United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRSTSESSION

Vol. 151 WASHINGTON, THURSDAY, APRIL 7, 2005 No. 39

# House of Representatives

The House was not in session today. Its next meeting will be held on Friday, April 8, 2005, at 10 a.m.

# Senate

THURSDAY, APRIL 7, 2005

The Senate met at 10 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

The PRESIDING OFFICER. Today's prayer will be offered by guest Chaplain Rev. David G. Thabet, of Huntington WV.

The guest Chaplain offered the following prayer:

PRAYER

Let us pray.

O God, the Source and Giver of all wisdom, whose will is good and gracious, and whose law is truth, we pray that You so guide and bless the Congress of this Nation, and especially the United States Senate, that they enact such laws as shall be according to Your will.

Grant them the spirit of wisdom, charity, and justice, so that with clear minds and steadfast purpose they may faithfully serve in their offices. And we pray that the people of this Nation support their elected officials with understanding and encouragement.

May those assembled here always be conscious of the needs of those persons under their care, and may they always have the courage to do what is right.

Finally, we ask that You instill Your Spirit in the body of those here that they may have the strength to accomplish the tasks before them this day and throughout the session.

This we ask in Your Name.

Amen.

## PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 7, 2005.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

## SCHEDULE

Mr. MCCONNELL. Madam President, today we will be in for a period of morning business. Last night, we were unable to complete work on the State Department authorization bill. Therefore, on Monday, we will turn to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief. We did make progress, however, on the State Department bill, and it is still hoped that we can reach an agreement to limit amendments on that bill, and therefore make it possible for us to complete it.

That would allow the chairman and ranking member to work together to determine how much work remains on the bill prior to reaching final passage. In the meantime, and under the consent agreement, we will begin consideration of the appropriations bill at 3 p.m. on Monday. As announced last night, there will be a vote on Monday evening at approximately 5:15. That vote will likely be on a district judge, although it is possible that additional votes will occur on amendments to the supplemental at that time.

I will have further announcements on the Monday schedule at the close of business today. Let me say, for all of our colleagues, turning to the supplemental appropriations bill next week means we will have a very busy week, with lots of votes and potentially one or more evening sessions.

With that, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes.

The Senator from Tennessee is recognized.

## ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I see my friend from Oregon here. I ask unanimous consent to speak a little bit longer than 10 minutes if that would not inconvenience him, or would he like to go?

Mr. WYDEN. That is fine with me. I am waiting for Senator SMITH. Madam President, if I could, I ask unanimous consent that after Senator ALEXANDER completes his remarks, Senator SMITH, my colleague from Oregon, and I may speak for up to 30 minutes. We may not consume all of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE NEW IRAQI LEADERSHIP

Mr. ALEXANDER. Madam President, I have three or four comments I want to make this morning. Most importantly, I want to say a word about the new leadership in Iraq.

In a delegation led by the Democratic leader, Senator REID of Nevada, seven of us were in Iraq, in Baghdad, about 10 days ago. We met with two of the three new leaders who have been chosen. Mr. al-Hasani, the new speaker, a Sunni, spent some time with us. We spent an hour with Dr. al-Jaafari who, just an hour ago, was named the new Prime Minister of Iraq, and who will be the most important leader we will be dealing with.

I believe our delegation was one of the first from the Senate to spend that much time with the new leader of Iraq. I want to report that I was most impressed with what we saw there. We met a man in his late fifties, who had been in exile from Iraq for a number of years because of the brutality of Saddam Hussein. He is a physician. It seems as though physicians are ascending in all sorts of different places, including in the U.S. Senate and in Iraq. He is a well-educated man and conducted our discussion in English. He showed in his presence a great deal of calm. He is not a quiet man, but he is a calm man who seems to know exactly what he believes and what he thinks.

I was taken with the fact that he began his discussion with us with about a 5-minute monolog about the brutality of Saddam Hussein. He said he was ''worse than Hitler, worse than Stalin.'' Those were his words. He said Hussein had murdered a million people in 35 years. In his words, al-Jaafari said ''he had buried 300,000 people alive.'' He said that quietly, but he obviously feels that very deeply.

Second, I was most impressed with his understanding of U.S. history. We talked about the difficulty of creating a democracy and how we are expecting them to create a constitution by August. In our situation, years ago, it took us 12 years from the time of the Declaration of Independence to the time of our Constitution. Our Founders locked the news media out for 6 months while they did that. Today, we are expecting the Iraqis to come together—people of different backgrounds—and have a constitution by August, while we watch and criticize on 24/7 television everything they do.

He has a good understanding of U.S. history and, I thought, a great appreciation for democracy and freedom. He showed not only no resentment about the American presence in Iraq, he showed great gratitude for the American presence in Iraq. He wants us to stay there for a while, so that there is enough security for their constitutional government to form. He seemed very comfortable with that.

Finally, he is a brave man—brave during exile, brave today. There may be only a few thousand people in Iraq—a country the size of California with 25 million people—who are causing all the trouble, but they are making it a dangerous place to be. Even the Green Zone and the areas around it are not entirely safe.

So we have a sophisticated, English-speaking, well-educated, U.S.-history-knowing, brave man, who is the new leader of Iraq, a man who is grateful for the American presence and who is determined to help create a democracy. I congratulate the Iraqi people on the substantial achievement.

Also, Mr. al-Hasani, the new speaker, a Sunni—the new Prime Minister is a Shiite—was very impressive to us in the Senate delegation. He, as well as the Prime Minister, wore western clothing in these meetings. I say this as a fact, not as a judgment.

Mr. al-Hasani was educated in the U.S. at two major universities. He lived in Los Angeles during his exile. He created a business in Los Angeles. He went back to Iraq to help create a new democracy. He is also a sophisticated person with a strong knowledge of freedom and democracy, a strong appreciation of the United States, and he is also a brave man to be undertaking this. I congratulate the Iraqis for that.

## CONSENT DECREES

Mr. ALEXANDER. Madam President, I will ask unanimous consent to have printed in the RECORD an article I wrote, which appeared in the Legal Times for the week of April 4, entitled ''Free the People's Choice.'' This involves a piece of legislation that Senators PRYOR and NELSON on the other side of the aisle and Senators CORNYN and KYL on this side of the aisle and I have introduced, which would make it possible for newly elected Governors and mayors and legislatures to do what they were elected to do and be free from outdated consent decrees their predecessors may have agreed to, and which exist with the approval of the Federal courts.

We have hundreds of outdated Federal court-approved consent decrees across America, which are running our education systems, foster care systems, Medicaid systems, and they make it impossible for democracy to flourish in the U.S., at a time when people are fighting and dying to give other people democracy in another part of the world. We have strong Democratic and Republican support in the Senate for this. In the House, I finished a meeting with the Republican whip, Roy Blunt, who with Congressman COOPER from Nashville, and all of the Democratic Congressmen from Tennessee, have introduced the same bill in the House.

This piece of legislation would put term limits on Federal court consent decrees and cause them to be more narrowly drawn and do as the Supreme Court said they should do—get these issues back into the hands of the elected officials as soon as possible.

This legislation has strong support, and I hope it will be moving through the Judiciary Committee in proper fashion. It is the No. 1 priority of the National Governors Association and National Association of Counties, and many others. We cannot expect States to control the growth of Medicaid spending if we do not allow them to make their own decisions. We need to get flexibility from our laws, and we need to get the courts to step aside and let elected officials make policy decisions.

I ask unanimous consent that this article be printed in the RECORD.

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

[From the LegalTimes, Apr. 4, 2005]

FREE THE PEOPLE'S CHOICE

(By Lamar Alexander)

Imagine yourself the governor of a state grappling with a broken public health care system. Your goal is to cover the greatest number of people—particularly children—with the best medicine available. But costs are spiraling out of control, so you and your staff craft a reform package that balances the health care needs of low-income citizens with the fiscal realities of the state budget. The task is tough, but this is why you ran for public office.

The story should end there, or, at least, you've reached the point when you would present your plan to your fellow elected officials in the state legislature, and they take a vote—representative democracy at work. Only that's not what's happening in states around the country, whether the issue is health care or transportation or education.

Instead, the hands of governors, mayors, even school boards have been tied by costly and restrictive consent decrees handed down by federal courts, sometimes decades before. These judicial orders result from agreements brokered between public officials and plaintiffs engaged in civil court actions. Once

these decrees are set, they are very difficult to change, making reform and common-sense adjustments over time virtually impossible.

The result is what New York Law School professors Ross Sandler and David Schoenbrod call ''democracy by decree''—public institutions being taken out of public control and placed in the hands of an unelected federal judiciary.

There are times when this is absolutely necessary, when state and local governments defy federal law and congressional intent. Desegregation is the best example. In the civil rights era, the judiciary had no choice but to exercise control over public institutions in order to guarantee African-Americans their constitutional rights.

While ensuring that states follow the rule of law, consent decrees can also preserve the separation of powers and uphold the ideals of federalism. Unfortunately, in many cases, they have done just the opposite.

ROADBLOCKS TO REFORM

The hypothetical I offer above mirrors what is currently happening in my home state of Tennessee. Three specific consent decrees blocked the implementation of Democratic Gov. Phil Bredesen's initial Medicaid reform package, which would have preserved coverage for all 1.3 million enrollees of TennCare, the state's Medicaid program. His plan was passed overwhelmingly by the state's General Assembly and endorsed by major stakeholders in the program, from patients to providers.

But mandates set forth in these consent decrees—which far exceed federal requirements—limited the governor's policy choices and continue to drive up program costs. As a result, Bredesen was recently forced to devise a new reform strategy, which would cut 323,000 adults from the program and reduce the benefits of the remaining 396,000 adults. Citing the consent decrees, the courts are now blocking this proposal as well.

The consent decrees cover a range of health care issues. One signed by U.S. District Judge John Nixon in 1979, known as the Grier consent decree, prevents the state from placing reasonable limits or controls on prescription drugs, including the use of cheaper generics in lieu of expensive brand-name pharmaceuticals. As a result, Tennessee now spends more on TennCare's pharmacy benefit than it does on higher education.

The John B. consent decree, signed by Judge Nixon in 1998 and revised in 2001 and 2004, imposes a host of special requirements for children. From one line of federal code, the court entered a consent decree that established a requirement that Tennessee offer medical screenings to 80 percent of the state's children—a laudable public policy goal but one that should be set by the elected officials whose job it is to manage the program.

Finally, the Rosen consent decree, signed by U.S. District Judge William Haynes in 1998, prevents TennCare from limiting enrollment when a person is part of an optional Medicaid population or when a person's eligibility for the program cannot be determined. To make matters worse, on Jan. 29, 2005, Judge Haynes took his authority under that consent degree a step further: He declared that he must approve any changes to the TennCare system that would reduce enrollment. With the budget clock ticking, Tennessee's state legislators are now waiting for a U.S. district judge to give them permission to do their job.

And Tennessee isn't alone. There are consent decrees in all 50 states on issues ranging from prisons to child care. In Los Angeles, a consent decree entered in 1996 by U.S. District Judge Terry Hatter Jr. has forced the Metropolitan Transit Authority to spend 47 percent of its budget on city buses, leaving just over half of the budget to pay for the rest of the transportation needs of the nation's second-largest city.

In New York, a 1974 consent decree entered by U.S. District Judge Marvin Frankel has been mandating bilingual education for more than 30 years. The result is that public schools, which should be vibrant, learning, changing institutions, have no choice but to force students into outdated bilingual programs, even over the objections of their parents.

A BETTER SOLUTION

The solution to the problem of democracy by decree is a balanced system that protects the rights of individuals to hold state and local governments accountable in court, while preserving our democratic process through narrowly drawn agreements that respect elected officials' public policy choices. These goals are not incompatible. Last month, I introduced the Federal Consent Decree Fairness Act, bipartisan legislation that does both by establishing new principles and procedures for establishing, managing, and, ultimately, terminating court supervision.

The bill takes a three-pronged approach: First, it lays out a series of findings to guide the federal courts in approving future consent decrees. These findings give congressional endorsement to the Supreme Court's call for limiting decrees, as it did in Frew v. Hawkins in 2004. The findings also advocate the entry of consent decrees that take into account the interests of state and local governments and give due deference to their policy choices. And they make it clear that consent decrees should contain explicit and realistic strategies for ending court supervision.

Second, the bill places ''term limits'' on decrees, giving states and localities the opportunity to revisit them after the earlier of four years or the expiration of the term of the highest elected official who consents to the agreement. These time frames give consent decrees an opportunity to succeed, while not tying the hands of newly elected officials. They also prevent outgoing officials from agreeing to consent decrees as a way to lock in their successors to policies those successors would not normally support.

Finally, this legislation shifts the burden of proof from state and local governments to the plaintiffs in the case for purposes of the motion to vacate or modify the decree. Currently, a consent decree can be vacated or modified only following a showing by the defendant state or local government that circumstances have so significantly changed as to render the decree unworkable. The practical effect is that they must prove a negative—that the decree is no longer necessary. Yet if the purpose of the original agreement was to protect the plaintiff, it's logical that the plaintiff should demonstrate whether continued protection is justified.

RESPECTING DEMOCRACY

The goal of the Federal Consent Decree Fairness Act is to ensure that when a federal right is no longer threatened, a consent decree meant to protect that right can be expeditiously ended. When the purpose of the decree has been met, or circumstances have significantly changed, or later officials propose new and improved solutions to a problem, there needs to be a better way to remove the strictures of a consent decree.

The Federal Consent Decree Fairness Act would not impact the court's jurisdiction. It wouldn't eliminate consent decrees or even nullify existing ones. And it exempts desegregation cases. The bill merely creates a new judicial procedure that allows state and local governments to request a review of the consent decree under a shifted burden of proof.

The intent here is not to diminish the role of the federal courts. Consent decrees are important tools of federalism because they ensure that no government is above the law. From a practical perspective, they save enormous court costs and prevent damaging legal battles.

Rather, the goal is to level the playing field for state and local governments. There is no democracy when federal courts run police departments, school districts, foster care programs, and state insurance programs. Judges are not public policy experts, and they are not accountable to the electorate for the choices they make.

While the Supreme Court upheld the consent decree in Frew, its opinion captured the problem: ''If not limited to reasonable and necessary implementations of federal law, remedies outlined in consent decrees involving state officeholders may improperly deprive future officials of their designated and executive powers. They may also lead to federal court oversight of state programs for long periods of time even absent an ongoing violation of federal law.''

The Frew Court rightly focused on the encroachment of federal power over state and local governments. Our nation's founders envisioned a dynamic but separate relationship between the federal government and the states, and among the three branches of government. The 10th Amendment is clear in its delineation of responsibility: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

And while The Federalist No. 48 sets forth the idea that some connection between the two levels of government is necessary, its writer, James Madison, issues a clear warning: ''It is equally evident that neither of them ought to possess directly or indirectly, an overruling influence over the others in the administration of their respective powers.''

Consent decrees have, unfortunately, evolved into a mechanism for the federal judiciary to exercise ''an overruling influence'' on many state and local governments. Reform is desperately needed to fix this broken system. Democracy by decree is no democracy at all.

## PRAISING THE HOUSE PAGE SCHOOL

Mr. ALEXANDER. Madam President, I would like to now praise the pages. I could say good words about the Senate pages and I will. I wanted to especially praise the House page school—and I hope the Senate pages will excuse me for doing that.

Madam President, my good friend, Alex Haley, the author of ''Roots,'' used to say, ''Find the good and praise it.'' Those words are engraved on his tombstone. When he wrote the story of Kunta Kinte, he minced no words in describing the terrible injustices his ancestors overcame, but he also acknowledged their courage and perseverance.

Since I joined this body, I have made improving the teaching of American history one of my top priorities. I have noted some deeply disturbing statistics about students' knowledge of our past. For example, of all the subjects tested by the National Assessment for Education Progress, also known as our Nation's report card, American history is our children's worst subject.

But today I am here to follow Alex Haley's advice to find the good and praise it. When it comes to teaching American history, some of the best news can be found right here on Capitol Hill.

