United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, APRIL 27, 2005 No. 53

# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*April 27, 2005.*

I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Fred S. Hollomon, Chaplain, Kansas Senate, Topeka, Kansas, offered the following prayer:

Heavenly Father, there are some time-honored proverbs and maxims which have been helpful in making decisions, but some of them are not always appropriate for our situation.

For instance, there are some sleeping dogs which really should be awakened. There are some squeaking wheels which do not deserve any grease. There are some boats which not only need to be rocked but need to be sunk.

Please give us the wisdom, O God, to decide which dogs to wake up, which squeaks to ignore, which boats to sink.

I pray in the name of Jesus Christ. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CHOCOLA. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CHOCOLA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. DAVIS) come forward and lead the House in the Pledge of Allegiance.

Mr. DAVIS of Kentucky 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.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 28. Concurrent Resolution expressing the sense of the Congress on World Intellectual Property Day regarding the importance of protecting intellectual property rights globally.

## INTRODUCTION OF THE REVEREND FRED HOLLOMAN AS GUEST CHAPLAIN

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Kansas. Madam Speaker, I am honored today to introduce to the House of Representatives the Reverend Fred Holloman of Topeka, Kansas. Reverend Holloman is a retired Southern Baptist minister and is currently a member of New Beginnings Baptist Church in Topeka, Kansas.

Reverend Holloman retired in 2002 after serving 50 years in the ministry. He had attended seminary at Southwestern Baptist Theological Seminary in Fort Worth, Texas, after graduating from the University of Alabama. After serving in Oklahoma and Missouri, Reverend Holloman moved to Kansas in 1958. He was pastor in Baxter Springs, Manhattan, Lawrence, and Kansas City before concluding his career as a Baptist minister with a 15-year tenure in Topeka.

I am especially glad to be introducing my friend Reverend Holloman today because he served as the chaplain of the Kansas Senate during my time there. Fred was there a lot longer in the Kansas Senate than I. He has served as the senate chaplain for now 24 years, where he is known for his wit and his incisive thought when he delivers his invocation, but also known as someone who cares and has compassion for every member of our legislature and their families.

Many of Reverend Holloman's relatives have joined us today and are in attendance. He and his wife, Pat, have nine children. His children and grandchildren have come here to our Nation's Capital all the way from Texas and Kansas.

Please join me in welcoming the Reverend Holloman to the United States House of Representatives.



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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain ten 1-minutes from each side.

THE FIRST 100 DAYS OF THE 109TH CONGRESS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, in the first 100 days of this Congress, we have passed class action fairness to combat lawsuit abuse. We have passed a supplemental appropriation funding our troops and their successful war in Iraq. We have passed a budget resolution. We have enforced and passed the REAL ID Act and border security, implementing driver's license reforms, defending our borders, strengthening deportation laws. We have passed the death tax repeal, the bankruptcy bill, and the Job Training Improvement Act. These are significant accomplishments.

Some on the other side of the aisle would prefer to bring down the character of a man that leads this Chamber. I suggest when my colleagues are out of ideas and out of opportunities, they attack other people.

It is time to get our own House in order. Lead forth the American people on behalf of the American people and stop this name calling, finger pointing, and derogatory accusations.

America's House of Representatives is much better than that. Let us lead by example. Let us not lead by destruction.

FRIENDS FOR THE CHILDREN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, in 1993 a gentleman in my community, Duncan Campbell, provided three full-time friends for 24 at-risk children, children who were at the bottom of the barrel, children who were guaranteed to fail, not just poor but without family support.

With the efforts of these full-time mentors and this innovative program, we have produced stunning results over the course of the last 12 years. Ninety-eight percent of these children are still in school. Ninety-seven percent have passing grades. Ninety-eight percent have never been incarcerated. Ninety-seven percent do not use drugs or alcohol on a regular basis.

Today, this program has spread across the country. It is in 11 different communities with over 600 children. First Lady Laura Bush is expected to visit the Friends of Children program in Portland tomorrow. I commend her for taking the time to visit with the kids and learning more about this program.

Tomorrow, the gentleman from Ohio (Mr. CHABOT), my colleague, and I are introducing legislation that would authorize $7.5 million for Friends of Children to support local programs at existing sites and disseminate this information to policy-makers around the country to make a commitment to improving the lives of at-risk children.

THE MINUTEMEN PROJECT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, government waste, fraud, and abuse have taken every shape and form one can imagine, and now it is even affecting our lax immigration policies.

The U.S. Government recently spent close to $240 million to help our border patrol with the latest technology. The problem is the equipment does not work. That is right, $240 million and the government is left with a bunch of useless equipment. Sounds like we ought to get a refund.

The border patrol needs all the help it can get, and for the last few weeks, hundreds of concerned citizens formed the largest Neighborhood Watch in Arizona, the Minuteman Project. Their goal is to help spot illegal aliens crossing the border from Mexico.

Ordinary people watching the border and easily spotting aliens illegally crossing should outrage every single Member of Congress. How can we claim to be for national security, for the rule of law, when such incredible violation takes place in front of our very own eyes?

Madam Speaker, America is a very generous Nation, but we are allowing our laws to be broken and our borders to be violated without consequence.

It is long past time we secure our borders, reevaluate our immigration laws, and get serious about national security.

GM AND THE AMERICAN FISCAL CRISIS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, it used to be said that what is good for GM is good for the country. Well, things are not so great for GM. What does that say about America?

Their cars are not selling because they face skyrocketing health care costs that put them at a competitive disadvantage with Toyota and other companies.

For every car GM produces, they actually spend more on health care than on steel. Yet it is not the United States Congress, the White House, seeking to help GM out of this problem. GM's knight in shining armor is Toyota.

On Monday, Toyota's chairman said the Japanese auto maker was considering raising its prices in order to give American car makers some breathing room.

Here is what former Governor John Engler from Michigan said of the GM crisis: We cannot, with the deficits we face today, step in and help this company get back on its feet.

We are too deep in debt to save hundreds of thousands of jobs and help an American company compete and win.

Today, we are facing a fiscal crisis that is stripping America of its ability to compete and win. The health care crisis facing General Motors is the same health care crisis facing the Federal Government and every American family, and yet we are in debt of nearly $8 trillion and unable to compete and win in today's economy.

CONGRATULATING VILLA MADONNA ACADEMY ON ITS FORTHCOMING CENTENNIAL ANNIVERSARY

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to congratulate the Villa Madonna Academy of Villa Hills, Kentucky, on its forthcoming centennial anniversary on May 14, 2005.

Villa Madonna Academy carries a long, distinguished reputation of preparing students to respect themselves and others, to have a sense of self-discipline, to accept personal responsibility for their attitudes and actions, and to dedicate themselves to academic excellence and lifelong learning.

Villa Madonna Academy has demonstrated its academic distinction by being the only greater Cincinnati-northern Kentucky area high school to receive designation, under two separate criteria, as a U.S. Department of Education Blue Ribbon School of Excellence two consecutive years in 2002 and 2003.

Villa Madonna Academy's partnership with the nearby Benedictine Sisters of St. Walburg Monastery provides opportunities for area youth to participate in a variety of sports activities and be outstanding neighbors in our community.

Once again, I want to congratulate the students, teachers and alumni of the Villa Madonna Academy on its centennial anniversary and to thank them for being such fine individuals and stewards of our community.

WORKERS' RIGHTS IN BREWER, MAINE

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Madam Speaker, an all-out attack on workers' rights is happening in Brewer, Maine; and I come to the House floor today to tell DHL that it is time for them to stop their assault.

These Brewer workers have borne the brunt of these union-busting practices, and they are paying the price. For many, the price of their jobs has been

too much for them and their families to bear. Workers have been fired. Many were put on the street with no severance pay, no insurance, and no assistance to make ends meet. Management has reverted to using interrogation and coercion to keep workers in line.

This is simply outrageous. I know as a union member how important unions are to ensure better jobs and basic protection of rights. I will do all I can to assure that their rights are protected.

## HONORING THE LIFE OF CHILLICOTHE POLICE OFFICER LARRY COX

(Mr. NEY asked and was given permission to address the House for 1 minute.)

Mr. NEY. Madam Speaker, I rise today to honor the life of Chillicothe, Ohio, police officer Larry Cox.

Officer Cox was a man of dignity and compassion. A 19-year veteran of the Chillicothe police force in Chillicothe, Ohio, Officer Cox was a devoted law enforcement official who had dedicated his life to one of our Nation's noblest fights, keeping our children away from drugs.

As a DARE officer, Officer Cox was able to provide impressionable elementary school students with the guidance and support that many could not find elsewhere.

This past Thursday evening as Officer Cox walked home from visiting his parents in Chillicothe, Ohio, he surprised a fleeing robbery suspect who then shot and killed him in an utterly senseless act of violence.

It is times like these that we question the world we live in, but we must not let this senseless act blind us from the goodness that is all around, the compassion of our teachers, the innocence of our children, and the ultimate bravery of our law enforcement officials. For it is these things that Officer Cox was born of and ultimately died for.

So I stand here today to honor the life of Officer Larry Cox, to honor each and every law enforcement official that risks their life to protect the most treasured pieces of our community. Officer Cox understood these treasures and the paramount importance of caring for others; and though his body has left us, his spirit of bravery, dignity, and compassion will forever be found in our communities.

## CLOSING THE HEALTH CARE DIVIDE: PRINCIPLES FOR ADDRESSING RACIAL AND ETHNIC HEALTH DISPARITIES

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, today I rise to announce the adoption of the Democratic principles that will be unveiled today that will seek to eliminate racial and ethnic health care disparities.

The community that I represent is multicultural. Sixty percent of the residents are Latino, 20 percent are Asian Pacific Islander, and 40 percent of those residents in my district were born outside of the United States, and many of them cannot afford to pay for medical coverage.

Unfortunately, our health care system is not meeting the needs of all these people, who in most cases are children.

□ 1015

For racial and ethnic minorities, as for most all communities, the lack of health insurance is a major barrier in quality health care. In our Nation, there are over 43.3 million people who do not have any form of health care coverage.

A staggering 1 in 3 Latinos in this country are uninsured. Actively challenging the racial and ethnic inequalities affecting all branches of our health care system is key to helping the Latino community achieve better health care.

These Democratic principles address the many health disparities plaguing our communities. I strongly support these principles and stand united with my colleagues to end racial and ethnic health disparity. We must make this a national priority for our country.

## SOCIAL SECURITY

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Madam Speaker, Social Security was created in 1935, and over the decades has become a vital resource to millions of Americans. But demographic realities have changed over the past 70 years. Now fewer workers, more retirees, and longer life spans will cause Social Security's promised benefits to exceed the system's income by 2017.

If we do not act now to strengthen Social Security, the system that so many depend upon today will be unable to meet its promises to tomorrow's retirees, and it will burden our children and grandchildren with exhaustive taxes.

The Social Security Trustees, the Comptroller General of the United States, and the Chairman of the Federal Reserve Board have all agreed that the sooner we act, the smaller and less abrupt the changes will be.

So, Madam Speaker, I encourage all my colleagues to consider all the options now and work toward a bipartisan solution that renews Social Security's promises for future generations.

## TRIBUTE TO HARLINGEN HIGH SCHOOL

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINOJOSA. Madam Speaker, I rise today to ask my colleagues to join me in congratulating Harlingen High School for being selected as one of the 2005 College Board Inspiration Awards. Harlingen High School is one of three exemplary high schools in the Nation being honored for their steadfast commitment to fostering student success in some of America's most poverty-stricken communities.

Each school receives a prize of $25,000 to use in furthering its academic goals. The Inspiration awards recognize outstanding work in improving the academic environment and helping economically disadvantaged students achieve the promise of a higher education.

I would like to congratulate the superintendent, Dr. Linda Wade; the principal, Richard Renaud; the teachers, students, and entire school community for their prestigious award. Harlingen High School is truly an inspiration for all of us who value education and academic excellence for all students.

For the Hispanic community, it reaffirms our core faith in our own potential. Over 87 percent of the students at Harlingen High School are Hispanic and many of them are bilingual. Their motto is: ''In relentless pursuit of student success.''

I urge my colleagues to join me in saluting Harlingen High School for its achievement and applauding the College Board for sponsoring the Inspiration Awards. May each year be more competitive than the last.

## CHILD INTERSTATE ABORTION NOTIFICATION ACT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, America as a Nation must defend life from the moment of conception to natural death. Later today, the House will take up H.R. 748, the Child Interstate Abortion Notification Act, introduced by my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN). This bill will protect minors and their parents from inconsistent State abortion laws.

Currently, 23 States require a parent to be involved in a child's abortion decision, while 27 do not. This bill would prosecute anyone who transports a minor to a State without parental consent laws with the purpose of undermining parental rights. It requires that any time a minor goes for an abortion, the physician must at least try to notify the parents.

Madam Speaker, we need to make sure that we have serious parental involvement in these difficult and potentially dangerous decisions. I urge my colleagues on both sides of the aisle to support this reasonable measure and vote ''yes'' on H.R. 748 later today.

## ETHICS CRISIS IN THE HOUSE

(Mr. CARNAHAN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, the ethics process in this House is broken. I believe the first duty of all House Members is to set and follow the highest ethical standards, not just toe the party line for either party.

The complete breakdown of the long-established bipartisan ethics process is a direct result of steps taken by this current majority. This includes actions taken by House Republicans to cripple the ethics enforcement process and to even purge fellow Republicans from the committee and staff for merely following what used to be fair and time-honored rules in this last Congress.

Madam Speaker, there is an ethics crisis in the House that will only get worse unless immediate action is taken. It is time for Republicans and Democrats to move quickly to fix the untenable and unprecedented situation that now exists. As a first step, this House must take up H.R. 131, a measure that will repeal the misguided House rules adopted at the beginning of this Congress that have led to a complete shutdown of the bipartisan ethics process in the House.

This House of the American people demands nothing less than strong bipartisan ethics rules.

## THE CHILD INTERSTATE ABORTION NOTIFICATION ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, 34 States currently have parental consent laws when it comes to minors and abortion. Unfortunately, they are too often and too easily ignored simply by going to another State. Today, the House is going to vote to make it a Federal crime to transport a minor across State lines for an abortion.

This legislation would not affect State laws, but would prevent minors from being transported to evade a parental consent law in the girl's home State. The average American parent would be outraged if some adult took their child across States lines for an abortion.

The Child Interstate Abortion Notification Act protects parents and minors from adults who might conspire with or even pressure them to cross into another State for an abortion. This bill is for our kids and for a better America. I urge a ''yes'' vote.

## THE 95–10 INITIATIVE

(Mr. DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Madam Speaker, last week the Pro-Life Democratic Members of Congress introduced an abortion reduction proposal called the 95–10 Initiative. This comprehensive proposal of 15 different policy programs should reduce the number of abortions in America by 95 percent over the next 10 years by providing women with support, information, and viable alternatives to abortion.

The initiative is a clear indication that pro-life Democrats in Congress, in conjunction with the Democrats for Life of America, are firmly committed to reducing abortions in America. By looking into the different reasons that women choose abortion rather than just politicizing the issue, we have been able to come up with a comprehensive and commonsense initiative that would empower women and encourage them to choose life.

The 95–10 Initiative seeks to eliminate the pressures that lead to abortions through various measures, including adoption tax credits, abortion referral information, adoption referral information, and fully funding the special nutrition WIC program.

Additionally, the initiative calls for expanding insurance coverage to pregnant women and to newborns, and removes pregnancy as a preexisting health condition. I strongly urge my colleagues on both sides of the aisle to join the pro-life Democrats in supporting a comprehensive 95–10 abortion reduction bill.

## AARP AND SOCIAL SECURITY REFORM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the AARP has publicly denounced any plans to reform Social Security that might include personal savings retirement accounts. They have taken out full-page ads claiming that investing for retirement is like playing the slot machines in Las Vegas. But the AARP Web site tells its senior members to invest their money in a 401(k) or an IRA, and also says that seniors do not invest enough in retirement plans. Why are these retirement plans safe and advisable but personal retirement accounts through Social Security are too risky? In addition, the AARP has its own investment plan through Scudder Investments that invests in mutual funds and stock index funds.

If the AARP exists to look out for the interests of retired persons and they advise their membership to invest their money in mutual funds and stock index funds, my colleagues, it seems suspect that they would not support a program that would allow some, some flexibility through the Social Security program.

## ILLEGAL IRAQ WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, 771 days ago, the United States illegally went to war against Iraq. Since then we have lost 1,574 of our finest, and the Iraqi people have lost tens of thousands of innocent civilians to the war. Some of us opposed the war from the start, but today we all know that America went to war based on false information given to this Congress and to the American people. Iraq had no weapons of mass destruction and was not an imminent threat, yet the war grinds on.

America is building permanent bases in Iraq. The interim government has no credibility. Under the watchful eyes of our occupying army, the Iraqi people know full well policy is made in Washington, not Baghdad. And here in Congress, we move on to other issues, while some are calling for more troops to move in.

The administration built a theater of war with no exits. It is time for Congress to build an exit from the Iraqi theater. In the next few days, I, along with other Members, will submit such a plan.

## 527 FAIRNESS ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, the summer of 527s will long be remembered in American politics. Groups organized on the left and the right under section 527 of the Internal Revenue Code spent more than $300 million to support candidates, while the two major political parties and the Nation's most respected labor units, associations, businesses, and constitutional groups watched in silence from the sidelines.

In response to the summer of 527s, some here in Washington, DC want to exert more regulation and control. But my colleague, the gentleman from Maryland (Mr. WYNN), a Democrat, and I have taken a different approach by introducing the bipartisan 527 Fairness Act. The Pence-Wynn bill restores basic fairness to the political parties and outside organizations instead of attempting further regulation.

Madam Speaker, when it comes to political speech, greater government control is never the answer. More freedom is.

Now, The Washington Post calls the Pence-Wynn bill ''a dangerous notion'' that is ''misguided.'' And freedom is chaotic, but as Thomas Jefferson said, ''I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it.''

I urge my colleagues on both sides of the aisle to consider Pence-Wynn and support us as we answer the summer of 527s with more freedom, not less.

## WEAKENED ETHICS RULES

(Ms. WATSON asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, earlier this year, the House Republican leadership purged the Committee on Standards of Official Conduct of three of the Republican Members. Serving on this committee, where one is charged with investigating and possibly reprimanding one's own colleagues is not an easy assignment, but it is a very important one.

The gentleman from Colorado (Mr. HEFLEY), the chairman, and the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Missouri (Mr. HULSHOF) wanted to continue to serve on the committee, a committee unlike most in this Chamber, that worked in a bipartisan fashion. Could that have been their downfall?

After losing his chairmanship, the gentleman from Colorado (Mr. HEFLEY) told The Washington Post, and I am quoting, ''There's a bad perception out there that there was a purge in the committee and that people were put in that would protect our side of the aisle better than I did.''

□ 1030

He continues, ''No one should be there to protect anybody; they should be there to protect the integrity of the institution.''

Madam Speaker, I could not have said it better myself. The integrity of the House is much more important than any one Member. It is time the Republican leadership learns that lesson.

## CUBAN POLICIES

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, I rise in support and commend the gentleman from New Jersey (Mr. MENENDEZ) and others for raising H. Con. Res. 81 to mark the 2-year anniversary on the latest crackdown on human rights in Cuba. This is simply the latest crackdown. These have been occurring for more than 45 years now.

I also commend those who have come to this city to encourage more travel to Cuba and allow more travel to Cuba. Recently, Fidel Castro's government issued an edict to all state employees, which is by definition everyone on the island, saying they should have minimal travel with tourists and travelers because it is, for one thing, promoting individualism. I would submit that is a very good thing, and we ought to want more of it. I would encourage this body to again, as we have done year after year after year, allow Americans the freedom to travel wherever they please.

## RESTORE ETHICS RULES IN HOUSE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, according to the morning papers, the Republican majority may now be ready to drop its new ethics rules and restore stronger rules that were written by Democrats and Republicans. It is about time.

We need to restore the old rules immediately so the Committee on Standards of Official Conduct can begin investigating possible unethical behavior, questionable actions that have been in the national papers over the last couple of months.

As the gentleman from Texas (Mr. DELAY), the majority leader, said back in November 1995: ''The time has come that the American people know exactly what their representatives are doing here in Washington. Are they feeding at the public trough, taking lobbyist-paid vacations, getting wined and dined by special interest groups, or are they working hard to represent their constituents. The American people have a right to know.''

That was the majority leader, the gentleman from Texas (Mr. DELAY), 10 years ago. The majority leader was right. The American people deserve answers; and, unfortunately, they will not get those answers under the weakened ethics rules. Hopefully, the Republican majority has come to its senses and will restore the old rules later this week. If the majority leader really believes his comments from 10 years ago, I would think he would join us in our fight.

## THE JOURNAL

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 47, answered ''present'' 1, not voting 15, as follows:

[Roll No. 135]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Hall
Harman
Harris
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster

Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Towns
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
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Baldwin
Brady (PA)
Capuano
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Green, Gene
Grijalva
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Hart
Hastings (FL)
Hefley
Hinchey
Holt
Kucinich
Larsen (WA)
Larson (CT)
Latham
LoBiondo
Marshall
McCotter
McDermott
Miller, George
Moran (KS)
Nadler
Oberstar
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Ramstad
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Sanchez, Loretta
Schakowsky
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Udall (CO)
Udall (NM)
Waters
Weller
Whitfield
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—15

Brown, Corrine
English (PA)
Fattah
Gutierrez
Hooley
Hunter
Kennedy (RI)
Menendez
Rothman
Spratt
Velázquez
Watson
Westmoreland
Wicker
Young (FL)

So the Journal was approved.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to House Resolution 232, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo. As soon as these preparations are complete, the House will immediately resume its actual session for the taking of the photograph.

About 5 minutes after that, the House will proceed with the business of the House.

For the information of the Members, when the Chair says the House will be in order, we are ready to take our picture. That will be in just a few minutes.

## RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 10 o'clock and 59 minutes a.m.), the House stood in recess while the Chamber was being prepared.

□ 1100

## AFTER RECESS

The recess having expired, the House was called to order at 11 a.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 109th Congress.)

## RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1115

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 11 o'clock and 15 minutes a.m.

## PROVIDING FOR CONSIDERATION OF H. RES. 22, EXPRESSING THE SENSE OF THE HOUSE THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 235 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 235

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights. The amendments to the resolution and the preamble recommended by the Committee on Small Business now printed in the resolution are considered as adopted. The previous question shall be considered as ordered on the resolution and preamble, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business; and (2) one motion to recommit, which may not contain instructions.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 22 calls for a commonsense Small Business Bill of Rights that spells out urgent actions that Congress should take to allow small businesses to thrive.

Ninety percent of all employers in our country are small businesses, and 70 percent of all new jobs created in America are created by these small locally owned businesses. Small businesses, stores, manufacturers, and farms drive the economic engine of many communities across the country. They truly are the backbone of America.

Many obstacles confront a small business owner looking to expand his or her company to provide more jobs and investment.

Frivolous lawsuits are a constant and a costly threat to small businesses across the country. The rising cost of health care has made it difficult and, in many cases, impossible for small business owners to offer health care to their employees. Today, over 60 percent of small business employees do not have health insurance.

Soaring energy costs make it difficult for small manufacturers to produce goods at a competitive price. The cost of natural gas and other feedstocks is taking up a larger and ever-growing share of the budget of manufacturers.

In the 109th Congress, the People's house has already acted on several of the items called for in this resolution. Two weeks ago, we passed legislation to permanently repeal the death tax, a tax that puts a huge burden on small business owners and takes away resources that are vital to families seeking to keep farms and businesses in their family.

Last week, we passed the Energy Policy Act of 2005 to help reduce the cost of energy. The legislation provides money for clean coal technology that will help coal continue to provide low-cost energy while protecting our environment. Provisions will also open new refineries and new oil reserves into the market. All of these measures will help lower the cost of energy for small businesses.

In February, President Bush signed the Class Action Fairness Act into law. This law is a strong first step in limiting frivolous lawsuits that burden our economy and destroy job growth.

There is still much more to be done. In the past two Congresses, we passed legislation allowing for Association Health Plans. These plans would permit small businesses to join together through trade associations across State lines to gain purchasing power in the health insurance market.

Health insurance is the biggest challenge facing small business today, hands down. Many small business owners want nothing more than to offer affordable health care to all of their workers. These owners know their employees personally and know their employees' spouses and children, making that decision not to offer health coverage an agonizing one. Yet many small business owners make this choice because of the rising cost of health care.

We must pass legislation to allow small businesses to have the same purchasing power as large corporations in the health insurance market.

With millions of small business employees among the uninsured, association health plans are one of the most important things Congress can do for our Nation's workers.

In order for small business to grow and produce more jobs in local economies, we must have pro-growth policies. A national energy policy, association health plans, and legal reform are some of the important steps that will benefit small business owners and their employees alike.

This resolution is an opportunity for Members to show their support of small business to continue moving forward on crucial issues to protect existing jobs and spur economic development. I urge my colleagues to join me in supporting the rule and the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I yield myself such time as I might consume.

(Ms. MATSUI asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. MATSUI. Mr. Speaker, I rise today in opposition to this closed rule. Once again, the majority has muted debate on a piece of legislation for no legitimate reason. The resolution has not been fully debated before the committee of jurisdiction and, as a result, it fails to include a number of priorities important to small businesses.

Mr. Speaker, small businesses are the engine of America's economy, representing more than 95 percent of all employers, creating half of our gross domestic product, and creating 3 out of 4 of new jobs nationwide. Small business owners are leaders in innovation, creating new technology, new products, and more effective business operations. The government should help small business owners achieve their goals, not stand in their way. I think this is something all Members can support.

There are some very good elements of this ''small business bill of rights'' resolution that I support. I believe small business should not be hampered with unnecessary restrictive regulations and paperwork. I support the provision insisting that small businesses have the right to equal treatment and should have expanded access to capital and credit.

Opening up assets to government contracts for small businesses should be a top priority for Congress. I support the principle in House Resolution 22 that we must consider legislation to create a fair and open Federal contracting system to make sure that everyone has a fair shot in winning a Federal contract. There must be an end to the practice of awarding ''mega contracts'' that take opportunities away from small businesses at no savings to the taxpayer. We must institute a fair contracting appeals process for small businesses to be heard.

I also support expanding contract opportunities for women, low-income individuals, and minorities by strengthening such key business development programs as 8(a). These actions will reduce current barriers and ensure small businesses have access to perform Federal contracts.

But small businesses have expressed additional priorities, and I wish we would have included them in the resolution. Instead, the majority chose to insert partisan agenda items.

During the committee markup, the chairman restricted debate time on all amendments to 4 minutes per side. After considering the first 5 amendments, the chairman moved to cut off debate, which passed on a strict party-line vote. This was done despite having two Democratic amendments still pending before the committee.

