testimony have been issued to Claire Barnard, a former employee of, and Edna Falk Curtin, a former detailee to, the Permanent Subcommittee on Investigations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Claire Barnard and Edna Falk Curtin are authorized to testify in the case of United States v. Daniel Bayly, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Claire Barnard and Edna Falk Curtin in connection with the testimony authorized in section one of this resolution.

SENATE CONCURRENT RESOLUTION 141—RECOGNIZING THE ESSENTIAL ROLE OF NUCLEAR POWER IN THE NATIONAL ENERGY POLICY OF THE UNITED STATES AND SUPPORTING THE INCREASED USE OF NUCLEAR POWER AND THE CONSTRUCTION AND DEVELOPMENT OF NEW AND IMPROVED NUCLEAR POWER GENERATING PLANTS

Mr. DOMENICI (for himself, Mr. CRAIG, Mr. CRAPO, Ms. LANDRIEU, Mr. GRAHAM of South Carolina, Mr. FITZGERALD, Mr. SESSIONS, Mr. VOINOVICH, Mr. PRYOR, Mrs. LINCOLN, Mr. MILLER, and Mr. ALEXANDER) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 141

Whereas the Energy Information Administration in the Department of Energy estimates that by 2025 the United States will need more than 300,000 megawatts of new electricity-generating capacity to maintain its current levels of growth and standards of living;

Whereas Vision 2020, the nuclear energy industry's plan to increase the use of nuclear energy through the year 2020 to meet the projected growth in the demand for electricity, calls for maintaining the Nation's nonemitting electricity generation at 30 percent, which would require 50,000 megawatts of new nuclear power to be generated;

Whereas meeting the increasing demand for continuous and reliable, or baseload, electricity is essential for supporting the economic growth which is necessary to maintain the Nation's standard of living;

Whereas even the aggressive implementation of energy-efficiency initiatives cannot replace the need for new electricity-generating capacity;

Whereas nuclear power generated by the 103 commercial nuclear power plants operating in the United States provides the electricity for 20 percent of the United States;

Whereas consumers of nuclear power enjoy a higher level of price stability compared to consumers of other energy sources;

Whereas nuclear power plants do not produce harmful emissions or greenhouse gases and can provide States, and the Nation as a whole, with flexibility in meeting goals for clean air and economic growth at lower costs than other sources of power;

Whereas increasing nuclear power generation will require designing and building new plants as well as operating the new facilities, which together will create thousands of new jobs;

Whereas the nuclear power industry, the Department of Energy, and the Nuclear Regulatory Commission are working together to demonstrate the effectiveness of a new licensing process for nuclear power plants, which allows full public participation in decisions about the designs and sites of new nuclear power plants without causing delays in construction or commercial operation;

Whereas nuclear energy, science, and technology applications are vital in the diagnosis and treatment of disease, food and mail safety, space exploration, structural inspection, and other important applications;

Whereas for decades, commercial nuclear power generating facilities have had an unmatched safety record;

Whereas nuclear power plants in the United States use excess material from Russian weapons programs to generate power, which is a vital component of United States nonproliferation policy;

Whereas many countries intend to build new nuclear power plants, with 29 new plants currently under construction worldwide and more than twice that many being planned, and the United States must continue to play a leadership role both in domestic nuclear power production and in encouraging the use of nuclear power in other countries; and

Whereas the United States continues to lead the world in the development, use, and control of nuclear technology: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the essential role of nuclear power in the national energy policy of the United States; and

(2) supports the increased use of nuclear power and the construction and development of new and improved nuclear power generating plants as a means of contributing to national energy independence and maintaining a clean environment.

Mr. DOMENICI. Mr. President, I rise to submit a resolution recognizing the essential role that nuclear power plays in our national energy policy and to voice support for this remarkable technology. America's nuclear power reactors supply electricity for one in five homes and businesses in the United States and do so affordably, reliably and without producing any emissions. To ensure that nuclear energy's important contribution to our nation continues, we must develop and build new nuclear power plants based on advanced technology and safety features.

Our Nation will require 40 percent more energy by 2020, requiring the use of all available energy sources—wind, solar, hydro, natural gas, coal and nuclear energy. Even the most aggressive conservation and energy efficient programs will not satisfy all of our increasing energy needs. We will require significant additional electric generating capacity to meet this rising demand—electricity generation that is absolutely necessary to keep our economy growing. And we must provide this new power while protecting our environment.

America's 103 nuclear power reactors provide safe, clean and reliable, baseload electricity around the clock. Over the past 50 years, America's nuclear power plants have posted a safety

record that is unrivalled. In addition, nuclear plants produce electricity without producing harmful emissions or greenhouse gases. Nuclear energy is the only major energy source that is both emission-free and expandable.

The use of nuclear energy also reduces our dependence on foreign sources of energy. Protecting our Nation's energy independence must remain at the forefront of our energy policy decisions.

Since scientists first harnessed the power of the atom for the benefit of mankind, the United States has led the world in the development of nuclear science and technology. With some 29 nuclear reactors under construction in other countries, the United State's leadership role in commercial nuclear power could be diminished. Our scientists, engineers and technicians must research, develop and build new nuclear facilities to keep their skills sharp and further their knowledge. In addition, new plant project also will mean more jobs for those scientists, engineers and technicians, as well as many other trades.