On January 25, the College Board announced that the House page school ranked first in the Nation among institutions with fewer than 500 pupils for the percentage of the student body who achieve college-level mastery on the advanced placement exam in U.S. history. Twenty-one students, or about one-third of the school's student body, took the exam, and 18 received the required score of 3 or above to demonstrate mastery of the subject.

A number of Senate pages also take the AP U.S. history exam. Madam President, 12 students in the current class of 29 in the Senate page school will take 22 different AP exams this year. Eleven will take the U.S. history exam. But results for the Senate pages are not collectively known in the same way we know them in the House, and that is because the Senate Page School is only half the size of the House school. Senate pages register for the exam under their home high school name, rather than as a student at the page school. But based on what she hears from students, Principal Kathryn Weeden believes Senate pages score very well, but no complete tabulation of scores is available, as is with the House.

House pages attend classes in the attic of the Jefferson Building of the Library of Congress. They are perched atop one the largest collections of historical documents about our country. But location alone cannot account for their great success. The House Page School puts a strong emphasis on social studies and American history.

Students take American history with Sebastian Hobson and Ron Weitzel, a House Page School teacher of 21 years who will retire this year. Surely, much of the credit belongs to Mr. Hobson and Mr. Weitzel. But students also find a focus on American history in their work with other teachers. On Saturdays, students participate in the Washington Seminar, a program that explores American Government and history here in the District of Columbia.

Math teacher Barbara Bowen, who is something of an expert on Presidents Jefferson and Washington, takes students to Monticello and Mount Vernon.

Computer and technology teacher Darryl Gonzalez takes students to Fort McHenry and the American History Museum.

Science teacher Walt Cuirle includes the history of U.S. energy policy when he teaches his class on energy. Mr. Cuirle also takes students to Philadelphia for the Benjamin Franklin portion of the school's Washington seminar.

Most students take English teacher Lona Klein's course on American literature, which has to include history as they read literature from the Puritans, the Enlightenment, and the slave rebellions. She also leads a field trip to Annapolis to see the State house and the Naval Academy.

Principal Linda Miranda has made the teaching of American history a priority at the House Page School, and it shows. It is no wonder the school has received this recognition from the College Board, which administers the advanced placement exams across the country. Ms. Miranda credits the outstanding quality of the students who are selected as House pages and her faculty, whom she calls ''Renaissance men and women.''

There is no question this has been a team effort at the House Page School, but I know good leadership starts at the top. So I salute Linda Miranda, her faculty, and the students at the House Page School. I hope their success may be an example to schools across the country as to how we can restore the teaching of American history to its rightful place in our schools so our children grow up learning what it means to be an American.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

## BIPARTISAN AGENDA FOR OREGON

Mr. WYDEN. Madam President, there has been a tumultuous start to this session of Congress with often acrimonious debate about judges, budget, and the tragic situation involving Terri Schiavo and her family. But I rise this morning with my friend and colleague, Senator GORDON SMITH, to speak not of division but of bipartisanship and of the hopes we share for our home State of Oregon and for our country.

This morning marks the fifth time Senator SMITH and I have unveiled what we call our bipartisan agenda for our home State. It has been our privilege and our pleasure at the beginning of each Congress to travel together around Oregon to listen to our fellow Oregonians and to find common ground on issues that matter to our citizens around their dining room tables and in their kitchens.

We suspect that what we hear in our joint townhall meetings is what other Members of the Senate hear as well. Oregonians, and all Americans, now struggle with health care—families and farmers and business owners and health care providers. Oregonians and all Americans are struggling to make ends meet in this economy, and this means workers and employers. Oregonians and all Americans want opportunities—educational opportunities, job opportunities, opportunities so their children have better lives.

Oregon has two U.S. Senators—a Democrat and a Republican—but we realize that for the most part, our citizens are not interested first in Republican solutions or Democratic solutions; they want solutions that work for Oregon and for our country. They want ideas, and they get frustrated when they see political figures letting petty and partisan differences get in the way of their interests.

In the bipartisan agenda for Oregon in the 109th Congress, we are seeking to expand a number of our shared legislative goals to seek good for our fellow Americans. I was especially pleased to join Senator SMITH as a member of the Senate Finance Committee this year. The committee oversees vital areas of policy, including health care, technology tax, trade policy, and many of the items on our agenda fall under the jurisdiction of the Senate Finance Committee.

We are also, in this agenda, working to expand our reach not only for Oregonians but for all Americans by working to tackle one of the most important and difficult issues in American health care, and that is providing catastrophic health care coverage so that our citizens do not have to go to bed at night fearing they are going to get wiped out by medical costs. This is a matter about which Democrats and Republicans have been talking for years, and there have been good Democratic and Republican ideas about catastrophic coverage for years. The fact is that if you own a hardware store in Alaska, Oregon, Iowa, or Florida, and you have five or six people and one of them gets sick, everybody gets wiped out in terms of their medical bills.

Senator SMITH and I believe we can develop a plan that will bring this Congress together, give us the opportunity to pass catastrophic health care legislation to be enacted and the President can sign into law.

So ours is a bipartisan agenda for Oregon, but it is also an invitation on the part of the two of us to contribute ideas and good will on issues where we have struck common bipartisan ground.

Our intention for a few minutes this morning is to speak on a number of these items—in effect, one of us speaking for both of us. I am very pleased to yield to my good friend and colleague, Senator SMITH, and to thank him for all of the opportunities to work with him, particularly for his willingness to consistently meet me more than half way in our efforts to try to work for our State. I thank Senator SMITH.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. SMITH. Madam President, I thank my colleague.

It seems only yesterday but it was over 8 years ago that Senator WYDEN and I engaged in a very hotly contested race for the seat of Bob Packwood, formerly the seat of Wayne Morse. I believe he was called ''the tiger of the Senate,'' a man for whom Senator WYDEN had worked earlier in his college years.

Ours was a campaign that Oregonians will not soon forget because it was so hard fought. It was a special election. RON WYDEN won that race, and I narrowly lost that race. Yet, through a matter of circumstances, it was possible for me to continue running for

the seat of Mark Hatfield with his announced retirement. So a few months later, I was elected to the U.S. Senate to the Hatfield seat, the McNary seat, the Baker seat. I think it was a question on every Oregonian's mind and certainly in the press whether RON WYDEN and I could work together in any fashion because of the difficulty of the race we had run.

What I did the morning after my victory was to call RON WYDEN and invite him to breakfast. No sooner had the orange juice been poured than it was very apparent to both of us that we were similar in nature in terms of our desire to do right by the State of Oregon. And while we would come at two issues from different political perspectives, we quickly recognized that on the matter of one's State, there was a community of interest, indeed, an incredible resource, and if we could find a way to put partisanship aside when it came to the borders of Oregon, we could find many areas where together, as a Republican and a Democrat, we could serve the interests of our Nation but particularly the interests of Oregon.

Senator WYDEN is the most senior elected Democrat, and I am the most senior elected Republican in our State. We understand that to our parties, we owe loyalty on nearly all procedural votes, we owe to our parties support of our nominees, but to each other we owe respect, and we have found that easy to come by. So after once being competitors, we found ourselves colleagues.

In the course of 9 years, we have found a very rich friendship. We do not editorialize on one another's votes. We try to support in every way we can the initiatives of the other. And we have found that the winner is not just our friendship but, much more importantly, the people we serve in the great State of Oregon.

What we do today is announce yet another bipartisan agenda, this one for the 109th Congress, a list of items that are specific, some general, but embark us on an agenda which we think will leave our State better when this Congress goes to sine die.

The common ground we have found in some cases is not on difficult issues, but it includes supporting communities, families, and children. Much work needs to be done to confront Oregon's methamphetamine agenda, including passing the Combating Meth Act and pursuing full funding for the High Intensity Drug Trafficking Area Program.

We will help improve access to higher education by keeping 529 higher education savings tax free.

We will find new ways to alleviate hunger and the causes of hunger for Oregon's economically vulnerable citizens.

A major part of our agenda is aimed at ensuring economic stability and growth. This includes defending Oregon timber producers from unfair trade practices and pressing the administration to work diligently for a new soft wood agreement with our neighbor, the nation of Canada.

We will support our ports so they can remain vibrant. We need to maintain funding for Oregon's smaller ports and work to ensure that the port of Portland's competitiveness in the future is ensured by dredging the Columbia River channel.

Our agenda includes promoting renewable energy and furthering Oregon's status as the premier State for the development of renewable resources through tax and energy legislation.

We will work with our colleagues in the House and the Senate to protect the county payments legislation that brings over $200 million to Oregon counties annually. This is a program that was started with our effort to help vulnerable rural places that have lost timber receipts to have sufficient resources so that their schools can remain open, their streets can remain paved, and their neighborhoods can remain safe.

We will also work with the understanding that a strong economy depends upon affordable power rates. We will stand up against any attempts to force BPA to sell its power at market-based rates or restrict its access to capital for infrastructure investments.

Before I yield to Senator WYDEN, I note for our friends in the media that one of the most significant issues Senator WYDEN has already highlighted on our agenda is our effort to provide for catastrophic insurance. On the issue of health care, our Nation faces a crisis. Certainly the people of Oregon do. I have always believed that in America, and certainly in Oregon, the loss of one's health should not mean the loss of one's home. So what we are going to do together on the Finance Committee is pursue an agenda whereby people in America will have the ability to have in emergency situations health care for catastrophic illnesses so their families are not left destitute and their heirs are not left bankrupted.

I yield now to my colleague, Senator WYDEN.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, the Senator has summed it up very well. I pick up on his comments with respect to health care. As my friend knows, this has always been my first love, going back to my days with the Gray Panthers. I have been especially proud that Oregon has been a leader in this area, first essentially in home health care, using dollars that could have gone for institutional care for home care, or the Oregon health plan, which began the debate about tough choices.

I particularly want to note with Senator SMITH on the floor this morning that Oregon again is in a position of leading on health care, and that is because my friend and colleague, through an extraordinary effort, has been able to send a message across this country that those on Medicaid, the most vulnerable people in our society, people who always walk an economic tightrope, balancing their food costs against their fuel costs and their fuel costs against their medical bills—because of Senator SMITH's efforts during the budget, there is an opportunity now to renew the protections those vulnerable people have.

He and I agree completely that there are opportunities to promote reforms in Medicaid and we are committed to that, but because of Senator SMITH's effort we are not going to put budget cuts ahead of reforms. So as we go to this discussion about health care, I particularly want to commend my colleague because his leadership on Medicaid is part of the long tradition of Oregon being first in terms of making judgments about health care. I am proud to be able to assist in his efforts.

My colleagues will see that the Medicaid reform commission Senator SMITH envisions and other reforms we have worked on are a big part of our effort.

With respect to catastrophic care, what is so striking about this debate is that experts have known what to do about this issue for years. One can get an awful lot of protection for a relatively small amount of dollars. For example, on any given day in our country, if somebody gets sick in a small business, it essentially blows the whole premium structure for everybody. If just one of the employees, where there is a little store of five or six people, gets sick, then rates skyrocket for everyone.

What Senator SMITH and I are going to do in our catastrophic care bill is spread the risk, look to a way, for example, where Government might pick up a bit of that risk. Democrats have proposed it. Republicans have proposed it. Once there is that kind of risk spreading, instead of what happens now when one person gets sick and everybody pays higher bills, Government picks up a bit of that risk and the costs go down for everybody.

The two of us are on the Senate Finance Committee and we are going to do everything we can to try to bring the committee and the Senate together around these ideas.

Members of both political parties have had good ideas on this for literally a couple of decades. I remember talking about catastrophic care when I had a full head of hair, and we should have done it then. Senator SMITH and I are going to try to tackle it. We will also look at some other issues that have great implications for our State but also for our country overall. One of them involves equity for health care providers.

Today, at a time when we have this demographic revolution, and we are going to have so many more older people, one would think the Federal Government would try to reward providers for doing the right thing, offering good quality care and holding costs down. Instead, the Federal Government sends

the opposite message. The Federal Government basically says to Oregon and to other States that are doing a good job, well, tough luck, folks. Instead of rewarding you, we are going to actually stick it to you. We are going to penalize you and limit your reimbursement in spite of the fact that you provide higher quality, more efficient health care.

We are going to try to change that reimbursement system. It will obviously help our State, but I would submit, if one looks at the challenges for Medicare, the head of the General Accounting Office, David Walker, has said Medicare is seven times as great a challenge as is Social Security. And we cannot afford not to have the Smith-Wyden reforms with respect to reimbursement for health care providers. I am very hopeful we will be able to win support in the Finance Committee and in the Senate for those reimbursement changes as well. They make sense for our State, but they are absolutely critical for our country as well.

In addition to health care, which will be a prime focus of our work, Senator SMITH and I want to make sure we promote the use of innovative technologies, making sure that they are accessible and affordable so as to capture the opportunity to use technology to grow incomes and strengthen our economy. Depreciation will be a topic we will focus on because right now businesses that need new technologies to keep up in tough global markets take a big tax hit if they change their equipment as frequently as they need to in order to keep up with the competition.

We intend to work together on the Finance Committee to change tax laws and be able to accelerate the depreciation of equipment and end the penalties our businesses pay for staying on the cutting edge of our economy.

We also intend to promote nanotechnology to continue to work to make Oregon a national leader in the new small science. Americans are not completely sure what this field is all about. A woman came up to me in a small store in Oregon recently and said: RON, I do not know what this nanology is, but I am glad you are working on it.

The science of small stuff is going to be the wave of the future, and unprecedented collaboration between the public and private sectors has made Oregon one of America's leading microtechnology and nanotechnology centers.

Senator SMITH and I joined to be part of an effort in the Senate to provide billions of dollars for nanotechnology that would create regional centers in this exciting field, and we intend to work to make certain that those efforts receive the Federal attention and credit they deserve.

We will also work to build out broadband and the telecommunications technologies. We intend to work again in the Finance Committee to create appropriate tax incentives that will ensure broadband gets to the four corners of our State, and, of course, to pick up on our theme that what we are doing makes sense for Oregon and for our country.

I submit that the Smith-Wyden effort, as it relates to broadband, technology, and the Web, will be of great benefit to Alaska as well. We are fortunate to have had a good relationship with Senator STEVENS as well who chairs the Senate Commerce Committee.

The last point I make with respect to technology is as we try to bring all of those folks on to the Web and to be part of our Web-based economy, we should not hit them with a variety of new taxes. The bipartisan Internet tax Freedom Act makes it illegal to level double taxes or discriminatory taxes when one surfs the Web or makes Internet purchases. The two of us will be working on our committees, both the Commerce Committee and the Finance Committee, to make the Internet tax moratorium permanent to preserve Web access and Web commerce for the future.

We want to work together with our colleagues, and we have come today to say we want to promote smart solutions, the kind Oregonians and Americans should expect from the Senate.

I will yield back to Senator SMITH so he can close out our joint presentation, and in yielding tell him that in addition to what we are trying to do for our State and the impact I think our ideas will have for the country in a variety of these areas, technology and health care and the issues we have mentioned, I hope what we are doing in the Senate today will be infectious and will cause other Senators to join in these kinds of efforts.

Very often colleagues have come up to Senator SMITH and me and sort of said, what is in the water out there? What are you guys doing? I have never heard of this. We always respond, try it, you will like it. It is not going to be painful.

I see our friend from Oklahoma, Senator INHOFE, who has always been very kind to me in working on infrastructure and other issues, and I will say that in an acrimonious time, when there are certainly divisions, let us try to find every possible way to come together. We realize it is not always possible to do it, but what is exciting about America is we debate issues in a vigorous way. Certainly Senator SMITH and I do not agree on everything under the Sun, but we certainly agree on a lot of critical matters. Even if we do not, we talk about them in a way that we think is respectful and promotes to our citizens the reality that debate can be thoughtful, it can be contemplative, and it does not always have to be about scorched earth kind of politics. I am very pleased that Senator SMITH will conclude for both of us in our joint presentation. I thank him again for all of his efforts to work with me.

When I had a chance to come to the Congress, and Senator JIM INHOFE and I were then Members of the House, I dreamed of having this kind of opportunity to work in a bipartisan way in representing our State, and I thank my colleague for doing so much to make that possible.