One of these amendments, offered by the gentleman from Georgia (Mr. BARROW) and the gentlewoman from Wisconsin (Ms. MOORE), would have strengthened programs for minority entrepreneurs. The other, offered by the gentlewoman from California (Ms. LINDA SÁNCHEZ), would express support for the microloan program which the administration eliminated in its fiscal 2006 budget.

I understand that the chairman had only allotted an hour for the committee markup, but we have an opportunity today with this rule to provide time for the debate we should have had. These thoughtful amendments should be heard. So far this year, the Committee on Rules has only reported one open rule, just one, out of 21 rules. It is time to allow Congress to do its job, and part of that job is to openly discuss the priorities facing our Nation.

Why not make time for this debate? The Members that were denied debate in committee came before the Committee on Rules last night to urge their amendments be made in order. Several other amendments were also offered. I cannot help but point out that our legislative schedule this week has plenty of room in it. Not surprisingly, however, the majority chose not to have a full debate and ignored amendments that could have improved this legislation.

Mr. Speaker, I believe that the amendments blocked from consideration today would have made House Resolution 22 a complete bill of rights. For instance, small business owners need access to capital and technical expertise if they are to make the most of their opportunities. The Small Business Administration provides this critical assistance to small business owners. The gentlewoman from California (Ms. Sánchez) and the gentlewoman from Illinois (Ms. BEAN) offered amendments recognizing that we should be supporting all of SBA's programs, including the microloan and 7(a) lending programs. But, again, this rule risks leaving a gaping hole in this list of rights.

House Resolution 22 could also be strengthened to ensure that minority business owners retain their place as a vibrant part of the U.S. economy. The Barrow-Moore amendment, if made in order, would do just that. While minority individuals comprise nearly one-third of the population, only 15 percent of businesses are minority-owned. These businesses employ 5 million people and generate nearly $600 billion in revenue. Given the gap between the number of individuals and the business ownership rate, it is clear that an entrepreneurial divide exists in this country. One of the most significant reasons for this divide is the fact that minority-owned companies have not seen legislative updates for nearly 20 years. Congress must bring these programs into the 21st century. Minority business owners deserve the right to have these important initiatives modernized.

The only way to achieve a complete bill of rights is to include all of the rights small businesses are asking for. A closed rule does not do this. An open rule, a better rule, would allow full debate on small business priorities. An open rule today would allow the House of Representatives to consider the importance of such issues as access to affordable capital and changing the Federal marketplace to meet the needs of small business. I urge my colleagues to vote no on this closed rule.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the author of the resolution and a champion of small business.

Mr. KELLER. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I rise today in strong support of the rule and H. Res. 22.

The purpose of the small business bill of rights is to provide a blueprint for Congress to follow to help small business employers create even more jobs. A job is the best social program in the world. It gives a person income and health insurance and dignity. Since 70 percent of all new jobs in this country are created by small businesses, I met personally with 20 very successful small business employers in central Florida to learn firsthand what, if anything, Congress can do to help them create more jobs. Four top-tier issues consistently emerged from these meetings.

First and foremost, they had the problem of addressing skyrocketing health costs, and they wanted the ability to join together to negotiate lower prices.

Second, family-owned businesses, we are seeing one-third of them having to liquidate because of the death tax, and they needed some commonsense reform there.

Third, they had a problem with frivolous lawsuits and skyrocketing liability insurance. Unlike a big corporation, if someone sues them, they do not often have $100,000 to successfully defend the claim, even if frivolous. They have to settle it for a nominal amount, $5,000 or $10,000.

The fourth problem they mentioned over and over was paperwork and red tape.

After listening to their concerns, I joined with my original cosponsor, a Democrat, the gentleman from Alabama (Mr. CRAMER), and wrote and filed House Resolution 22.

We have given plenty of opportunity for people to be heard on H. Res. 22. For example, other nonbinding House resolutions sometimes go right to the floor with no hearings, no markups, no motion to recommit. They just get an up-or-down vote on a Suspension Calendar, with no chance to amend at any point. Well, that is not what happened here. In this particular instance, the minority requested that we have a hearing. We readily agreed and had a hearing. At this hearing, witnesses from NFIB and the U.S. Chamber of Commerce testified that the four issues identified in the small business bill of rights were, in fact, the top four issues affecting small businesses in the United States right now.

□ 1130

The minority was allowed to call witnesses at that hearing, and they did. Every member of the hearing, Republican and Democrat, was afforded two full rounds of questioning. Afterwards, the minority said, well, now we want to have a markup on this nonbinding resolution. We agreed to that as well.

At the markup, in an effort to reach out, I offered a substitute amendment which addressed three additional issues that the minority thought were important to them, issues relating to energy costs and access to capital and contract bundling. The substitute amendment I offered was approved by a voice vote.

Even though I had already included these three additional issues at this markup, the minority offered amendment after amendment after amendment after amendment. For example, one of the amendments called for Members to take a controversial stand on whether or not people agreed with the personal retirement accounts under President Bush's Social Security proposals. Things like that ate up time. The four amendments offered by the minority were defeated. But each time they insisted on calling for a roll call vote which ate up additional time.

Now, it is my understanding that the minority Members had two more amendments that they wished to offer, but the chairman had only scheduled an hour for the markup under the understanding that the minority would have few amendments.

So what exactly did the minority get in terms of due process here? They got a full blown hearing. They got three additional issues added to the original resolution, and they got votes on four of the six amendments they offered.

H. Res. 22 was passed by the full committee on a voice vote. Not a single person on the committee, Republican or Democrat, voiced opposition to H. Res. 22 during that voice vote, and the reason is it represents a noncontroversial consensus of what small business employers tell us they need.

Now, what are the Small Business Bill of Rights? There are seven: first, the right to join together to purchase affordable health insurance for small business employees. The right to simplify tax laws that allow family owned businesses to survive over several generations. The right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them from creating new jobs. The right to be free of unnecessary restrictive regulations and paper work which wastes the time and energy of small businesses while hurting production and preventing job creation. The right to relief from high energy costs which pose a real threat to the survival of small businesses. The right to equal treatment as compared to large businesses when seeking access to capital and expansion capital and credit. The right to open access to the government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for the Federal contracts.

This is what the small business people in America tell us that they want. This is what we learned from the hearing, and this is what is included as the top tier issues in the Small Business Bill of Rights affecting small business people.

Now, if someone is opposed to this Small Business Bill of Rights, what would they be for? They would be for higher health insurance costs, higher taxes, more frivolous lawsuits, more paper work and red tape, higher energy costs, more obstacles to getting capital and more obstacles to getting government contracts.

Now, significantly, at no time in this process, during the markup or otherwise, has there been any attempt to strip away one of these seven rights. To the extent the minority has a controversy with this, it is not anything that is on the board here. It is they think one or two additional things should be there.

Well, let me remind you. The Small Business Bill of Rights is a blueprint that lists the top tier issues facing small businesses in the United States. It does not list every small business issue known to man. If it did, this thing would be as thick as a phone book, and it would not list the priorities.

Some of the business people I met with had things that I did not list because, while it was important to that person or this person, it was not something that was a consensus issue affecting the small business people across the country.

Now, if a Member has some issue that was not included, and they think it is a real important issue, then there is nothing preventing them from filing their own nonbinding House resolution and having that proceed under the regular order.

I urge my colleagues to vote ''yes'' on the rule. Plenty of opportunity has been heard for both sides to give their input to the Small Business Bill of Rights. It is a bipartisan Small Business Bill of Rights from the get-go when it was filed by a Democrat and myself, and I urge my colleagues to vote ''yes'' on the Small Business Bill of Rights, H. Res. 22.

Ms. MATSUI. Mr. Speaker, I yield 7 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentlewoman from California for yielding.

As we take this week to honor our Nation's small businesses, it is important to notice the everyday challenges that are standing in their way. As the main job creators and stimulators of the economy, there are far too many obstacles that still remain.

Small businesses have received a number of promises over the last 4 years. But as the ranking member on the House Small Business Committee, I can tell you that what entrepreneurs need now is no more rhetoric. What they need is more action. Unfortunately, rhetoric is all that they have gotten up to this point.

One of the most obvious challenges is that a number of small businesses are not able to access health care. Six out of every 10 uninsured families are headed by a small business employee. This is simply unacceptable. Yet Congress has passed no solutions to the health care crisis.

My colleagues on the other side love to talk about how many times this House has passed association health plans. The bottom line is that Republicans control the White House, the Senate, and the House of Representatives. How many more times do we have to pass association health plans to get it done? Stop the rhetoric. What we need is action.

With the skyrocketing prices of gas and energy, small businesses are having an even more difficult time starting and expanding their ventures. Just last week the House passed an energy bill that does not do anything to help this Nation's small businesses. For the small business owner that works in the transportation industry, this bill has done nothing to help reduce the record highs in gas prices we are seeing today.

Compounding entrepreneurs' difficulties even further are regulatory burdens. Too often a small business owner does not have the resources to comply with a number of Federal regulations. Despite the promises made by this administration, small firms have seen little relief. The reality is that this administration holds the record for the single largest increase in paperwork burden in 1 year in our Nation's history. Again, the rhetoric needs to end.

Our Nation's entrepreneurs deserve to see some real action, some real solutions. And as we honor our Nation's entrepreneurs this week for National Small Business Week, all Congress is going to give them is this legislation, the Small Business Bill of Rights. Let me tell you, this Nation's small businesses deserve much more than some rhetoric included in House Resolution 22. And that is all this bill does. They deserve to be assured that Congress will work to address their challenges, that we will go on the record listing the priorities we will work to address for their businesses. Sadly, that is not what House Resolution 22 does.

Yes, the Small Business Bill of Rights contains some lofty rhetoric on taxes, regulations, and capital. But what it fails to do is really recognize the fact that small businesses do not get capital the same way that large businesses do. Small firms cannot head over to Wall Street. Instead, they rely heavily on loan programs. To tell them that loan programs are not important is disingenuous.

House Resolution 22 also says that some contract bundling is okay and that is okay for small businesses to lose out on contracting opportunities. The Small Business Committee has always been on the record protecting small businesses. Every economic analysis and indicator says that contract bundling is bad. Yet, this bill wants to say it is okay.

Most upsetting is that House Resolution 22 mentions absolutely nothing about the needs of minority and women business owners, the fastest growing sectors of our economy. This is despite the fact that the gentleman from Georgia (Mr. BARROW), the gentlewoman from Wisconsin (Ms. MOORE), and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) all tried to include these provisions in a markup in which the chairman of the committee blocked these amendments from even being offered.

The gentleman from Florida (Mr. KELLER) spoke about due process that was provided. What the gentleman does not tell you is that the chairman took the unprecedented step of moving the previous question. I will challenge any chairman to come to the floor and talk about when they moved the previous question to block the minority from offering amendments. They were then rejected again by the Rules Committee.

Despite the overwhelming growth of minority- and women-owned businesses, this Small Business Bill of Rights tells them that their needs are not a top priority, and that is ridiculous.

This is Small Business Week, and all we are giving to our Nation's entrepreneurs, the main job creators, are some promises in House Resolution 22. These promises are not helping to give small businesses more loans. They are not opening up the fair marketplace, and they are certainly are not giving small firms any solutions to the health care crisis. Maybe next time Congress can promise to help small businesses to pay their bills and again follow through with no action.

This rhetoric needs to end. Our Nation's small businesses deserve much more than rhetoric this week. They deserve commitment and action all year long to address their challenges. Clearly, House Resolution 22 will not do that. We should vote down this rule, and we should not be passing promises without action in the House of Representatives.

Mrs. CAPITO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA).

(Mr. GRIJALVA asked and was given permission to revise and extend his remarks.)

Mr. GRIJALVA. Mr. Speaker, let me thank the gentlewoman from California for yielding this time. And I would also like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for her consistent and valuable advocacy on behalf of the small businesses in this country. It is an honor to serve with the gentlewoman.

It is a funny situation to be here today during Small Business Week speaking on a resolution that is intended to benefit our Nation's small businesses; but, in reality, this resolution ignores a pressing issue that has the potential to very severely burden the small business community of our country.

I believe this resolution has less to do with priorities and more about a partisan political agenda that does not address a myriad of realities for small businesses. And I want to talk about one reality. The reality in this situation is this:

The President has spent millions of dollars pitching privatized personal accounts as the answer to Social Security. But he has failed to address how these personal accounts will adversely affect the administrative costs for small businesses.

Small firms are already responsible for withholding billions of dollars a year of payroll taxes for their employees. The creation of private savings accounts sticks them with a severe logistical headache, in fact an unfunded mandate.

Consider this: under a personal savings plan, small businesses would be responsible for everything from providing, collecting, filing paperwork, to establishing an accounting system to ensuring proper payment over time, to handling quarterly and annual reporting to the employee.

Furthermore, the administration has been telling Americans that this plan is only, is just like a Thrift Savings Plan. The truth of the matter is that there are tremendous costs associated with administering these types of plans, and most often those costs will fall on the employers.

And judging by the experience with TSPs and other retirement accounts, employees will look to their employers if there is a problem. Who knows how responsibility and liability will be determined? Small firms will be sued if anything goes wrong with an account or with the investment.

In light of the facts that I have laid out, Congress should be taking a harder look at the realities of having small businesses assume the administrative burden of collecting and paying out for private accounts. A proposed blueprint that does not address all the realities and the real needs of small businesses is once again a one-way street with a dead end.

I urge a ''no'' vote on the rule.

□ 1145

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to state my opposition to House Resolution 22 and the rule expressing the sense of the House that American small businesses are entitled to a small business bill of rights.

I want to especially thank my good friend, the gentlewoman from New York (Ms. VELÁZQUEZ) and applaud her for her hard work on behalf of small businesses. If the only rights small businesses are entitled to are listed in House Resolution 22, I feel sorry for all small businesses; because for all small businesses give to this country, this bill gives them nothing in return.

Small businesses, including minority- and women-owned businesses, are the backbone of this country, and most especially to my State of Texas. Where are the small businesses rights to, one, participation in the Federal marketplace; two, assistance from the government's lending programs which account for 40 percent of all long-term small business financing; three, targeted tax relief similar to that provided to the big corporations; and, four, strong technical assistance from the Federal Government that deals with issues faced by small businesses; and, five, protection from contract bundling, combining two and three contracts together to eliminate small businesses competition?

These are challenges and there are many challenges facing small businesses as they attempt to gain a foothold in this Federal marketplace.

We should be about the business of ensuring full and fair access for small firms. We should be about helping them overcome the obstacles in their way instead of coming up with the blank checks under the guise of giving them rights that large companies are afforded.

Vote against this rule. Vote against this bill, because it does nothing to allow for rights that small business need or the opportunities. Amendments

to correct all this were attempted in the Committee on Rules but denied. So I would say go and fix it or defeat it.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, I urge Members to vote ''no'' on the previous question so we can change this rule to include three very important Democratic amendments that were not allowed by the Committee on Rules last night. In fact, two of the amendments, one offered by my colleagues, the gentleman from Georgia (Mr. BARROW) and the gentlewoman from Wisconsin (Ms. MOORE), related to the rights of minority business owners. Another offered by the gentlewoman from California (Ms. LINDA SÁNCHEZ) relating to expanding the microloan program was denied not only in the Committee on Rules but in the Committee on Small Business as well.

The third amendment denied by the Committee on Rules, offered by the gentlewoman from Illinois (Ms. BEAN), would have put the House on record in support of the 7(a) loan program.

Mr. Speaker, this should not be about partisan politics. It is about fairness. It is bad enough that most Democratic amendments are blocked from floor considerations around here; now the Republican leadership does not even want them considered in the committees of original jurisdiction. I am very disturbed by the pattern of abuse that seems to be spreading in this House, first on the House floor and now in the committee process as well. This must stop.

Vote ''no'' on the previous question so we can include these three thoughtful amendments. I want to make it very clear, that a ''no'' vote will not stop us from considering this legislation; however, a ''yes'' vote will block these amendments from any type of congressional action in the House.

Mr. Speaker, I ask unanimous consent to insert the text of the amendments immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

This resolution outlines the areas that the 109th Congress needs to highlight for all small businesses.

In previous Congresses we have initiated many areas of small business in terms of trying to help them grow and flourish where they are employing so many Americans. They are the very engine of our Nation's economy and it is time that we start acting on legislation to help them continue to do so.

I thank the gentleman from Florida for bringing the measure to the floor. I urge a ''yes'' vote on the rule and the underlying resolution.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES. 235 H. RES. 22—EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights. The amendments to the resolution and the preamble recommended by the Committee on Small Business now printed in the resolution are considered as adopted. The previous question shall be considered as ordered on the resolution and preamble, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business; (2) the amendments printed in section 2, if offered by the Member designated or a designee, each of which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit, which may not contain instructions.

SEC. 2. The amendments referred to the first section of this resolution are as follows:

(1) Amendment by Representative Barrow of Georgia or Representative Moore of Wisconsin.

AMENDMENT TO H. RES. 22, AS REPORTED

OFFERED BY MR. BARROW OF GEORGIA AND MS. MOORE OF WISCONSIN

Page 6, after line 7, insert the following:

(8) Minority business owners have the right to participate fully in the Federal marketplace and to receive the ''maximum practicable opportunity'' promised them under section 8 of the Small Business Act (15 U.S.C. 637). To accomplish this, programs aimed at minority business development must be modernized, adequately funded, and supported by the Small Business Administration. This will ensure that the Nation's minority entrepreneurs receive the support they need and rightfully deserve, allowing them to serve as an important catalyst to the economy.

In the fourteenth whereas clause, strike ''and'' at the end.

After the fourteenth whereas clause, insert the following:

Whereas a business ownership divide exists in this country. Despite the fact that people of color represent 32 percent of the United States population, these individuals own only 15 percent of businesses. These same barriers exist for minority-owned companies attempting to access the Federal marketplace. Today, fewer than 5 percent of Government contracts go to minority businesses. This is due, in large part, to a lack of support by Federal officials for key minority business development programs designed to assist this segment of the business population. Programs once embraced by agencies and administrations have stagnated and been allowed to deteriorate without legislative improvements for nearly 20 years, leaving minority business owners without the assistance they need to reach their full potential; and

(2) Amendment by Representative Sánchez.

AMENDMENT TO H. RES. 22, AS REPORTED

OFFERED BY MS. LINDA T. SÁNCHEZ OF CALIFORNIA

In the fourteenth whereas clause, strike ''and'' at the end.

After the fourteenth whereas clause, insert the following:

Whereas traditional lenders do not make loans to many of the Nation's low-income entrepreneurs, which creates a gap in the capital markets; and

Page 6, after line 7, insert the following:

(8) The right to a strengthened and expanded microloan program under section 7(m) of the Small business Act (15 U.S.C. 636(m)), which will ensure that low-income small businesses can contribute to the economic development of local communities.

(3) Amendment by Representative Bean of Illinois.

AMENDMENT TO H. RES. 22, AS REPORTED

OFFERED BY MS. BEAN OF ILLINOIS

Page 6, line 3, insert before the period, ''which would be accomplished by restoring funding for the loan program under section 7(a) of the Small Business Act (15 U.S.C. 636(a))''.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1636

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1636.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 748, CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 236 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 236

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes. The first reading of the bill

shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a structured rule providing for consideration of H.R. 748, the Child Interstate Abortion Notification Act. The rule waives all points of order against consideration of the bill, it provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, shall be considered as an original bill for the purpose of an amendment.

It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution; it provides that the amendments printed in the report may be offered only in the order printed in the report; may be offered only by a Member designated in the report; shall be considered as read; shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; it shall not be subject to an amendment and shall not be subject to a demand for the division of the question in the House or in the committee of the whole. It waives all points of order against the amendments printed in the report, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I would like to take this opportunity to recognize and to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her dedication and leadership, not only on this bill, but also on all matters concerning the well-being and defense of our children. She truly has made this fight her own and I would like to applaud her for her hard work.

Mr. Speaker, I fear that the opponents of this bill will demagogue it as an assault on a woman's right to choose, but this bill has absolutely nothing, let me repeat, nothing to do with a woman's right to choose. Rather, this bill ensures that no minor is deprived of any protection according to not only her but also her parents under the laws of her State.

H.R. 748 is a commonsense bill that will prohibit the transportation of a minor across the State line to obtain an abortion when the child's home State requires parental consent. This bill makes an exception in those extremely rare cases in which the abortion is medically necessary to save the life of the minor. Also, this bill makes another exception allowing for judicial bypass.

This bill also affirms the responsibility of a physician prior to performing an abortion on a minor from another State to make sure that they are acting in accordance with the laws of her State.

Having practiced as an OB–GYN for nearly 30 years, I am uniquely qualified to discuss the medical and legal obligations of a physician to his or her patient. And this law not only ensures the protection of minors but it also clarifies the responsibility of the physician to make sure that he or she is not inappropriately performing an abortion on a minor without the legally mandated consent of her parents.

This bill also affirms the principles of federalism and it prevents the circumvention and violation of laws passed by State legislatures. Over 30 States have passed parental notification laws, Mr. Speaker. In fact, in my home State of Georgia, the legislature just recently passed a new abortion notification law in an overwhelming and bipartisan fashion, and this Congress has the responsibility to defend that federalism and the integrity of State laws in interstate matters.

Mr. Speaker, while I can address this issue both as a Member of Congress and as a medical physician who has delivered a lot of precious infants, I can also talk about this issue as a father. My wife and I had four children. Three of them are now grown women and two of them have children of their own. However, I knew that when they were still young children, minors, I not only had a moral obligation that I proudly still bear to this day, but also a legal obligation to defend them and their well-being against any and every potential and imminent danger.

Mr. Speaker, this legislation recognizes this fundamental bond between parents and child and it recognizes the obligation of a parent to be involved and to assist in making important decisions affecting both the life and the health of a minor. Children cannot even be given aspirin at school without their parents' permission, so I cannot comprehend how anyone could possibly justify that administering an abortion is less traumatic or potentially dangerous than taking an aspirin. Yet, Mr. Speaker, that is exactly what the opponents of this bill are saying through their opposition to H.R. 748.

□ 1200

During this debate, I encourage my colleagues to remain focused on the matter at hand and remember that this legislation seeks to uphold the legislatively guaranteed rights of parents and their minor children. Let us not allow this debate to be bogged down with the same tired rhetoric about a woman's right to choose.

I ask my colleagues to support the rule and the underlying bill for final passage.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after being brought to task by the American people for meddling in the personal and private life decisions of an American family during the Schiavo tragedy, you would think that the majority in this Congress would have learned. You would think that they would have learned that the people of the country do not want the government intruding into the lives of American families; but they have not learned, Mr. Speaker, because here we go again.

This bill is another invasion into the private lives of American families making the decisions for themselves, and it is an invasion into the legal rights afforded all women in this country. I am talking about the legal right for women to choose, which is protected by the Constitution of the United States.

We have a duty in this body to consider legislation which will maximize our freedom and equality, values which are the very fabric of our society. Our job here is to protect the legal rights of those we serve and not to take them away, and I urge a ''no'' vote on this bill.

A report was just recently released that shows that there are more Americans incarcerated than in any other country in the United States. This bill will add Granny and Granddad and the clergy and an occasional cab driver, this is how far this bill goes; but I want to talk for a minute about another abuse which has occurred in this Chamber, a personal affront to three of our colleagues.

The Committee on Rules discovered yesterday that the Committee on the Judiciary report on this very bill, which was offered by the majority staff, contained amendment summaries which had been rewritten by the committee staff for the sole purpose of distorting the intent of the authors.

This committee report took the liberty to mischaracterize and to falsify the intent of several amendments offered in committee by Democrat Members of this body.

At least five amendments of this bill which were designed to protect the rights of family members and innocent bystanders from prosecution under the bill were rewritten as amendments designed instead to protect sexual predators from prosecution and were then included in the committee report as if that was the actual intent of the amendment.

No Member of Congress on either side of the aisle would do such a despicable thing as attempt to protect sexual predators, and these amendments were no more about sexual predators than they were about terrorists or arsonists or any other criminal class in our society. No one was attempting to protect them.

Indeed, what they were trying to do was produce amendments which apparently the fact of writing an amendment was offensive. The amendments were about the rights of the grandmothers and siblings and clergy and the cab drivers, and I asked the chairman of the committee about this deception yesterday at the Committee on Rules hearing.

Instead of decrying what I certainly expected would be revealed as a mistake by an overzealous staffer, the chairman stood by the authored amendment descriptions, to my great surprise. I have known the gentleman from Wisconsin (Mr. SENSENBRENNER) since I first arrived in Congress, and I did not believe that he would allow such a thing to happen and particularly not in the Committee on the Judiciary, but he made it very clear to us that the alterations to the Members' amendments were deliberate.

When pressed as to why his committee staff took such unprecedented action, the chairman immediately offered up his own anger over the manner in which Democrats had chosen to debate and oppose the unfortunate piece of legislation we have before us today. In fact, he said, ''You don't like what we wrote about your amendments, and we don't like what you said about our bill.''

To falsely rewrite the intent of an amendment submitted by another Member, to intentionally distort its description as being designed to protect sexual predators is no different than accusing a fellow Member of Congress of being an apologist for sexual predators themselves.

That is, in effect, what the chairman of the Committee on the Judiciary has done here, and he has ensured that these amendment descriptions will be encapsulated in the RECORD for all time by including those unfair and incorrect amendment summaries in the committee report. He has mischaracterized these Members forever.

This is a new low for this Chamber, Mr. Speaker. This is a clearly dishonest and unethical attack on the credibility and character of other Members; and sadly, it is just the latest in a pattern of unethical and abusive tactics employed by this majority.

How incredibly arrogant it is that they believe they have the right to tamper with official congressional documents for their own political purposes. How unbelievably arrogant is the leadership of this Congress that they would force their own political interpretation of another Member's work upon this body and upon American people in perpetuity in an official committee report.

The majority's actions are not only an affront to the Members in the House but an affront to the American people.

There is no question that we can debate and disagree over the impact the bill can have. We can argue over how well it has been written or what language it should include to be more effective; but regardless of the way the debate turns out, the caption on the top of that bill or amendment serves to instruct the American people as to what the original intent of the legislation was.

It serves as an unbiased reading on what the amendment aims to accomplish. To falsify and rewrite that description as a political attack is not only unprecedented; it is fundamentally dishonest and an abuse of the power given to the majority by the American people and their votes.

I have no doubts, Mr. Speaker, no doubts that unless this CONGRESSIONAL RECORD is amended to reflect the true captions of these amendments, we will see these erroneous captions again in the form of campaign attack mail pieces. In fact, when pressed last night in the Committee on Rules to have the record amended to reflect the honest and accurate captions that belong on the amendments, we were defeated on a party-line vote.

So now, these honorable and hardworking Members of Congress will be forever branded in the official record as having offered amendments designed to protect sexual predators when nothing, nothing could be further from the truth.