America's nuclear power plants contribute to nonproliferation efforts. Through the public-private ''Megatons to Megawatts'' program, which this body has strongly supported, 50 percent of the fuel used in our commercial reactors comes from converted Russian warheads.

Nuclear energy also is one of the most efficient means of producing hydrogen, another key to our energy future. Hydrogen will help reduce our dependence on imported petroleum in the transportation sector, and, like nuclear energy, is a clean air energy.

Therefore, I call upon my colleagues to join me in support of this resolution recognizing nuclear energy's important contributions to our Nation, such as maintaining our energy independence and protecting our environment. And I urge all of you to join me in supporting research, development and construction of new nuclear power plants today, so that nuclear energy can continue providing these benefits in the future.

AMENDMENTS SUBMITTED & PROPOSED

SA 3975. Ms. COLLINS (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 1417, To amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges.

SA 3976. Ms. COLLINS (for Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. REID)) proposed an amendment to the bill S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965.

SA 3977. Ms. COLLINS (for herself and Mr. LIEBERMAN) proposed an amendment to the bill S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

SA 3978. Ms. COLLINS (for Mr. ENSIGN) proposed an amendment to the bill S. 2845, supra.

SA 3979. Ms. COLLINS (for Mr. KYL) proposed an amendment to the bill S. 2845, supra.

SA 3980. Mr. LIEBERMAN (for Mr. SCHUMER) proposed an amendment to the bill S. 2845, supra.

SA 3981. Mr. McCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) proposed an amendment to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

SA 3982. Mr. FRIST (for Mr. HATCH (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2195, to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

SA 3983. Mr. McCONNELL (for Mr. McCAIN (for himself and Mr. NELSON, of Florida)) proposed an amendment to the bill H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

SA 3984. Mr. BAYH (for himself, Mr. ROBERTS, Mr. WYDEN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. McCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table.

SA 3985. Mr. CHAMBLISS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. McCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3975. Ms. COLLINS (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill H.R. 1417, to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Copyright Royalty and Distribution Reform Act of 2004''.

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT ROYALTY JUDGE AND STAFF.

(a) IN GENERAL.—Chapter 8 is amended to read as follows:

''CHAPTER 8—PROCEEDINGS BY COPYRIGHT ROYALTY JUDGES

''Sec.
''801. Copyright Royalty Judges; appointment and functions.
''802. Copyright Royalty Judgeships; staff.
''803. Proceedings of Copyright Royalty Judges.
''804. Institution of proceedings.
''805. General rule for voluntarily negotiated agreements.

''§ 801. Copyright Royalty Judges; appointment and functions

''(a) APPOINTMENT.—The Librarian of Congress shall appoint 3 full-time Copyright Royalty Judges, and shall appoint 1 of the 3 as the Chief Copyright Royalty Judge. The Librarian shall make appointments to such positions after consultation with the Register of Copyrights.

''(b) FUNCTIONS.—Subject to the provisions of this chapter, the functions of the Copyright Royalty Judges shall be as follows:

''(1) To make determinations and adjustments of reasonable terms and rates of royalty payments as provided in sections 112(e), 114, 115, 116, 118, 119 and 1004. The rates applicable under sections 114(f)(1)(B), 115, and 116 shall be calculated to achieve the following objectives:

''(A) To maximize the availability of creative works to the public.

''(B) To afford the copyright owner a fair return for his or her creative work and the copyright user a fair income under existing economic conditions.

''(C) To reflect the relative roles of the copyright owner and the copyright user in the product made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, risk, and contribution to the opening of new markets for creative expression and media for their communication.

''(D) To minimize any disruptive impact on the structure of the industries involved and on generally prevailing industry practices.

''(2) To make determinations concerning the adjustment of the copyright royalty rates under section 111 solely in accordance with the following provisions:

''(A) The rates established by section 111(d)(1)(B) may be adjusted to reflect—

''(i) national monetary inflation or deflation; or

''(ii) changes in the average rates charged cable subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar level of the royalty fee per subscriber which existed as of the date of October 19, 1976,

except that—

''(I) if the average rates charged cable system subscribers for the basic service of providing secondary transmissions are changed so that the average rates exceed national monetary inflation, no change in the rates established by section 111(d)(1)(B) shall be permitted; and

''(II) no increase in the royalty fee shall be permitted based on any reduction in the average number of distant signal equivalents per subscriber.

The Copyright Royalty Judges may consider all factors relating to the maintenance of such level of payments, including, as an extenuating factor, whether the industry has been restrained by subscriber rate regulating authorities from increasing the rates for the basic service of providing secondary transmissions.

''(B) In the event that the rules and regulations of the Federal Communications Commission are amended at any time after April 15, 1976, to permit the carriage by cable systems of additional television broadcast signals beyond the local service area of the primary transmitters of such signals, the royalty rates established by section 111(d)(1)(B) may be adjusted to ensure that the rates for the additional distant signal equivalents resulting from such carriage are reasonable in the light of the changes effected by the amendment to such rules and regulations. In determining the reasonableness of rates proposed following an amendment of Federal Communications Commission rules and regulations, the Copyright Royalty Judges shall consider, among other factors, the economic impact on copyright owners and users; except that no adjustment in royalty rates shall be made under this subparagraph with