I yield to him to wrap up not just on behalf of himself but to wrap up on behalf of both of us.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. SMITH. Madam President, I thank the Senator.

I think he said it well. So much can be accomplished if colleagues will focus on the possible instead of the polemic. When we do that, we find that the people's business is moved forward in a positive way and our Nation makes progress.

I conclude with these words: I do not know how long Oregonians will grant me the honor of representing them in the Senate, but I do know for as long as I am in this Chamber and for as long as Senator WYDEN is my colleague, we will continue to look for ways to move beyond partisanship and to continue our partnership for Oregon.

We yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Let me inquire as to what is the regular order?

The ACTING PRESIDENT pro tempore. Senators are permitted to speak for up to 10 minutes in morning business.

Mr. INHOFE. Madam President, I ask unanimous consent I be allowed to speak for up to 20 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## FOUR PILLARS OF CLIMATE ALARMISM

Mr. INHOFE. Madam President, I am returning to the floor, as I have many times in the last few years, to further address what I have considered to be probably the greatest single hoax ever perpetrated on the American people, and that is this thing called global warming. As I noted in my last speech, there is a perception, especially among the media and the environmental elitists, that the scientific community has reached a consensus on global warming. As Sir David King, the chief science adviser to the British Government, recently said:

> There is a very clear consensus from the scientific community on the problems of global warming and our use of fossil fuels.

Those problems amount to rising sea levels, floods, tsunamis, droughts, hurricanes, disease, and mass extinction of species—all caused by the ever-increasing greenhouse gas emissions. The alarmists confidently assert that most scientists agree with this, and they vehemently dispute claims of uncertainty about whether catastrophes will occur.

It is interesting that most of the people who are talking about gloom and

doom on global warming are the same ones, just a few years ago, in the 1970s, who were talking about global cooling, saying that a little ice age is coming and we are all going to die. But today, to question the science of catastrophic global warming is considered illegitimate. Consider Dr. Daomi Oreskes, who wrote in the Washington Post last December:

> We need to stop repeating nonsense about the uncertainty of global warming and start talking seriously about the right approach to address it.

Global warming, then, is no longer an issue for scientific debate. It appears to have soared into the realm of metaphysics, reaching the status of revealed truth.

Madam President, this is absurd. Since 1999, almost all scientific data has shown that this whole thing is, in fact, a hoax. More then 17,000 scientists have signed the Oregon Petition—ironically, after listening to the two Senators from Oregon who had excellent presentations—stating that fears of catastrophic global warming are groundless. These and other scientists who do not subscribe to the so-called consensus are condemned as skeptics and tools of industry. Now, in order to avoid professional excommunication, one must subscribe to the four principal beliefs underlying the alarmist consensus. I am going to call these the four pillars of climate alarmism, all of which, it is said, provide unequivocal support for that consensus view.

What I am going to do is talk about all four pillars, but mainly only one today, and then wait a week and let that soak in and then maybe come back and talk about the other three. The four pillars are as follows: The 2001 National Academy of Sciences report summarizing the latest science of climate change, requested by the Bush administration. Pillar No. 2, which we will be talking about later, is the scientific work of the United Nations Intergovernmental Panel on Climate Change, the IPCC—we have heard a lot about that, most especially its Third Assessment Report, released in 2001. The third pillar is the recent report of the international Arctic Climate Impact Assessment. No. 4 is the data produced by climate models.

I will show over the next several weeks that none of these pillars support the consensus view. Today I will begin my four pillars series with the NAS.

Before I delve into the NAS report, some historical CBO context is in order.

Back in 2001 the Kyoto Treaty was on the verge of collapse. President Bush announced his rejection of the Kyoto Treaty, calling it ''fatally flawed in fundamental ways.'' Our friends in Europe expressed outrage, even shock, though it was never in doubt where the United States stood. We have not changed our position.

In 1997, here on the floor of the Senate, we passed by a vote of 95 to nothing the Byrd-Hagel resolution. Primarily, the Byrd-Hagel resolution said if you come back from Kyoto with something that treats developing nations differently from developed nations, then we will reject it, we will not ratify it. Of course, that is exactly what happened. So we are supposed to do all these things, but not China and not Mexico, not the other countries—yet that passed 95 to nothing. There was not one dissenting vote.

On June 11, 2001, President Bush delivered a speech detailing Kyoto's flaws. He also provided an overview of the current state of climate science as described in a report, which he requested, by the National Academy of Science. Although the report offered very modest conclusions about the state of climate science, as described in a report, which he requested, by the National Academy of Sciences. Though the report offered very modest conclusions about the state of climate science, alarmists repeatedly invoke it as ironclad proof of their consensus. So let's take a closer look at what the NAS had to say.

The 2001 NAS report was wide-ranging and generally informative about the state of climate science. It stated that, ''Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments (either upward or downward).''

Let me repeat that: ''Considerable uncertainty in current understanding.'' ''Estimates should be regarded as tentative and subject to future adjustments.'' Does this sound like solid support for the consensus view? Surely there must be more. Well, in fact there is.

Under the headline ''The Effect of Human Activities,'' the NAS addressed the potential impact of anthropogenic emissions on the climate system. Here's what it said:

> Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time histories of various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes in the 20th century cannot be unequivocally established.

Again, that's worth repeating:

> Because of the large and still uncertain level of natural variability . . . [u]ncertainties in the time histories of various forcing agents . . . cannot be unequivocally established.

I read numerous press accounts of the NAS report, yet I failed to come across reporting of this quote. Is this what the consensus peddlers have in mind when they assert that everything is ''settled''?

The NAS also addressed the relationship between climate change and aerosols, which are particles from processes such as dust storms, forest fires, the use of fossil fuels, and volcanic eruptions. To be sure, there is limited knowledge of how aerosols influence the climate system. This, said the NAS, represents ''a large source of uncertainty about future climate change.''

By any conceivable standard, this and other statements made by NAS cannot possibly be considered unequivocal affirmations that man-made global warming is a threat, or that man-made emissions are the sole or most important factor driving climate change. It certainly cannot provide the basis for the United States Congress to adopt economically harmful reductions of greenhouse gas emissions.

It would be a grand folly to do that, especially considering what the NAS had to say about global climate models. The NAS believes much of the uncertainty about climate change stems from those models, which researchers rely on to make projections about future climate changes. These models, as the NAS wrote, contain serious technological limitations that cast doubt on their ability to simulate the climate system:

> [the models] simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty of interpreting their answers that exhibit as much complexity as in nature.''

Model projections, as the NAS pointed out, rest on a raft of uncertain assumptions.

> Projecting future climate change first requires projecting the fossil-fuel and land-use sources of $CO_2$ and other gases and aerosols,

the NAS found. ''However, there are large uncertainties''—please note the phrasing again, ''large uncertainties''—

> in underlying assumption about population growth, economic development, life style choices, technological change and energy alternatives, so that it is useful to examine scenarios developed from multiple perspectives in considering. strategies for dealing with climate change.

For this reason, simulations produced by climate models provide insufficient proof of an absolute link between anthropoenic emissions and global warming.

> The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, [according to NAS] but it does not constitute proof of one because the model simulations could be deficient in natural variability on the decadal to century time scale.

That last point demands further elaboration and emphasis. The NAS thinks climate models could be off by as much as a decade, or perhaps 100 years. Why is this important? Global climate models constitute one of the Four Pillars. Alarmists frequently point to computer-generated simulations showing dramatic, even scary, pictures of what might happen decades from now: more floods, more hurricanes, more droughts, the Gulf Stream shutting down. In many cases, the media eagerly report what these models produce as pure fact, with little or

no explanation of their considerable limitations.

The NAS also addressed the work of the UN's Intergovernmental Panel on Climate Change, another of the Four Pillars. The IPCC's 2001 Third Assessment Report, particularly its Summary for Policymakers, is frequently cited as proof of the consensus view. But the NAS disagrees. ''The IPCC Summary for Policymakers,'' the NAS wrote,

> could give an impression that the science of global warming is settled, even though many uncertainties still remain.

Here again, the NAS is saying the science is not settled.

The NAS also addressed the IPCC's future climate scenarios. These scenarios are the basis for the IPCC's projection that temperatures could increase to between 2.7 to 10.4 degrees Fahrenheit by 2100. The NAS said:

> The IPCC scenarios cover a broad range of assumptions about future economic and technological development, including some that allow greenhouse gas emission reductions. However, there are large uncertainties in underlying assumptions about population growth, life style choices, technological change, and energy alternatives.

Once again, the NAS says ''there are large uncertainties in underlying assumptions.''

The same is true, the NAS said, about future projections of $CO_2$ emissions. As the NAS stated:

> Scenarios for future greenhouse gas amounts, especially for $CO_2$ and $CO_4$, are a major source of uncertainty for projections of future climate.

To bolster the point, the NAS found that actual $CO_2$ emissions contradicted the IPCC, stating that:

> The increase of global fossil fuel $CO_2$ emissions in the past decade, averaging 0.6% per year, has fallen below the IPCC scenarios.

There are those troublesome words again: ''Large uncertainties in underlying assumptions.'' ''Major source of uncertainty.''

The NAS also expressed clear reservations about the relationship between carbon dioxide emissions and how they interact with land and the atmosphere:

> How much of the carbon from future use of fossil fuels will be seen as increases in carbon dioxide in the atmosphere will depend on what fractions are taken up by land and by the oceans. The exchanges with land occur on various time scales, out to centuries for soil decomposition in high latitudes, and they are sensitive to climate change. Their projection into the future is highly problematic.

Let me offer one final quote from the study before I turn to the media. Taking stock of the many scientific uncertainties highlighted in the report, the NAS issued explicit advice to guide climate research—advice, by the way, that alarmists reject:

> The most valuable contribution U.S. scientists can make is to continually question basic assumptions and conclusions, promote clear and careful appraisal and presentation of the uncertainties about climate change as well as those areas in which science is leading to robust conclusions, and work toward a significant improvement in the ability to project the future.

I am concerned about the media. I will talk about that in a minute.

People are trying to say that the release of $CO_2$ is the cause of climate change. These people have to understand that historically it doesn't work out that way. We went into a time right after World War II when we had an 85-percent increase in $CO_2$ emissions. What happened there was that precipitated not a warming period but a cooling period. Again, that is too logical for some of the alarmists to understand. They want so badly to feel a crisis is upon us.

It is kind of interesting. There is a well-known author, Michael Crichton, who wrote a book, ''State of Fear.'' I recommend that everyone read that. He is a scientist and a medical doctor who wrote this about how horrible things could happen with global warming. After he researched it, he came to the conclusion that it is a hoax. I recommend everyone read that book. It is very revealing. It is very accurate in the way the media and Hollywood are treating things.

It's not surprising that the media distorted and exaggerated the NAS report. The public was told that the NAS categorically accepted that carbon dioxide emissions were the overwhelming factor causing global warming, and that urgent action was needed. One factually challenged CNN reporter said the NAS study represented ''a unanimous decision that global warming is real, is getting worse, and is due to man. There is no wiggle room.'' The New York Times opined that the report reaffirmed ''the threat of global warming, declaring fearlessly that human activity is largely responsible for it.'' Of course, as the preceding quotes from the report show, this is not true.

This is the report we are talking about with all of the qualifications they have. Of course, the proceedings from this report show it is not true. It is an outrageous lie.

Unfortunately, the media wasn't burdened with any actual knowledge of the report. Rather, it seized on a sentence fragment from the report's summary, and then jumped to conclusions that, to be charitable, cannot be squared with the full report. That fragment from the summary reads as follows: ''Temperatures are, in fact, rising. The changes observed over the last several decades are likely mostly due to human activities. . .'' There's the smoking gun, we were told then and even now, proving a global warming consensus.

However, the second part of the sentence, along with much else in the report, was simply ignored. The second part of the sentence reads: ''We cannot rule out that some significant part of these changes is also a reflection of natural variability.''

And as we have seen, it is amazing how one could conclude that the NAS ''left no wiggle room'' that ''global warming is due to man.'' Dr. Richard Lindzen, a professor of meteorology at MIT, and a member of the NAS panel that produced the report, expressed his astonishment in an editorial in the Wall Street Journal on June 11, 2001. Dr. Lindzen wrote that the NAS report showed ''there is no consensus, unanimous or otherwise, about long-term climate trends and what causes them.'' Yet to this day, the media continues to report exactly the opposite.

As I noted earlier, raising uncertainties or questioning basic assertions about global warming is considered ''nonsense.'' I wonder if the same applies to the NAS. For on just about every page of the 2001 report, the NAS did exactly that.

But for the alarmists, global warming has nothing to do with science or scientific inquiry. Science is not about the inquiry to discover truth, but a mask to achieve an ideological agenda. For some, this issue has become a secular religion, pure and simple.

Dr. Richard Lindzen has written eloquently and powerfully on this point, so I will end with his words: ''Science, in the public arena, is commonly used as a source of authority with which to bludgeon political opponents and propagandize uninformed citizens. This is what has been done with both the reports of the IPCC and the NAS. It is a reprehensible practice that corrodes our ability to make rational decisions. A fairer view of the science will show that there is still a vast amount of uncertainty—far more than advocates of Kyoto would like to acknowledge—and that the NAS report has hardly ended the debate. Nor was it meant to.''

This is Dr. Lindzen. No one will question his credibility and his background.

We know the economic damage that will be done to America. We have all talked about the report on the econometrics survey. That survey showed how much energy would increase, should we have to comply with the Kyoto Treaty. It shows it would cost the average American family of four $2,175 a year. So we know how expensive that is. That is all documented.

You might say, Wait a minute. If this is true, if the science is not established and there is that much economic damage to the United States, why are we doing this? I think the answer to that could be given from quoting two individuals. One is not exactly an American hero, Jacques Chirac from France, who said:

> Kyoto represents the first component of an authentic governance.

Then some of you may have heard of Margo Wallstrom, the Environmental Minister of the European Union. She said:

> Global warming is not about climate. It is about leveling the economic playing field worldwide.

I hope the first pillar has been discredited, and next week we will start with pillar No. 2 in hopes that we can have a wake-up call for the American

people—that these same alarmists who were concerned about global cooling two decades ago will quit worrying so much about their own agenda and start looking at the science.

I feel an obligation as chairman of the Environment and Public Works Committee to look at the science. Certainly the Presiding Officer is a valued member of that committee. We have a commitment to look at sound science, as unpopular as it may be.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Missouri.

Mr. BOND. Mr. President, I was pleased to hear the thought-provoking comments of the chairman of the Environment and Public Works Committee. I thank him much for the work he has done there. Some of the things he said reminded me of an analogy to a totally different situation. When somebody was misusing some scientific facts, the comment was, They used the facts like a drunk uses a light post—for support rather than for illumination.

But I look forward to reading the book ''State of Fear'' by Dr. Crichton.

We appreciate the ongoing discussions that we will have.

## WATER RESOURCES DEVELOPMENT ACT

Mr. BOND. Mr. President, yesterday I introduced, along with Senators INHOFE, VITTER, WARNER, VOINOVICH, ISAKSON, THUNE, MURKOWSKI, OBAMA, LANDRIEU, GRASSLEY, HARKIN, TALENT, CORNYN, COCHRAN, DOMENICI and COLEMAN, the 2005 Water Resources Development Act, S. 728.

The programs administered by the U.S. Army Corps of Engineers are invaluable to this Nation. They provide drinking water, electric power production, river transportation, environmental protection and restoration, protection from floods, emergency response, and recreation.

Few agencies in the Federal Government touch so many citizens, and with such little recognition by many, I might add, and they do it on a relatively small budget. They provide one-quarter of our Nation's total hydropower output, operate 456 lakes in 43 States, hosting 33 percent of all freshwater lake fishing. They facilitate the movement of 630 million tons of cargo valued at over $73 billion annually through our inland system. They manage over 12 million acres of land and water; provide 3 trillion gallons of water for use by local communities and businesses; and they have provided an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh of that value.

During the 1993 flood alone, an experience which I witnessed firsthand, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at that time.