Mr. Speaker, I have often heard the chairman of the Committee on Rules, as well as other Members of the leadership, talk about the loss of civility in this Chamber. How can we be civil under this attack? Is this a disguised attack to say to the Democrat Members of the House, if you have the effrontery to offer an amendment on a bill of ours, we will destroy you in the committee report? Have they reached that low?

Perhaps they have; but if we are going to regain lost civility, they do not need to look any further than the abusive, unethical, and arrogant administration of this House of Representatives and this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to take a few moments to address some of the concerns articulated by my colleague on the Committee on Rules. The other side of the aisle has been concerned about how some of the amendments they offered during the Committee on the Judiciary markup have been characterized in the committee report.

Mr. Speaker, this is a question of intent versus effect. During the Committee on the Judiciary markup, there were several amendments offered that would have exempted certain individuals from prosecution under this bill. My colleagues on the other side of the aisle say that they did not intend for sexual predators to be exempt from prosecution. I believe them. I would hope it will never be the intent of anyone in this body to in any way inadvertently or otherwise assist in doing harm to a child to offer protection to those who would.

But, Mr. Speaker, this is where the effect of the amendments come to bear. The effect of the amendments would have been to exempt individual classes of people from prosecution. If a case arose where the sexual predator qualified under one of these classes of individuals, that person could not be prosecuted under this bill. This effect is simply unacceptable.

The minority side argues that their intent, not the effect, should be the language used in the report submitted by the Committee on the Judiciary. However, it is the responsibility, in fact it is the charged duty, of the Committee on the Judiciary chairman to write and file the report. It is the prerogative of the chairman to write the report as he sees fit.

On the other side, the minority has ample opportunity to take up any issue they choose in the dissenting views of the report. In this instance, the dissenting views of the minority are found on pages 121 to 133 of House Report 109–51.

If the minority wants their interpretation of the intent or even effect of an amendment to be in the report, it is wholly appropriate for them to articulate those views in their dissenting views. In fact, this is just exactly what they did.

So on the one hand, we have the chairman stating his understanding of the effect of these amendments; and on the other hand, we have the minority stating their intent. Both the minority and majority positions are stated clearly in the committee report.

It seems to me that both the majority and minority used the committee

report to fairly and appropriately state their views. No one was shut out from the opportunity to voice an opinion in this committee report.

Mr. Speaker, I believe both sides of the aisle used the committee report to discuss their efforts on this legislation, and we should not cloud the merit of this legislation because the other side does not like how the effect of their amendments was characterized.

Mr. Speaker, for further clarification, I would like to yield for as much time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I would like to take issue with the characterizations that the distinguished gentlewoman from New York has made about the committee report and about my actions in two respects.

First of all, every committee report that is filed in the House of Representatives does allow the people who disagreed with the legislation to file dissenting views; and those who did support the legislation can file additional views, all of which are printed in the committee report.

The majority has the responsibility in the committee report to articulate the arguments in favor of the bill because the committee report represents the views of those who voted in favor of the legislation at the committee level.

The amendments that were offered and which are the text, or the description, at issue here in this debate today were all offered by members of the Committee on the Judiciary who oppose the bill. They were all defeated by a majority vote in the committee; and my committee, perhaps in a minority in the Congress, does print the entire text of our committee markups in committee reports. The text of the debate in the markup and the text of the amendments are contained in pages 58 through 120 of House Report 109–51 inclusive.

Now, what the gentlewoman from New York is complaining about is the majority's arguments in favor of the bill and against the amendments which were defeated. To attempt to have those who voted against the bill rewrite the arguments that are in favor of the bill contained in the committee report is just as wrong as those who voted in favor of the bill attempting to rewrite the dissenting views which are appended to the committee report and represent the views of those who voted against the bill.

Second point: it is against the rules of the House of Representatives to impugn the motives of another Member. So the intent of the authors of the amendments that were defeated in the committee and which were described in the committee report is out of bounds. It cannot be done on the floor. It cannot be done in committee reports. So all that can be done in terms of the debate is to look at what the effect of the amendments was.

Perhaps these amendments were not properly drafted by the authors when they were submitted in the committee because they did not contain a specific carve-out of the exemptions that were proposed for the various classes of people that were proposed to be exempted in the amendment. This is not the fault of the majority. That is the fault of the people who drafted the amendments; and because the amendments were not tightly enough drafted, they did not contain a carve-out of the exemptions for sexual predators. That is what we pointed out in the committee report.

It is not the fault of the majority of the Committee on the Judiciary or me as chairman in filing this report to gloss over a defect that did allow exemptions for sexual predators. The minority has the chance in their dissenting views to dispute the conclusion that had been reached in describing what the amendments were. They chose not to do so.

So the committee report and the headers on the amendments accurately reflect the fact that those who authored the amendment did not choose to carve out an exemption for sexual predators in the effect of the amendment in the clear text of the amendment that was submitted.

I rest my case.

□ 1215

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. NADLER), one of those maligned.

Mr. NADLER. Mr. Speaker, it is very difficult to keep my temper when I listen to the sophistry of the distinguished, and I use that word advisedly because of protocol only, Chairman.

First of all, it is not true that the minority had a chance to see these comments. The distinguished chairman is very well aware that we do not see the majority views of the committee until after we hand in the minority views of the committee, the dissenting views, until in fact they are published. The majority sees the dissenting views. We never see the majority views. We have no opportunity to reply, number one.

Number two. The distinguished chairman says, and the other gentleman said that the question is intent versus effect; that it may have been my intent to deal with grandparents and clergy members, but in fact it might have led to a sexual predator being able to take advantage of the amendment. That would be fair comment in a debate. That would be fair comment in the body of the views, if they said in the majority views we oppose this amendment because under certain circumstances it might be used to the advantage of a sexual predator. And to that we could reply and say, no, they are wrong because, in the minority views. But that is not what we are discussing. We are not discussing an exchange of views. We are discussing how the amendment is reported in a one-sentence summary of the amendment without any views.

The amendment, and here the report simply lies about all five Democratic amendments. In reporting the amendment, the first amendment, which reads in its entirety, the actual text of the amendment offered by me was: ''The prohibition of subsection 8 does not apply with respect to conduct by a grandparent or adult sibling of the minor.''

In the 107th Congress House Judiciary Report on the same amendment it was reported as follows: ''An amendment was offered by Mr. Nadler prohibiting H.R. 476 from applying with respect to conduct by a grandparent or adult sibling of the minor.'' That is exactly right. In fact, that is how the amendment, which was made in order for the floor, was reported by the Committee on Rules.

What does this dishonest committee report say? ''Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor.'' I find it strange in the entire debate, and I give the chairman credit for including the transcript of the debate in the committee report, but if you actually turn to the debate and look at the transcript, no one raised the question of the application of this amendment to sexual predators. No member of the majority, no member of the minority. It did not occur to anybody.

Now, maybe it should have occurred to somebody. Maybe the views are valid that this amendment could be used that way. Maybe not. That is a matter of opinion. But that is not what this amendment says. What this amendment says is that these prohibitions shall not apply with respect to conduct by a grandparent or an adult sibling of the minor, period. That is the only honest way to report this amendment.

Second amendment. The second amendment which I offered said that where there is reason to believe that the judicial bypass system in a State is not real, that the local judges are bypassed or whatever, the person can go to Federal court and ask for a Federal judicial bypass. Now, you can agree or disagree with the implications of that amendment, but the proper description of that amendment is to provide a Federal judicial bypass where there is evidence that the local judicial bypass is not available.

It is described on page 45 of the committee report as: ''Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill.'' Now, it is a judicial bypass of getting an abortion. It has nothing to do with conviction, number one. Number two, this does not even mention judicial bypass. It is entirely dishonest. And, again, in the entire debate in the

committee over this amendment, nobody mentioned the word sexual predators. The first we hear of sexual predators in connection with these amendments is when we are told, when we see the committee report in print that I offered an amendment to protect sexual predators. How dishonest. How disingenuous of an argument that we hear on this floor and in the Committee on Rules last night that these are matters of opinion; that the amendments might be used.

You know, this bill, never mind the amendment, this bill has a provision in it that says that the parents of a minor transported across State lines to get an abortion can sue the person who transported them, can sue the doctor who performs an abortion. Okay, you can debate that provision on the merits, pro and con. But did you stop to think what if the father raped the daughter, committing incest in doing so? Two crimes, rape and incest, and caused the pregnancy that she is now trying to abort. Under this bill, he profits from his wrongdoing. He now, because he raped the daughter and caused the pregnancy, he can now because of this bill go and sue the doctor or the boyfriend or the clergyman or the grandmother who transported her to get the abortion.

Well, that is a defect in the bill. It was not drafted properly. I doubt that that was the intent. And maybe it was the intent, maybe it was not. We can debate that. Would it be fair for a news report or an official report of this Congress to call this entire bill the Rapists and Sexual Predators Right to Sue Act? That is what this bill is, it is the Sexual Predators Right to Sue Act. And if the Democrats were in the majority and the Committee on Rules reported a rule saying we will now consider the Sexual Predators Right to Sue Act, I think the gentleman from Wisconsin (Mr. SENSENBRENNER) would say that is a disgusting misuse of power.

This was a disgusting misuse of power. It is a rape of the rules of this House and it must be corrected.

Mr. GINGREY. Mr. Speaker, it gives me great pleasure to yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the author of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I want to thank my wonderful friend, the gentleman from Georgia (Mr. GINGREY) for yielding me this time and for managing the bill and allowing us to focus once again on the bill and the rule.

I want to thank the distinguished, the very distinguished gentleman who is the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the gentleman from Ohio (Mr. CHABOT), who has been a champion of this bill, and it was in his subcommittee where it was first heard.

I am so proud to stand here in favor of House Resolution 748, the Child Interstate Abortion Notification Act. This bill will incorporate all of the provisions previously contained in the previous legislation that we had filed, the Child Custody Protection Act, making it a Federal offense to transport a minor across State lines to circumvent that State's abortion parental notification laws.

In addition, this year's bill will require that in a State without a parental notification requirement, abortion providers are required to notify a parent. It will protect minors from exploitation from the abortion industry, it will promote strong family ties, and it will help foster respect for State laws. Similar but not identical legislation has had the support of the overwhelming majority of the Members of Congress who have voted in favor of it, not only in 1998 and in 1999, but also in 2002.

I am extremely hopeful that this commonsense pro-family legislation will pass both the House, the Senate, and will be signed into law by our President. As the mother of two teenage daughters, I believe this bill would protect my girls, and I encourage my colleagues to vote in favor of the rule and support this commonsense legislation on a concept that is supported by the majority of Americans. I believe that it is a bill that pro-choice advocates can support.

Ms. SLAUGHTER. Mr. Speaker, I want to yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), who was also maligned in the report.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, let me speak briefly about the distortion in the description of my amendment in the committee report. First, the suggestion, as the gentleman from New York has indicated, the suggestion that we had an opportunity to respond to the majority report is just not accurate. Perhaps we need to change the rules in light of this distortion, but the dissenting views explain our opposition to the bill, and we do not see the majority report prior to the submission of the dissenting views. Therefore, we had no way of knowing that such distortions would be part of the committee report.

Mr. Speaker, the underlying bill makes it illegal to transport a minor across State lines for the purpose of getting an abortion. Let me read my amendment. ''The prohibitions of this section do not apply with respect to conduct by taxicab drivers, bus drivers, nurses, medical providers, or others in the business of professional transport.'' It was described in the report as saying: ''Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport.''

Let me just say that if a person is known to be a sexual predator, the last thing a prosecutor would have done would be to say, aha, we have him for transporting a minor across State lines as a taxicab driver, and we can get him for a misdemeanor; when, obviously, if they can show that he is a sexual predator, they have many felonies they could prosecute him for. But my view on the description and the distortion of this amendment is that it says more about the character of the persons responsible for describing the amendment that way, or for those trying to defend the distortion, than it does about the amendment.

I would point out that the Committee on Rules changed the description from the distortion in the committee report and described it as follows: ''Amendment immunizes taxicab drivers, bus drivers, and others in the business of professional transport; doctors and nurses and others, medical providers or their staff, from the transportation provision of the bill.'' A description of what the amendment says, a clarification of the distortion, but again, Mr. Speaker, it just says more about the character of the people who wrote that distortion than it does about the amendment.

I would hope that we would adopt an amendment to the rules that would require the Committee on Rules to eliminate that distortion so that the public will be accurately informed as to what is in the bill and the amendments.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume. The gentleman from New York had said that the issue of sexual abuse never came up in the committee hearing. If you look at page 84.

Mr. NADLER. I never said that. I said it did not come up with respect to my amendments.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Georgia controls the time.

Mr. GINGREY. Mr. Speaker, I stand corrected in regard to his amendments, but in regard to a number of these other amendments, let me quote from the committee report on page 84. This is the gentleman from Ohio (Mr. CHABOT) speaking. ''This amendment would allow abusers potentially to get off scot-free and doom the victims of sexual abuse to even more abuse. If the girl is afraid to tell her parents of the abortion for fear of past or future sexual abuse, she may utilize the judicial bypass process which is available in her State.''

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, a woman from my district came to Washington last month to tell Congress about how her daughter was taken to New Jersey for an abortion without her knowledge and she said, ''On February 16th, I sent my daughter to her bus stop with $2 of lunch money. I thought she was safe at school. She and her boyfriend had a prenatal class scheduled after school.''

So the mom knew about the 14-year-old daughter's pregnancy. Her daughter had chosen to keep the baby and was attending prenatal classes.

The mom continues, ''However, what really happened was that boyfriend and his family met with her down the road from the bus stop, called a taxi, they put the children on a train from Lancaster to Philadelphia. From there they took two subways to New Jersey. That is where his family met the children and took them to the abortion clinic. When my daughter started to cry and have second thoughts, they told her that they would leave her in New Jersey. They planned, paid for, coerced, harassed and threatened her into having the abortion. They left her alone during the abortion and went to eat lunch.''

From this incident let us be clear on what the law allows. A 14-year-old girl tells her mom she is pregnant. Mom says she will support her in whatever choice she makes. The daughter chooses to have the baby and begins to prepare for delivery, even chooses the names. Boyfriend's family bullies the girl into having an abortion and sends her to New Jersey. All this time the mother thinks she is sending her daughter to school. Instead, the boyfriend's family dropped this young girl in tears off at an abortion clinic and then went to eat lunch. Her unborn baby is killed and she is in counseling to this day.

□ 1230

Mr. Speaker, this bill would correct this problem. It would protect our children. No parent should be kept in the dark when it comes to a medical issue regarding their children. I urge support for the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a Member maligned in the report.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am outraged by the incident that the last speaker mentioned. I do not know why there seems to be the ignoring of the obvious. The amendments that Democrats offered in the committee had nothing to do with their compassion and lack thereof. In fact, it was to enhance and give a broader opportunity for a tragedy that occurred like that, which is really people with no feelings and no heart. Those are not relatives of that young woman. That was not her parent. That was almost a criminal act. That has nothing to do with the point that the Democrats were trying to make, which is give the opportunity for a greater latitude of those who can counsel and comfort this young woman.

I do not know where the parent was in this instance, but maybe if a grandparent or a godparent was there or a clergy was there, this terrible tragedy that occurred with people who were not her relatives might have been avoided.

So this distorted debate on the floor of the House mischaracterizes many of those who raise these very issues in the Committee on the Judiciary.

So I not only stand outraged for the tragedy that was just articulated by the previous speaker, a child forced to get on abortion, on the floor by the other side of the aisle, but I am equally outraged at the misconstruing of the amendment offered in the Judiciary Committee suggesting that they exempted child predators. The process that the Committee on the Judiciary Committee has used, and my friends on the other side of the aisle have used deserve absolute disregard, and that is to distort, misquote, ''miswrite'', abuse and mischaracterize the amendments that were offered by a number of members of the Committee on the Judiciary. Mine happened to be one. We did not offer amendments to protect child predator rather our amendments offered a safety net to that minor child.

I thank the gentlewoman from New York (Ms. SLAUGHTER); I thank the ranking member, not only for her passion but also her articulation of the long-standing damage. We are Americans, too, and we are also human beings. The Republican staff well knows that somebody somewhere, and forget about an election, but people who you go home to your district, to be able to hold this document up and say that SHEILA JACKSON-LEE deals with child predators, how dare you do that. It is an outrage. The only issue my amendment dealt with was to give the minor child more protection.

The only thing that I think is appropriate is for the chairman of the full committee to exercise some sort of comity and collegiality to remove this abusive language.

First of all, the specifics of my amendment says that I offered an amendment that would have exempted sexual predators from prosecution under the bill. My amendment dealt specifically with allowing clergy, godparents, aunts and uncles or first cousins, minimally speaking; and then I offered a GAO study. The description in the report language also says I have a GAO study dealing with clergy and godparents. This is an abuse of power and incorrect. And I know this is inside the ballpark, but it also says if you have the votes for this legislation, win fair and square. Do not win by maligning colleagues and defeating the purpose of the rules of this House. Vote this rule down.

Mr. Speaker, I rise in opposition to the restrictive H. Res. 236, the rule governing the debate over H.R. 748, the Child Interstate Abortion Notification Act of 2005—legislation that has come to the Congress before for consideration but that did not pass because of its overwhelming contentious nature. Today is no different.

I thank my Democrat colleagues of the Committee on Rules for their efforts to move this House to bring decorum and professionalism to the committee process. The report as to amendments offered by Mr. SCOTT, Mr. NADLER, and me was materially inaccurate to the point of being offensive.

My amendment, in particular, made no mention of sexual predators. One can infer virtually anything about amendments until they are taken into context. In fact, one can infer a myriad of negative things from what is not included in the base legislation. The report was, frankly, ludicrous as to this matter. We must take it upon ourselves to accurately interpret our colleagues' amendments; lest we turn ourselves into a body of mud-slinging, vindictive individuals.

As Chair of the Children's Caucus, the report has risen to an inflammatory inference that must be corrected because justice requires it. However, one thing about this debate is different. The manner in which our committee colleagues have elected to report out the amendments that were offered by Mr. SCOTT, Mr. NADLER, and me has morphed from the simple reiteration of the precise idea of the amendment two years ago when we last debated this to an abomination that insinuates that our amendments would protect sexual predators. As my colleague and partner in offering the amendment I will present today stated before the Committee on Rules, our committee colleagues have behaved in an unfair manner and have made a clear partisan attack when the lives of minor females are at stake.

H. Res. 236, while ruling the amendments of Mr. SCOTT and of Mr. NADLER and me in order, unreasonably restricts the debate on the highly controversial base bill. The Child Interstate Abortion Notification Act (CIANA), while good in its intention, was written with several areas of vagueness, overly punitive nature, and constitutional violations that very much deserve debate in order to save lives and to obviate the need for piles upon piles of legal pleadings.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My state, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follows old provisions of the ''Child Custody Protection Act'' which make it a federal crime for an adult to accompany a minor across state lines for abortion services if a woman comes from a state with a strict parental-involvement mandate. There are 10 states (CO, DE, IA, ME, MD, NC, OH, SC, WI, WV) that are ''non-compliant,'' or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 states (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case. The base bill, if passed, would take away the States' rights to make their own determination as to legislating the abortion issue for minors with respect to parental notification.

My amendment to the Child Interstate Abortion Notification Act, would change the prohibitions to exempt grandparents of the minor or clergy persons. This must be done because some minors want the counsel of a responsible adult, and are unable to turn to their parents. In Idaho, a 13-year-old girl named Spring Adams was shot to death by her father after he learned that she planned to terminate a pregnancy caused by his acts of incest. This is an exact situation where the help of a grandparent or clergy would have been more helpful. Spring Adams may still be with us

today if she could have found someone more compassionate and caring to confide in.

H.R. 748, as drafted, will not improve family communication or help young women facing crisis pregnancies. We all hope that loving parents will be involved when their daughter faces a crisis pregnancy. Every parent hopes that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women do turn to their parents when they are considering an abortion. One study found that 61 percent of parents in states without mandatory parental consent or notice laws knew of their daughter's pregnancy.

Unfortunately, some young women cannot involve their parents because they come from homes where physical violence or emotional abuse is prevalent or because their pregnancies are the result of incest. In these situations, the government cannot force healthy family communication where it does not already exist—and attempts to do so can have tragic consequences for some girls.

Major medical associations—including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association—all have longstanding policies opposing mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. These physicians see young ladies on a daily basis and hear their stories. They would not protest this law unless they felt there were severe stakes.

CIANA criminalizes caring adults—including grandparents of the minor, who attempt to assist young women facing crisis pregnancies. In one study, 93 percent of minors who did not involve a parent in their decision to obtain an abortion were still accompanied by someone to the doctor's office. If CIANA becomes law, a person could be prosecuted for accompanying a minor to a neighboring state, even if that person does not intend, or even know, that the parental-involvement law of the state of residence has not been followed. Although legal abortion is very safe, it is typically advisable to accompany any patient undergoing even minor surgery. Without the Jackson Lee-Nadler Amendment, a grandmother could be subject to criminal charges for accompanying her granddaughter to an out-of-state facility—even if the facility was the closest to the young woman's home and they were not attempting to evade a parental involvement law.

In a statement given by Dr. Warren Seigel, a member of the Physician for Reproductive Choice and Health, to the House Judiciary Subcommittee on the Constitution, he says, "I recognize that parents ideally should be—and usually are—involved in health decisions regarding their children. However, the Child Interstate Abortion Notification Act does nothing to promote such communication. Instead, CIANA places incredible burdens on both young women and physicians; infringes on the rights of adolescents to health care that does not violate their safety and health; makes caring family, friends and doctors criminals; and could be detrimental to the health and emotional well-being of all patients."

Although this legislation is supposedly aimed at increasing parent-child communication, the government cannot mandate healthy families and, indeed, it is dangerous to attempt to do so. Research has shown that the overwhelming majority of adolescents already tell their parents before receiving an abortion. In fact, the younger the woman is, the more likely she is to tell her parent. The American Academy of Pediatrics, a national medical organization representing the 60,000 physician leaders in pediatric medicine—of which I am a member and leader—has adopted the following statement regarding mandatory parental notification:

> Adolescents should be strongly encouraged to involve their parents and other trusted adults in decisions regarding pregnancy termination, and the majority of them voluntarily do so. Legislation mandating parental involvement does not achieve the intended benefit of promoting family communication, but it does increase the risk of harm to the adolescent by delaying access to appropriate medical care.

It is important to consider why some young women cannot inform their parents. The threat of physical or emotional abuse upon disclosure of the pregnancy to their parents or a pregnancy that is the result of incest make it impossible for these adolescents to inform their parents. My amendment would allow other trusted adults to be a part of this process. Support the Jackson Lee-Nadler amendment.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise today in support of H.R. 748 and the rule that we have in front of us this afternoon. I commend the sponsor of the legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for introducing this legislation, legislation of which I am a proud cosponsor.

Mr. Speaker, I find it unacceptable that under the current law any person in this country can take a pregnant minor to another State for the purpose of having an abortion without parents' knowledge and/or consent.

As the father of a teenage daughter myself, it is a frightening scenario. I am particularly happy to see that this bill will require abortion providers to inform a minor's parent or legal guardian within 24 hours before carrying out an abortion procedure.

Parental notification is not a new idea. I have three children, and my wife and I have to sign a parental consent form when our children go on a field trip. But what we are talking about today is the most serious of subjects, and I strongly believe no parent should find out after the fact that such a procedure has been performed on their child.

When it comes to such a serious medical procedure being performed on a minor, we cannot leave that notification up to a scared child. Every parent or legal guardian has a right to know, and this legislation ensures that right. I urge my colleagues to support the rule on H.R. 748 which ensures that right.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in opposition to this rule and to H.R. 748, the Child Interstate Abortion Notification Act. It would be more aptly called the Teenage Abandonment Act because that is what this bill does. It abandons our teenage children.

When I was a school nurse, I was privileged to administer a school-based program for teen parents and pregnant teenagers, helping them to stay in school and support their children. What I saw firsthand was that for these young women, the discovery that they were pregnant presented them with the hardest choices they would ever face. They needed the help of adults to sort through the issues surrounding their pregnancy, but this bill makes sure that many pregnant teenagers will be all alone as they face this problem.

Ideally, of course, a pregnant teenager will turn to parents for advice and support. Believe me, those who can and are able, they do. But we do not live in an ideal world. Sadly, not all parents are good. Some parents are abusive; other parents are not equipped to deal with this. And in some awful situations, a parent is responsible for the daughter's pregnancy.

In these terrible conditions, it is critical that a young girl coping with severe emotional distress be able to turn to other loving adults for help and guidance: perhaps a doctor, a teacher, a clergy, or a grandparent. This bill discourages that. Judicial bypass sounds easy on paper, not in real life for a teenager. This bill cuts off other support a young woman might have. It abandons her at her time of most critical need.

Mr. Speaker, if we want to be compassionate toward young women, really compassionate, we are going to defeat this bill.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time on this extremely important issue.

I decided it was important to speak some words about it. As a State legislator for a number of years, and a lot of us here were, I understand the importance of State laws and the importance of respecting families.

I am just shocked at some of the debate I hear on the other side of the aisle opposing this legislation. The whole point here is to support the family. The whole point here is to prevent the person who may even be a sexual predator or the person who is exploiting this minor from transporting this child across a State line to obtain an abortion and basically get rid of his problem.

It is outrageous that we would not support this legislation. A minor needs parental consent to engage in sports in school, to get a tattoo or a body piercing; yet we are allowing people to take a child across State lines for an abortion.

Mr. Speaker, it is important that we pass this bill. It is important to preserve families. I believe with all my heart we are just nuts not to support this bill.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I strongly oppose this bill, and I know some people strongly support the bill. This clearly is an emotional issue. We can debate both sides of this. But I rise to express my deep regret over the report from the Committee on the Judiciary that accompanied this legislation.

Mr. Speaker, there is not a civility left in this House, and what little civility is left I want to protect. Listening to my colleagues on the other side talk about, and the way they have mischaracterized and misrepresented and, yes, maligned Democratic Members on this side, and I say maligned because if you use those words that you used to describe their amendments to describe them on this House floor, your words would be taken down.

One of the kinds of traditions or the unwritten rules of this House is when you describe the amendments offered by Republicans or Democrats, it is done so in a nonpartisan way. In the Committee on Rules, we get more amendments than any other committee in this House, and they are all described in a nonpartisan way. We would never describe anybody's amendment in this kind of a political way. If we did, there would be an outcry amongst members on that committee.

I urge my colleagues on the other side of the aisle to kind of take a step back, to correct the report, to demonstrate some civility and some rationality on this issue. Nobody deserves to have their amendments characterized the way these Members did. This is wrong, and I know deep down you know it is wrong.

It is difficult for me to sit by and watch my colleague from Georgia and the chairman of the Committee on the Judiciary, who I have great respect for, try to rationalize this. We are better than this. I would hope there could be a bipartisan consensus when it comes to descriptions of amendments in reports, we could do this in a nonpartisan way.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I rise today in support of the rule and the underlying bill, the Child Interstate Abortion Notification Act.