Our ports move over 95 percent of U.S. overseas trade by weight and 75 percent by value.

Between 1970 and 2003, the value of U.S. trade increased 24-fold, and 70 percent since 1994. That was an average annual growth rate of 10.2 percent, nearly double the pace of the gross domestic product growth during the same period.

Unfortunately, the American Society of Civil Engineers has issued a grade on our navigable waterways infrastructure. They gave it a D− with over 50 percent of the locks ''functionally obsolete'' despite increased demand.

Recently, a story in the Wall Street Journal warned of the current condition. It begins:

> The nation's freight-bearing waterway system, plagued by age and breakdowns, is saddling the many companies that rely on the network with a growing number of supply disruptions and added costs.
>
> While some consider it an anachronism in the age of e-commerce, the system remains vital to a broad swath of the economy, carrying everything from jet fuel and coal to salt and the wax for coating milk cartons. The network stretches 12,000 miles, mostly through the nation's vast web of rivers, and relies on a series of dams and locks, which are enormous chambers that act as elevators for moving barges from one elevation of water to another.
>
> Much of the infrastructure was built early in the last century. It's showing the effects of time and, according to some, of neglect. Old equipment takes longer to repair, and it's more vulnerable to nature's extremes.

The bipartisan bill is one that traditionally is produced by the Congress every 2 years. However, we have not passed a WRDA bill since 2000. The longer we wait, the more unmet needs pile up, the more complicated the demands upon the bill become, making it harder and harder to win approval. For some, the bill is small; for others, it is too big; for some, the new regulations are too onerous; and for others, the new regulations are not onerous enough.

Nevertheless, I believe we have struck a balance here, largely on a bipartisan basis, that disciplines the new projects to criteria fairly applied while addressing a great number of water resource priorities.

With the new regulations, we have embraced a commonsense, bipartisan proposal by Senators LANDRIEU and COCHRAN, similar to the bipartisan House agreement that requires major projects to be subject to independent peer review, and requires, if necessary, mitigation for projects be completed at the same time the project is completed, or, in special cases, no longer than 1 year after project completion. This compromise will impose a cost on communities, particularly smaller communities, but it is not as onerous as the new regulations proposed last year which ultimately prevented a final agreement from being reached between the House and the Senate.

The commanding features of this bill are its landmark environmental and ecosystem restoration authorities. Nearly 60 percent of the bill authorizes such efforts, including environmental restoration of the Everglades, coastal Louisiana, Chesapeake Bay, Missouri River, Long Island Sound, Salton Sea, Connecticut, the Illinois and Mississippi Rivers, and others.

Additionally, we have included the previously introduced bipartisan proposal to modernize the aging locks on the Mississippi and Illinois Rivers, designed 70 years ago for paddlewheel boats.

We should do simply for the future what our predecessors did for the present and build the systems designed to improve our competitiveness, our standard of living, and environmental protection. It does not happen overnight and we have experienced far too much delay already. We spent 12 years and $70 million to complete what was supposed to be a 6-year, $25 million study.

Without a competitive transportation system, the promise of expanded trade and commercial growth is empty, job opportunities are lost, and we will be unprepared for the challenges of this new century.

A lot of people don't appreciate the fact that one medium-sized river barge tow carries the same freight as 870 trucks. That should speak pretty significantly for the efficiency and environmental protection of water transportation.

Eighty years ago, leaders in this Nation wanting to build a better tomorrow made investments in our productive capacity to help our producers ship goods and hire workers. At that time, investments were expensive and controversial. Some even said the investments were not justified. The Corps said they were not satisfied.

But Congress decided otherwise, that it was a better idea to shape the future rather than to try to make unsound predictions of the future.

Eighty million tons of annual cargo later, it is clear Congress was right in that judgment. In the last 35 years, waterborne commerce on the upper Mississippi River has tripled, but the system is not suited to this century. It is a one-lane highway in a four-lane world economy. If we fail to act, we lose and our foreign competitors win, outsourcing jobs by Government paralysis.

Last year, the United States Department of Agriculture chief economist Keith Collins predicted corn exports through the Gulf would grow 45 percent in 10 years. We asked him why he wasn't making a 50-year prediction, which was asked of that ridiculous 12-year, $70 million study. He said nobody in their right mind could make a prediction 50 years in the future and it was taking a lot of assumptions to make a 10-year prediction. But we cannot see the exports grow, we cannot get revenue for our farmers, we cannot strengthen our rural communities and improve our balance of trade if trade is constrained by the transportation straitjacket we currently have.

A good friend of mine from Alma, MO, Neal Bredehoeft, is a soybean producer from Alma, MO, and president of the American Soybean Association. He said yesterday in St. Louis:

While U.S. farmers are fighting to maintain market share in a fiercely competitive global marketplace, our international competitors are investing in transportation infrastructure. Argentina has invested over $650 million in their transportation systems to make their exports more competitive. Brazil is restructuring its water transportation network to reduce the cost of shipping soybeans by at least 75 percent. Due in large part to these efforts, the two countries have captured 50 percent of the total growth in world soybean sales during the past three years.

Making the necessary upgrades to improve the Mississippi and Illinois waterways would also protect jobs. Navigation on the Upper Mississippi and Illinois Rivers supports over 400,000 jobs, including 90,000 high-paying manufacturing jobs.

I appreciate the strong bipartisan support for this proposal and the support from labor, the Farm Bureau, the corn growers, soybean producers, Nature Conservancy, the diverse members of MARC 2000, and other shippers and carriers fighting to protect and build markets in an increasingly competitive marketplace while improving protection for this vital resource.

It is important that we understand the budget implications of this legislation in the real world. We are contending with difficult budget realities currently. It is critical we be mindful of these realities as we make investments in the infrastructure that supports the people in our Nation who make and grow and buy and sell things so we can make our economy grow, create jobs, and secure our future.

This is an authorization bill. It does not spend $1. I repeat, regrettably, it does not spend $1. It merely authorizes the spending. With the allocation provided through the budget, the Appropriations Committee and the Congress and the President will fund such projects deemed to be of the highest priority and those remaining will not be funded because the budget will not permit. Strictly speaking, this bill provides options, not commitments. I wish it were otherwise.

I thank my colleagues on the committee and their staff for the very hard work devoted to this difficult matter. I particularly thank Chairman INHOFE for his forbearance. I believe if Members work cooperatively and aim for the center and not the fringe, we can get a bill completed this year. If demands exist that the bill be away from the center, going to the fringe, imposing unreasonable restrictions, we will go another year with Congress unable to complete our work as we did last year, unable to move forward on the 60 percent of economic and environmental restoration and the 40 percent of building the infrastructure we need to strengthen our economy and make sure we remain competitive in the 21st century.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## GAS PRICES

Mr. LAUTENBERG. Mr. President, I understand the State Department bill has currently been laid aside. When it returns, I intend to offer an amendment, and I wanted to take advantage of the opportunity today to talk about it.

My amendment—we are calling it the OPEC Accountability Act—is cosponsored by Senators Durbin and Dorgan. It will bring some sanity and fairness to the world oil markets. It will help provide some relief to our citizens from soaring gas prices that punish American families, businesses, and the entire community.

My amendment will direct the U.S. Trade Representative to initiate World Trade Organization proceedings against OPEC nations. Under the rules of the WTO, countries are not permitted to set or maintain export quotas. It is illegal. But that is exactly what OPEC does. OPEC is a cartel. Everybody knows that. The whole point of the organization is to set quotas. Why set quotas? To control prices. The mission is often to have countries beholden to them outside their little orbit, and they then are able to outrageously set prices for commodities that are essential. They collude to set quotas for the export of oil, which cause gas prices to rise.

I say to people across America, if you are wondering why gas is so expensive these days, a major part of that answer is OPEC. It is an illegal cartel, plain and simple. And we have allowed this cartel to operate for too long. Now it is time to put a stop to it. Every day American families feel the effects of the OPEC cartel at the gas pump. Look at the spike in the price of gas since 2001. Gas prices have nearly doubled since 2001.

I am going to show another chart that more particularly shows the precise prices for gasoline during those periods. In December of 2001, a gallon of gas averaged in price at $1.15. That was 2001. Today a gallon of gas averages $2.30. That is a doubling of the price in just over 4 years. This spike in gasoline prices hurts American families.

We hear a lot of talk about tax relief for middle-income families. But whatever tax cuts they received in that middle-income family in the last 4 years are being eaten up by increased gas prices. When you look at the gas price in that period of time and compare it to the Bush tax cut, the tax cut would have been $659. But the cost for gasoline the average family used in that year is $780, far more than the tax cut brought home to families.

A middle-income family who uses one tank of gas a week is going to pay an extra $780 a year because of rising gas prices eating up every penny and more that they received from the tax cut of the last 4 years.

When Americans drove up to the gas station on December 2001, this is what they saw: Regular gas $1.06 a gallon; the supreme, the high-test gas, $1.25 a gallon. Now after years of administration inaction, what we are looking at is regular is $2.22 compared to $1.06; $2.31 compared to $1.15 for plus gas; and $2.40 for supreme compared to $1.25 just over 4 years ago. It is an outrage.

One of the things that always bothers me is when I look at the forecast for inflation and I see what we are paying. I can't think of anything that is cheaper than it used to be, whether it is food, energy, or gasoline, no matter what it is. Here is the pressure. Frankly, I believe it has been administered poorly. I don't think we have tried to figure out a way to keep these costs down.

Some of these countries that are members of OPEC are totally dependent on America for their security. Yet they are willing to impair our security, our economic well-being, our job creation, our business function. They don't mind that when they have the weapon that they conveniently use against us.

Most people live on a fixed income. They can't stop driving to their job or taking the kids to school or going to the doctor's office or the grocery store. They have to pay the increased price for gas. That means they have to cut back on other things, perhaps air-conditioning or heat or a visit to the doctor or perhaps foregoing a therapy session for an injury. All of these are taken away by this outrageous increase in the cost of gasoline.

The soaring price of gas is already taking a toll on American families. If something is not done soon, it could get a lot worse. This also is rattling the prices of stocks on the stock exchange, investments, causing all kinds of dislocation there. It is led by the increasing demand for oil.

Goldman Sachs, a very well known financial firm, one of the biggest in the world, predicts that oil could reach $105 a barrel by the end of this year. It is now in the fifties, almost double the current price. While American families suffer, I don't hear anything coming from the President, the administration, to say anything about it. As a matter of fact, during the last campaign, it was frequently suggested that if John Kerry were President, he would be raising taxes on gasoline.

What are we looking at here? However we got here, it is on the watch of the Bush administration. Here are the prices again. Now it is $2.22 for a gallon of gas. It used to be $1.06. That is a lot of money, particularly since the type of vehicle that is frequently driven today is a gas-consuming vehicle. It costs a lot of money now to have that car running and to take care of your family's needs.

President Bush has repeatedly said that he would talk to his Saudi friends in the oil business. Talk is cheap, but oil and gasoline isn't. The American people want action. This amendment is a call to action. We have to find a way to escape the grasp of these countries around our economic well-being and our functioning as a society.

I have released a report explaining exactly how OPEC nations are violating the rules of the WTO. This report is on my Web site. I invite my colleagues and the public to read it. The report reaches a simple and straightforward conclusion. OPEC manipulates world oil markets by imposing export quotas on oil. You hear them brag about it. These quotas keep the price of oil artificially high. Just think about it. Who is the leader? Which is the country that called on us in 1990, come help us; the Iraqis are headed our way; They want to overtake our country. And we sent 540,000 people in uniform to fight off Iraq's attempt to overtake Saudi Arabia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I didn't know there was any time limit, but I ask unanimous consent to continue for 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

Is there objection? Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, OPEC manipulates world oil markets with their export quotas on oil, which keeps the price artificially high.

Without OPEC, market analysts have estimated that the free market price of oil would be around $10 to $15 lower than today's price. So the expectation is that oil would be lower in cost by $10 to $15 than it is today if it wasn't for this conspiracy out there by some so-called friends and avowed enemies. That includes Iraq and former antagonist of the United States, Libya; and it includes other countries. There is no reason to continue to tolerate OPEC's anticompetitive behavior.

The administration has been lax in dealing with OPEC. In my view, President Bush's close ties to the Saudis and big oil companies have prevented him from sticking up for the American consumers.

Worse yet, high oil prices mean massive profits for countries such as Saudi Arabia and Iran—countries that frequently fund terrorism.

The administration's inaction is allowing tens of billions of dollars to flow into the hands of the mullahs in Iran—money that finds its way to Hamas, Hezbollah, Islamic jihad, and other terrorist organizations that kill innocent Americans.

So while Iran, Saudi Arabia, and terrorists reap profits from OPEC's quotas, American families pay a terribly high price. It is time for us in this body to act. When the Senate returns to the State Department bill, I want to be able to see a vote taken on this issue so that we can see whether my colleagues agree with me that the cost of gasoline is to high, the cost of heating a house is too high, the cost of running a vehicle is too high, and it robs us of revenues that could otherwise go into more useful purposes.

With that, I hope my colleagues will support the Lautenberg-Durbin-Dorgan amendment when this amendment is presented.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Vermont is recognized.

## JUDICIAL INDEPENDENCE

Mr. JEFFORDS. Mr. President, one of my first responsibilities when I arrived in the Senate was to recommend to the first President Bush a nominee for a district court seat. But while I was a relatively new Senator, this was in some respects a fairly easy task.

My predecessor in the Senate, Bob Stafford, had established a sound and fair process with Senator LEAHY for choosing candidates for the judiciary, which we have continued to this day with the participation of Governor Douglas, a Republican.

Vermont is a small State, but it is one with an outsized capacity for public service. Our best lawyers have been willing to accept the financial sacrifice that accompanies serving on the bench. And as a small State, I think it is fairly easy to agree on who the best candidates might be, even though you invariably pass over many very qualified individuals.

Finally, I guess I should say that I was born to it. My father, Olin Jeffords, was a judge the entire time I was growing up. In fact, he was chief justice of the Vermont Supreme Court. He was widely respected, not just by his son, but by our community locally and by the legal community throughout the State. That respect was entirely unremarkable. It reflected the appreciation of the importance of an independent judiciary stocked with able and committed individuals.

My first job following the Navy and law school was as a clerk for Judge Ernest Gibson, Jr., of Vermont. Judge Gibson, a Republican, had resigned as Governor of the State of Vermont in order to accept Harry Truman's offer of nomination to the Federal bench. Judge Gibson could have followed any path in life he wanted. He returned from service in the South Pacific during World War II a hero, and with some fame stemming from having played a role in the rescue of Lieutenant John F. Kennedy and the other survivors of PT–109.

As a young boy, I idolized him and the other heroes returning from the Pacific. To work for him years later was an incredible honor.

So having been around the judiciary all of my life, it was not especially daunting when it came time early in my Senate career to nominate an individual to the Federal district court. The late Fred I. Parker was not only the best candidate for the job, he was also a man I had hired to work with me when I served as attorney general and who had become a close friend over the years. To know Fred was to love him. Years later, when a vacancy on the Second Circuit Court of Appeals opened up, President Clinton nominated Fred to the position to which he was confirmed and served with distinction until his passing.

These three men—a father, a mentor, and a friend—would probably be the first to admit that they were more typical than exceptional of the caliber of individuals that comprise the judiciary. Fred worked hard to pay his way through school, often in the plumbing trade with his father. He was forever mindful of his father's advice that whenever he started becoming convinced of his own importance, he should stick his fist in a bucket of water to see the kind of impression he would leave.

So I take it very personally when politicians seek to score points by attacking the judiciary. These men had and have families, just like today's judges in Florida and Georgia and Illinois. The only thing we should be doing is condemning violence directed against the judiciary, not rationalizing it or implicitly encouraging it.

Of course, my colleagues will not agree with every decision made by the judiciary. My good friend Fred Parker struck down part of the Brady law that I had supported. I might have disagreed with him, but I never would have questioned his motives or integrity.

The first lesson we teach children when they enter competitive sports is to respect the referee, even if we think he might have made the wrong call. If our children can understand this, why can't our political leaders? We shouldn't be throwing rhetorical hand grenades.

Vermonters are proud of their long history of smart, independent, forward-thinking judges. These men and women have shown the true spirit of the judiciary and upheld the law and Constitution, even if it was against what was the popular will at the time. This is what the judiciary was designed to be, a check and balance against the executive and legislative branches.

Our Founding Fathers were concerned that the legislative and executive branches of our Government could be too swayed by public opinion and not uphold the rights of Americans because of political pressure. The judiciary was designed to be independent and make sure that the law and the Constitution were followed even if it went against public opinion.

I am also concerned with the threat of the majority to take what is the so-

called nuclear option. Our form of government is founded on a system of checks and balances, which serves to protect the rights of all individuals. The right in the Senate to unlimited debate is an important part of our system of checks and balances and ensures that on important, critical issues a bipartisan consensus is reached of more than a bare minimum majority of Senators.

I sincerely hope that cooler heads will begin to prevail and my colleagues will tone down the rhetoric they have been using to smear the integrity of the judiciary, and the Republican leadership will reject the divisive and unprecedented so-called nuclear option.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

## SOCIAL SECURITY

Mr. REED. Mr. President, I rise to express my deep concern about the negative impact the President's proposals that carve out private accounts will have on our Social Security system and also on our mounting Federal debt and the solvency of our Social Security Program in general and, ultimately, the economic prosperity of the Nation over many years.

President Bush's plan to create private accounts within Social Security would lead to the following, I believe, very unfortunate effects:

It would require a massive increase in Federal debt.

It would weaken the Social Security solvency.

It would not increase national savings and could lower it. National savings is a key function of our economy. Without national savings, we do not have the pool of capital we need for investment, innovation, and economic progress.

Finally, it would sharply cut the guaranteed Social Security benefits under the President's preferred full plan.

Let me go into some detail on these issues, drawing upon the excellent work of the Democratic staff of the Joint Economic Committee. I am very privileged to be the ranking member of the Joint Economic Committee. We have assembled a staff of professionals who have looked at all of these issues in great detail. They have concluded, as I suggested, that there are serious problems, not only in terms of solvency of the fund, not only in terms of the increase in Federal debt, but also large cuts in the guaranteed benefits of all of the beneficiaries. That will be a very unfortunate and, indeed, unnecessary consequence of any proposed reform of Social Security.

Let's take a look at this first chart. It lays out the debt issue with respect to Social Security. First, the President has proposed that his plan for private accounts and Social Security reform would begin in the year 2009. He has put no money into his budget or his long-term budget. Typically, when we budget, we at least look ahead 10 years.

In that first 10-year increment, which would be precisely from 2006 to 2015, there would be an increase of $754 billion as a result of these private accounts. Again, beginning in 2009 and essentially stretching to 2015, you would accumulate almost $1 trillion, $754 billion of debt.

But the real staggering number is the first 20 years of these programs if the private accounts are made law. That increased debt would be $4.9 trillion, an extraordinary amount of money. Again, I believe it is appropriate to look at least 20 years. We are talking about solvency for the fund for 75 years. Just in the 20 years, we would have almost $5 trillion in additional Federal debt.

The other issue that is important to point out is that this debt is on top of existing debt. This chart just describes the rapid increase of Federal debt as a result of private accounts from the year 2010 to the year 2060. By 2060, 35 percent of GDP will be equal to the debt we have accumulated for private accounts. I think we will stop for a moment: 35 percent of GDP; the debt will equal 35 percent of gross domestic product in the year 2060, but add that to current debt, the debt we are funding to operate our Government, and by 2060, the staggering total of debt relative to GDP is 70 percent.

We have not run those debt levels since the end of World War II in which we all know we dedicated every resource we had to defeat the Axis. This is a much different world than 1945 and 1946. In 1945 and 1946, we were at the sanctuary, if you will, of economic productivity for the world. Our infrastructure had not been destroyed. We had tooled up to create the most technologically advanced military force in the world. We quickly transitioned our tanks to Oldsmobiles and Chrysler automobiles and washing machines. Now we are in a world of intense competition, global competition, and if we believe we can live with debt equal to 70 percent of our gross domestic product, I think that is a fanciful notion, but that is the consequence of the President's proposal for private accounts.

The other point we should note, too, is that this proposal for private accounts actually accelerates the insolvency of the Social Security fund. Again, the President's proposal is premised on saving Social Security, of making it more solvent. His private accounts would accelerate the insolvency date. This chart shows current law. Again, it is a function of GDP, but it shows where the fund's assets cross the zero line, and that is about 2042. The President's proposal of private accounts would drive the funds into insolvency much earlier—about 2030. It makes no sense to me, if your goal is to increase the solvency of the fund, to have a proposal that actually weakens solvency. In a sense, searching for an analogy, if the boat is leaking, don't break a big hole in the bottom and have more water come in. That is not the way you save a leaking ship.

Turning away from the charts, let's go to the mathematics of how this all works.

The current Social Security shortfall, an estimate by the trustees, the actuaries of the Social Security Administration, is minus $4 trillion. That is how much money we would have to have today to cover the shortfall for the next 75 years.

Here is what the President's plan for private accounts does: First, it costs $4.7 trillion, so that is an additional $4.7 trillion. But what the President proposes is that there is essentially a privatization tax, that those private account holders will have to pay back some money at the time they exercise their retirement benefits. That is $3.1 trillion. Still we have a gap of $1.6 trillion, the net cost of the private accounts.

Add that to $4 trillion and now we have a shortfall of $5.6 trillion. We have created a bigger problem; we have not solved the problem.

The next table also suggests the possible consequences on national savings. Again, national savings is a key macroeconomic construct when it comes to progress in terms of our economy because it is from those national savings which we draw the investment capital and resources to train people, to innovate new equipment, to invest in new plant and equipment.

This is what happens, and national savings is a simple function of private savings, what you and I, our households are saving, together with public savings, what the Government is saving. We have stopped saving. We were saving, which means we had a surplus, until 2000, 2001, and now we are in a huge deficit, about $450 billion a year.

Let us see what would happen with these private accounts. First, the public borrows more money. Public savings go down. Private savings go up because we give that money back to people and say now put it into the stock market. The net effect is zero at best, but it could even be worse than that because something could happen in terms of public behavior.

First, they could reduce their current savings saying, well, I do not have to save anymore for contingencies because now I have this private savings plan. It is a possibility. To what extent it happens in reality, it is a projection, but that is a possibility.

The second is early retirements for these funds. My sense is, every time we have constructed some type of retirement benefit we have found ways to allow people to borrow from it for emergencies. We will probably do the same here. But even if those factors do

not take place, zero national savings at best. We need to develop policies that encourage national savings. We should not be devoting huge tax cuts for wealthy Americans. We should be devoting tax cuts to encourage average Americans to save more, and we cannot do both if we have a deficit. My preference obviously would be to encourage average Americans to save more.

Now, chart No. 5 walks through the effect on individuals. The President has not offered a plan yet. He has been talking about it around the country, but the suggestions, the intimations are that in order to help address the solvency problem he is going at benefit payments. Essentially, the Commission to Strengthen Social Security put out the blueprint, and this blueprint would suggest cuts in benefits. One proposal was moving away from wage replacement to simple cost-of-living increases in benefits. That would effectively be a cut over time.

If we look at the combination of guaranteed benefits and the best estimates of the yield on private accounts, here is what happens over time. This is from the Congressional Budget Office. The average earner retiring in the year 2005 is protected. I think we recognize that because we have not made a change yet. By 2015, however, if one is participating in private accounts, they are doing worse than this 2005 beneficiary, and it goes down all the way. We can see as the guaranteed benefits decrease, the private accounts do not make up the difference, and this is some of the work of CBO.

So we have a situation that, frankly, is not a good deal for the retirees and not a good deal for the country when the debt is increased so precipitously. More national savings are not encouraged. A situation is created in which the problem is not getting fixed but is being made worse in so many different dimensions.

When we look at this issue of benefit payments, many people fail to recognize that this is not just about retirees. I have a retiree here. There are a significant number of Americans who collect Social Security because they are disabled. They will not have the benefit of private accounts because by definition they cannot work. They are disabled. So they are not going to be taking their paycheck each month and putting it into their private account. All the most vulnerable Americans are going to see is a benefit reduction, and that is not fair. It is not smart either.

Moreover, there is a suggestion that this is just an issue for seniors and that is all. The Social Security Administration has an interesting statistic, at least I found it very interesting. Their estimate is, of the cohort of 20-year-olds who are out there today just joining the workforce, who are healthy and running around, who have no immediate cares for retirement like middle-aged people, that 3 out of 10 will become disabled before they reach 65 years old. So I ask, where are they going to get the disability insurance to cover the benefits that today Social Security pays to people who become disabled? They cannot afford it. They will not buy it. There will be some disability program, but it will not be the kind of program that today provides at least some modicum of support for individuals who have been disabled through no fault of their own.

This is a topic that will be discussed again and again, but it is important to look at these issues and to make a practical and pragmatic assessment. That is what the American people are doing today. They are looking at the proposal of private accounts. They are seeing it jeopardize our economic future and seeing it eventually cut their prospects for retirement or for protection if they become disabled, and they are rejecting it out of hand. I think they should.

We have to continue to keep the focus on this particular proposal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. We are in morning business. The Senator is recognized.

## SETTING PRIORITIES

Mr. THOMAS. Mr. President, I know we have a lot of things on our minds with some distractions, of course, but I will talk just a moment about some of the things I believe we ought to have as priorities. We need to establish our priorities so that we can work on the things we collectively believe have the most impact and should really be acted upon. Obviously, there are all kinds of ideas among us, and as we talk to people who come to see us and our people at home, why, there are a million things, but there are some that seem to be in need of consideration more quickly.

One of them is energy. We have talked about having an energy policy now for several years. The evidence now is even stronger that we need an energy policy which gives us some kind of insight as to where we need to be in 10 or 15 years so that as we approach the problems, we can discover the things it takes to attain those goals.

Our energy policy has always been a broad policy, as it should be. It has been a policy that talks about conservation, efficiency, alternative sources, renewables, as well as domestic production. Certainly, one of the things that is most important, that the administration and the President has pushed, is to do some work to make sure coal fits into the environment satisfactorily. Coal is our largest fossil fuel, and we ought to be using coal for electric generation rather than some things other than coal, such as gas. Almost all of the generation plants over the last 20 years have been gas, largely because it is more economical to build a smaller plant closer to the market with gas than coal. So not only do we need to do something about the carbon and the exhaust from coal, but we also have to do something about transmission so that we can economically create electricity at the mine mouth and get it through our transmission system to the market.

We passed a highway bill a number of years ago, and we have never been able to get it completely passed, so we have just passed on the old one. It is certainly more than past time to get a highway bill. There is probably nothing that has more impact on our economy, creates more jobs, and allows for other things to happen in the economy than highways. We certainly need to do that.

Additionally, one of the things that becomes clear, and even more clear as we spend time on Social Security, which we should, is personal savings accounts that people can have for themselves. As I have gone about talking about Social Security, I have always tried to remind folks that Social Security was never intended to be a retirement program. It is a supplement. It is a supplement to the retirement programs that we put together.

There are a number of ways, of course, where there are incentives for savings, whether they be retirement programs or 401(k)s in which the employers participate. Now we have a potential for savings that can be spent earlier than retirement, that could be used for almost anything. One of the real issues is to have medical savings accounts so that we can buy cheaper insurance policies with a higher deductible and, therefore, have some money to pay for that.

There is nothing, perhaps, more important than to get ourselves into a position of people preparing for their own retirement. This Social Security discussion has shown basically what young people could do by putting aside a relatively small amount of money every month and having it earn interest for them.

One of the things I recognize is a little bit regional is the Endangered Species Act. It has been in place for a very long time. In my judgment, it has not been as effective as it could be. I am not for doing away with the Endangered Species Act, but we have roughly 1,300 species listed as endangered and have only recovered about a dozen. So the emphasis has been in the wrong place. We are going to have an opportunity to be able to do that, and it has great impact in many cases. It is kind of used as a land management tool so

that we lose the multiple-use aspect of public and even private lands because of endangered species.

There are a lot of things I think we ought to be doing.

Finally, it seems to me that we ought to have a system that takes a look at programs after they have been in place 10 years, or whatever—after they have been there for a while. We should restudy those programs, reanalyze those programs to see if, indeed, the need for them is still what it was when they started; to see if they could be made more efficient after 10 years or, indeed, if they don't need to be there anymore. I know it is very difficult. There gets to be a support group that forms around all the programs that are funded, of course. It becomes difficult to change.

But it is too bad, when we think about it, to pass programs that are spending Federal money and have them out there when there is no longer any need for them or when the time has come where something different needs to be done.

I am hopeful we can get something done. I am thinking about putting something in bill form that will provide a review or oversight of programs that are in place to see if they are still important, to see if they are still being done efficiently, and to see if they could be done a better way or, indeed, need to be done at all.

These are some of the things I think are very important. I hope we try to set some priorities. I understand out of 100 people there are going to be many different ideas, but that is part of our challenge, to put 100 people together and decide what are the five most important issues that impact this country and impact our States.

I hope we can do that and I look forward to that opportunity.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Missouri.

## HONORING POPE JOHN PAUL II

Mr. TALENT. Mr. President, I rise today just for a few moments to offer a few words in honor of the life of Pope John Paul II. Much has been said this week, and will be said this week, about his life. I want to pay tribute to him on behalf of all the Missourians who are mourning his passing this week.

The Pope left an indelible mark on the history of mankind and, indeed, of the world. I think the title of George Weigel's biography captured the Pope's work the best. He called him ''A Witness To Hope.'' The moral clarity his leadership provided helped spread democracy and justice around a world that desperately needed it. But even more than that, he brought faith and hope to the empty, to the hopeless, to the last and the least among us.

He was a faithful servant of God, an inspiration to Missourians, to countries and cultures around the world. Certainly he was an inspiration to me. One of the greatest honors I have had in all my years in public life was the opportunity to meet him when he visited Missouri 6 years ago.

As we mourn the Pope's passing, we celebrate his spiritual leadership. I want to say, also, we should celebrate his qualities which most impressed me in the brief moment I had to meet him at that time—I mean his humanness, his courage, his works. Those works for years to come will continue giving people hope for the next world and better lives in this one.

Ms. MURKOWSKI. Mr. President, I rise today, to join my colleagues and the rest of the world in the remembrance of Pope John Paul II.

Since the passing of the Pope, it has often been noted that this Pope was by far the most traveled of any in history—quite possibly the one person seen live by the most people of all time.

We were fortunate in my State to receive the Pope twice, once in Anchorage in 1981 and then again in Fairbanks in 1984. During his Anchorage visit, the Pope celebrated Mass with more than 40,000 Alaskans in a downtown Anchorage park. It was the largest gathering of Alaskans up until that time, and beginning in the cold, wet, early February morning, until his departure, crowds lined the streets and Alaskans strained to get a glimpse of the Pontiff. Always known for his compassion and generosity, the Pope extended his visit in Anchorage more than an hour to meet in private with 150 disabled Alaskans at Holy Family Cathedral.

The Pope's visit to the Fairbanks International Airport was even more momentous, and was transformed into the site of major diplomacy. It was an opportunity for the Pope to meet with President Ronald Reagan, who was returning from overseas and, like the Pope, stopped in Alaska to refuel his aircraft. The President, who had arrived the previous night, was the first to greet the Pope. They visited briefly and then the Pope surprised many by making an unexpected tour through the crowd that waited outside the airport in the drizzling rain.

While in Alaska, the Pope spoke about the unity of faith that binds Alaska's diverse Catholic community—from Native Alaskans to people from all over the world. During his Anchorage stopover, John Paul II even enjoyed a brief ride on a dogsled.

Like many Americans and individuals all over the world, I grieve for the loss of the Holy Father. From his humble beginnings to the principal voice for human rights for over two decades, Pope John Paul II will always be remembered. He was an extraordinary, inspirational and spiritual person and the world is a better place thanks to his service and spiritual leadership.