Mr. Speaker, eight in 10 Americans favor parental notification laws, and 44 States have recognized the important role of parents in a minor child's decision to have an abortion by enacting a parental involvement statute. Even so, many of these laws are being circumvented by people who simply transport girls across State lines to States without parental notification laws for the purpose of getting an abortion.

All too often these other adults are grown men who sexually preyed upon the young girls, and they used the abortions to cover up their crimes. CIANA returns parental rights to parents.

Despite the strong deference it gives to abortion rights, even the U.S. Supreme Court recognizes that parents' rights to control the care of their children is among the most fundamental of all liberty interests. The Supreme Court has consistently recognized that parents have a legal right to be involved in their minor daughter's decision to seek medical care, including abortion.

The court has consistently affirmed a State's right to restrict the circumstances under which a minor may obtain an abortion in ways that adult women seeking abortion are not restricted. The Supreme Court has also observed that ''the medical, emotion, and psychological consequences of an abortion are serious and can be lasting,'' and that ''it seems unlikely that a minor will obtain adequate counsel and support from an attending physician at an abortion clinic where abortions for pregnant minors frequently take place.''

The Supreme Court has also stated that ''minors often lack the experience, perspective, and judgment to recognize and avoid choices that could be detrimental to them.''

No one has the child's best interest at heart more than her parents. Minors have to have parental permission to be given an aspirin by the school nurse. Twenty-six States have laws requiring parental consent before minors can get body piercings or tattoos, and in fact some States prohibit tattooing of minor children even with parental consent. Parents must be able to play a role.

The public, State statutes, and Supreme Court precedent all support parental involvement in a minor's life decision. Please support the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

(Ms. WATERS asked and was given permission to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I rise in strong opposition to the bill and to the proposed rule for this bill.

The two amendments made in order under the proposed rule, the Scott amendment and the Jackson-Lee/Nadler amendment are very important amendments. At the same time, it is instructive to note that many of the nine Democratic amendments that were not made in order seek to protect the people most directly affected by the bill: the young girls who wish to exercise their constitutional right to end their pregnancy.

For example, I offered an amendment before the Committee on Rules to create an exception to the criminal penalties and a civil suit imposed on a person transporting a young girl across State lines in cases where the minor is a victim of incest. Because the bill lacks a judicial bypass procedure in circumstances where the Federal notification requirements apply, under this bill a young girl could be required to notify a parent who impregnated her before obtaining an abortion even though it would be inappropriate, traumatic, and potentially dangerous to require her to do so.

Mr. Speaker, if a young girl is required to notify a parent who has molested her that she is pregnant before traveling to another State to seek an abortion, I fear that some girls may seek to end their pregnancy without help, whether they do so by traveling alone to another State for the procedure, or even worse, through a self-induced or illegal back-alley abortion. However, the Republican members on the Committee on Rules refused to make this amendment in order on a party-line vote.

Mr. Speaker, the gentleman from New York (Mr. NADLER) and I also offered a commonsense amendment barring a parent who has molested his daughter and caused her to be pregnant from any relief under this bill.

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However, this too was rejected on a party-line vote.

Mr. Speaker, this bill should be considered under an open rule that would allow consideration of amendments to protect the young girls who choose to seek an abortion. In its current form, the bill gives rights to a parent who has victimized his daughter.

I urge my colleagues to reject the rule.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), who is a member of the Committee on the Judiciary and chairman of the Constitution Subcommittee.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 748, the Child Interstate Abortion Notification Act of 2005, introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN), and I want to thank her for her leadership on this.

We have passed this bill a number of times in a different form. There is one addition in this particular bill. But it is good legislation. I strongly encourage my colleagues to support it. CIANA is critical to better protecting young girls who fall prey to older men as well as ensuring fundamental parental rights, that parents have the right to be involved in the decisions of their daughters, particularly one that may have the long-term consequences of this particular decision.

CIANA builds on the Child Custody Protection Act by requiring that abortion providers provide 24 hours' notice

to one of the minor's parents, or legal guardians if necessary, prior to performing an abortion, unless one of four carefully crafted exceptions is met. As I said, young girls are increasingly falling prey to older men who do not have the minor's best interests in mind. Parents are being left out of decisions in which they can provide critical information about their child's medical history and medical conditions as well as provide appropriate follow-up care if necessary. CIANA pushes back against this trend by allowing parents to have the chance to exercise their right to be involved in what may be the most important decision of their daughter's life.

There has been, obviously, concern raised and some umbrage taken about the amendments in the committee report. I do not think we should lose track of this important legislation, what it actually does; and I think that the gentleman from Georgia (Mr. GINGREY) made a very important point, and that is that what was being pointed out was in regard to these amendments what the effects would be and how predators could take advantage of these amendments, not the intent of our colleagues on the other side of the aisle.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for her leadership on this issue and many important issues.

Mr. Speaker, what we are really talking about today is the need to prevent teen pregnancy. Let us understand that. We can disagree about this issue. But I strongly feel, as a mother of four children, two daughters and two sons, that by providing them information I am the one who can assure that they behave responsibly. I do not need to criminalize the behavior of others in trying to do my best job as a mother. So I oppose this bill.

I also oppose the rule because it did not make in order something I thought was totally obvious, and that is an amendment that I offered with the gentleman from Connecticut (Mr. SHAYS) to prevent teen pregnancy by funding programs which accomplish that. The Committee on Rules chose not to make our amendment in order. All it would have done was provide a series of criteria by which to judge teen pregnancy programs. Those that were effective in preventing teen pregnancy would get precious Federal dollars, and those that were not would not.

I would call that, given my background on the Permanent Select Committee on Intelligence, a slam-dunk amendment, but it was not to the Committee on Rules. So I oppose this rule because it shut out our opportunity to offer our amendment. We will be introducing it as a stand-alone bill and it is also part of a comprehensive bill that the gentlewoman from New York has introduced. But I would hope that this body later this year would do the right thing, and that is to put our money where our mouth is. And where our mouth is, is to reduce unwanted teen pregnancy. That is a much better answer than the thrust of this legislation we are considering here today.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that the gentlewoman from New York has 3 minutes remaining and the gentleman from Georgia has 3 minutes remaining and the right to close.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 748, the Child Interstate Abortion Notification Act of 2005, and the rule. I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for leading the charge on this important piece of legislation.

Let us talk about what this piece of legislation does. It does three things: one, it upholds the democratic process that has taken place in 44 States; it respects the rights of parents to be involved in the medical decisions for their children; and, most importantly, it protects the health of young daughters.

When someone takes their child to get their teeth cleaned, if they are underage today, they have to have a parent's permission. We should have parents involved in this very important decision in a young woman's life and protect them from those who do not have their best interests at heart.

I encourage the Members of this body to do the right thing today. Let us protect these young women and make sure that this important decision is with a parent's involvement and not with someone who does not have their best interests.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, to show the egregious nature of the misconduct engaged in by the committee report, I have here the reports from the 107th Congress, the 106th Congress, and several other Congresses on these same amendments.

In the 107th Congress, an amendment was offered prohibiting H.R. 476 from applying with respect to conduct by a grandparent or adult sibling of a minor; 106th Congress, to exempt grandparents and adult siblings of the minor from the provisions of the bill; 106th Congress, four amendments were offered en bloc by the gentlewoman from Texas (Ms. JACKSON-LEE) to exempt ministers, rabbis, pastors, priests, other religious leaders from the provisions of the bill.

In no case in these prior Congresses was the slander and libel about sexual predators mentioned. That has changed for this Congress. It has changed because of a dishonest report.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent to insert into the RECORD the reports.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

HEARINGS

The Committee's Subcommittee on the Constitution held a hearing on H.R. 476 on September 6, 2001. Testimony was received from the following witnesses: Ms. Eileen Roberts, Mothers Against Minors' Abortions, Inc.; Professor John C. Harrison, Professor of Law, University of Virginia School of Law; Rev. Katherine Ragsdale, Vicar, St. David's Episcopal Church; and Ms. Teresa S. Collett, Professor of Law, South Texas College of Law. Additional material was submitted by Honorable Ileana Ros-Lehtinen (R–FL); Mr. Laurence H. Tribe, Tyler Professor of Constitutional Law, Harvard University and Mr. Peter J. Rubin, Associate Professor of Law, Georgetown University; Bill and Karen Bell; and the Center for Reproductive Law and Policy.

COMMITTEE CONSIDERATION

On February 7, 2002, the Subcommittee on the Constitution met in open session and ordered favorably reported the bill H.R. 476, by a voice vote, a quorum being present. On March 20, 2002, the Committee met in open session and ordered favorably reported the bill H.R. 476 without amendment by a recorded vote of 19 to 6, a quorum being present.

VOTE OF THE COMMITTEE

1. An amendment was offered by Mrs. Waters to prohibit subsection (a) of the Act from applying ''if the pregnancy is the result of sexual contact with a parent or any other person who has permanent or temporary care or custody or responsibility for supervision of the minor, or by any household or family member.'' The amendment was defeated by a rollcall vote of 12 to 16.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

H.R. 476 does not authorize funding. Therefore, clause 3(c) of rule XIII of the Rules of the House is inapplicable.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 476, the following estimate and comparison prepared by the director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

HEARINGS

The Committee's Subcommittee on the Constitution held a hearing on H.R. 1218, the

''Child Custody Protection Act,'' on May 27, 1999. Testimony was received from the following witnesses: Ms. Eileen Roberts, Mothers Against Minors' Abortions, Inc.; Ms. Billie Lominick of Newbury, South Carolina; Professor Lino A. Graglia, A. Dalton Cross Professor of Law, University of Texas School of Law; Dr. Jonathon D. Klein, M.D., American Academy of Pediatrics; and Professor John C. Harrison, Professor of Law, University of Virginia School of Law. Additional material was submitted by Professor Stephen B. Presser, Raoul Berger Professor of Legal History, Northwestern University School of Law; National Right to Life Committee, Inc.; Center for Reproductive Law and Policy; National Abortion and Reproductive Rights League; and the American Civil Liberties Union.

COMMITTEE CONSIDERATION

On June 8, 1999, the Subcommittee on the Constitution met in open session and ordered reported the bill H.R. 1218, without amendment, by voice vote, a reporting quorum being present. On June 23, 1999, the Committee met in open session and ordered reported favorably the bill, H.R. 1218, without amendment, by a recorded vote of 16 to 13, a quorum being present.

VOTE OF THE COMMITTEE

1. An amendment was offered by Mr. Nadler to exempt grandparents and adult siblings of the minor from the provisions of the bill. The amendment was defeated by a 13–17 roll call vote.

2. An amendment was offered by Mr. Nadler to permit any adult who reasonably believed that compliance with state judicial bypass procedures would either ''compromise the minor's intent to maintain confidentiality with respect to her choice to terminate a pregnancy'' or would ''be futile because the judicial bypass procedure of the minor's state of residence is unavailable or ineffective,'' to obtain a waiver of the requirements of the bill from a federal district court. The amendment was defeated by a 14–17 roll call vote.

3. Four amendments were offered en bloc by Ms. Jackson Lee to exempt ministers, rabbis, pastors, priests, other religious leaders, aunts, uncles, godparents, and first cousins from the provisions of the bill. The en bloc amendment was defeated by a 14–16 roll call vote.

4. An amendment was offered by Ms. Waters to prevent the application of the bill ''with respect to an abortion where the pregnancy resulted from incest.'' The amendment was defeated by a roll call vote of 12–15.

5. An amendment was offered by Mr. Watt to require proof that the defendant acted with the intent to evade the requirements of a state parental involvement law in order to be prosecuted under the bill. The amendment was defeated by a voice vote.

6. An amendment was offered by Mr. Watt to create an exception where the abortion was necessary to prevent serious physical illness, injury, or disability. The amendment was defeated by a 11–17 roll call vote.

7. An amendment was offered by Ms. Jackson Lee to require the General Accounting Office to conduct a study of ''the impact of the number of unsafe and illegal abortions performed on minors who would be affected by this law, and report to Congress the results of that study within one year.'' The amendment was defeated by a 12–17 roll call vote.

8. An amendment was offered by Mr. Scott to exempt medical facilities, doctors, and other medical professionals from prosecution under the bill. The amendment was defeated by a 12–16 roll call vote.

9. An amendment was offered by Mr. Scott to exempt accessories after the fact, aiders and abetters, and other principals from prosecution under the bill. The amendment was defeated by a voice vote.

10. Final Passage. the motion to report the bill, H.R. 1218, favorably without amendment to the whole House. The motion was agreed to by a roll call vote of 16–13.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives, the Committee acts forth, with respect to the bill, H.R. 1218, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

HEARINGS

The Committee's Subcommittee on the Constitution held a hearing on H.R. 3682, the ''Child Custody Protection Act'' on May 21, 1998. Testimony was received from the following witnesses: Representative Ileana Ros-Lehtinen; Representative James L. Oberstar; Representative Nita Lowey; Representative Lincoln Diaz-Balart; Representative Sheila Jackson-Lee; Representative Christopher H. Smith; Ms. Joyce Farley of Dushore, Pennsylvania; Ms. Eileen Roberts, Mothers Against Minors' Abortion; Reverend Katherine Hancock Ragsdale, Episcopalian Priest; Professor Teresa Collett, Professor of Law, South Texas College of Law; Professor Stephen Presser, Raoul Berger Professor of Legal History, Northwestern University School of Law; and Mr. Robert Graci, Office of the Attorney General of Pennsylvania.

COMMITTEE CONSIDERATION

On June 11, 1998, the Subcommittee on the Constitution met in open session and ordered reported the bill H.R. 3682, as amended, by a vote of 7 to 2, a reporting quorum being present. On June 17, and June 23, 1998, the Committee met in open session and ordered reported favorably the bill, H.R. 3682 with an amendment in the nature of a substitute, by a recorded vote of 17 to 10, a quorum being present.

VOTE OF THE COMMITTEE

1. Mr. Canady offered an amendment to clarify that neither the minor girl who is being taken out of state for an abortion, nor her parents, may be subject to prosecution or civil action and to add an affirmative defense where the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that the state parental involvement law where the minor girl resides had been complied with. The amendment was agreed to by a voice vote.

2. An amendment was offered by Mr. Nadler to Mr. Canady's amendment to delete the word ''affirmative'' from the affirmative defense. The amendment was defeated by a 9–15 roll call vote.

3. An amendment was offered by Mr. Nadler to Mr. Canady's amendment to delete from the affirmative defense the provision that the defendant's reasonable belief about compliance with the state law where the minor resides must be ''based on information the defendant obtained directly from a parent of the individual or other compelling facts.'' The amendment was defeated by a 8–15 roll call vote.

4. An amendment was offered by Mr. Canady to clarify that circumventing a state's parental involvement law is an abridgement of a parent's right and to ensure that either parental notice or consent or a judicial bypass is obtained before the out-of-state abortion, according to what would have been required by the first state's law. The amendment was agreed to by a voice vote.

5. An amendment was offered by Mr. Barr to add the phrase ''in fact'' to Mr. Canady's amendment to clarify that, under the new language as amended, knowledge of violation of the state law is not an element requiring specific proof. The amendment was agreed to by a voice vote.

6. An amendment was offered by Mr. Scott to exempt the sibling of a minor from the penalty provision of this Act. The amendment was defeated by a 6–15 roll call vote.

7. An amendment was offered by Ms. Jackson-Lee that would exempt ministers, rabbis, pastors, priests, or other religious leaders from the penalty provisions of the Act. The amendment was defeated by a 5–17 roll call vote.

8. An amendment was offered by Ms. Jackson-Lee to require that one year after the enactment of this bill, GAO submit a study on the impact on the number of illegal and unsafe abortions and increased parental abuse, and report to Congress the results of that study. The amendment was defeated by a 8–4 roll call vote.

9. An amendment was offered by Mr. Conyers to create an exception to the prohibitions of this bill to the extent such prohibitions would increase ''hazards'' to the minor or place an undue burden on a minor seeking an abortion. The amendment was defeated by a 8–14 roll call vote.

10. An amendment was offered by Mr. Scott to create an exception where a minor has participated in a judicial bypass proceeding in any state court. The amendment was defeated by a 9–16 roll call vote.

11. An amendment was offered by Mr. Watt to create an exception where the abortion is necessary to prevent serious physical illness or a serious health condition. The amendment was defeated by a 11–16 roll call vote.

12. An amendment was offered by Mr. Scott to remove the ability of parents to file a civil action for violation of their rights under this bill. The amendment was defeated by a voice vote.

13. An amendment was offered by Mr. Scott to exempt from any criminal or civil liability abortion clinics and providers. The amendment was defeated by a voice vote.

14. An amendment was offered by Mr. Scott to create a health exception. The amendment was defeated by a voice vote.

15. An amendment was offered by Mr. Watt to require proof of specific intent to evade a state's parental involvement law. The amendment was defeated by a voice vote.

16. Two amendments were offered en bloc by Mr. Scott to remove the applicability of sections 2 and 3 of title 18 dealing with accessory after the fact and aiding and abetting principals under the bill. The en bloc amendment was defeated by a voice vote.

17. An amendment was offered by Mr. Frank to insert a non-severability clause. The amendment was defeated by a 5–15 roll call vote.

18. An amendment was offered by Mr. Scott to require a finding of significant federal interest and insufficiency of state laws before prosecution pursuant to this bill. The amendment was defeated by a voice vote.

19. An amendment was offered by Ms. Jackson-Lee to exclude grandparents from the prohibitions of this bill. The amendment was defeated by an 8–16 rollcall vote.

20. Two amendments were offered en bloc by Ms. Jackson-Lee to exclude aunts, uncles, and first cousins from the prohibitions of this bill. The en bloc amendment was defeated by a 9–16 rollcall vote.

21. Final Passage. Mr. Hyde moved to report the bill, H.R. 3682, favorably as amended by the amendment in the nature of a substitute to the whole House. The motion was agreed to by a rollcall vote of 17–10.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause (2)(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

First let me say that, once again, the Congress of the United States is beginning to meddle in the affairs of the American public. They tried to tell us in the Schiavo case that they did not care for it, but undeterred by that, Congress is coming back again to make decisions for the American family.

In 19 years in the House of Representatives, I have heard of no single case of any problem that this bill would attach to, and try as I might, I can find that there is no great epidemic or any outbreak of this sort of thing, of coercing young women against their will, or for any other reason; and to occupy this kind of time in Congress is appalling to me.

But I urge Members to vote ''no'' on the previous question so that I can modify the rule to require that the Committee on the Judiciary file a supplemental report to clarify the descriptions of the five Democrat amendments that were so grossly mischaracterized in the original Committee on the Judiciary report on H.R. 748. I attempted to add this language in the Committee on Rules last night, but it was defeated on a party-line vote.

Mr. Speaker, when an amendment to protect grandparents and adult siblings from being called criminals simply for helping a young granddaughter's sister is twisted beyond the pale and labled pro-sexual offender, something is terribly wrong. And when it is included in an official committee report and historic document, it is even worse. We are offended by this kind of character assassination.

I cannot stress enough the importance of a ''no'' vote on the previous question to correct this injustice. A ''no'' vote will not keep us from discussing the underlying bill but will simply correct what is a gross miscarriage of justice that has never happened before.

Mr. Speaker, I ask unanimous consent that the text of the amendment, along with the descriptions of the five amendments, be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, again I ask a ''no'' vote on the previous question, and I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

The gentlewoman said she has not heard a single case in which this law would have affected anything. I will send her the transcript of a witness at our hearing, Marcia Carroll, whose daughter was taken. An abortion was provided for that daughter. That daughter said she would do anything to undo what happened that day and that this is something the family should have some involvement in.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

I would again emphasize the importance of this bill as a safeguard of parental rights and protection for minors.

As I listened to the opposition on the other side, I cannot help but notice how they remain unwilling to honestly address and debate this bill. H.R. 748 is a clear example of consensus legislation upon which most Americans agree. According to a recent poll by the New York Times, almost 80 percent of Americans favor parental notification law, and yet these laws are currently circumvented and violated through the interstate transportation of minors. Allowing our children to be carted across State lines by nonguardians to get an abortion is absolutely immoral and fundamentally wrong.

With over 30 States requiring some type of parental notification, Congress cannot turn a blind eye to those who would violate the law and endanger our children.

Mr. Speaker, this Congress has an obligation and absolute moral duty to parents and their children alike to make sure that these State laws are upheld so that nonguardians do not make medical decisions for our children. Parents and children deserve better, Mr. Speaker, and this bill will ensure that they get the care and consideration that they need.

Again I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), the sponsor of the bill, and all my colleagues who support this bill. I encourage each and every Member to think long and hard about this matter, to put rhetoric aside and to listen to their conscience.

Mr. Speaker, I further ask and encourage my colleagues to vote in favor of this rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 236—RULE ON H.R. 748 CHILD INTERSTATE ABORTION NOTIFICATION ACT

Text: At the end of the resolution add the following new section:

''SEC. 2. The Chairman of the Committee on the Judiciary shall file a supplemental report to accompany H.R. 748 that provides for an objective description of the amendments offered during consideration.''

The following amendments were offered and voted down by recorded votes in the Judiciary Committee markup of H.R. 748—The Child Interstate Abortion Notification Act (CIANA):

The Judiciary Committee mischaracterized these amendments in their official committee report on the bill.

No. 11–16. Objective Description: A Nadler amendment allows an adult who could be prosecuted under the bill to go to a Federal district court and seek a waiver to the state's parental notice laws if this remedy is not available in the state court.

Committee Report Description: Rollcall No. 1. Mr. Nadler offered an amendment that would have created an additional layer of Federal court review that could be used by sexual predators to escape conviction under the bill. By a rollcall vote of 11 yeas to 16 nays, the amendment was defeated.

No. 12–19. Objective Description: A Nadler amendment to exempt a grandparent or adult sibling from the criminal and civil provisions in the bill.

Committee Report Description: Rollcall No. 2. Mr. Nadler offered an amendment that would have exempted sexual predators from prosecution under the bill if they were grandparents or adult siblings of a minor. By a rollcall vote of 12 yeas to 19 nays, the amendment was defeated.

No. 13–17. Objective Description: A Scott amendment to exempt cab drivers, bus drivers and others in the business transportation profession from the criminal provisions in the bill.

Committee Report Description: Rollcall No. 3. Mr. Scott offered an amendment that would have exempted sexual predators from prosecution if they are taxicab drivers, bus drivers, or others in the business of professional transport. By a rollcall vote of 13 yeas to 17 nays, the amendment was defeated.

No. 12–18. Objective Description: A Scott amendment that would have limited criminal liability to the person committing the offense in the first degree (No. 12–18).

Committee Report Description: Rollcall No. 4. Mr. Scott offered an amendment that would have exempted from prosecution under the bill those who aid and abet criminals who could be prosecuted under the bill. By a rollcall vote of 12 yeas to 18 nays, the amendment was defeated.

No. 13–20. Objective Description: A Jackson-Lee amendment to exempt clergy, godparents, aunts, uncles or first cousins from the penalties in the bill.

Committee Report Description: Rollcall No. 5. Ms. Jackson-Lee offered an amendment that would have exempted sexual predators from prosecution under the bill if they were clergy, godparents, aunts, uncles, or first cousins of a minor, and would require a study by the Government Accounting Office. By a rollcall vote of 13 yeas to 20 nays, the amendment was defeated.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## REPORT ON RESOLUTION DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM TENNESSEE'S SIXTH CONGRESSIONAL DISTRICT

Mr. NEY, from the Committee on House Administration, submitted a privileged report (Rept. No. 109–57) on the resolution (H. Res. 239) dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee, which was referred to the House Calendar and ordered to be printed.

## PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN ONE HUNDRED NINTH CONGRESS

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 224) providing for the expenses of certain committees of the House of Representatives in the One Hundred Ninth Congress, as amended.

The Clerk read as follows:

H. RES. 224

*Resolved,*

**SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED NINTH CONGRESS.**

(a) IN GENERAL.—With respect to the One Hundred Ninth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $11,257,009; Committee on Armed Services, $12,826,208; Committee on the Budget, $12,026,478; Committee on Education and the Workforce, $15,493,286; Committee on Energy and Commerce, $19,925,687; Committee on Financial Services, $15,203,100; Committee on Government Reform, $20,497,085; Committee on Homeland Security, $14,000,000; Committee on House Administration, $9,554,568; Permanent Select Committee on Intelligence, $9,527,870; Committee on International Relations, $16,299,018; Committee on the Judiciary, $15,312,992; Committee on Resources, $14,520,962; Committee on Rules, $6,365,600; Committee on Science, $12,327,996; Committee on Small Business, $5,586,973; Committee on Standards of Official Conduct, $4,290,536; Committee on Transportation and Infrastructure, $18,108,082; Committee on Veterans' Affairs, $6,474,418; and Committee on Ways and Means, $17,819,494.

**SEC. 2. FIRST SESSION LIMITATIONS.**

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2005, and ending immediately before noon on January 3, 2006.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,495,805; Committee on Armed Services, $6,292,249; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,705,970; Committee on Energy and Commerce, $9,812,619; Committee on Financial Services, $7,427,648; Committee on Government Reform, $10,121,443; Committee on Homeland Security, $6,100,026; Committee on House Administration, $4,648,683; Permanent Select Committee on Intelligence, $4,500,653; Committee on International Relations, $7,946,084; Committee on the Judiciary, $7,461,565; Committee on Resources, $7,178,224; Committee on Rules, $3,074,229; Committee on Science, $6,101,648; Committee on Small Business, $2,721,600; Committee on Standards of Official Conduct, $1,891,890; Committee on Transportation and Infrastructure, $8,856,869; Committee on Veterans' Affairs, $3,075,732; and Committee on Ways and Means, $8,674,514.

**SEC. 3. SECOND SESSION LIMITATIONS.**

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2006, and ending immediately before noon on January 3, 2007.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,761,204; Committee on Armed Services, $6,533,959; Committee on the Budget, $6,013,239; Committee on Education and the Workforce, $7,787,316; Committee on Energy and Commerce, $10,113,068; Committee on Financial Services, $7,775,452; Committee on Government Reform, $10,375,642; Committee on Homeland Security, $7,899,974; Committee on House Administration, $4,905,885; Permanent Select Committee on Intelligence, $5,027,217; Committee on International Relations, $8,352,934; Committee on the Judiciary, $7,851,427; Committee on Resources, $7,342,738; Committee on Rules, $3,291,371; Committee on Science, $6,226,348; Committee on Small Business, $2,865,373; Committee on Standards of Official Conduct, $2,398,646; Committee on Transportation and Infrastructure, $9,251,213; Committee on Veterans' Affairs, $3,398,686; and Committee on Ways and Means, $9,144,980.