Mr. LIEBERMAN. Mr. President, I wish to submit for the RECORD today a statement joining my colleagues and my countrymen and women in paying tribute to the departed and beloved Pope John Paul II. I join them in mourning his loss, and I extend my condolences to Roman Catholics in Connecticut and all over the world.

It is impossible to overstate the great sense of loss that is being felt by the 1 billion Catholics worldwide, but a telling sign of the Holy Father's lasting legacy is that his life and death have touched billions of non-Catholics as well. The Pontiff built bridges to non-Catholics and transformed forever the Church's perception of Jews in particular from a separated people to ''older'' brothers and sisters in faith.

Pope John Paul II's outreach to people of all faiths began when he was a young man. Known to his friends and family as ''Lolek,'' the future Pontiff grew up in Wadowice, Poland, in the 1920s and 1930s. Wadowice was a town of about 7,000, more than 20 percent of whom were Jewish, including young Lolek's best friend, Jurek Kluger.

One of Lolek and Jurek's favorite pastimes was soccer. One day, Jurek went to the Parish church to meet up with Lolek before heading to a soccer match together. A woman in the church expressed her amazement at the sight of a Jewish boy standing next to the altar. To the future Pope, however, it was a natural and effortless interfaith communion. As the young Lolek remarked to the amazed onlooker, ''Aren't we all God's children?''

Pope John Paul II worked to protect all of God's children as a courageous champion of religious freedom and human rights and a tireless advocate for the poor and sick throughout the world. His fervent opposition to the brutal scourge of Nazism was matched by his tireless work to break Eastern Europe free from the oppressive grip of communism.

In June of 1979, 8 months after being elected to take the throne of St. Peter, Pope John Paul II made a triumphant return to Poland. His beloved nation was struggling to survive under the iron fist of Soviet rule. An adoring crowd of 1 million supporters gave him a hero's welcome.

For his fellow Poles, who for decades were deprived of their freedom to worship, the Pontiff had a strong, clear and inspirational message. ''You are men. You have dignity. Don't crawl on your bellies,'' he said. This visit was a crucial turning point in America's Cold War with the Soviet Union.

Working together with the people of Poland and the United States, the Pontiff transformed his homeland into the spiritual battlefront of the Cold War. Forging an allegiance with Lech Walesa, the Pope provided religious support for the anti-communist Solidarity movement. Over the next decade, a tidal wave of the spirit overcame communism in Poland. One by one, the dominoes of Communist oppression fell across Eastern Europe as faith and freedom triumphed. Stalin once mocked the power of the papacy by asking, rhetorically, ''The Pope? How many divisions has he got?'' In one of history's sweet ironies, it was indeed a

Pope none other than Pope John Paul II who helped dismantle Stalin's empire, not with divisions of armed soldiers, but legions of faithful followers who yearned to be free.

In another historic trip 22 years later, the Pontiff made a pilgrimage to the Holy Land. He visited Yad Vashem, the Holocaust memorial, where he prayed and met with survivors. On his last day in Jerusalem, he went to the Western Wall of the Temple. There, the Holy Father prayed silently before leaving a small written prayer stuffed into a crack in the wall, surrounded by the thousands of notes and prayers people leave there every day.

During his Papacy, while much of the world could not resist the temptation of moral compromise and material excess, Pope John Paul II remained steadfast in his morality and spirituality. He was a tower of integrity, a role model for everyone who sought to defend their values from the growing culture of moral relativism. In an age of materialism and genocide, he was the world's most consistent advocate of spiritual and humanitarian values.

While the Pope's values remained traditional, his ability to communicate was progressive and modern. He forever revolutionized how the church could spread its teachings. He masterfully used modern technology to bring the church to the world.

In each of the seven languages he spoke, he had a unique ability to touch each one in his presence as if they were the only one to whom he was speaking. The Pope was able to inspire those who came to hear his message to go forth and make the world a better place. On January 4, 2001, he called upon a group of hundreds of believers gathered in St. Peter's Square—including a Roman Catholic member of my own staff, Kenneth Dagliere—to make the most of their God-given potential. ''If you are to be what you are meant to be, you will set the world ablaze,'' he told them. Those words are as autobiographical as they are inspirational.

Much as he did in life, Pope John Paul II provided a life-affirming example of dignity in his death. While we are saddened by his death, we take solace in knowing that he left us peacefully and surrounded by those closest to him in his Papal residence. Outside, in St. Peter's Square, hundreds of thousands of adorers held constant vigil, praying for a man who had touched their lives in a way few ever could. It was a spontaneous outpouring of love for a man who seemed to possess an eternal capacity to spread strength and love wherever he went.

Mr. President, Pope John Paul II leaves behind a lasting legacy of faith and leadership. He will be truly missed by hundreds of millions of God's children throughout the world. I thank the Almighty for giving us the gift of Pope John Paul II. And I thank Lolek, who became Pope John Paul II, for using those gifts to bringing us all closer to God.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## HONORING OUR ARMED FORCES

### FIRST LIEUTENANT DAN THOMAS MALCOM, JR.

Mr. CHAMBLISS. Mr. President, I rise today to honor U.S. Army 1LT Dan Thomas Malcom, Jr., who was killed proudly fighting for his country in Fallujah, Iraq, on November 10, 2004. A marine and Citadel graduate from McDuffie and Miller County, GA, Dan was 24 years old.

First Lieutenant Dan Thomas Malcom, Jr., the son of Dan and Cherrie Malcom, was born April 4, 1979, in Augusta, GA. His father, Dan Senior, was a Marine Corps veteran of combat in Vietnam who tragically was killed in a construction accident just prior to Dan junior's birth. From the earliest age, Dan junior wanted to ''be a Marine like my Daddy''. Raised in McDuffie, then later Miller County, GA, Dan attended Miller County High School where he was a star student.

Dan graduated from the Citadel in Charleston, SC, in 2001 where he was Lima Company executive officer. Dan was well respected by his classmates and known for his attention to his academic and military duties.

Dan was commissioned into the Marine Corps upon graduation. Dan was serving his second tour in Iraq when, on November 10, 2004, he was killed by a sniper in Fallujah, a town infested with insurgents. The details of his death include the following: As the marines of 1st Battalion, 8th Infantry were clearing Fallujah of the insurgents, Dan's platoon was sent to a rooftop to provide supporting fire to marines maneuvering on the enemy. Dan's marines quickly found themselves under sniper attack from a nearby mosque. Dan left his safe position and led his entire platoon down a stair case to safety. As the last one to clear the rooftop, Dan was hit by a deflected bullet which bounced off his helmet. As Dan jumped down the stairwell, he was hit in the lower back by a second shot which killed him instantly.

Dan was buried at Arlington Cemetery on 23 November 2004, where he rested with our Nation's honored dead. Dan Thomas Malcom, Jr., was all that America stands for. By his short life and through his bravery at the end we are enriched. Dan is survived by his mother, Mrs. Cherrie Malcom, and sister, Mrs. Dana Killebrew. It is our hope that the memory of his life will serve as a beacon for others to honor and remember.

Dan Thomas Malcom, Jr., was a great American, a great marine, a great leader, and an outstanding young man. He and his comrades in Iraq deserve out deepest gratitude and respect as they go about the extraordinarily challenging but extraordinarily important job of rebuilding a country which will result in freedom and prosperity for millions of Iraqis. I join with Dan's family, friends, and fellow soldiers in mourning his loss and want them to know that Dan's sacrifice will not be lost or forgotten, but will truly make a difference in the lives of the Iraqi people.

### A MATTER OF PRIORITIES

Mr. LEVIN. Mr. President, I would like to bring an editorial from Monday's edition of the New York Times to the attention of my colleagues. The editorial, titled ''Guns for Terrorists,'' is a logical commentary on several potentially dangerous shortfalls in our Nation's gun safety laws that not only potentially allow individuals on terrorist watch lists to buy guns but also require that records related to the sale be destroyed within 24 hours of the purchase.

Under current law, individuals included on Federal terrorist watch lists are not automatically prohibited from purchasing firearms. A report released by the General Accountability Office on March 8, 2005, found that from February 3, 2004, through June 30, 2004, a total of 44 attempts to purchase firearms were made by individuals designated by the Federal Government as known or suspected terrorists. In 35 cases, the transactions were authorized to proceed because federal authorities were unable to find any information in the national instant criminal background check system, NICS, that would prohibit the individual from lawfully receiving or possessing firearms. Current law also requires that records, even in these cases, where known or suspected terrorists successfully purchase firearms, be destroyed within 24 hours.

Learning about a suspected terrorist's purchase of a firearm could potentially be critical to counterterrorism investigators working to prevent a terrorist attack. Common sense tells us that the automatic destruction of documents related to the successful purchase of firearms by individuals on terrorist watch lists would significantly hamper these investigations. I have cosponsored the Terrorist Apprehension RECORD Retention Act. The legislation would require that in cases where a known or suspected terrorist successfully purchased a firearm, records pertaining to the transaction be retained for 10 years. The bill also requires that all NICS information be shared with appropriate Federal and State counterterrorism officials anytime an individual on a terrorist watch list attempts to buy a firearm.

We should be working to pass legislation to close loopholes that allow potential terrorists to buy dangerous weapons like the AK–47 assault rifle, the .50 caliber sniper rifle, and the

Five-Seven armor-piercing handgun. We should be working to provide our law enforcement officials with the tools they need to protect our families and communities.

I ask unanimous consent that the April 4, 2005 New York Times editorial titled ''Guns for Terrorists'' be printed in the CONGRESSIONAL RECORD.

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

[From the New York Times, Apr. 4, 2005]

GUNS FOR TERRORISTS

If a background check shows that you are an undocumented immigrant, federal law bars you from buying a gun. If the same check shows that you have ties to Al Qaeda, you are free to buy an AK–47. That is the absurd state of the nation's gun laws, and a recent government report revealed that terrorist suspects are taking advantage of it. There are a few promising signs, however, that the federal government is considering injecting some sanity into policies on terror suspects and guns.

The Government Accountability Office examined F.B.I. and state background checks for gun sales during a five-month period last year. It found 44 checks in which the prospective buyer turned up on a government terrorist watch list. A few of these prospective buyers were denied guns for other disqualifying factors, like a felony conviction or illegal immigration status. But 35 of the 44 people on the watch lists were able to buy guns.

The encouraging news is that the G.A.O. report may be prodding Washington to act. The F.B.I. director, Robert Mueller III, has announced that he is forming a study group to review gun sales to terror suspects. In a letter to Senator Frank Lautenberg, the New Jersey Democrat, Mr. Mueller said that the new working group would review the national background check system in light of the report. We hope this group will take a strong stand in favor of changes in the law to deny guns to terror suspects.

In the meantime, Senator Lautenberg is pushing for important reforms. He has asked the Justice Department to consider making presence on a terrorist watch list a disqualifying factor for gun purchases. And he wants to force gun sellers to keep better records. Under a recent law, records of gun purchases must be destroyed after 24 hours, eliminating important information for law enforcement. Senator LAUTENBERG wants to require that these records be kept for at least 10 years for buyers on terrorist watch lists.

Keeping terror suspects from buying guns seems like an issue the entire nation can rally around. But the National Rifle Association is, as usual, fighting even the most reasonable regulation of gun purchases. After the G.A.O. report came out, Wayne LaPierre, the N.R.A.'s executive vice president, took to the airwaves to reiterate his group's commitment to ensuring that every citizen has access to guns, and to cast doubt on the reliability of terrorist watch lists.

Unfortunately, the N.R.A.—rather than the national interest—is too often the driving force on gun policy in Congress, particularly since last November's election. Even after the G.A.O.'s disturbing revelations, the Senate has continued its work on a dangerous bill to insulate manufacturers and sellers from liability when guns harm people. If it passes, as seems increasingly likely, it will remove any fear a seller might have of being held legally responsible if he provides a gun used in a terrorist attack.

OMNIBUS EMISSIONS REDUCTION ACT OF 2005

Ms. SNOWE. Mr. President, I rise today in support of S. 730, the Omnibus Emissions Reduction Act of 2005, that has been introduced by Senator LEAHY of Vermont and myself. Our legislation is the only comprehensive legislation that aims to control mercury emissions for all major sources of mercury pollution and stop releases of this toxic pollutant into the environment.

Mercury is a liquid metal that damages the nervous system through ingestion or inhalation, and is a particularly damaging toxic pollutant in the case of pregnant women and children. This is an alarming problem and I am pleased to note that our bill offers much greater protections for the public's health than the recently released Environmental Protection Agency's mercury emissions rule that simply will not get the job done.

Our bill addresses the problem of how mercury pollution gets into our environment. Mercury, which is contained in coal and emitted up through smokestacks into the atmosphere as the coal is burned, is then transported through the air and carried downwind for hundreds and hundreds of miles where, unfortunately for Maine and every State along the way, it falls to Earth in snow and rain. The mercury ends up in our lakes, rivers, and streams where it is then ingested by fish, and in turn by humans when they eat the fish from these freshwater sources.

The legislation directs the Environmental Protection Agency to promulgate mercury emissions standards for unregulated sources on a much more aggressive timetable to reduce mercury emissions as soon as possible. Our bill stops pollution at its source by requiring a ninety percent reduction of mercury emissions from coal-fired powered plants by 2010, rather than by 22 percent by 2010 as the administration's recent rule calls for.

The Leahy-Snowe bill also addresses mercury releases from other sources as well, all the way from commercial and industrial boilers and chlor-alkali plants, to requiring labeling products containing mercury as simple as a mercury thermometer.

Mercury, as we have historically thought of it, brings to mind the ancient Roman messenger of the gods, or the symbol that made us all proud, that of a small Mercury capsule carrying a lone astronaut into space.

Mercury, as we are now coming to know it, is one of the most toxic substances in our environment, causing great neurologic damage if ingested by humans. There is growing concern around the country about mercury contamination, especially in the freshwater lakes in the northeast, and the risk it posses to those most vulnerable: young children, infants, and the unborn.

Mercury emissions are affecting our wildlife as well. In Maine, the beautiful common loon with its haunting call has been known as a symbol of conservation—and even appears on license plates, the cost of which funds conservation efforts. The haunting call is now coming from biologists whose studies show that, besides the threats to humans, the loons and other birds, such as the bald eagle, may now be having trouble reproducing or fighting diseases because of mercury ingestion.

The Leahy-Snowe Act also aims to reduce transboundary atmospheric and surface mercury pollution by directing the EPA to work with Canada and Mexico to inventory the sources and pathways of mercury air and water pollution within North America. The bill dovetails nicely with the actions the State of Maine has taken and also the goals of the Mercury Action Plan of the Conference of Northeast Governors and Eastern Canadian Premiers.

This bill will go a long way towards developing a much needed solution to the problem of mercury emissions in the environment, and I look forward to the day when the fish advisories are lifted on all of our lakes in Maine so that its citizens can enjoy fuller use of their environment, and also reap greater economic benefits from its natural resources. This goal will not be easy to reach as our environment is already impacted with past and current mercury pollution.

However, the Maine Legislature has already taken a significant step toward this goal by establishing a state program to help Maine cities and towns keep mercury products out of the trash. Trash disposal, especially incineration, is one of the primary ways we introduce mercury to the Northeast's environment.

Under Maine law, some mercury products such as thermometers and thermostats had to be labeled beginning in 2002. Also by 2002, businesses were required to recycle the mercury in these products. Starting this year, a similar requirement applies to homeowners.

Maine has taken an excellent step forward to decrease regional mercury pollution, but realistically no one State or region can solve its mercury pollution problems. What is needed is a nationwide information system and controls for mercury releases starting with the largest polluters. We know that polluted air does not stop at State borders or even international boundaries. And, on the horizon is the fact that the burning coal continues to rapidly increase in developing nations around the globe.

I want to thank Senator LEAHY for his hard work in highlighting the problem of mercury emissions through the introduction of this legislation. This introduction will bring the problem before Congress and the public, to spark debate, and to begin a dialogue, especially with those industries that will be affected by any curbs in emissions and from those people most directly affected by the mercury emissions.

I look forward to working with Senator LEAHY and my Senate colleagues to come up with a fair solution and one that will truly protect the public's health from this pervasive toxic mercury pollution problem.

## ADDITIONAL STATEMENTS

### TRIBUTE TO ENSIGN JAMES RANDOLPH MOTLEY McMURTRY

• Mr. SANTORUM. Mr. President, today I would like to reflect on the recent passing of Ensign James Randolph Motley McMurtry, a member of the U.S. Navy and a beloved son and friend. Ensign McMurtry tragically died while on vacation in February 2005. The McMurtry family has suffered a tremendous loss, and I offer them my condolences and deepest sympathy during this difficult time.

Ensign McMurtry grew up in Harrisburg, PA, attending the Harrisburg Academy in Wormleysburg. He was an exemplary student and excelled in athletics. As he continued his education at the United States Naval Academy in Annapolis, MD, he served as platoon commander, drill sergeant, and drill officer.

After graduating from the Naval Academy in 2003, Ensign McMurtry was assigned to the Joint Chiefs of Staff of the National Military Command Center at the Pentagon. For all those who worked with Ensign McMurtry at the Pentagon, they knew him as quiet, purposeful, and respectful.

Ensign McMurtry had dedicated his life to protecting the freedom and liberties we hold dear as Americans. I value Ensign McMurtry's courage and patriotism. I am also inspired by this young man's conviction and desire to spend his life serving our Nation. I am deeply saddened that his life ended so tragically.

Ensign McMurtry leaves behind wonderful family, friends, and coworkers. My thoughts and prayers are with those that were blessed to know Ensign McMurtry.•

### 25TH ANNIVERSARY OF VIETNAM VETERANS OF AMERICA'S FIRST CHAPTER, RUTLAND, VERMONT

• Mr. JEFFORDS. Mr. President. I rise before you in recognition of the 25th anniversary of the very first chapter of Vietnam Veterans of America, which was founded and nurtured in my home town of Rutland, VT.

A quarter-century ago, Vietnam veterans, their families and loved ones were suffering the slings and arrows of anti-Vietnam war sentiment that gripped our Nation. Scant recognition was given to the personal and professional sacrifices of these valiant American young men and women during their service to our country. Officially there was a great deal of denial of the unwarranted price, both physical and emotional, that had been paid by these veterans. It would be decades before post-traumatic stress disorder, PTSD, would be a recognized condition. Many years would also pass before the Federal Government would admit that use of Agent Orange had left a terrible legacy of extreme suffering for our veterans and their families.

The founders of the Vietnam Veterans of America recognized an honor-bound duty as an organization to speak directly to these grave needs. The outpouring of enthusiasm from the veterans themselves demonstrated to all Americans the depth of these convictions.

In 1979, during a trip to Vermont, Vietnam Veterans of America founder Bobby Mueller met the late Don Bodette. Don supported the notion of an organization of and for Vietnam-era veterans, but felt that it would only be truly successful if they mobilized locally and established chapters. The power of Don's logic and commitment persuaded Bobby Mueller to adopt this model. On April 13, 1980, Vietnam Veterans of America Chapter One was established in Rutland, VT. Taking up the challenge, Don was joined by Jake Jacobsen, Albert and Mary Trombley, Mike Dodge, Dennis Ross, Clark Howland and Mark Truhan, to name a few.

Over the years, Vietnam Veterans of America has won huge victories in the fight for fair treatment for Vietnam veterans, and has helped ensure that no other class of veteran will ever get that same treatment. The Vietnam Veterans of America's legacy includes recognition of the effects of Agent Orange and other chemical agents of war, the growing body of science around PTSD diagnosis, and aggressive programs to aid the veteran in the struggle to reintegrate after hostilities. All subsequent veterans benefit from the expertise that has been developed by the staff of the Vietnam Veterans of America and their continuing effectiveness in pushing for better funding for VA health care, higher quality service delivery and respect in the community.

In closing, I would like to add my thanks for the tremendous work done by the Vietnam Veterans of America national and local organizations. As a Vietnam-era veteran myself, we all owe a tremendous debt of gratitude to Vietnam Veterans of America Chapter One's visionary founders and the steadfast members who have followed their lead. Thank you for your outstanding service to your fellow veterans and our country. Happy 25th birthday, Chapter One. May you have many more.•

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 436. An act to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

H.R. 797. An act to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

H.R. 1025. An act to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes.

H.R. 1077. An act to improve the access of investors to regulatory records with respect to securities brokers, dealers, and investment advisers.

H.R. 1460. An act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Stubenhofer Post Office Building''.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 436. An act to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 797. An act to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; to the Committee on Indian Affairs.

H.R. 1025. An act to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1077. An act to improve the access of investors to regulatory records with respect to securities brokers, dealers, and investment advisers; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1460. An act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the ''Captain Mark Stubenhofer Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

## MEASURE HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

S. Con. Res. 25. Concurrent resolution expressing the sense of Congress regarding the application of Airbus for launch aid.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1526. A communication from the Principal Deputy for Personnel and Readiness,

Office of the Under Secretary of Defense , transmitting, pursuant to law, the annual report on entitlement transfers of basic educational assistance to eligible dependents under the Montgomery GI Bill; to the Committee on Armed Services.

EC–1527. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, a report entitled ''Controls Over the Export Licensing Process for Chemical and Biological Items''; to the Committee on Armed Services.

EC–1528. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, a report entitled ''Evaluation of the Voting Assistance Program''; to the Committee on Armed Services.

EC–1529. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, a draft of proposed legislation that would amend the Atomic Energy Act of 1954 and in one instance the Omnibus Budget Reconciliation Act of 1990; to the Committee on Environment and Public Works.

EC–1530. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, a draft of proposed legislation that would amend the Atomic Energy Act of 1954; to the Committee on Environment and Public Works.

EC–1531. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans: State of Iowa'' (FRL No. 7892–1) received on April 4, 2005; to the Committee on Environment and Public Works.

EC–1532. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans: State of Maryland; Revised Definition of Volatile Organic Compounds'' (FRL No. 7891–3) received on April 4, 2005; to the Committee on Environment and Public Works.

EC–1533. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans and Operating Permits Program: State of Nebraska'' (FRL No. 7894–1) received on April 4, 2005; to the Committee on Environment and Public Works.

EC–1534. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans: District of Columbia, Maryland, Virginia and Pennsylvania; Revised Carbon Monoxide Maintenance Plans for Washington Metropolitan, Baltimore and Philadelphia Areas'' (FRL No. 7894–4) received on April 4, 2005; to the Committee on Environment and Public Works.

EC–1535. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Revisions and Notice of Resolution of Deficiency for Clean Air Act Operating Permit Program in Texas'' (FRL No. 7892–6) received on April 4, 2005; to the Committee on Environment and Public Works.

EC–1536. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington'' (FRL No. 7893–8) received on April 4, 2005; to the Committee on Environment and Public Works.

EC–1537. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Limited Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown and Malfunction Activities'' (FRL No. 7892–7) received on April 4, 2005; to the Committee on Environment and Public Works.

EC–1538. A communication from the Chairman, Federal Accounting Standards Advisory Board, transmitting, pursuant to law, a report entitled ''Heritage Assets and Stewardship Land''; to the Committee on Homeland Security and Governmental Affairs.

EC–1539. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2004 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–1540. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Office's annual report for fiscal year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1541. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's report regarding compliance in the calendar year 2004 with the Government in Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–1542. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1543. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Presidential Records Act Procedures'' received on April 4, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–1544. A communication from the Acting Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–01'' (FAC 2005–1) received on March 24, 2005; to the Committee on Homeland Security and Governmental Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself and Mr. HATCH):

S. 739. A bill to require imported explosives to be marked in the same manner as domestically manufactured explosives; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mrs. MURRAY, Mr. KERRY, Ms. CANTWELL, Mr. KOHL, Mr. LAUTENBERG, Mrs. BOXER, and Mr. CORZINE):

S. 740. A bill to amend title XIX and XXI of the Social Security Act to expand or add coverage of pregnant women under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 741. A bill to provide for the disposal of certain Forest Service administrative sites in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. KENNEDY, Ms. COLLINS, Ms. LANDRIEU, and Mr. REED):

S. 742. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. REID, Mr. GRASSLEY, Mr. BAUCUS, Mr. TALENT, Mrs. MURRAY, Ms. CANTWELL, Mr. DURBIN, and Mr. OBAMA):

S. Con. Res. 25. A concurrent resolution expressing the sense of Congress regarding the application of Airbus for launch aid; ordered held at the desk.

## ADDITIONAL COSPONSORS

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 267

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 304

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to

provide health care benefits for Reserves and their families, and for other purposes.

S. 362

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 362, a bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 495

At the request of Mr. CORZINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 737

At the request of Mr. CRAIG, the names of the Senator from Illinois (Mr. OBAMA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL), the Senator from New Jersey (Mr. CORZINE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 737, a bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes.

S. CON. RES. 17

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution calling on the North Atlantic Treaty Organization to assess the potential effectiveness of and requirements for a NATO-enforced no-fly zone in the Darfur region of Sudan.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. HATCH):

S. 739. A bill to require imported explosives to be marked in the same manner as domestically manufactured explosives; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator HATCH to introduce the Imported Explosives Identification Act of 2005. This legislation would require imported explosives include unique identifying markings, just like explosives made here at home.

Domestic manufacturers are required to place identification markings on all explosive materials they produce, enabling law enforcement officers to determine the source of explosives found at a crime scene—an important crime solving tool. Yet, these same identifying markings are not required of those explosives manufactured overseas and imported into our country. Our legislation would simply treat imported explosives just like those manufactured in the United States by requiring all imported explosives to carry the same identifying markings currently placed on domestic explosives.

This is not a radical idea. We already have similar requirements for firearms. For years, importers and manufacturers have been required to place a unique serial number and other identifying information on each firearm. This is a common sense security measure that we have imposed on manufacturers and importers of firearms. There is no reason not to do the same with respect to dangerous explosives.

These markings can be a tremendously useful tool for law enforcement officials, enabling investigators to quickly follow the trail of the explosives after they entered the country. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, marked explosives can be tracked through records kept by those who manufacture and sell them, often leading them to the criminal who has stolen or misused them. At a Senate hearing last year, even FBI Director Mueller recognized the usefulness of markings, saying they ''are helpful to the investigator . . . who is trying to identify the sourc[e] of that explosive.'' Failing to close this loophole unnecessarily impedes law enforcement efforts and poses a significant security risk, and closing it is simple. This bill fixes this problem by requiring the name of the manufacturer, along with the time and date of manufacture, to be placed on all explosives materials, imported and domestic.

ATF first sought to fill this gap in the regulation of explosives when it published a notice of a proposed rulemaking in November 2000. Now, more than 4 years later, this rulemaking still has not been completed. Just last week, ATF again missed its self-imposed deadline for finalizing the rule.

Each year, thousands of pounds of stolen, lost, or abandoned explosives are recovered by law enforcement. When explosives are not marked, they cannot be quickly and effectively traced for criminal enforcement purposes. Each day we delay closing this loophole, we let more untraceable explosive materials cross our borders, jeopardizing our security. Failure to address this very straightforward issue unnecessarily hinders law enforcement's efforts to keep us safe. Because ATF and the Department of Justice have not closed this loophole in a timely manner, it is now incumbent upon us to act.

---

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mrs. LINCOLN, Mrs. MURRAY, Mr. KERRY, Ms. CANTWELL, Mr. KOHL, Mr. LAUTENBERG, Mrs. BOXER, and Mr. CORZINE):

S. 740. A bill to amend title XIX and XXI of the Social Security Act to expand or add coverage of pregnant women under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with Senators LUGAR, LINCOLN, MURRAY, KERRY, CANTWELL, KOHL, LAUTENBERG, BOXER and CORZINE. This legislation, entitled the ''Start Healthy, Stay Healthy Act of 2005,'' would significantly reduce the number of uninsured pregnant women and newborns by expanding coverage to pregnant women through Medicaid and the Children's Health Insurance Program, or CHIP, and to newborns through the first full year of life.

Today is World Health Day 2005 and the message this year is ''Make Every Mother and Child Count''. I can think of no better way to honor our Nation's mothers and children than to increase their access to health care services and improve their overall health.

According to a recent report by Save the Children entitled ''The State of the World's Mothers,'' the United States fares no better than 11th in the world. Why is this? According to the report, ''The United States earned its 11th place rank this year based on several factors: One of the key indicators used to calculate the well-being for mothers is lifetime risk of maternal mortality. . . . Canada, Australia, and all the Western and Northern European countries in the study performed better than the United States in this indicator.''

The study adds, ''Similarly, the United States did not do as well as the top 10 countries with regard to infant mortality rates.''

In fact, the United States ranks 21st in maternal mortality and 28th in infant mortality, the worst among developed nations. We should and must do

better by our Nation's mothers and infants.

There has been long-standing policy in this country linking programs for pregnant women to programs for infants, including Medicaid, WIC, and the Maternal and Child Health Block Grant. Yet the CHIP program, unfortunately, fails to provide coverage to pregnant women beyond the age of 18. As a result, it is more likely that newborns eligible for CHIP are not covered from the moment of birth, and therefore, often miss having comprehensive prenatal care and care during those first critical months of life until their CHIP application is processed.

By expanding coverage to pregnant women through CHIP, the ''Start Healthy, Stay Healthy Act'' recognizes the importance of prenatal care to the health and development of a child. As Dr. Alan Waxman of the University of New Mexico School of Medicine has written, ''Prenatal care is an important factor in the prevention of birth defects and the prevention of prematurity, the most common causes of infant death and disability. Babies born to women with no prenatal care or late prenatal care are nearly twice as likely to [be] low birthweight or very low birthweight as infants born to women who received early prenatal care.''

Unfortunately, according to the Centers for Disease Control and Prevention, New Mexico ranked worst in the nation in the percentage of mothers receiving late or no prenatal care in 2003. The result is often quite costly—both in terms of the health of the mother and newborn but also in terms of the long-term expenses for society since the result can be chronic, lifelong health problems.

In fact, according to the Agency for Healthcare Research and Quality, ''four of the top 10 most expensive conditions in the hospital are related to care of infants with complications (respiratory distress, prematurity, heart defects, and lack of oxygen).'' In addition to reduced infant mortality and morbidity, the provision to expand coverage to pregnant women is cost effective.

The ''Start Healthy, Stay Healthy Act'' also eliminates the unintended federal policy through CHIP that covers pregnant women only through the age of 18 and cuts off that coverage once the women turn 19 years of age. Certainly, everybody can agree that the government should not be telling women that they are more likely to receive prenatal care coverage only if they become pregnant as a teenager.

This bipartisan legislation has been supported in the past by: the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the What to Expect Foundation, the American Academy of Family Physicians, the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Premier, Catholic Health Association, Catholic Charities USA, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child By Two, the United Cerebral Palsy Associations, the Society for Maternal-Fetal Medicine, and Families USA.

This legislation is a reintroduction of a bill that was introduced in 2001 and 2003. Throughout 2001, the Administration made numerous statements in support of the passage of this type of legislation, but unfortunately, reversed course in October 2002 after publishing a regulation allowing states to redefine a ''child'' as an ''unborn child'' only and to provide prenatal care, but not postnatal care through CHIP in that manner. In a letter to Senator Nickles dated October 8, 2002, Secretary Thompson argued, ''I believe the regulation is a more effective and comprehensive solution to this issue.''

While a number of senators strongly disagreed with Secretary Thompson's assertion and sent him letters to that effect on October 10, 2002, and on October 23, 2002, we felt it was important to get the testimony of our nation's medical experts on the health and well-being of both pregnant women and newborns. We called for a hearing in the Senate Health, Education, Labor and Pensions Committee on October 24, 2002. Witnesses included representatives from the March of Dimes, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the What to Expect Foundation. They were asked to compare the regulation to the legislation and I will let their testimony speak for itself.