**SEC. 4. VOUCHERS.**

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

**SEC. 5. REQUIREMENTS FOR USE OF FUNDS FOR MASS MAILINGS.**

(a) IN GENERAL.—None of the amounts made available under this resolution may be used by a committee for the production of material for a mass mailing unless—

(1) the mailing is of a press release to the communications media, a notice of the schedule of a hearing or markup of the committee (the content of which shall be limited to date, time, location, topic, witness list, and ADA services), a committee document printed pursuant to the applicable provisions of title 44, United States Code, or a request for the views of the public or the views of other authorities of government essential to the conduct of the study, investigation, or oversight of matters within the jurisdiction and related functions assigned to the committee under rule X of the Rules of the House of Representatives;

(2) prior to mailing, the chairman or ranking minority member of the committee (as the case may be) submits a sample of the material to the House Commission on Congressional Mailing Standards and the Commission determines that—

(A) the mailing is ordinary and necessary to the conduct of the normal and regular business of the committee, and

(B) the mailing would be in compliance with the requirements of subsections (a)(3)(A), (a)(3)(C), (a)(3)(C), (a)(3)(G), (a)(4), and (a)(5) of section 3210 of title 39, United States Code, if mailed by a Member of the House of Representatives;

(3) the mailing would not be prohibited under section 3210(a)(6)(A) of title 39, United States Code, if mailed by a Member of the House of Representatives; and

(4) the aggregate amount that will be spent in franking costs by the committee for mass mailings during the session involved, after taking into account the franking costs of such mass mailing, will not exceed $5,000.

(b) MASS MAILING DEFINED.—In this section, the term ''mass mailing'' has the meaning given such term in section 3210(a)(6)(E) of title 39, United States Code.

**SEC. 6. REGULATIONS.**

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here to consider H. Res. 224, an omnibus funding resolution providing for the expenses of certain committees of the United States House of Representatives in the 109th Congress.

In February of this year, the chairman and ranking member of each committee presented a budget request to the Committee on House Administration and introduced individual resolutions, as is our process, to support their funding request.

H. Res. 224, the Omnibus Primary Expense Resolution, combines all of the individual resolutions into one bill, including our new permanent committee, the Committee on Homeland Security.

I am pleased to put before the House a bipartisan resolution that can be supported by a majority of Members on

both sides of the aisle. I feel that both chairmen and ranking members will agree that this carefully crafted agreement will provide sufficient funding for them to carry out the duties and responsibilities with which they are charged. As we all know, the Committee on Homeland Security was created at the beginning of this Congress, making it a permanent standing committee of the U.S. House of Representatives. The committee will provide an important oversight function overseeing the Department of Homeland Security and ensuring that the combined agencies are doing the job we all expect of them with regard to protecting our homeland.

□ 1300

The inclusion of the Select Committee on Homeland Security and the permanent committee funding process significantly raises the funding levels needed for committees to operate. Their budget alone increased funding for this resolution by 1 percent. Protecting our homeland is now a reality, and the funding needed to run the committee is also a reality that we dealt with and came to a conclusion that I think is good for the committee and the entire process here in funding.

During this cycle, committees requested a total of $273.4 million in spending. This is approximately $40 million more than what was authorized in the 108th Congress and represented a 17.1 percent requested, and I stress ''requested'' increase. Removing homeland security from the equation, the request by committees totaled $257.8 million, which is a $35 million increase over the 108th authorized levels and a 15.7 percent increase. This resolution reduces, I am pleased to say, the amount requested by committees by $16.2 million, or a 5.9 percent decrease.

H. Res. 224, as amended, provides for expenses of all committees and authorizes $257.4 million, a 10.1 percent increase. This is a $23.7 million increase over the 108th Congress authorized levels.

It should be noted that the 109th Congress funding level of $257 million in this resolution is still lower than the funding levels in the 103rd Congress when adjusted for inflation. The mark for the 103rd Congress was $223.3 million, which adjusted for inflation amounts to $296.4 million in 2005 dollars. That means in real terms we have held a reasonable line of expenditures for the committee; but we are able to still carry out the tasks of these committees, which is so important to constituents across the United States who depend on these committees to be able to produce public policy and to do their work for the people of the country.

I am proud of the numbers we are putting forward with this resolution, Mr. Speaker. As I stated earlier, I feel that most Members will be able to widely support this measure.

This resolution also carries forward a goal that we reached in the 107th Congress whereby committees allocated at least one-third of their resources to the minority. Since the 104th Congress, we have strived to reach the goal of dividing committee resources on a two-thirds/one-third basis between the majority and the minority of each committee. I am proud to say that committee chairmen have worked with their respective ranking members and vice versa and produced agreements that provided for a two-thirds/one-third split of resources agreements that have been reached between the Chairs and the ranking members to their satisfaction.

I want to note that it is important that under the leadership of the gentleman from Illinois (Speaker HASTERT), who runs the House, and the goal that he set when the gentleman from California (Mr. THOMAS) was chairman and the gentleman from Maryland (Mr. HOYER) Hoyer was the ranking member, they set the two-thirds/one-third allocation and did a wonderful job to get to that. The gentleman from Connecticut (Mr. LARSON) was our ranking member, and the Speaker held to the same tenacity to reach that deal, and we reached the two-thirds/one-third.

I am pleased today our ranking member, the gentlewoman from California (Ms. MILLENDER-MCDONALD), is here and has carried on to make sure that has stayed intact and refined it and has pushed for the minority in a marvelous way. This goal would never have been reached if it were not for our ranking member, the gentlewoman from California (Ms. MILLENDER-MCDONALD).

This ensures a fair division of the resources. I want to thank the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) for their work on this issue and the previous assignments, and I want to thank the chairman of each committee and their ranking member for their cooperation with each other on this matter.

Mr. Speaker, when I speak again, I will have some ending thanks for some staff on both sides of the aisle. I will save that until after our ranking member speaks.

Let me just say, I am so proud. We might have differences in the House, but we come together for the institution of the House today. I am so proud of our ranking member for working through the issues, of expressing for her membership for the ranking members of what they wanted to see in this document.

I want to thank again the Chairs and the ranking members. It is truly a document that will receive, I believe, wide bipartisan support.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this committee's funding resolution. For the past 6 years, the Speaker and the gentleman from Ohio (Chairman NEY) have labored in the House service to the benefit of both the majority and the minority. They have firmly established the fairness principle in the committee funding process. By doing so, they have benefited this great institution and have brought civility to the House regarding the fair allocation of committee resources.

While many others have also worked to bring this about, including the gentleman from California (Mr. THOMAS) and my predecessor ranking members, especially the gentleman from Maryland (Mr. HOYER), it is the gentleman from Ohio (Chairman NEY) and the Speaker who must be credited with greatly diminishing this source of continuing tension between the majority and the minority.

But the most important consequence of the application of the Speaker and the gentleman from Ohio (Chairman NEY) of the fairness principle today is that the principle is now firmly established as an operating standard within the House; and I believe it will be applied from this point forward, no matter which political party is in the majority.

The fairness principle, simply stated, is that the minority is entitled to a minimum of one-third of the staff and committee resources and control over those resources. The fairness principle has been embedded in House rules for many decades under both Republican and Democratic majorities. It is currently reflected in the House rule X, clause 9.

Six committees unconditionally operate under the fairness principle today, with the remainder operating on a version of the fairness principle agreeable to the respective chairmen and ranking members. We must anticipate that as committee leaders' positions change hands, old compromises and accommodations will yield to the universal and unconditional application of the fairness principle. Only then will the gentleman from Ohio (Chairman NEY) and the gentleman from Illinois (Speaker HASTERT) have fulfilled the worthy objective of securing civility between the majority and the minority regarding the division of committee resources.

Mr. Speaker, we also would like to compliment the gentleman from Ohio (Chairman NEY) on another matter of great importance to this institution. It involves the self-initiated mass mailings on behalf of committees, which could have undermined public support for the franking privilege.

The Committee on House Administration has taken a very enlightened approach to these taxpayer-funded mailings. The resolution before us clarifies the existing rules regarding committee-initiated mass mailings and prohibits the use of committee funds to prepare mass mailings once a committee has expended $5,000 in mass-mailing costs in a session.

Mass mailings by committees would have to be approved by the bipartisan

Franking Commission and would be subject to the 90-day cutoff that individual Members are subjected to. This clarifying language and the limitation provide guidance which will allow committees to strategically plan their franking use during each session of Congress.

By a separate action of the Committee on House Administration, we adopted a committee resolution setting an overall committee limit for all forms of franked mail, including committee-initiated frank mailings, of $5,000 per session. Again, this gives committees a planning tool. And we recognize that a committee might find itself in crisis due to exigent circumstances.

During the markup of this resolution, the gentleman from Ohio (Chairman NEY) expressed clearly and unequivocally that any committee needing additional franking authorization above the $5,000 must return to the committee to request and justify the needed increase. Such an increase would be adopted by the full committee in the form of a committee supplemental resolution, and the increased funding could not be used for mass mailings.

Mr. Speaker, I insert a chart in the RECORD at this point.

COMMITTEE FRANKED MAIL EXPENDITURES

| | 2000 | 2001 | 2002 | 2003 | 2004 |
|---|---|---|---|---|---|
| Agriculture | $691.91 | $578.90 | $521.92 | $645.20 | $384.52 |
| Armed Services | 5,640.99 | 6,300.05 | 7,312.99 | 673.37 | 470.97 |
| Budget | 1,232.48 | 285.20 | 129.48 | 133.25 | 252.44 |
| Education and the Workforce | 1,665.49 | 1,458.71 | 1,515.39 | 1,345.59 | 4,839.41 |
| Energy and Commerce | 3,937.66 | 2,737.09 | 1,772.19 | 1,838.59 | 1,673.53 |
| Financial Services | 1,617.51 | 1,025.71 | 733.41 | 1,078.74 | 856.10 |
| Government Reform | ..... | 4,776.00 | 4,689.00 | 3,767.09 | 9,700.46 |
| Homeland Security | n/a | n/a | n/a | 909.01 | 783.89 |
| House Administration | 1,381.12 | 688.07 | 2,606.07 | 756.20 | 7,883.31 |
| Intelligene | 342.16 | 248.10 | 146.46 | 353.99 | 190.26 |
| International Relations | 5,041.04 | 1,730.78 | 834.57 | 739.27 | 724.38 |
| Judiciary | 6,866.53 | 4,530.67 | 4,422.33 | 2,957.02 | 2,956.42 |
| Resources | 1,563.89 | 2,882.59 | 2,081.58 | 51,123.13 | 53,917.29 |
| Rules | 241.19 | 257.14 | 222.97 | 924.33 | 958.19 |
| Sciences | 2,810.99 | 1,974.97 | 1,874.39 | 1,739.34 | 14,122.29 |
| Small Business | 3,292.73 | 2,214.66 | 3,502.11 | 897.88 | 1,623.39 |
| Standards | 17,016.88 | 1,126.46 | 4.640.89 | 3,133.07 | 1,016.13 |
| Transportation | 1,824.82 | 2,254.39 | 1,264.35 | 1,624.70 | 1,156.61 |
| Veterans | 2,206.75 | 2,037.79 | 1,656.58 | 1,200.22 | 1,694.77 |
| Ways and Means | 4,372.19 | 2,958.93 | 1,959.06 | 1,640.67 | 1,156.84 |

Mr. Speaker, the chart details aggregate franked mail expenditures on behalf of committees during the last 5 years. As you can see, few committees will have any difficulty operating within the limit established by the Committee on House Administration based on spending levels prior to the 108th Congress.

This is a great resolution because it really does continue the fairness practice that has been put forth by the Speaker, but especially by this chairman, the gentleman from Ohio (Chairman NEY); and it has been my privilege to work with him on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I wanted to mention a few thanks that we need to say. The minority leader, the gentlewoman from California (Ms. PELOSI), and also her counsel, Bernie Raimo; the gentleman from Illinois (Speaker HASTERT), of course, for his diligence on this issue and fairness with the committee funding structure; Scott Palmer with the Speaker and Ted Van Der Meid, who provided constant assistance to us on the issues; also our staff, Paul Vinovich, Jeff Janas and David Duncan; and the minority, George Shevlin, Charlie Howell, and Catherine Tran.

Let me also thank the members of our committee, the gentleman from Texas (Mr. BRADY), the gentlewoman from California (Ms. ZOE LOFGREN), the gentleman from Florida (Mr. MICA), the gentleman from Michigan (Mr. EHLERS), the gentleman from California (Mr. DOOLITTLE), the gentleman from New York (Mr. REYNOLDS), and our newest member, the gentlewoman from Michigan (Mrs. MILLER).

As we have opened up the House, and it is a wonderful thing, to the age of the Internet, where Americans can actually see what is going on in their House, in the committees, as we have done that, more people are writing than ever before, more people are wanting answers than ever before; and that is wonderful open structure in this House. But that has caused, obviously, extra work; and we have staff of these committees, both minority and majority staff, that are doing a wonderful job to respond to citizens across the country and crafting laws.

We can argue about the laws, whether they are good or bad, or make amendments; but if we did not have the committee structures of all of the committees of this House, we would not be able to craft the law; we would not be able to carry out lawmaking.

So, again, I want to especially thank our ranking member for doing a wonderful job, giving us her views, and giving wonderful input into the system.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank again the chairman for his leadership in drafting this resolution and also would like to ditto what he said in terms of the staffs on both sides working diligently to ensure that we had this type of resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I rise to address just one aspect of the funding resolution. I have come to this floor before with my concerns that mass mailings have been sent by a particular committee. We as Members of the House have constituents that we need to keep in touch with, but a committee has as its constituents only the members of that committee. A committee does not answer to the whole people of the United States; it answers to this House and to its Members.

This funding resolution makes it clear that the mass mailings of any committee cannot exceed over $5,000 in postage in any year. Basically, that means no effort to reach out to an entire community, an entire congressional district, with an ideological message.

For that reason, I want to commend the ranking member and the Chair for putting to rest that issue, at least for as long as this funding resolution is operative.

I would also point out that it is my understanding that this funding resolution calls for any mass mailings sent by a committee to go to the Franking Commission. I want to thank the leader of our party for appointing me to that commission, where I will serve with our ranking member (Ms. MILLENDER-MCDONALD) and others.

So I am confident that the mailings of committees will be limited to committee business, will not be so massive as to try to affect the views of an entire congressional district, and will follow the rules of the House as to manner and content.

□ 1315

So I once again commend the chairman and commend the ranking member.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I do have a speaker who has arrived, so I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding me

this time and congratulate the chairman of the committee, the gentleman from Ohio (Mr. NEY) and his ranking member and the leadership on both sides for coming together on this funding resolution.

I could take Members back 12, 14 years ago when this committee funding resolution every year was a brawl. Having sat on the Committee on House Administration with some of my colleagues, there were times when the majority was getting 82 percent of the budget, sometimes 78 percent of the budget, and I always believed that it was fair for the minority to get at least one-third of the resources. It has really been a long struggle in bringing that about. I thought that when we were in the minority, I believed the same since we have been in the majority, and over these years I think we have accomplished an awful lot in terms of funding committees at a reasonable level, bringing comity and stability to the House.

I just want to say to my two colleagues who brought this resolution to the floor today that they deserve the congratulations of all of the Members and the leadership on both sides as well.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I do not believe that I have any further speakers on this issue, but I did forget to mention the franking issue, and I agreed with that amendment. What we did is we changed the rules. We did not clarify the rules, but we changed the rules. Previously, committee mailings were not covered by the same regulations that apply to individual Members. This was the case in the 108th and the previous Congress. This rule change will treat committee mailings the same as individual mailings with respect to the blackout and the preapproval.

So we have I think made a change in the rules that, as I said, I agreed with is good, and all the chairs of the committees and the ranking members agreed with the change.

Ms. ZOE LOFGREN of California. Mr. Speaker, I strongly support the House Committee Funding Resolution for the 109th Congress as approved by the House Administration Committee on Thursday, April 21, 2005. This Resolution assures that the Minority will be treated fairly in regard to both committee budgets and staff. It abides by the 2/3–1/3 principle in which the Minority receives 1/3 of the staff, 1/3 of the budget, and control over that budget. It is my understanding that every Chair and Ranking Member in the House have come to an agreement on their individual budgets, and all treat the Minority in a fair and respectful way. I commend Chairman NEY and Ranking Member MILLENDER-MCDONALD for their hard work on this Resolution.

During Markup of the Committee Funding Resolution, Congresswoman MILLENDER-MCDONALD offered an amendment regarding House Committee's use of the Frank. Under this amendment, Committees will be limited to a $5,000 franking budget per year, and Committees will need to abide by, and receive approval from, the House Franking Commission for any mass mailings. This is an important proposal that I strongly support. This amendment assures that House Committees will only use the Frank for official purposes, and stem the questionable franking practices that developed at the end of the 108th Congress.

Finally, I must comment on the controversy surrounding the budget of the Resources Committee during the 108th Congress.

My colleague Chairman NEY was elected to Congress in 1994, the same year as me. As you will recall, 1994 was the year that the Republicans took control of Congress for the first time in 40 years.

Led by Newt Gingrich, the incoming members of the House promoted the Contract with America. The Contract promised that under Republican rule, the House would pass a number of resolutions and bills within the first 100 days of the 104th Congress.

One of the promises made by the Republicans was to pass a resolution on the first day of the 104th Congress that would provide for the selection of a major, independent auditing firm to conduct a comprehensive audit of Congress for waste, fraud or abuse. Republicans were concerned that tax dollars were being misspent by the House of Representatives. Chairman NEY signed the Contract with America, and I can only assume that he supported this provision.

It seems odd to me now that a little over 10 years later, my friend BOB NEY and his Republican colleagues do not seem to have the same zeal for investigating waste, fraud and abuse here in the House.

During the Committee Funding Resolution hearings in March, I posed several questions about the budget and policies of the Resources Committee during the 108th Congress to Resources Committee Chairman RICHARD POMBO.

On October 6, 2004, The Hill reported that Chairman POMBO planned to close the Resources Committee for a month leading up to the November 2004 elections. It went on to state that the staff would receive a month of vacation time and Chairman POMBO's spokesman stated on-the-record that some staff may choose to go and work on campaigns during their time off.

During the hearing, I posed several questions about the vacation policy of the Resources Committee to Chairman POMBO and gave him the opportunity to clear up the confusion about the events leading up to the 2004 elections.

Chairman POMBO welcomed the opportunity to address the issue. He answered some of my questions at the hearing, and said he would need to get back to the Committee regarding others.

In an effort to get to the bottom of this issue and clear up any confusion, I put my questions in writing for Chairman POMBO. The record, at the direction of Chairman NEY, was held open so Chairman POMBO could respond to the House Administration Committee within 30 days. Chairman POMBO did respond to some, but not all, of my questions in writing on April 13, 2005.

Both Chairman NEY and representatives of Chairman POMBO have categorized these ordinary and routine inquiries as something extraordinary. Mr. POMBO's spokesman has actually compared me to Senator Joseph McCarthy. While I find that comment to be a bit weird, I am prepared to state unequivocally that I do not believe Chairmen POMBO or NEY are communists!

So the record is totally clear, I have included in the Committee Report accompanying this resolution all of the correspondence between myself, Chairman NEY and Chairman POMBO on this issue as well as the transcript of our discussion at the committee hearing. This report should be posted on the House Administration Committee Web site. I will also note that at this time, Chairman POMBO has still not answered all of my written questions.

It is the job of the House Administration Committee to oversee all operations of the House of Representatives, including the approval of taxpayer-funded committee budgets. Under this Committee Funding Resolution, the Resources Committee will receive a 7.5 increase in their operating budget in the 109th Congress.

It is only appropriate that the House Administration Committee confirm that the money spent by the Resources Committee during the 108th Congress was done so in a proper way. Chairman POMBO still has the ability to quickly clear up this confusion. I remain hopeful that Chairman POMBO will take the time to answer all the written questions in detail about the policies and practices of the Resources Committee to reassure that tax dollars are being spent in a legal, fair, and ethical manner. Chairman NEY, signers the Contract with America, and anyone else that believes in good government, should demand nothing less.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 224, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Res. 224, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE SIXTH CONGRESSIONAL DISTRICT OF TENNESSEE

Mr. NEY. Mr. Speaker, I offer a resolution (H. Res. 239) dismissing the election relating to the office of Representative from the Sixth Congressional District of Tennessee, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 239

*Resolved*, That the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee is dismissed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H.R. 902, by the yeas and nays;

House Concurrent Resolution 81, by the yeas and nays;

House Resolution 235, ordering the previous question, by the yeas and nays;

House Resolution 236, ordering the previous question, by the yeas and nays.

Votes after the first in this series will be conducted as 5-minute votes.

## PRESIDENTIAL $1 COIN ACT OF 2005

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 902, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the bill, H.R. 902, as amended, on which the yeas and nays are ordered.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 6, not voting 6, as follows:

[Roll No. 136]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Berman
Capuano
DeFazio
Mack
Poe
Strickland

NOT VOTING—6

Brown, Corrine
Portman
Rothman
Smith (WA)
Westmoreland
Wicker

□ 1343

Mr. CAPUANO and Mr. BERMAN changed their vote from ''yea'' to ''nay.''

Mr. HINCHEY changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln, and for other purposes.''.

A motion to reconsider was laid on the table.

## EXPRESSING THE SENSE OF CONGRESS REGARDING THE TWO-YEAR ANNIVERSARY OF THE HUMAN RIGHTS CRACKDOWN IN CUBA

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 81.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 81, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 27, answered ''present'' 2, not voting 7, as follows:

[Roll No. 137]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)

Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—27

Carson
Clay
Davis (IL)
Farr
Grijalva
Hinchey
Jackson (IL)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
McDermott
McKinney
Meeks (NY)
Olver
Paul
Payne
Rangel
Rush
Serrano
Stark
Thompson (MS)
Towns
Velázquez
Waters
Woolsey
Wynn

ANSWERED ''PRESENT''—2

DeFazio
Watt

NOT VOTING—7

Bachus
Brown, Corrine
Jones (OH)
Portman
Rothman
Westmoreland
Wicker

□ 1354

Mr. WYNN and Mr. MEEKS of New York changed their vote from ''yea'' to ''nay''.

Mr. GEORGE MILLER of California changed his vote from ''nay'' to ''yea''.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H. RES. 22, EXPRESSING THE SENSE OF THE HOUSE THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

The SPEAKER pro tempore (Mr. BASS). The pending business is the question on ordering the previous question on House Resolution 235 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question, on which the yeas and nays are ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 201, not voting 5, as follows:

[Roll No. 138]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case

Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Brown, Corrine
Portman
Rothman
Westmoreland
Wicker

□ 1403

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BASS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 748, CHILD INTERSTATE ABORTION NOTIFICATION ACT

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on H. Res. 236 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 192, not voting 8, as follows:

[Roll No. 139]

YEAS—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Brown, Corrine
McDermott
Portman
Rothman
Smith (TX)
Westmoreland
Wicker
Wilson (NM)

□ 1411

Mr. BERMAN changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, earlier today, I was absent attending a meeting at the White House and missed the recorded votes on rollcall No. 136, on H.R. 902, the Presidential One Dollar Coin Act; rollcall No. 137, on H. Con. Res. 81, Expressing the sense of Congress regarding human rights in Cuba; rollcall No. 138, on Ordering the Previous Question on H. Res. 235, the rule for H. Res. 22, Expressing the sense of Congress regarding a Small Business Bill of Rights; and rollcall No. 139, on Ordering the Previous Question on H. Res. 236, the rule for H.R. 748, the Child Interstate Abortion Notification Act.

Had I been present, I would have voted ''yea'' on rollcall No. 136; ''yea'' on rollcall No. 137; ''yea'' rollcall No. 138; and ''yea'' on rollcall No. 139.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## EXPRESSING SENSE OF THE HOUSE THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS

Mr. KELLER. Mr. Speaker, pursuant to House Resolution 235, I call up the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 22 is as follows:

H. RES. 22

Whereas more than 90 percent of all American employers are small businesses;

Whereas small businesses generate approximately 70 percent of the new jobs created in the United States each year;

Whereas small businesses are crucial to the American economy and account for a significant majority of new product ideas and innovations;

Whereas small businesses, together with innovation and entrepreneurship, are central to the American dream of self-improvement and individual achievement;

Whereas 60 percent of the 45,000,000 Americans without health insurance are small business employees and their families;

Whereas most small businesses do not provide health insurance to their employees, primarily because of the surging cost;

Whereas the death tax causes one-third of all family-owned small businesses to liquidate after the death of the owner;

Whereas frivolous lawsuits and the rising costs of liability insurance represent serious threats to small business owners;

Whereas burdensome regulations and paperwork cost small businesses more than $5,500 per employee; and

Whereas Congress can help small businesses grow by establishing a climate to encourage small businesses to create jobs and offer more affordable health insurance to employees: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that American small businesses are entitled to the following Small Business Bill of Rights:

(1) The right to join together to purchase affordable health insurance for small business employees, who make up a large portion of the millions of Americans without health care coverage.

(2) The right to tax laws that allow family-owned small businesses to survive over several generations and offer them incentives to grow.

(3) The right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them from creating new jobs.

(4) The right to be free of unnecessary, restrictive regulations and paperwork which waste the time and energy of small businesses while hurting production and preventing job creation.

The SPEAKER pro tempore. Pursuant to House Resolution 235, the amendments to the text and preamble printed in the resolution are adopted.

The text of House Resolution 22, as amended, is as follows:

H. RES. 22

*Whereas more than 90 percent of all American employers are small businesses;*

*Whereas small businesses generate approximately 70 percent of the new jobs created in the United States each year;*

*Whereas small businesses are crucial to the American economy and account for a significant majority of new product ideas and innovations;*

*Whereas small businesses, together with innovation and entrepreneurship, are central to the American dream of self-improvement and individual achievement;*

*Whereas 60 percent of the 45,000,000 Americans without health insurance are small business employees and their families;*

*Whereas most small businesses do not provide health insurance to their employees, primarily because of the surging cost;*

*Whereas the Internal Revenue Code of 1986 is exceedingly complex, making it difficult for small businesses to understand it and comply with its requirements;*

*Whereas the Internal Revenue Code of 1986 discriminates, in many instances, against small businesses and self-employed persons by limiting the availability of certain tax incentives to larger firms or corporations;*

*Whereas the death tax causes one-third of all family-owned small businesses to liquidate after the death of the owner;*

*Whereas frivolous lawsuits and the rising costs of liability insurance represent serious threats to small business owners;*

*Whereas burdensome regulations and paperwork cost small businesses more than $5,500 per employee;*

*Whereas adequate, affordable, and reliable energy supplies are essential to the success of small businesses, especially small manufacturers;*

*Whereas lack of access to capital and credit stifles new business growth and economic opportunity;*

*Whereas both unsound contract bundling or consolidation and the failure of various Federal agencies to closely monitor the small business goals and subcontracting plans of large businesses have dried up many procurement opportunities for small businesses; and*

*Whereas Congress can help small businesses grow by establishing a climate to encourage small businesses to create jobs and offer more affordable health insurance to employees: Now, therefore, be it*

*Resolved, That it is the sense of the House of Representatives that American small businesses are entitled to the following Small Business Bill of Rights:*

*(1) The right to join together to purchase affordable health insurance for small business employees, who make up a large portion of the millions of Americans without health care coverage.*

*(2) The right to simplified tax laws that allow family-owned small businesses to survive over several generations and offer them incentives to grow.*

*(3) The right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them from creating new jobs.*

*(4) The right to be free of unnecessary, restrictive regulations and paperwork which waste the time and energy of small businesses while hurting production and preventing job creation.*

*(5) The right to relief from high energy costs, which pose a real threat to the survival of small businesses, to be accomplished by reducing the Nation's reliance on imported sources of energy and encouraging environmentally-sound domestic production and conservation of energy.*

*(6) The right to equal treatment, as compared to large businesses, when seeking access to start-up and expansion capital and credit.*

*(7) The right to open access to the Government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for Federal contracts.*

The SPEAKER pro tempore. The gentleman from Florida (Mr. KELLER) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the goal of the Small Business Bill of Rights is to provide a blueprint for Congress to help small business employers create more jobs. A job is the best social program in the world. It provides income, health insurance, and dignity.