Dr. Nancy Green testified on behalf of the March of Dimes Birth Defects Foundation. She said:

> We support giving states the flexibility they need to cover income-eligible pregnant women age 19 and older, and to automatically enroll infants born to SCHIP-eligible mothers. By establishing a uniform eligibility threshold for coverage for pregnant women and infants, states will be able to improve maternal health, eliminate waiting periods for infants and streamline administration of publicly supported health programs. Currently, according to the Department of Health and Human Services' Centers for Medicare and Medicaid Services and the National Governors' Association, 36 states and the District of Columbia have income eligibility thresholds that are more restrictive for women than for their newborns. Encouraging states to eliminate this disparity by allowing them to establish a uniform eligibility threshold for pregnant women and their infants should be a national policy priority.

Dr. Green adds:

> Specifically, we are deeply concerned that final regulation fails to provide to the mother the standard scope of maternity care services recommended by the American College of Obstetricians and Gynecologists (ACOG) and the American Academy of Pediatrics (AAP). Of particular concern, the regulation explicitly states that postpartum care is not covered and, therefore, federal reimbursement will not be available for these services. In addition, because of the contentious collateral issues raised by this regulation groups like the March of Dimes will find it even more difficult to work in the states to generate support for legislation to extend coverage to uninsured pregnant women.

Dr. Laura Riley testified on behalf of ACOG. In her testimony, she stated:

> ACOG is very concerned that mothers will not have access to postpartum services under the regulation. The rule clearly states that ''. . . care after delivery, such as postpartum services could not be covered as part of the Title XXI State Plan . . . because they are not services for an eligible child.

On the importance of postpartum care, Dr. Riley adds:

> When new mothers develop postpartum complications, quick access to their physicians is absolutely critical. Postpartum care is especially important for women who have preexisting medical conditions, and for those whose medical conditions were induced by their pregnancies, such as gestational diabetes or hypertension, and for whom it is necessary to ensure that their conditions are stabilized and treated.

As a result, Dr. Riley concludes:

> Limiting coverage to the fetus instead of the mother omits a critical component of postpartum care that physicians regard as essential for the health of the mother and the child. Covering the fetus as opposed to the mother also raises questions of whether certain services will be available during pregnancy and labor if the condition is one that directly affects the woman. The best way to address this coverage issue is to pass S. 724, supported by Senators BOND, BINGAMAN and LINCOLN and many others, and which provides a full range of medical services during and after pregnancy directly to the pregnant woman.

Dr. Richard Bucciarelli testified on behalf of the American Academy of Pediatrics. He said:

> Recently, the Administration published a final rule expanding SCHIP to cover unborn children. The Academy is concerned that, as written, this regulation falls dangerously short of the clinical standards of care outlined in our guidelines, which describe the importance of covering all stages of a birth—pregnancy, delivery, and postpartum care.

It is important to note that the regulation subtracts the time that an ''unborn child'' is covered from the period of continuously eligibility after birth. Consequently, children would be denied insurance coverage at very critical points during the first full year of life. As such, Dr. Bucciarelli expressed support for the legislation over the regulation because it, in his words:

> . . . takes an important step to decrease the number of uninsured children by providing 12 months of continuous eligibility for those children born . . . This legislation ensures that children born to women enrolled in Medicaid or SCHIP are immediately enrolled in the program for which they are eligible. Additionally, this provision prevents newborns eligible for SCHIP from being subject to enrollment waiting periods, ensuring that infants receive appropriate health care in their first year of life.

And finally, Lisa Bernstein testified as Executive Director of The What to Expect Foundation, which takes its name from the bestselling What to Expect pregnancy and parenting series that has helped over 20 million families from pregnancy through their child's toddler years. Ms. Bernstein also supported the legislation as a far superior option over the regulation and make this simple but eloquent point:

. . . only a healthy parent can provide a healthy future for a healthy child.

The testimony of these experts speaks for itself and I urge my colleagues to pass this legislation as soon as possible.

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

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

S. 740

*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 ''Start Healthy, Stay Healthy Act of 2005''.

**SEC. 2. STATE OPTION TO EXPAND OR ADD COVERAGE OF CERTAIN PREGNANT WOMEN UNDER MEDICAID AND SCHIP.**

(a) MEDICAID.—

(1) AUTHORITY TO EXPAND COVERAGE.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting ''(or such higher percent as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))'' after ''185 percent''.

(2) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by striking ''or subsection (u)(3)'' and inserting '', (u)(3), or (u)(4)''; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

''(4) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

''(A) CERTAIN PREGNANT WOMEN.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2005, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

''(B) CONDITIONS.—The conditions described in this subparagraph are the following:

''(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

''(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2005, to be eligible for medical assistance as a pregnant woman.

''(C) DEFINITION OF POVERTY LINE.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).''.

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) for the provision of medical assistance that is attributable to expenditures described in section 1905(u)(4)(A);''.

(4) ADDITIONAL AMENDMENTS TO MEDICAID.—

(A) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking ''so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance''.

(B) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

(b) SCHIP.—

(1) COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

**''SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.**

''(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if the State meets the conditions described in section 1905(u)(4)(B).

''(b) DEFINITIONS.—For purposes of this title:

''(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services and services described in section 1905(a)(4)(C)) and to other conditions that may complicate pregnancy.

''(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

''(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2005, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

''(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b).

''(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

''(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

''(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

''(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

''(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

''(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

''(6) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1)(C) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

''(7) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to the entire family of such pregnant woman.

''(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).''.

(2) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

(A) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

''(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States under this title, there is

appropriated, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2006 and 2007, $200,000,000.

''(2) STATE AND TERRITORIAL ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

''(A) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

''(B) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

''(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2005. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for pregnancy-related assistance for targeted low-income pregnant women.

''(4) NO PAYMENTS UNLESS ELECTION TO EXPAND COVERAGE OF PREGNANT WOMEN.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State provides pregnancy-related assistance for targeted low-income pregnant women under this title, or provides medical assistance for pregnant women under title XIX, whose family income exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2005.''.

(B) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting ''subject to subsection (d),'' after ''under this section,'';

(ii) in subsection (b)(1), by inserting ''and subsection (d)'' after ''Subject to paragraph (4)''; and

(iii) in subsection (c)(1), by inserting ''subject to subsection (d),'' after ''for a fiscal year,''.

(3) PRESUMPTIVE ELIGIBILITY UNDER TITLE XXI.—

(A) APPLICATION TO PREGNANT WOMEN.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

''(D) Sections 1920 and 1920A (relating to presumptive eligibility).''.

(B) EXCEPTION FROM LIMITATION ON ADMINISTRATIVE EXPENSES.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PRESUMPTIVE ELIGIBILITY EXPENDITURES.—The limitation under subparagraph (A) on expenditures shall not apply to expenditures attributable to the application of section 1920 or 1920A (pursuant to section 2107(e)(1)(D)), regardless of whether the child or pregnant woman is determined to be ineligible for the program under this title or title XIX.''.

(4) ADDITIONAL AMENDMENTS TO TITLE XXI.—

(A) NO COST-SHARING FOR PREGNANCY-RELATED SERVICES.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting ''OR PREGNANCY-RELATED SERVICES'' after ''PREVENTIVE SERVICES''; and

(ii) by inserting before the period at the end the following: ''or for pregnancy-related services''.

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) by striking '', and'' at the end of clause (i) and inserting a semicolon;

(ii) by striking the period at the end of clause (ii) and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2005, without regard to whether regulations implementing such amendments have been promulgated.

**SEC. 3. COORDINATION WITH THE MATERNAL AND CHILD HEALTH PROGRAM.**

(a) IN GENERAL.—Section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.''.

(b) CONFORMING MEDICAID AMENDMENT.—Section 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is amended—

(1) by striking ''and'' before ''(C)''; and

(2) by inserting before the semicolon at the end the following: '', and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2006.

**SEC. 4. INCREASE IN SCHIP INCOME ELIGIBILITY.**

(a) DEFINITION OF LOW-INCOME CHILD.—Section 2110(c)(4) of the Social Security Act (42 U.S.C. 42 U.S.C. 1397jj(c)(4)) is amended by striking ''200'' and inserting ''250''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to child health assistance provided, and allotments determined under section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal years beginning with fiscal year 2006.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 25—EXPRESSING THE SENSE OF CONGRESS REGARDING THE APPLICATION OF AIRBUS FOR LAUNCH AID

Mr. FRIST (for himself, Mr. REID, Mr. GRASSLEY, Mr. BAUCUS, Mr. TALENT, Mrs. MURRAY, Ms. CANTWELL, Mr. DURBIN, and Mr. OBAMA) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 25

Whereas Airbus is currently the leading manufacturer of large civil aircraft, with a full fleet of aircraft and more than 50 percent global market share;

Whereas Airbus has received approximately $30,000,000,000 in market distorting subsidies from European governments, including launch aid, infrastructure support, debt forgiveness, equity infusions, and research and development funding;

Whereas these subsidies, in particular launch aid, have lowered Airbus' development costs and shifted the risk of aircraft development to European governments, and thereby enabled Airbus to develop aircraft at an accelerated pace and sell these aircraft at prices and on terms that would otherwise be unsustainable;

Whereas the benefit of these subsidies to Airbus is enormous, including, at a minimum, the avoidance of $35,000,000,000 in debt as a result of launch aid's noncommercial interest rate;

Whereas over the past 5 years, Airbus has gained 20 points of world market share and 45 points of market share in the United States, all at the expense of Boeing, its only competitor;

Whereas this dramatic shift in market share has had a tremendous impact, resulting in the loss of over 60,000 high-paying United States aerospace jobs;

Whereas on October 6, 2004, the United States Trade Representative filed a complaint at the World Trade Organization on the basis that all of the subsidies that the European Union and its Member States have provided to Airbus violate World Trade Organization rules;

Whereas on January 11, 2005, the European Union agreed to freeze the provision of launch aid and other government support and negotiate with a view to reaching a comprehensive, bilateral agreement covering all government supports in the large civil aircraft sector;

Whereas the Bush administration has shown strong leadership and dedication to bring about a fair resolution during the negotiations;

Whereas Airbus received $6,200,000,000 in government subsidies to build the A380;

Whereas Airbus has now committed to develop and produce yet another new model, the A350, even before the A380 is out of the development phase;

Whereas Airbus has stated that it does not need launch aid to build the A350, but has nevertheless applied for and European governments are prepared to provide $1,700,000,000 in new launch aid; and

Whereas European governments are apparently determined to target the United States aerospace sector and Boeing's position in the large civil aircraft market by providing Airbus with continuing support to lower its costs and reduce its risk: Now, therefore, be it

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

(1) European governments should reject Airbus' pending application for launch aid for the A350 and any future applications for launch aid;

(2) the European Union, acting for itself and on behalf of its Member States, should renew its commitment to the terms agreed to on January 11, 2005;

(3) the United States Trade Representative should request the formation of a World Trade Organization dispute resolution panel at the earliest possible opportunity if there is no immediate agreement to eliminate launch aid for the A350 and all future models and no concrete progress toward a comprehensive bilateral agreement covering all government supports in the large aircraft sector; and

(4) the President should take any additional action the President considers appropriate to protect the interests of the United States in fair competition in the large commercial aircraft market.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 7, 2005, at 10 a.m., to conduct a hearing on ''Regulatory Reform of the Government-Sponsored Enterprises.''

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 7, 2005 at 9:30 a.m., in Senate Dirksen Office Building Room 226.

*Agenda*

I. Nominations: Thomas B. Griffith, to be U.S. Circuit Judge for the District of Columbia Circuit; Terrence W. Boyle II, to be U.S. Circuit Judge for the Fourth Circuit; Priscella R. Owen, to be U.S. Circuit Judge for the Fifth Circuit; Robert J. Conrad, Jr., to be U.S. District Judge for the Western District of North Carolina; and James C. Dever III, to be U.S. District Judge for the Eastern District of North Carolina.

II. Bills: Asbestos; S. 378, Reducing Crime and Terrorism at America's Seaports Act of 2005, Biden, Specter, Feinstein, Kyl, Cornyn; S. 119, Unaccompanied Alien Child Protection Act of 2005, Feinstein, Schumer, Durbin, DeWine, Feingold, Kennedy, Brownback, Specter; and S. 629, Railroad Carriers and Mass Transportation Act of 2005, Sessions, Kyl.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, April 7, 2005, for a hearing to consider the nomination of Mr. Jonathan B. Perlin to be Under Secretary for Health, Department of Veterans' Affairs. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 7, 2005 at 2:30 p.m., to hold a closed hearing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on April 7, 2005, at 2:30 p.m., in open session to receive testimony on ballistic missile defense programs in review of the defense authorization request for fiscal year 2006.

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

## MEASURE HELD AT DESK—S. CON. RES. 25

Mr. MCCONNELL. I send a resolution to the desk and ask unanimous consent it be held at the desk.

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent at 5 p.m. on Monday, April 11, the Senate proceed to executive session for consideration of Calendar 38, the nomination of Paul A. Crotty, to be United States District Judge for the Southern District of New York; provided further that there be 30 minutes for debate equally divided between the chairman and the ranking member or designees, and that at the expiration or yielding back of time the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; provided further that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

## UNANIMOUS CONSENT AGREEMENT—S. 295

Mr. MCCONNELL. Mr. President, I ask unanimous consent the majority leader, after consultation with the Democratic leader, shall, no later than July 27, call up S. 295; that if the bill has not been reported by then by the Finance Committee, it be discharged at that time and that the Senate shall consider it under the following time limitation: that there be 2 hours for debate equally divided between the chairman of the Finance Committee and the Democratic leader or his designee; that no amendments or motions be in order, including committee amendments; that after the use or yielding back of time the bill be read the third time and the Senate proceed to vote on the passage of the bill with no intervening action or debate; provided further that the bill become the pending business when the Senate resumes legislative session after July 26 under the terms and conditions if it has not been considered prior to that time.

Mr. REID. Reserving the right to object, and I will not object, I will say that one of the things we are also working on, and I am willing to go forward without this stage, we were moving along with the colloquy of Senator STABENOW and Senator LINDSEY GRAHAM—I am quite certain that was the cosponsor of the amendment—an amendment dealing with international trade. I spoke to Senator GRASSLEY. Senator GRASSLEY indicated he would be willing to enter into a colloquy with her. That was being prepared when the problem arose with the New York Senators and Senator DODD. As a result of that, the colloquy was never finalized—at least brought to the floor.

I hope when we return to that bill, whenever that might be, we can complete that colloquy because, in fact, what Senator GRASSLEY said is that if the amendment were not filed at this time he would be happy to take a look at it. He has another amendment coming and he basically said he agreed with the content of her amendment, but he didn't agree it should be brought up on this bill. He felt his Finance Committee has jurisdiction.

I want that spread on the record. This does not call for anyone agreeing or disagreeing with what I said, just in the future I hope we can work that out.

Mr. MCCONNELL. Mr. President, prior to the ruling, the proponents of the legislation have also agreed they would withhold offering amendments in committee or on the floor on the subject matter for the duration of this session of Congress as part of this understanding, as well.

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

## ORDERS FOR MONDAY, APRIL 11, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. on Monday, April 11. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each; provided that at 3 p.m. the Senate proceed to the consideration of H.R. 1268, the Iraq-Afghanistan supplemental appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## PROGRAM

Mr. McCONNELL. Mr. President, on Monday, the Senate will begin consideration of the Iraq-Afghanistan supplemental. The chairman and ranking member will be here, and we will begin the amending process Monday afternoon. As I announced earlier today, the next rollcall vote will occur at 5:30 Monday afternoon on a district judge, the one we announced a few moments ago. Other votes are possible around that 5:30 time in relation to the supplemental bill.

I say to all of our colleagues, this will be a busy week. This is a big, important piece of legislation. We hope to finish it next week. But in any event, whether we finish it then or not, we are going to have a busy week, with lots of votes throughout the entire week, including the likelihood of night sessions.

## ADJOURNMENT UNTIL MONDAY, APRIL 11, 2005, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:16 p.m., adjourned until Monday, April 11, 2005, at 2 p.m.

## NOMINATIONS

Executive nomination received by the Senate April 7, 2005:

DEPARTMENT OF DEFENSE

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF DEFENSE,VICE PAUL D. WOLFOWITZ.