Significantly, 70 percent of all new jobs in the United States are created by small business people. In light of the fact that small business employers are the engine that drive this economy, I decided to meet with 20 very successful small business people in Orlando, Florida, to learn firsthand what, if anything, Congress could do to help small business employers create even more jobs.

I learned a lot by sitting down and listening to small business people. First, I learned that the number one issue facing small business people today is the skyrocketing cost of health insurance. In fact, a growing number of small businesses today are not able to provide health insurance to their employees, primarily because of the surging cost. Of the 45 million Americans without health insurance, 60 percent are small business employees and their families.

Right now, small businesses are unable to achieve the bargaining power of large corporations when negotiating with insurance companies to obtain affordable health insurance for their employees. The premiums that small businesses pay are typically 20 to 30 percent higher than those of large companies.

According to the Congressional Budget Office, small businesses that obtain insurance from association health plans can save up to 25 percent.

These small business people told me that they needed the right to be able to join together to purchase affordable health insurance for their employees so their workers have the opportunity to get the same health care benefits now reserved for those employees of Fortune 500 companies.

The second thing I learned is that many of these small businesses are family owned. Unfortunately, the death tax causes one-third of all family-owned businesses to liquidate after the death of the owner. If Congress does not undertake any meaningful reforms of the death tax laws, then small businesses will go back to paying up to 55 percent in tax rates in the year 2011. Unfortunately, the only small family-owned business in America that knows for sure whether they will die in the year 2010 is the Sopranos.

Understandably, these small business people want the right to tax laws that allow family-owned small business people to survive over several generations and offer them incentives to grow.

The third thing I learned is that frivolous lawsuits and the rising cost of liability insurance represent a very serious threat to small business owners. Unlike large, multinational corporations, small business owners do not have the resources to defend themselves against frivolous litigation and are often forced, for business reasons, to settle a claim for $5,000 to $10,000 rather than pay a defense attorney $100,000 to successfully defend them in court.

Finally, I learned that burdensome regulations and paperwork cost small business more than $5,500 per employee, and these small business owners understandably want the right to be free of unnecessary, restrictive regulations and paperwork which end up wasting their time and energy and prevent them from creating additional jobs.

After listening to the challenges and solutions proposed by various small business people, I worked with some of my Democrat colleagues to craft a Small Business Bill of Rights.

□ 1415

I want to particularly thank the gentleman from Alabama (Mr. CRAMER) for being an original cosponsor of H. Res. 22.

Now, we had a hearing on the Small Business Bill of Rights last month. At that hearing, witnesses from NFIB and the U.S. Chamber of Commerce testified that the four issues identified in the Small Business Bill of Rights were in fact the top four issues affecting small businesses in the United States today, according to the surveys of their members.

After the hearing, we added language relating to the importance of lower energy costs, increasing access to capital, and opening access to government contracts for small business. To my left here is a chart which shows the Small Business Bill of Rights.

Number one. The right to join together to purchase affordable health insurance for small business employees, who make up a large portion of the millions of Americans without health insurance.

Number two. The right to simplify tax laws that allow family-owned small businesses to survive over several generations, and offer them incentives to grow.

Number three. The right to be free from frivolous lawsuits, which harm law-abiding small businesses and prevent them creating new jobs.

Number four. The right to be free of unnecessary restrictive regulations and paperwork which waste the time and energy of small business people.

Number five. The right to relief from high energy costs, which pose a real threat to the survival of small businesses.

Number six. The right to equal treatment as compared with large businesses when seeking access to start-up and expansion capital and credit.

Number seven. The right to open access to the government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for Federal contracts.

Now, if someone is not in favor of the Small Business Bill of Rights, if they would be voting ''no'' on this, then what would they be voting in favor of? In favor of higher health insurance costs, higher taxes, more frivolous lawsuits, more paperwork and regulations, higher energy costs, more obstacles to getting capital, more obstacles to getting Federal contracts for small business people?

In fact, the Small Business Bill of Rights, as you might imagine, passed the Committee on Small Business on a voice vote. Not a single Republican or Democrat member voiced opposition to this. There is nothing here at any time that any Republican or Democrat during the markup process or the Committee on Rules or anywhere else sought to remove. There is no controversy that has been articulated so far about these seven things.

To the extent people may have criticisms, it is criticism of what is not on here. Some folks wish that there were a couple of things that were added that were not here. I can tell you that when I met with small business people, various of them told me different items that were not on here. But when I interviewed 20 people and then had testimony from the witnesses of large organizations, I tried to put together the top-tier issues that affect people across the board in the United States. And while some issues may affect this person or that person, these are the top-tier issues.

Now, it does not list every issue in the world affecting small business people. This is merely a blueprint. If I put every single issue affecting small business people, all people, then what we would probably have is something that is as thick as a phone book. But what we have here are some consensus noncontroversial items, and I urge my colleagues to vote ''yes'' in favor of H. Res. 22.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

As we are in the middle of recognizing National Small Business Week, most small business owners are going forward with their daily routine; waking up, heading into work, opening up their stores, and figuring out ways to pay their bills, manage their employees, and satisfy their customers.

All day today we have been hearing about the numbers of challenges facing small firms, and we will continue to hear about these challenges over and over again. But the sad reality is that small businesses are facing tougher times today, now more than ever. With skyrocketing health care, energy and gas prices, rising interest rates and a $427 billion budget deficit, there are already restrictions facing those entrepreneurs who want to start and expand their business ventures.

And now I want to ask, what is Congress' answer to all this, to all these challenges facing small firms? The answer is: Give small businesses some rights. You should have the right to access health care, the right to be relieved of regulatory burdens, and the right to tax simplification. This is all good when it is said and done, but what is Congress going to do to carry through on those promises? What action is going to be taken to back up the rhetoric?

Supporters of this bill will tell you that opposition to this resolution is opposition to helping small businesses. However, the truth is that if you votes ''yes'' on House Resolution 22, you have voted to do nothing more than offer empty promises to small businesses, empty promises that Congress probably will not keep.

This is because tonight, when this Nation's small business owners go home, probably somewhere around 10 or 11, well after we have been done and gone for the day and after having missed a family dinner and maybe even a Little League game because they believe so much in their business venture, not one of their challenges will be solved because we voted ''yes'' for House Resolution 22. Today's actions will not fix even one of the problems that most small business owners went to work with this morning.

The Small Business Bill of Rights will not provide health care, it will not give entrepreneurs more access to capital, it will not relieve them of regulatory burdens, and it definitely will not help minority- and women-owned firms to grow a successful business. So continue talking about what you want to do for small businesses today, keep talking about what the challenges are, but what I want to know is when my colleagues on the other side of the aisle are going to stop talking and start taking action.

The bottom line here is that voting for House Resolution 22 today will not make a single thing better for this Nation's small businesses. It might make a great press release for some and another opportunity to boast support for entrepreneurs, but, sadly, that is all it will be.

This Small Business Week all that our Nation's entrepreneurs will be getting are more empty promises. By voting for House Resolution 22, you are voting to make more empty promises to small businesses this week. What we need now is for small businesses to see some well-deserved and long-overdue action taken to address their challenges. No more rhetoric. That is the least we can do for this Nation's small businesses this week.

This should be seen for what it truly is, a sham, and it should be voted down.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume to briefly address some of the items raised by the gentlewoman from New York. This bill, House Resolution 22, is what it says it is, a blueprint for Congress to follow; that, if followed, will help small businesses create additional jobs. She says, well, it is not enough just to have a blueprint, we should do something about some of these things; and why has this Congress not done anything about it?

I had to smile when hearing that, and I will give three examples of why. The very first thing in the Small Business Bill of Rights says the right to join together to purchase affordable health insurance for small business employees. Now, I happen to be a cosponsor of that legislation, the Association Health Plans, as is the gentlewoman who uttered that statement. And, in fact, Congress has just acted on that bill on the Committee on Education and the Workforce, on which I serve, and we will be bringing that bill up to the floor for a vote in the future where it will surely pass the House of Representatives. I recently met with President Bush about that issue and asked him to help push this issue in the Senate.

The second issue mentioned in the Small Business Bill of Rights is the right to simplify tax laws that allow family-owned small businesses to survive over several generations and offer them incentives to grow. Why have we not done anything about that? In fact, just last week we passed a law repealing the death tax. In fact, I cosponsored that legislation.

The third issue was the right to be free from frivolous lawsuits which harm law-abiding small businesses and prevent them creating new jobs. In fact, the gentleman from Texas (Mr. SMITH) has filed legislation called the Lawsuit Abuse Reduction Act, which I have cosponsored, which says we will have mandatory sanctions for frivolous lawsuits, and three strikes and you are out for those attorneys who file frivolous lawsuits. This is not really a Republican issue, but as well as having support of people like myself, it had the support of Senator JOHN EDWARDS and Senator JOHN KERRY on the campaign trail, who said we should have tough sanctions and a three-strikes-and-you-are-out penalty. That is legislation that passed the House last time and we will surely seek to pass it this time.

So, Mr. Speaker, we have laid out the blueprint here and then said we are creating order out of chaos. Of all the different myriad issues, these are the top-tier issues, and now we must take action to pass these pieces of legislation. And in fact this Congress is committed to doing that and has already done that in the three instances I have talked about.

Mr. Speaker, I am going to insert for the RECORD a copy of the exchange of letters between the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO); the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS); and the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS) regarding H. Res. 22.

And I will also insert into the RECORD a statement by the chairman of the Committee on Small Business, the gentleman from Illinois (Mr. MANZULLO).

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
*Washington, DC, April 26, 2005.*

Hon. DONALD A. MANZULLO,
*Chairman, Committee on Small Business, Washington, DC.*

DEAR CHAIRMAN MANZULLO: I am writing concerning H. Res. 22, a resolution ''[e]xpressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights,'' which was reported by the Committee on Small Business on Thursday, April 21, 2005.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. The second resolution clause referring to the ''right'' afforded to small businesses to simplified tax laws would require changes to the Internal Revenue Code, and thus clearly falls within the jurisdiction of the Committee on Ways and Means. However, the Committee will not take action on this particular resolution. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H. Res. 22, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
*Washington, DC, April 26, 2005.*

Hon. WILLIAM M. THOMAS,
*Chairman, Committee on Ways and Means, Washington, DC.*

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H. Res. 22, which expresses the sense of the House of Representatives that American small businesses are entitled to a ''Small Business Bill of Rights.'' As you noted, some of the provisions of the bill fall within the Rule X jurisdiction of the Committee on Ways and Means. I appreciate your willingness to forgo consideration of the bill, and I acknowledge that by agreeing to waive its consideration of the bill, the Committee on Ways and Means does not waive its jurisdiction over these provisions.

A copy of your letter and this response will be included in the Congressional Record during consideration of H. Res. 22 on the House floor.

Thank you for your assistance in this matter.

Sincerely yours,

DONALD A. MANZULLO,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, April 27, 2005.*

Hon. DONALD A. MANZULLO,
*Chairman, Committee on Small Business, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Government Reform Committee in matters being considered in H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights.

I recognize the importance of H. Res. 22 and the need for the legislation to move expeditiously. Therefore, while the Committee has a valid claim to jurisdiction over certain provisions of the resolution, I have not requested a sequential referral of H. Res. 22. My decision to forego a sequential referral does not waive, reduce or otherwise affect the jurisdiction of the Government Reform Committee. I respectfully request that a copy of this letter and of your response acknowledging our valid jurisdictional interest will be included in the Congressional Record when the bill is considered on the House Floor.

Thank you for your cooperation in this matter.

Sincerely,

TOM DAVIS,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
*Washington, DC, April 27, 2005.*

Hon. TOM DAVIS,
*Chairman, Committee on Government Reform, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Government Reform Committee's jurisdictional interest in H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, and your willingness to forego consideration of H. Res. 22 by the Government Reform Committee.

I agree that the jurisdiction of the Government Reform Committee will not be adversely affected by your decision to not request a sequential referral of H. Res. 22. As you have requested, I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your assistance, as I work toward the passage of this resolution.

Sincerely,

DONALD A. MANZULLO,
*Chairman.*

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STATEMENT OF THE HONORABLE DONALD A. MANZULLO ON H. RES. 22

Mr. Chairman, I am pleased that the House is taking up this resolution that essentially lists the small business priorities for this Congress. It is particularly fitting that on Small Business Week, we take time out of our busy schedule to honor small businesses and list their top priority issues. Representative Ric Keller has authored a commendable resolution, based on input he has received from his small business constituents, which expresses the sense of the House of Representatives that the top challenges facing small businesses are: staggering health care costs; a high tax, regulatory and paperwork burden; frivolous lawsuits; growing energy costs; inadequate access to capital and to federal procurement opportunities. Surveys of small businesses continually show similar priorities, which was reflected in the hearing the Small Business Committee held last month. These priorities should be the focus of Congressional action to improve the climate for small businesses.

On many fronts, Congress is making progress addressing these issues. In February, we were finally able to break the logjam in the Senate on class-action litigation reform and it is now the law of the land.

This Committee held two hearings on health care in recent weeks and I am optimistic that we can build on the success in the previous Congress that established Health Savings Accounts to break the impasse in the Senate on Association Health Plans and medical liability reform.

I am pleased that the President's Fiscal Year 2006 budget request and the House FY '06 Budget resolution includes making the tax cuts we already passed into law permanent, which helps about 85 percent of all small businesses that pay their taxes on an individual—not corporate—basis. Two weeks ago, the House passed making permanent repealing the estate or ''death'' tax repeal so that small businesses can be passed on to the next generation.

I am going to work very hard this Congress to see meaningful reform of the Regulatory Flexibility Act (RFA) to insure that no federal agency bypasses the concerns of small business in the regulatory process. As a first step, the Committee held a hearing on legislation to improve the RFA last month.

Last week, the House passed a comprehensive energy bill that is one part of the solution to help lower the price of energy in the United States through increasing supply and encouraging conservation.

Finally, various SBA programs can help improve access to capital and procurement opportunities for small business. Now that the 7(a) loan guarantee program is on a stable footing, it has grown by 27 percent during the first six months of this fiscal year as compared to a similar period last year. It is on track to reach a record level of usage both in terms of the number of small businesses served and the dollar amount loaned out. The 504 Certified Development Company (CDC) and the Small Business Investment Company (SBIC) programs also play critical roles in meeting the expansion and venture capital needs of small business. In addition, SBA oversight over many of the federal procurement programs has produced positive results for small businesses—for the first time in many years, the federal government met its overall 23 percent small business goal by providing $65.5 billion in prime contracting opportunities for small business in FY 2003.

I encourage my colleagues to support H. Res. 22 and commend Representative Keller's leadership in offering this initiative.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself 20 seconds. I would say that a blueprint is important, but at some point we need to start building a house.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, it is ironic, or perhaps hypocritical is the right word, to be passing a Small Business Bill of Rights when in fact our Republican friends are gutting the very programs that support small businesses in this country. We will very likely pass this so-called bill of rights, but the danger is that in this Congress, this will become a smoke screen for inaction or worse.

The Bush administration can find a trillion here and a billion there for tax cuts of questionable benefit to the economy, but they cannot find the funds necessary to help our small businesses that have time and time again proven their power to create jobs and spur economic growth.

The Small Business Administration budget proposed by President Bush would provide the SBA with just over half the funds they had during the final year of the Clinton administration. That is like taking money right out of the hands of our small business owners.

One out of every three small business loans in this country has been provided by 7(a). Last year the Bush administration eliminated funding to subsidize this critical program, and for the life of me I cannot figure out why.

The return on this government investment is staggering. In 2004, 7(a) loans returned an estimated $12 billion on an $80 million investment. That is a more than a 100-fold return to the economy. It does not take a genius to realize that is good business and it is good common sense.

Despite this, the President says he thinks it is not the government's business to support this program. Instead, he wants to pass the cost along to small business owners, significantly raising the fees they pay to use the program, up to $50,000 in some cases. That is ironic coming from a President who claims that any change in his tax policy will stall our economic recovery.

Mr. Speaker, Democrats understand small businesses and their need for accessible capital. In vote after vote, we are willing to support this vital sector of our economy. If the Republican leadership of this body feels the same, I suggest we stop wasting our time with feel-good resolutions and start putting our money where our mouth is.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recognize how important access to capital is to America's small businesses. That is why we listened to small business owners when they testified here last month and included language in this bill emphasizing the importance of capital and credit to small business growth. I am very happy that the 7(a) program, referenced by the gentleman, is not only thriving but that it is self-sufficient, operating at a zero subsidy and saving American taxpayers millions of dollars.

With the passage of the Small Business Bill of Rights, we will be emphasizing Congress' commitment to access to capital for small businesses.

Mr. Speaker, I reserve the balance of my time.

□ 1430

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

This is very interesting, this is a resolution, sense of the Congress. It is all the good things one can imagine. They have also just recently called it a blueprint. What it is not is action. It is not concrete action to solve the problems of the small business community, and that is what Democrats are trying to say today.

If we look at it, and this is the irony, some of the things they are trying to advocate have already been passed. They talk about tort reform, and they passed some tort reform. This House has passed association health plans. I am for them; the gentlewoman is for them.

My point is they are talking about things that have passed or things that they have no intention of passing. They have had every opportunity to do something about bundling, the consolidation of Federal contracts. They have not done a thing. Democrats have been talking about this for years.

There are a lot of things in this bill that on its face are not necessarily objectionable, they are not so bad, but they do not mean anything. At the end of the day, they are empty platitudes. I do not take great offense at these platitudes, but Congress has to be candid with the American people and the American small business community and say these are platitudes that do not do anything. It is time we do something.

Let me mention one other item, and that is what is not in this bill of platitudes, and that is it does not address the concerns of the minority community. The minority community in America is about 32 percent of our population, 13 percent of our companies. The Democrats said, look, let us not just do platitudes, let us do some things to improve the condition of minority businesses, let us improve those government programs that are targeted at the minority communities, such as the 8(a) program. Let us streamline it and let us modernize it. They were not interested in that. The gentleman from North Carolina (Mr. PRICE) just pointed out we need to beef up the 7(a) program. The administration is trying to zero out that program so we do not have loans for small businesses.

What we have here is a bill of platitudes that sound nice that ignores the minority community and does not really do anything except rehash some of the ideological positions of the Republican side of the aisle, without really offering the business community any real meat.

Mr. Speaker, I urge Members to reject this bill of platitudes, and let us do something for small businesses.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I have to smile listening to the gentleman's comments because he said this is a bill of platitudes that is a partisan Republican agenda, and then he turns around and

said that he proudly supports association health plans, along with the ranking member, and we need action on them. I think that is a bit inconsistent, although I will agree with the gentleman, association health plans are very important. I think it is fair to say that they will pass overwhelmingly in the House. We want to make that a priority. I think it is fair to say the Senate has not taken them up, should have taken them up, and darn well better take them up and finally pass them this term. I think we want to send a strong message that the House considers this a top priority of small businesses.

With respect to the other issues, certainly we want to focus on the top-tier issues, such as repealing the death tax, and not just a platitude. We want it to pass and we took action last week, and it is going to come back in the form of a conference report. We want the small business community to be on record as saying that we think that is important that we finally repeal the death tax once and for all.

With respect to frivolous lawsuits and liability concerns, we will have an opportunity to address that this Congress. We want this country to know we are listening to small business people when they say that they are concerned about frivolous lawsuits and there should be some sanctions. So we have simply taken many, many issues, identified them in this blueprint by saying these are the top-tier issues that the NFIB says are the top issues to their members, the Chamber of Commerce says, and the regular people that I have interviewed say, and say, we hear you, we know you want action, and we are identifying these top priorities, and we intend to take action on those top priorities.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yes, I agree with the gentleman that we have association health plans, and that is a bipartisan issue that has support; but we have voted in this House four times on that issue. How many more times do we need to vote in the House? The other side controls the White House and the Senate. On the one issue where there is bipartisan support, the other side cannot get the President to call the Senate and get this legislation passed. That is how much the other side of the aisle cares about access to health care for small businesses.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

The resolution we are talking about today is supposed to express the sense of Congress that we are committed to meeting the needs of small businesses. But, frankly, as we fiddle away, we ignore that small businesses need action now. We have been speaking of the most glaring example, where Congress and the administration have been long on promises and very short on action. A comprehensive health care reform for small business needs to be a priority.

The number one challenge facing our Nation's businesses today is inability to access affordable health care. The problem has deepened in the past 5 years, an increase in cost of over 60 percent over the past 5 years. While it seems that everybody recognizes there is a problem, there has been no major reforms in the last 5 years. Since 2001, the President has repeatedly talked about bringing down health care costs for small businesses, but he has done little in the way of making any real changes.

In the meantime, we have passed a bankruptcy bill, four tax cuts, a Medicare bill, a class-action bill; but the number one problem facing small businesses continues to see no action. Meaningful support means a comprehensive approach to health care reform for small business and not merely an unworkable gesture. Bringing down health care costs for small business and the self-employed is and should be a top priority. Unfortunately, Congress and the President have failed to do so. That means health care costs are going to continue to skyrocket.

We need to end the back and forth. We need comprehensive health care reform and to start taking steps forward to implement a solution that is workable and actually helps small business owners.

As the economic engines of this great Nation, small businesses deserve to be confident in their ability to provide health care for themselves, their families, and their employees. I urge a ''no'' vote on this resolution.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Arizona (Mr. GRIJALVA) just urged a ''no'' vote. Now what does that mean: A Member is not for the things that we have here in the bill of rights, seven things that no person at any time on the Committee on Small Business has ever moved to strike, and we are voting on this Small Business Bill of Rights. We are not voting on what is not here; we are voting on what is in front of us.

I want to be very clear to Members who are heeding this gentleman's advice that they should vote ''no.'' If a Member votes ''no'' on what we are advocating, you are voting ''yes'' for higher health insurance costs, ''yes'' for higher death taxes, ''yes'' for more frivolous lawsuits, ''yes'' for more paperwork, ''yes'' for higher energy costs, ''yes'' for more obstacles to getting capital, and ''yes'' for more obstacles for getting contracts from the Federal Government for small businesses.

I believe the appropriate vote here is a ''yes'' vote to send a message to the small business people in this country that we appreciate the fact that they are creating 70 percent of all the new jobs in this country. We hear their concerns. We want to help them. We have listened to their top priorities; and by golly, we are going to work to pass each and every one of these items in this Congress.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, today we are going to vote on a resolution that will do nothing to help small businesses in Nevada and throughout this country. My friends on the other side of the aisle call this resolution the Small Business Bill of Rights; yet in my opinion this is another case where their rhetoric does not match the reality.

Small business is very important to me. Half of the businesses in Nevada are small businesses. We are all concerned about the cost of health care to small businesses. We are all concerned about the amount of paperwork that small businesses are deluged by, and we are all concerned about the skyrocketing costs of energy for all business, including small business.

But the bill before us does a disservice to small business. It fails to recognize the importance of women-owned small businesses. This is especially important in Nevada which has over 50,000 women-owned small businesses and has the fastest growing number of women-owned small businesses in the country.

The number one issue for the women in Nevada that own small businesses is access to capital. It is the number one issue for women. It is the number one issue for women-owned businesses. Gutting the 7(a) loan program and microloans is a disaster for these businesses.

House Resolution 22 also fails to condemn the illegal practice of Federal Government contract bundling. When small business owners come to see me, one of the first issues they bring up is lack of access to Federal contracting opportunities. Contract bundling shuts small businesses out of the marketplace and should certainly be included in any genuine Small Business Bill of Rights.

Nevada has been rated among the best States for entrepreneurs to start a small business. These businesses must have opportunities in the Federal marketplace. Increasing small business participation in Federal contracts will result in lower cost to taxpayers and give small businesses more opportunities in the Federal marketplace. Small businesses make up 97 percent of all business in the United States; yet the Federal Government does more than 77 percent of its business with only 3 percent of our Nation's companies.

Mr. Speaker, I urge my colleagues to vote ''no'' on House Resolution 22 and ''yes'' on the Velazquez motion to recommit.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know if the gentlewoman from Nevada (Ms. BERKLEY) had the opportunity to read the bill. She said it does not say anything about access to capital or contract bundling. In reality, it specifically says small businesses shall have the right to equal treatment as compared to large businesses when seeking access to start-up and expansion capital and credit. It says small businesses should have the right to open access to the government procurement marketplace through the breaking up of large contracts to give small business owners a fair opportunity to compete for Federal contracts.

We specifically added those provisions knowing that they were of concern to the minority members on the Committee on Small Business.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, there are some things in this resolution I agree with, and there are some things that I do not agree with; but the real problem that I have with the resolution is it does nothing. It is just a bunch of rhetoric. Where I come from, we say it is a lot of words with sound and fury signifying nothing. Nothing will be done for small businesses at the end of the day under this bill.

Why we need a blueprint or a road map to address something in Congress escapes me. This bill does nothing.

The 20 businesses the gentleman from Florida (Mr. KELLER) says he talks to obviously did not include any minority businesses, and the number one issue that minority people are indicating to us as members of the Congressional Black Caucus is they cannot even get into business.

Mr. Speaker, that is 21 percent of the population, 7 percent of the small businesses, 7 percent of the businesses in this country; and yet when we tried to offer amendments to this bill to address the access to capital needs, 8(a), 7(a) and the things that are important to incentivizing minority businesses, the committee objected to including those things in this bill, and the Committee on Rules said, no, you cannot offer those amendments.

We want access to capital. We want the ability to just be able to get into business. We want access to contracts; and while the bill talks about unbundling Federal contracts, nobody on the other side of the aisle has done anything about unbundling contracts.

We have met with administration officials time after time after time, and they have done nothing. This resolution does nothing, and I encourage my colleagues to vote against it.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly respect the gentleman from North Carolina (Mr. WATT) and appreciate the gentleman agreeing with at least some of the positions in here, although the gentleman's position is somewhat interesting to me because on the one hand he is demanding that certain items be included that are not included, and on the other hand he says the resolution is meaningless.

□ 1445

So if in reality the resolution is meaningless, then why is it so key to him to have those things included?

The second thing he mentioned is we must not care about minority- or women-owned businesses. There is not one single thing in the Small Business Bill of Rights that says anything bad about women or minority businesses. I have not heard from any colleague any ill feelings to any women or minority businesses. There is language talking about equal access to capital and government contracts.

His saying next, I believe, we must not have talked to any folks representing minority-owned businesses, in reality we had testimony from the Chamber of Commerce at this hearing which said they represent 3 million businesses, testimony from NFIB representing 600,000 small businesses, small business owners, white, black, Hispanic and others; and they gave us their top four issues as surveyed by their own members as association health plans, repealing the death tax, cracking down on frivolous lawsuits, and reducing paperwork. So these were the top-tier issues of these organizations, which do include small businesses.

Mr. WATT. Mr. Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Speaker, I appreciate the gentleman's yielding to me.

I just want to be clear on whether this committee considered any amendments dealing with 8(a) or any of the incentivizing provisions and what disposition this committee made and what disposition the Committee on Rules made of efforts to amend this resolution to include some incentives for minority business participation that would close the gap that exists between minority individuals in business and other individuals in business. Did they consider anything?

Mr. KELLER. Mr. Speaker, reclaiming my time, with respect to what was considered by the committee, the committee, minority members included, got a full hearing. Everybody got to ask questions twice. They then had three provisions added to the original Small Business Bill of Rights by me through substitute amendments, and then they got a vote on four of their six amendments before time expired. No, there was not a vote on the 8(a) program. There is nothing in here that says 8(a) is bad or good.

Ms. VELÁZQUEZ. Mr. Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Speaker, two things. Only one person, one witness, testified on behalf of the 8(a) program. So she represented 100 percent of minority businesses in this country. Secondly, is it not true that in the list of priorities for NFIB, frivolous lawsuit does not make the top 50, it does not rank?

Mr. KELLER. Mr. Speaker, reclaiming my time, and certainly she can get her own time to respond, but, no, there was a lady who was invited to testify before the committee representing herself. She certainly did not represent 100 percent of all minorities in the country. She did not pretend to represent any minorities other than herself.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank the gentlewoman from New York (Ms. VELAZQUEZ) for yielding me this time.

Mr. Speaker, I rise in opposition to H. Res. 22, the so-called Small Business Bill of Rights. There is nothing that is right about this resolution since it does not recognize the right of small businesses to have access to capital that meets their needs.

Last night I offered an amendment to the Committee on Rules that recognized the right of small businesses to have access to capital; and I am extremely disappointed that, despite valiant efforts on the part of Democrats, this amendment was not made in order. Small businesses need the 7(a) loan program, the microloan program, and other SBA access to capital programs that help them maintain and expand their businesses.

My amendment would have also recognized the importance of the microloan program, which provides small loans to startups that are not served by traditional lenders. I know for a fact that access to capital programs are vitally important to small businesses in my district because when I held a small business roundtable meeting, access to capital was the number one issue each business brought forward as being an obstacle; and I know that this is the number one issue across the country.

Why are we not helping small businesses? They produce two-thirds to three-quarters of all the new jobs in this country, and they are the backbone of our economy. Unfortunately, many small businesses continue to face barriers to accessing the capital they need.

And I believe that Congress needs to take a stand today and strengthen these programs. It is time for Congress to go on the record in support of access to capital programs, like the microloan program, like the 7(a) loan program. Small businesses need more than just rhetoric and good intentions. They need action by this Congress.

So I urge my colleagues to oppose this resolution because it leaves out this critical priority.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

I will respond to the comments of the gentlewoman from California. Mr. Speaker, no one, no one, at the hearing of this resolution, either submitted written testimony or spoke about the Small Business Administration's microloan program. That is not to say that the program is unimportant. The Committee on Small Business has argued against eliminating the microloan program in the past. However, the main purpose of this resolution is to include only those issues that affect a broad cross-section of all small businesses. The microloan program serves a small niche marketplace. Access to capital issues are already addressed in the Small Business Bill of Rights. We specifically say small businesses should be entitled to the right to equal treatment as compared to large businesses when seeking access to startup and expansion capital and credit.

Again, this is an example of someone criticizing the resolution not for what it says. They do not disagree with what it says. It is something that is not even there in it, and it confounds me a little bit. And I have to tell my colleagues when I interviewed various businessmen, they had a lot of ideas that they thought should be included and focused on in Congress that, frankly, I did not include in this resolution, even though I like them and they are sincere and it is important to them, because it was not a top-tier issue. It did not affect a broad cross-section of people. It was not a consensus noncontroversial issue.

Just to give one example, one of the businessmen I interviewed was Mr. Bruce O'Donohue, who installs traffic lights. He says the biggest frustration as a small business person is getting reimbursed from the local, State, and Federal Government when they install traffic lights. It has a big impact on a small business guy to do work and then wait 4 or 5 months to get paid much more than it does a Fortune 500 company. I am sure for him this is more important than death tax laws and association health plans and frivolous lawsuits, and I do not doubt the sincerity. But I did not include it because it was the only time I heard it. It did not come up in the hearing. It was not a broad consensus issue.

So I could have made this piece of legislation as thick as a phone book and included everything in the world, but then nothing would ever get done. Instead, we decided to go with a blueprint of the top-tier issues that essentially says to Congress these are important; and if we do nothing else, let us at least achieve these top priorities.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to say that more than 50 percent of the microloan program loans went to minority entrepreneurs, making it a critical source for funding for new minority-owned firms. That is quite a niche for us. It might not be for the other party.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I am sitting here listening to the information being disseminated in regards to small business.

I have been for many years a small business entrepreneur, if the Members will. I have sat on the committee for 6 years and have seen how the funding for some of the programs that are most helpful to minority business and other small business have dwindled and we have had to fight, especially for women-owned businesses. One year it was from 8 million, increased by 3 million to all of 11 million for the whole of the United States. Yet women-owned businesses were the biggest growing segment of new business in the United States.

So here we have areas that need help. The ability for some of our small business to grow, to be able to start up, grow, to be able to expand, to create the jobs. Small business is the recovery engine of our United States; and yet we are saying these are important things, that it does not really say anything about it, it just does not say anything about them to help them grow in these hard economic times that we are facing right now. When we are talking about the reimbursement of business license, that is a local issue. That is local government. It has nothing to do with the Federal Government. Those are reimbursement issues that procurement at the local level is handling. That has nothing to do with assistance in programs that will enable small business to be able to produce the jobs that we need to recover.

And, yes, there are a lot of other issues that I could bring up, but I stand here and cannot help but wonder why they are so adamantly opposed to add provisions in a bill this year that we can institute to be able to further along our engine of recovery through our small business assistance.

Mr. KELLER. Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. Mr. Speaker, I rise in support of today's Small Business Bill of Rights, but I feel it necessary to address the concerns of the one small business community whose concerns are not addressed in this resolution, America's minority-owned businesses. This is not a small part of the small business marketplace. It is not a niche market, though this resolution treats the minority small business market as though it were a niche market.

Despite the fact that nearly one-third of America's population consists of minorities, these individuals own only 15 percent of America's small businesses.

Earlier this month, the gentlewoman from Wisconsin (Ms. MOORE) and I attempted to offer an amendment to address this disproportion. Our amendment was simply a call for modernizing and streamlining the eligibility criteria of the Small Business Administration's 8(a) program so that minority-owned small businesses had substantially the same eligibility criteria that we use to serve the rest of the small business community.

The 8(a) program was created nearly 40 years ago, and it is the major business development program that this government offers to help minority business development.

Currently, businesses applying for 8(a) certification have to meet a number of restrictive criteria. These include a net worth cap of $250,000; a 9-year maximum time in the program; a weaning off of government contracts; having been in business for 2 years prior to entering the program; and having to show written proof of ''prospects for success.''

Today these restrictions apply only to the 8(a) program. The eligibility criteria for the 8(a) program has not been updated, revised, or changed at all in the last 17 years. During that time, we have seen many other improvements in the Federal marketplace, including three new procurement programs targeting specific sectors of the small business community: the HUBZone program, the Women's Procurement program, and the Small Disadvantaged Business program. These are good initiatives that help America's small businesses; but in order to qualify for them, they do not have to jump through the same hoops they have to jump through to get 8(a) certification.

Mr. Speaker, 17 years without a legislative update is the equivalent of repeal by neglect. Instead of ensuring that minority entrepreneurs have equal access to Federal contracts and subcontracts, this resolution does nothing to eliminate out-of-date and unnecessary obstacles for minority-owned companies.

Mr. Speaker, this amendment was not even given the chance to be considered in committee. Just when it was time for us to introduce our amendment, a motion for previous question was made, preventing us from even introducing our amendment.

Yesterday, I argued before the Committee on Rules that this amendment be considered today, and that request too was denied.

Mr. Speaker, I understand that this is a House of procedure and protocol. But the curious and unusual procedure and protocol afforded this amendment has been unfair and unjust.

This resolution offered us an opportunity to help remove antique barriers that limit the potential of our Nation's minority-opened businesses. Until this Congress addresses the fact that minority small businesses have to jump

through hoops that do not apply in other small business programs, minority small businesses will continue to be second-class concerns.

A bill of rights for small businesses ought to fix that.

□ 1500

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire of the Chair how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida (Mr. KELLER) has 9 minutes remaining; the gentlewoman from New York (Ms. VELÁZQUEZ) has 8 minutes remaining.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I want to, so the world knows, speak in support of all of the work that the gentlewoman from New York (Ms. VELÁZQUEZ) has done on behalf of small business across this country. Without her leadership, small businesses might not have a voice in this Congress.

I rise to speak in opposition to this resolution and, specifically, on the importance of tax relief for American small businesses. This bill specifies that small businesses have ''the right to be free of unnecessary, restrictive regulations and paperwork which waste the time and energy of small business, while hurting production and preventing job creation.''

My only question is, what have the Republicans done since they took the majority in 1994 to relieve the tax burden on small business? Over a decade ago, when Republicans took control of the House, they promised that they would make our tax laws more simple and fair. Former Committee on Ways and Means Chairman Bill Archer promised on many occasions that he was going to rip the code out by its roots and replace it with a simpler one. This has not happened.

Actually, Mr. Speaker, the truth is no action has been taken. The Republicans have done the very opposite of what they promised.

Here are some disturbing facts. The IRS estimates that the average taxpayer with self-employed status has the greatest compliance burden in terms of preparation: 59 hours. This is about 10 hours longer than in 1994. According to the GAO, in 2000 and 2001, small businesses overpaid their taxes by $18 billion because of return errors and complexity in the Tax Code. The Small Business Act of 1996 made 657 Tax Code changes that expanded the code by more than 50 pages. The Job Growth and Tax Relief Act of 2003 made 51 Tax Code changes and expanded the Tax Code by nearly 12 pages. During the 108th Congress, the Republicans orchestrated nearly 900 changes to the Tax Code. And it goes on.

I just rise to say, Mr. Speaker, that I rise in opposition to the legislation. Small businesses need a simplified Tax Code.

An analysis of the legislation by the Joint Committee on Taxation describes how the new law will require more than 10 percent of all small businesses to keep additional records, result in more disputes with the IRS, increase tax preparation costs, and require additional complex calculations.

Mr. Speaker, small businesses are the foundation of our economy. They need a tax system that frees resources for investment and encourages job creation. We must support small businesses and American entrepreneurship.

When this resolution before us states that small businesses have "The right to be free of unnecessary, restrictive regulations . . .," we can't help but question the sincerity of that declaration.

Since they took the majority in 1994, Republicans have enacted 42 new tax laws. These new laws contain 4,268 changes to our tax code, resulting in over 500 additional pages to our tax code. These changes have made the tax code significantly more complex for Americans and small businesses, with no serious effort to provide tax simplification.

Mr. Speaker, when we say that small businesses have the right to be free from unnecessary regulation and deserve tax simplification, we cannot just "talk the talk." We must also "walk the walk." This is the time in which we need to initiate fundamental tax reform; it has become vital to our small businesses and American entrepreneurship. We must act now.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume, just to respond to one allegation by the gentlewoman which essentially was that Republicans have been in power for a while and have done nothing to help small businesses with respect to tax relief. I would dispute that pretty vigorously, and I do not need to look for too many examples of that.

When I was elected to Congress in the year 2000, small businesses, most of which are subchapter S pass-through entities, were paying a tax rate of 40 percent. On the other hand, the Fortune 500 corporations were paying a corporate tax rate of 35 percent. President Bush thought that was unfair, and we passed President Bush's tax relief initiative and brought small businesses from 40 percent down to 35 percent. We have seen 2 million new jobs created in the past year in large part because of that tax policy, and, in fact, 70 percent of those new jobs were created by small business people.

He also thought it was important that people have incentives to invest, so he asked us and we complied, and we lowered the capital gains tax from 20 percent down to 15 percent. We have had extraordinary tax growth. So I think the President has taken the lead with respect to tax relief, and the Congress has agreed with him, and we have had some pretty good success with that.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, small businesses got only $500. That is nothing compared to the $3,000 that they have to pay in fees through the 7(a) program.

Mr. Speaker, I yield 2 minutes, 15 seconds to the gentlewoman from Wisconsin (Ms. MOORE).

(Ms. MOORE of Wisconsin asked and was given permission to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I will not repeat the many cogent remarks that my colleagues have made, but I would like to address some of the things that the gentleman from Florida has said.

First of all, minority- and women-owned businesses are very, very proud to have contributed to this economy. The 3 million businesses with close to 5 million workers have generated close to $600 billion in revenue. My concern is that there will be a serious attrition because, in fact, the programs that have helped to create these businesses are being gutted and have not been improved in 17 years. As a result of our not modernizing these programs, there has been a loss of $10 billion in Federal contracting opportunities.

I would also like to address the gentleman's remarks about no one having a complaint about things in this bill. I suppose, Mr. Speaker, that the welcome for me, a new Member of Congress, is that I was not even allowed to debate my amendment, something that I regret, because I feel that I am a great contributor.

Mr. Speaker, I would just like to share a few of the staggering economic statistics in my district of Milwaukee, Wisconsin. In the past 5 years, the city of Milwaukee has lost 33,000 manufacturing jobs. We have had an 80 percent unemployment increase among residents in the city of Milwaukee. According to the Bureau of Labor Statistics, 59 percent, 59 percent of African American males are unemployed, and 92 percent of them live in the city of Milwaukee.

The late great Ronald Reagan once said anecdotally, the best way to address minority business unemployment is to create minority businesses. I could not have said it better.

Mr. Speaker, small businesses create nearly 75 percent of all new jobs, account for 99 percent of all employers, and make up half of our nation's Gross Domestic Product, GDP. Many people of color have embraced the idea of the American dream through business ownership, as minorities own more than 3 million businesses with close to 5 million workers and generate close to $600 billion in revenue.

However, despite the fact that minorities make up one-third of the population, minority-owned businesses account for only 15 percent of all U.S. companies. It seems that an ownership divide exists in this country and more of an effort should be made to encourage minority entrepreneurship. Unfortunately, H. Res. 22 does not adequately reflect the challenges facing many of today's minority entrepreneurs.

Let me briefly run down a few staggering statistics in terms of my district:

Since 1999, the number of unemployed residents in Milwaukee has increased by close to 80 percent.

According to the 2000 census, 59 percent of African American working age males in Milwaukee are either unemployed or out of the workforce.

In the past 5 years, the city of Milwaukee has lost 33,000 manufacturing jobs.

Ninety-two percent of the Metropolitan Milwaukee area's African American labor force lives in the city of Milwaukee.

I know the creation of a handful of new small businesses in my district would be a step in the right direction towards addressing some of the eye-opening figures I mentioned a moment ago. But the resources have to be made available in order to make this happen. Sadly, the actions of the federal government indicate the opposite.

It concerns me that programs established by Congress to promote minority business development, such as the SBA's 8(a) program, have been ignored and allowed to fall behind the times—with no action taken during the past 17 years to ensure that these vital services are able to meet the demands of today's small business marketplace. This is unacceptable.

In the meantime, numerous reforms occurred in the federal procurement process that made it quicker and easier to participate in contract practices. Regrettably, minority-owned firms were unable to capitalize on these improvements due to the outdated procurement initiatives offered through minority business development programs. As a result, these companies lost out on nearly $10 billion in Federal contracting opportunities.

In addition, there are significant racial disparities in Small Business Administration's lending practices. The average loan size for 7(a) loans is $170,000. However, the average 7(a) loan for African American-owned companies is $86,000, and the average 7(a) loan for Hispanic-owned businesses is $128,000.

The Federal Government has also added to the barriers to success already facing minority small business owners though the shutdown of the Small Business Investment Company's, SBIC, Participating Securities program. In 2003, 14 percent of all SBIC's program financings in 2003 went to minority-owned businesses. Entrepreneurs now have one less avenue for capital.

Furthermore, the administration also recommended eliminating the SBA's MicroLoan and PRIME programs, which provide financing and technical assistance to budding minority entrepreneurs. Given the importance of small businesses to the American economy and the serious problems facing urban communities, Congress should take proper action to accommodate the needs of small business owners.

Mr. Speaker, along with my colleague from Georgia, Representative BARROW, I made a good faith effort to introduce an amendment during the Small Business Committee Markup of H. Res. 22 which would have added the concerns of minority small business owners. Unfortunately, we were never granted the opportunity to offer our amendment.

To paraphrase former President Reagan, "the best way to increase employment in minority communities is to increase the number of minority-owned businesses." I couldn't have said it better myself.

This Small Business Bill of Rights does not accurately reflect the concerns of all small businesses in my district. Therefore, I cannot support the resolution. I urge my colleagues to vote "no" on H. Res. 22.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire how much time is left.

The SPEAKER pro tempore. The gentlewoman from New York has 3¾ minutes remaining; the gentleman from Florida has 7½ minutes remaining.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, in my community, there is an old saying that goes: After all is said and done, much more is said than done.

Now, we have heard a great deal about what some people have called the do-nothing, the empty-promises Small Business Bill of Rights. The gentleman from Florida asked the question, if you vote against this, what are you really voting against? What you are voting against is the gamesmanship of playing games with the needs of small businesses.

Yes, small businesses need some things. They need access to capital, money, cash. They need venture capital, money, cash to expand and grow their businesses. They need protection from the inopportunity to do business. They need the big contracts broken up, unbundled, so that they can compete. So they need assistance. They do not need rhetorical commentary, they do not need advice, they need help.

I am afraid that my colleagues have been correct. This legislation is full of empty promises. As my colleague from North Carolina said, sound and fury signify nothing.

We all love small businesses, but we want them to know the truth. The Bible says, "Know ye the truth, and the truth will set you free."

The truth is, this administration has not been supportive of small businesses.

Mr. KELLER. Mr. Speaker, I yield myself such time as I may consume.

Again, I respect the comments and enthusiasm of the gentleman from Illinois, and I wish I had his wonderful voice, by the way; maybe I would be more persuasive.

We hear criticisms that, well, this is just a blueprint, we need action. And then it is criticized because it does not have a thing or two that they want in there. So if it is, in fact, a meaningless blueprint and does not in fact do what I say it does, and that is provide a blueprint of action for this Congress, why are they so desperately trying to get their provisions in here?

I have to tell my colleagues that there are some folks who do not agree with their characterization that this is not important. The NFIB, which represents 600,000 small businesses, sent out a letter yesterday to every Member of Congress, please vote for the Keller Small Business Bill of Rights. This is important to us to have this blueprint.

The Chamber of Commerce sent out a letter on April 25, 2 days ago, which represents 3 million people, asking each Member of Congress, please vote for this Small Business Bill of Rights. This is a blueprint that is critical to have on the record so that this Congress will follow it.

I believe that we do need to have action after this. I believe that the gentlewoman from New York (Ms. VELÁZQUEZ) was smart and right to cosponsor the Association Health Plans. I share her criticism as to why the Senate has not acted, but we are going to act on this, and we are going to demand they act.

She inquired of me earlier, well, you, and I assume she meant my party, control the White House and the Senate; why do you not do something and get the President to act? I have to share with my colleagues that on March 18, just a little while ago, I had the happy privilege of flying down to my home district of Orlando with President Bush on Air Force One and he invited me up to his cabin there where his mom, Barbara Bush was, and I got the chance to chat with them, just he and I and Senator MARTINEZ, for an hour. He said, if you could have me do anything, what would you want me to do? I said, sir, I want you to use your bully pulpit to help us pass association health plans in the Senate. He said he supports it and he would agree to do that.

So I do not know what more I can do, other than asking the Commander in Chief, one on one, and getting his commitment that he is going to push for that. But I have tried. I wish I were a dictator for a day sometimes, because if I was, we would have association health plans.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 1 minute to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today to address a provision of H. Res. 22 that states that small businesses have a right to be free from unnecessary regulation and paperwork. Small business is important to me, Mr. Speaker, since 95 percent of the businesses in Guam are small businesses. My concern is the practical aspect of including this language in a bill that is meant to serve essentially as a statement of legislative goals for the 109th Congress.

The Regulatory Flexibility Act is routinely ignored by Federal agencies who are supposed to review regulations every 10 years. The Office of Advocacy and the Office of Information and Regulatory Policy are the offices assigned to review proposed regulations.

The point is that sufficient authority exists to protect small businesses against unnecessary regulatory burdens but, unfortunately, Mr. Speaker,

these laws are not being carried out to the intended level by the executive branch. I agree with the regulatory provision of H Res. 22. However, this issue should remain where it belongs: in the committee's oversight plan.

Mr. Speaker I, therefore, support House Resolution 22.

Mr. Speaker, I rise to address a provision of H. Res. 22 that states that small businesses have a right to be free from unnecessary regulation and paperwork. My purpose is not to judge the merits of this provision in the rhetorical sense, as I too agree that we need to do more to relieve the regulatory and paperwork burden on small businesses. My concern is the practical aspect of including this language in a bill that is meant to serve essentially as a statement of legislative goals for the 109th Congress, particularly a bill such as H. Res. 22 that has unfortunately poisoned some of the bipartisan spirit that I believe made the Small Business Committee so strong and effective in past Congresses.

Section 610 of the Regulatory Flexibility Act requires federal agencies to review regulations every ten years in order to strike or revise those provisions which are obsolete or for which a more modern perspective would lead to a better rule. This Act is routinely ignored by federal agencies. The Office of Advocacy and the Office of Information and Regulatory Policy are the offices assigned to review proposed regulations for their impact on small businesses and to ensure that agencies comply with the Regulatory Flexibility Act and the paperwork Reduction Act. Both offices have been provided fewer resources than in previous years, with the administration now proposing to eliminate the line item for advocacy's research budget.

The point is that sufficient authority exists to protect small businesses against unnecessary regulatory burdens, but unfortunately these laws are not being carried out to the intended level by the executive branch. I agree with the regulatory provision of H. Res. 22 in substance, however, this issue should remain where it belongs: in the committee's oversight plan. As the ranking member of the Regulatory Reform and Oversight Subcommittee, I am very much looking forward to conducting oversight hearings on the challenges facing the Federal agencies in complying with existing mandates. The chairman of my subcommittee is a good man, with whom I know there exists much common ground for which we can work on a bipartisan basis.

Last year, we worked on a bipartisan basis to advance an SBA reauthorization that had many important provisions. We worked together on a number of other items such as small business health care and restoring funding for the 7(a) Loan Program that we felt were of mutual interest to small businesses despite objections from other members of our own parties. Unfortunately many of the bipartisan points were scuttled, including a very important provision for my district, and many of the issues for which there is not as strong a consensus are now being advanced. I don't question the commitment to small businesses of those supporting or not supporting H. Res. 22. I do however question whether or not this strategy is conducive to what we really need to be doing as a committee and as a Congress in advancing the interests of our small business community, particularly those issues on which we all agree.

Mr. KELLER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, who was the right to close?

The SPEAKER pro tempore. The gentleman from Florida has the right to close.

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent for an additional 1½ minutes for myself.

Mr. KELLER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

The SPEAKER pro tempore. The gentlewoman is yielded an additional 1 minute then, for 2¼ minutes.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the remaining time.

My colleagues have all heard about the challenges facing small business today during this debate. It has become very clear that House Resolution 22 will do nothing to address these issues, and it is nothing more than pure rhetoric.

This resolution fails terribly in providing strong solutions and action items to help this Nation's small businesses. It also fails terribly in representing the needs of all sectors of the small business community. With all the respect due to the main sponsor of this resolution, 20 small businesses from his district do not represent 20 small businesses in my district, or 20 small businesses in any other Members' district. By voting for House Resolution 22, you are merely casting a blank ballot. This bill of rights is nothing more than empty promises to our Nation's small businesses.

I am going to request a motion to recommit this bill back to the committee. By voting for this motion to recommit, you will be voting to give small businesses the opportunity to truly receive more capital through SBA lending programs and to protect them from free trade agreements. Most importantly, you will be voting to make the needs of women- and minority-owned businesses a true priority. These are critical provisions that need to be addressed.

□ 1515

This resolution does not represent the needs of all our Nation's small businesses. In order to enhance House Resolution 22, I urge you to vote ''yes'' on the motion to recommit this legislation to the committee. And I urge you to vote ''no'' on final passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida has the right to close.

Mr. KELLER. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 4½ minutes remaining.

Mr. KELLER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, let us talk a little bit about this Small Business Bill of Rights and whether or not it accurately represents small business people. When I was assigned to the Small Business Committee, before accepting my Chair there, I decided to personally go interview small business people in my district.

I did not pretend to have any idea as to what their top issues were. I just knew that they were creating 70 percent of all new jobs in this country; and I wanted to see what, if anything, I and other Members of Congress could do to help them. I went into those meetings with an open mind. I then came out learning that the skyrocketing health insurance was the number one issue, and they wanted association health plans.

I learned their number two issue was small family-owned businesses wanting to pass the businesses from one generation to the next under some reformed death tax laws. Right now what we have was unacceptable.

I have learned that they had concerns about frivolous lawsuits, and their liability premiums were going up, and that it was hard for them to defend a case in court, even if they were not at fault, because attorneys are so expensive, and so they would rather pay 10 grand to settle a case where they did nothing wrong rather than pay $100,000.

I also learned that they were spending about $5,500 per employee on unnecessary paperwork and regulations. I learned from these meetings that, in fact, those were not only the top four issues, but in about that order.

And then later, when the gentlewoman from New York (Ms. VELÁZQUEZ) said that she wanted to have a hearing on this matter, we had the majority and minority call witnesses. And I did not know what these witnesses were going to say at that hearing.

But when we got to the hearing, we had the U.S. Chamber of Commerce, which does represent 3 million businesses, and not just the 20 I spoke of, say that, in fact, according to the polls of those members, those four issues that consistently came up in my district of Orlando were the top four issues in the country facing small businesses.

We then had a gentleman testify on behalf of NFIB named Jerry Pierce. And he testified those were the top four issues according to him and NFIB. And so, in fact, we had isolated the top four issues affecting small businesses, and they rightfully deserve to be there.

So we put together this Small Business Bill of Rights; did not do it alone, sat down and talked with a Democrat colleague of mine who is the original cosponsor of this, the gentleman from Alabama (Mr. CRAMER), and put together what we thought were the top four issues.

We then had a hearing. And the minority said, well, there are some other issues that are also important dealing

with energy costs and access to capital and contract bundling. We put those there as well.

And so we came up with this Small Business Bill of Rights, not by accident or witchcraft or consulting some psychic. We came up with these issues by talking directly to business people out in the field, in congressional hearings, and listening to what they said in their surveys. And we came up with a pretty good bill that almost everyone, Republican and Democrat, should support.

Now, there is a reason not to support this; and I will tell you, in the interest of straight talk. If you disagree with what this says, and you believe there should be higher health insurance, then do not support it. If you think there should be more taxes, then do not support it. If you think we should have more frivolous lawsuits, do not support it. If you want more red tape and paperwork, do not support it. If you want higher energy costs, do not support it. If you want more obstacles to getting contracts, do not support it. If you want it to be harder to get access to capital, do not support it. But if you are a small business person and you represent small business people, realize that this Small Business Bill of Rights represents what they tell us they want Congress to do.

During this week, National Small Business Week, let us send a message to small business people: we hear you, we have a resolution listing these as the blueprint for our priorities in Congress, and we are going to vote ''yes'' to send a message that we are going to get these things done, if nothing else.

With that, Mr. Speaker, I ask my colleagues on both sides of the aisle to vote ''yes'' on H. Res. 22 and vote ''no'' on the motion to recommit.

GENERAL LEAVE

Mr. KELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 22.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. UDALL of New Mexico. Mr. Speaker, thank you for allowing me the opportunity to offer my remarks today regarding H. Res. 22. As a member of the House Small Business Committee, small business creation and development is one area in which I take great interest. As the Representative from a largely rural district, I understand that small businesses are the livelihood of rural America. They bring goods and services to these communities, providing the foundation for local rural economies. They also are the main source of employment in many rural areas.

In many rural areas, it is a priority to ensure small businesses access to capital. Without access to financing, small businesses are unable to target new markets, grow, or even hire new workers. Often, undercapitalized businesses go bankrupt, leaving a void in rural communities across the country.

The Small Business Administration's 7(a) loan program was created to fill this void as well as to ensure that small businesses would always have an available source of affordable capital. The program is administered by a network of lenders, which based on SBA rules, sets up its own processes. SBA provides a guarantee on a portion of the loan, and allows the bank to extend more capital than they would without the guarantee. The 7(a) loan program, which is the SBA's core lending program, is responsible for 30 percent of all long-term lending to small business owners.

Unfortunately, the Administration recently shifted the cost of the 7(a) program to small businesses and their lenders—raising fees on these loans for both the borrowers and lenders. Upfront fees were raised by nearly $1,500 for smaller loans and as much as $3,000 for larger loans. For the largest loans available, which are for $2 million, these fees are now over $50,000. This has doubled lenders' annual costs for making loans and reduced their incentives for participating in the program.

The Administration's actions are starting to take their toll. During the last quarter of FY04, when the program was operating unfettered and with lower fees in place, the program did $3.94 billion worth of business. Recent quarterly figures show that this has dropped to $3.42 billion—a 14 percent decline. And the Administration has now proposed more fees for next year. This will only serve to further harm small businesses and the communities that they are located in.

There are many creditworthy businesses that are in need of capital but that do not fit a lender's traditional underwriting standards. Some entrepreneurs put off needed improvements or forgo potential expansion. Others are forced to turn to costly lending alternatives and end up financially strapped with insurmountable debt before their companies have even had a chance to get off the ground.

To make things worse, credit conditions are tightening for small business owners. The Federal Reserve has just raised interest rates for the seventh time since last June. Many lenders have followed suit, lifting their prime lending rates to 5.75 percent. Small business loans are tied to the prime lending rate, and as a result many small businesses will face higher interest rates.

It is evident that many small business owners are unable to access the capital they need. This creates a situation where not only is the entrepreneur unable to achieve their goal, but our local communities lose out on the potential job creation and economic growth that these new firms bring with them.

Small businesses are critical to our nation's economy and we must ensure that they have access to capital. Yet, this resolution fails to call for Congress to help strengthen the SBA programs that best help small businesses. This resolution falls far short of helping small businesses. As such, I urge my colleagues to oppose H. Res. 22.

Mr. KELLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 235, the previous question is ordered on the resolution and the preamble, as amended.

MOTION TO RECOMMIT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the resolution?

Ms. VELÁZQUEZ. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. VELÁZQUEZ moves to recommit the bill, H. Res. 22, to the Committee on Small Business.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 222, not voting 24, as follows:

[Roll No. 140]

YEAS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz

Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brown (SC)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Conyers
Costa
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Cubin
Doolittle
Feeney
Flake
Hensarling
Hinojosa
Istook
Johnson, Sam
Lynch
Musgrave
Myrick
Pence
Pitts
Rothman
Ryan (WI)
Scott (GA)
Shadegg
Souder
Westmoreland
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1546

Messrs. KIND, THORNBERRY, LEACH, PETERSON of Pennsylvania and REGULA changed their vote from ''yea'' to ''nay''.

Messrs. ENGEL, DAVIS of Tennessee and OBERSTAR and Mrs. MALONEY changed their vote from ''nay'' to ''yea''.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 140, had I been present, I would have voted "yes."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

## SUPPORTING GOALS OF WORLD INTELLECTUAL PROPERTY DAY

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 210) supporting the goals of World Intellectual Property Day, and recognizing the importance of intellectual property in the United States and worldwide.

The Clerk read as follows:

H. RES. 210

Whereas intellectual property is the backbone of our Nation's economic competitiveness and the only sector where the United States has a trade surplus with every nation in the world;

Whereas all nations can use the intellectual property system to achieve economic growth and cultural development;

Whereas intellectual property plays an important role in an increasingly broad range of areas, ranging from the Internet to health care to nearly all aspects of science and technology and literature and the arts, and understanding the role of intellectual property in these areas—many of them still emerging—often requires significant new research and study;

Whereas World Intellectual Property Day provides an opportunity to reflect on how intellectual property touches all aspects of our lives: how copyright helps bring music to our ears and art, films, and literature before our eyes, how industrial design helps shape our world, how trademarks provide reliable signs of quality, and how patenting helps promote ingenious inventions that make life easier, faster, safer—and sometimes completely changes our way of living;

Whereas World Intellectual Property Day is an opportunity to encourage young people everywhere to recognize the creator, the problem-solver, and the artist within themselves, because the classrooms of today will produce the entrepreneurs, the scientists, the designers, and the artists of tomorrow;

Whereas the over-arching objectives for World Intellectual Property Day 2005 are to reach out to young people about the importance of intellectual property, to increase understanding of how protecting intellectual property rights helps foster creativity and innovation, and to raise awareness of the importance in daily life of patents, copyrights, trademarks, and designs;

Whereas April 26, 1970, was the date on which the Convention establishing the World Intellectual Property Organization entered into force;

Whereas in 2000, member states of the World Intellectual Property Organization established World Intellectual Property Day to celebrate the contribution made by innovators and artists to the development and growth of societies across the globe and to highlight the importance and practical use of intellectual property in our daily lives; and

Whereas April 26, 2005, has been designated as World Intellectual Property Day as a time to celebrate the importance of intellectual property to the United States and world economy: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) supports the goals of World Intellectual Property Day to promote, inform, and teach the importance of intellectual property as a tool for economic, social, and cultural development;

(2) congratulates the World Intellectual Property Organization for building awareness of the value of intellectual property and developing the necessary infrastructure to help citizens take full advantage of their own creativity;

(3) applauds the ongoing contributions of human creativity and intellectual property to growth and innovation and for the key role they play in promoting and ensuring a brighter and stronger future for the Nation; and

(4) recognizes that intellectual property continues to face serious, new challenges, which affect prospects for future growth of the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Florida (Mr. WEXLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 210, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of House Resolution 210 is to congratulate the World Intellectual Property Organization, commonly referred to as WIPO, for its work and to support the goals of World Intellectual Property Day, which include teaching the importance of intellectual property as a tool for

economic, social, and cultural development.

WIPO is considered the most important international organization for the promotion of intellectual property.

Among its other responsibilities, WIPO administers those treaties known as the Berne and the Paris conventions to protect intellectual property globally. The United States is a WIPO member.

Five years ago, WIPO member states celebrated the founding of the organization by establishing World Intellectual Property Day. April 26, 1970, is the date on which the convention that created WIPO took effect.

House Resolution 210 commemorates the achievements of WIPO and its designation of April 26, 2005, as World Intellectual Property Day for the current year.

I support the resolution and urge other Members to do so as well.

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 210. First, I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his graciousness and the degree of support that he has lent to this bill.

I want to extend a very special thank you to the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee, without whom we would not have had the energy and the direction to be here today.

I also want to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. BERMAN) for their leadership, as well as the three other Chairs of the Intellectual Property Caucus, the gentlewoman from California (Mrs. BONO), the gentleman from Florida (Mr. FEENEY), and the gentleman from Washington (Mr. SMITH), who have joined with me in sponsoring House Resolution 210.

This important resolution commemorates World Intellectual Property Day, which is April 26, 2005. On April 26, 1970, the United Nations established the World Intellectual Property Organization, WIPO, which is one of the 16 specialized agencies of the United Nations system of organizations. WIPO focuses solely on promoting the use and protection of patents, trademarks, and copyrights internationally. As part of their important advocacy and public awareness campaign, WIPO created World Intellectual Property Day, and it is celebrated each year on the anniversary of WIPO's creation, April 26.

World Intellectual Property Day brings attention to the importance of intellectual property in the world economy and celebrates the contribution made by innovators and artists to the development and growth of societies across the globe. While most Members of the Congress have had the opportunity to see firsthand the importance of intellectual property to artists and businesses in our respective districts, World Intellectual Property Day serves as a helpful reminder to us and as an educational tool for those who may not realize how vital intellectual property is to our economic prosperity.

From artistic works to life-saving medicines to revolutionary inventions, intellectual property enriches, enhances, and informs our lives. In spite of the tremendous importance of intellectual property, many Americans are unaware that the entertainment they enjoy and the technology they use to get their work done would not exist if not for the protections our Founding Fathers placed in the Constitution and the value our society has continued to place on these vital, yet intangible, contributions.

World Intellectual Property Day is focused this year on bringing intellectual property to young people around the globe. Through it, we can reach out to young people about the importance of intellectual property and to increase understanding of how protecting IP rights helps to foster creativity and invention. America is an unsurpassed leader in imagination and innovation, and it will be up to our children and through the efforts of groups like the World Intellectual Property Organization of the U.N. to continue this strong tradition.

House Resolution 210 will help bring attention to World Intellectual Property Day and to the tremendous value of intellectual property, and I hope that all of our colleagues will join us in support of this resolution.

Mr. Speaker, I yield back the remainder of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding me time.

I would also like to thank the gentleman from Florida (Mr. WEXLER), my friend, for his generous comments and especially for taking the initiative on this resolution.

Mr. Speaker, I am an original cosponsor of this resolution which supports World Intellectual Property Day and applauds the work of the World Intellectual Property Organization, WIPO.

WIPO is the leading intellectual property organization that works globally to promote intellectual property. Its mission is to promote the use and protection of works of the human spirit.

The organization administers 23 intellectual property treaties and works to educate member countries about the importance of intellectual property.

In the United States, the intellectual property industries drive our economy. Whether it is the creative industries that produce music and movies or high-tech companies that produce software and research, nanotechnology, innovation keeps America competitive.

The United States is a member of WIPO. In order to safeguard our inventors and innovators, we must not only enact strong intellectual property laws in the U.S. but also must make sure our products are protected abroad. WIPO works to do just that.

April 26 was established by WIPO 5 years ago as World Intellectual Property Day. H. Res. 210 applauds WIPO for its work and commemorates April 26, 2005, as World Intellectual Property Day.

This resolution is an appropriate way to call attention to such a worthy organization, and I encourage my colleagues to support it. Once again, I would like to thank the gentleman from Florida (Mr. WEXLER) for his sponsoring of this resolution.

Mr. ISSA. Mr. Speaker, I rise today in support of H. Res. 210, a resolution acknowledging the importance of intellectual property in the United States and throughout the world. I thank Mr. WEXLER for introducing this important legislation.

Prior to my election to Congress, I spent over twenty years in the consumer electronic industry. I know firsthand the importance of allowing an individual or company to reasonably protect their creative works. If it were not for this ability to prevent others from infringing upon a creator's ideas, the United States would not be the engine of economic growth that it is today.

World Intellectual Property Day was established in recognition of these principles. The goals of this Day are simple—to promote, inform, and teach the importance of intellectual property. Through my travels abroad, I have come to realize that not all entities around the globe, public or private, respect intellectual property rights to the same degree. For example, we still face increasing amounts of piracy of copyrighted works and counterfeiting of patented medications. Put plainly, the incentive to create stems in great part from the desire to do so exclusively. Ensuring the continuation of intellectual property rights in the United States and throughout the world will only serve to bring more high quality and safe products consumers want to the market.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 210.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their

remarks and include extraneous material on H.R. 748, the bill to be considered shortly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## CHILD INTERSTATE ABORTION NOTIFICATION ACT

The SPEAKER pro tempore (Mr. PORTMAN). Pursuant to House Resolution 236 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 748.

The Chair designates the gentleman from Nebraska (Mr. TERRY) as chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. FOLEY) to assume the chair temporarily.

□ 1556

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes, with Mr. FOLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 748, the Child Interstate Abortion Notification Act. Laws that require parental notification before an abortion can be obtained by a minor are overwhelmingly supported by the American people.

As recently as March 2005, 75 percent of over 1,500 registered voters surveyed favored requiring parental notification before a minor could get an abortion. In fact, the 2004 Democratic nominee for President said on ''Meet the Press'' this year, ''I am for parental notification.''

Across the country, medical personnel and others must obtain parental consent before performing routine medical services such as providing aspirin or including children in certain activities such as field trips and contact sports.

Yet, today, people other than parents can secretly take children across State lines in violation of parental notification laws for abortion without their parents even knowing about it.

Introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN), the Child Interstate Abortion Notification Act, or CIANA for short, will protect the health and physical safety of young girls and protect fundamental parental rights. This legislation contains two central provisions, each of which creates a new Federal crime subject to $100,000 fine or 1 year in jail or both.

The first section of the bill makes it a Federal crime to transport a minor across State lines in order to circumvent a State law requiring parental involvement in the minor's abortion decision. Twenty-three States currently have such parental involvement laws. The purpose of this section is to prevent people, including abusive boyfriends and older men who may have committed rape, from pressuring young girls into receiving a secret out-of-State abortion that keeps the abuser's sexual crimes hidden from that minor's parents or law enforcement authorities.

The first section of the bill does not apply to a minor seeking the abortion themselves or to their parents.

□ 1600

It also does not apply in life-threatening emergencies that may require that an abortion be provided immediately.

The second section of CIANA applies to cases in which a minor who is a resident of one State presents herself for an abortion in another State that does not have a parental involvement law. In those circumstances, the bill requires the abortion provider to give one of the minor's parents, or a legal guardian, notice of the minor's abortion decision before the abortion is performed. The purpose of this section is to protect the fundamental right of parents to be involved in a minor's decision to undergo a potentially dangerous medical procedure. A parent will be familiar with their daughter's medical history and able to give that information to a health care provider to ensure that she receives safe medical care and necessary follow-up treatment.

This section of the bill does not apply where the abortion provider is presented with court papers showing that the parental involvement law in effect in the minor's State of residence has been complied with. It also does not apply where the minor states that she has been the victim of abuse by a parent and the abortion provider informs the appropriate State authorities of such abuse. Furthermore, it does not apply where a life-threatening emergency may require that an abortion be provided immediately.

The need for this section was provided by Marcia Carroll, who testified on behalf of H.R. 748 before the Committee on the Judiciary. In her testimony, Mrs. Carroll described how her daughter, without Mrs. Carroll's knowledge, was pressured by her boyfriend's stepfather to cross State lines to have an abortion she did not want and which she now regrets. Mrs. Carroll said, ''My daughter does suffer. She has gone to counseling for this. I just know that she cries and wishes she could redo everything, relive that day over. She has asked me to come here for her sake and for other girls' safety to speak and let you know what was happening.''

It is important to note that nothing in this legislation prevents a minor from obtaining an abortion. CIANA simply protects the right of parents to be given a chance to help their children through difficult times. The Supreme Court has described parents' right to control the care of their children as ''perhaps the oldest of the fundamental liberty interests recognized by this Court.'' The Supreme Court has also observed that, ''The medical, emotional, and psychological consequences of an abortion are serious and can be lasting,'' and that ''it seems unlikely that the minor will obtain adequate counsel and support from the attending physician at an abortion clinic where abortions for pregnant minors frequently take place.''

The House of Representatives has passed similar legislation by over 100-vote margins in recent Congresses, and I urge all my colleagues to again support this legislation, which is so vital to parental rights and to the health and safety of America's minor daughters.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 4 minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, ladies and gentlemen of the House, we have, this afternoon, a measure on the floor that will increase health risks to young women who choose to have an abortion, is clearly unconstitutional, is antifamily and antiphysician, and it goes way beyond limiting the travel rights of a young woman who would want or seek an abortion or forcing a physician to provide parental notices.

This bill is really about stopping any woman from crossing a State line to obtain an abortion under any conditions and about preventing a doctor from performing an abortion at any time. It is a tragic bill. It is a mean-spirited bill.

If the proponents really wanted to allow young women to ever cross a State line to obtain an abortion, would they pass a law so extreme as to prevent even the woman's grandparents, aunts or uncles, siblings or clergy from helping safeguard the woman's safety? Why else would they pass a law that criminalizes not only taxi and bus drivers but nurses or any health professional who even gives a young woman directions home? There is only one possible answer, and that is they want to prevent any young woman from being able to obtain an abortion, even if she is raped, or even if she is too afraid of her parents to confide in them.

If the proponents of the bill really wanted to permit doctors to conduct abortions on young women under the proper circumstances, why would they force the doctors to travel in person across State lines to give actual written notice to parents? Why else would they fail to define what constitutes reasonable effort by a physician? Why else would they impose this burdensome requirement, even if a parent brought his or her child to the doctor's office to obtain this medical procedure?

So if the proponents really cared whether the bill complied with the Constitution, they would add a health exception that has been frequently enumerated by the Supreme Court in Stenberg versus Cahart; they would provide for a judicial bypass, as is mandated in Hodgson versus Minnesota. Yet the proponents continue to ignore the letter of the law and then act surprised and complain about activist judges when the Court merely does its duty and strikes down blatant unconstitutional proposals like the one before us today.

Unfortunately, this legislation constitutes yet another in a long line of shortsighted efforts to politicize tragic family dilemmas that does nothing to respond to the underlying problems of teen pregnancies, dysfunctional families, and child abuse. We in Congress should not be in the business of telling young women facing a terrible situation who they must confide in and that the Constitution does not apply to them.

Please listen carefully and reject this unwarranted piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 748, the Child Interstate Abortion Notification Act, CIANA, which was introduced by my colleague, the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN). I would also like to thank our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his leadership on this bill as well.

CIANA's predecessor, the Child Custody Protection Act, received broad support, passing this House by over 100-vote margins on three separate occasions, including the 105th, the 106th, and the 107th Congresses. H.R. 748, introduced this session, was favorably reported out of the Subcommittee on the Constitution on March 17 and out of the full Committee on the Judiciary on April 13 of this year.

Passing CIANA is critical to both protecting our minors as well as preserving the opportunity for parents to be involved in their children's decisions. The first section of CIANA, as our chairman mentioned, would make it a Federal crime to transport a minor across State lines to obtain an abortion in another State in circumvention of a State's parental notification law.

The primary purpose of the first section is to prevent people, including abusive boyfriends and older men, and oftentimes we have seen people in their twenties and we have seen girls 15, 16, 17 years of age here, so oftentimes it is statutory rape, from pressuring these young girls into circumventing their State's parental involvement laws by receiving secret out-of-State abortions, unknown to their parents. The parents are the ones that ought to be involved in making these oftentimes life-altering decisions, not some abusive boyfriend, not some older man whose interests are to protect himself and perhaps to do away with the evidence. He does not have that girl's best interests in mind. The parents are the ones that ought to be involved in making this decision.

CIANA recognizes certain exemptions to the act's requirements, including instances in which a life-threatening emergency may require an abortion be provided immediately; instances in which the abortion provider is presented with court papers showing that the parental involvement law in effect in the minor's home State has been complied with; and instances in which the minor states that she has been the victim of abuse by a parent and the abortion provider informs the appropriate State authorities of such abuse so that it can be prevented.

The statistics show that approximately 80 percent of the public favors parental notification laws, and as recently as last month, 75 percent of 1,500 registered voters favored requiring parental notification before a minor could get an abortion, with only 18 percent opposing parental notification.

Forty-four States have enacted some form of parental involvement statute. Twenty-three of these States enforce statutes that require the consent or notification of at least one parent or court authorization before a young girl can obtain an abortion, including my State, the State of Ohio. Such laws reflect the widespread agreement that the parents of a pregnant minor are best suited to provide counsel and guidance and support as the girl decides whether to continue her pregnancy or to undergo an abortion.

The Subcommittee on the Constitution heard firsthand about this life-altering procedure, as our chairman mentioned. We had the mother of a young girl. This young girl was essentially pressured by the boyfriend and the boyfriend's parents. This young girl's parents thought they were sending her to school; she was then taken out of State, from Pennsylvania into New Jersey, where an abortion was performed on her. The parents and the boyfriend, they went out and had lunch while she is undergoing this abortion.

This girl did not want to go through with it to begin with. They pressured her, and when she got there, she said she did not want to go through with it. That was the evidence in the committee. She was told by them if you do not go through with this, you do not have a way to get back home. So she would have been stuck there. The mother found out about this, and the daughter, she said, still cries about this constantly; that she wishes she could go back and undo what happened to her, but obviously it is too late.

The parents should have been entitled to have been involved in this process, but, unfortunately, too often that is not the case if they are being pressured by the boyfriend or some abusive adult. Parents such as Mrs. Carroll should be given the chance to be involved in these life-altering decisions. Confused and frightened young girls who find themselves in these situations are routinely influenced and assisted by adults in obtaining abortions and are encouraged to avoid parental involvement by crossing State lines.

These girls are often guided by those who do not share the love and affection that the parents do. It should be the parents involved. Parental involvement is critical. I strongly urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 4 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution, who has worked with great diligence on this subject across the years.

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me this time, and first let me begin by noting that the case just alluded to by the gentleman from Ohio (Mr. CHABOT), that in the case where a young woman was held coercively, was threatened if she did not go through with an abortion she would not be able to get home, would seem to violate the laws against kidnapping and half a dozen other criminal laws. If those people were not prosecuted, it is the district attorney's fault. We do not need this bill to deal with a situation like that.

Mr. Chairman, we consider today legislation that is at once another flagrant violation of the Constitution and an assault on the health and well-being of young women and their health care providers. Some States have chosen to enact parental notification and consent laws. Some, like mine, have considered this issue and decided such laws are not good for the welfare of young women and have declined to enact them. This bill would use Federal authority to impose the restrictive laws of one State on abortions performed in another State. It would, in effect, make a young girl carry the law of her State on her back wherever she goes.

Mr. Chairman, I know of no law that has attempted to do this kind of thing since the Fugitive Slave Act of the 1850s. This bill would make criminals of grandparents, boyfriends, brothers, sisters, and clergymen and women who try to help a young woman, a young

woman who had a fear or alienation and thinks she cannot confide in her parents.

It would even apply to a case such as that of a 13-year-old from Idaho, Spring Adams, who was shot to death by her father after he found out that she planned to terminate a pregnancy, a pregnancy he caused by his act of incest. Under this bill, he would have the parental notification or veto right.

This bill is radically different from previous versions. If you voted for this bill in the past, look again. It would now, for the first time, jail doctors. It would now, for the first time, require doctors to know the laws of all 50 States. It would now, for the first time, require a doctor to fly to the young woman's home State and ring her parents' doorbell before treating her. Even if the young girl's State of residence and the doctor's State have both decided not to enact parental notification or consent laws, this bill would impose a new Federal parental notification law that is more Draconian than the laws of most States.

□ 1615

This bill imposes a 24-hour waiting period and does not waive that requirement even if the parents accompany the young woman to the abortion doctor and even if a delay would threaten her health. That is not only unconstitutional; it is immoral. Congress should not be tempted to play doctor. It is always bad medicine for women.

In an ideal world, loving, supportive and understanding families would join together to face these challenges. That is what happens in the majority of cases, law or no law; but we do not live in a perfect world. Some parents are violent; some parents are rapists. Some young people can turn only to their clergy, to a grandparent, a brother, a sister, or some other trusted adult. We should not turn these people into criminals simply because they are trying to help a young woman in a difficult or dire situation.

This bill is the wrong way to deal with a very real problem. It does not provide exceptions to protect the young woman's health. It does not provide exceptions where a parent has raped a young woman. It even allows the rapist to sue the clergyman or the doctor who tries to help the doctor deal with the effects of the rape committed by the rapist. It allows the rapist to sue the doctor and gain from his crime.

I urge my colleagues to reject this legislation on both constitutional and policy grounds. If only for the sake of humanity, I urge Members to join in providing the needed flexibility for the most difficult real-world cases involving the lives of real young women. We owe them at least that much.

We also owe the States the respect to note that some of them have passed such laws, some have not. Why should we impose these laws in States that have not done it? Why should we tell someone in one State because you came from another State, you are subject to the laws of that State wherever you go. We do not do that in this country generally. We are supposed to be a Federal Republic, although increasingly in this House we seem to forget that. I urge rejection of this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the author of the bill.

Ms. ROS-LEHTINEN. Mr. Chairman, I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) for his critical leadership on this bill, as well as the gentleman from Ohio (Mr. CHABOT) for his help throughout this process.

As a mother of two teenage daughters, I, like so many Americans, believe that we as parents have a right to know what is going on in our daughters' lives, especially with regard to a potentially life-threatening medical procedure. And my bill, the Child Interstate Abortion Notification Act, CIANA, will incorporate all of the provisions previously contained in the Child Custody Protection Act making it a Federal offense to transport a minor across State lines in order to circumvent that State's abortion parental notification laws.

In addition, the bill will require in a State without a parent notification requirement, abortion providers are required to notify a parent. It will protect minors from exploitation from the abortion industry. It will promote strong family ties, and it will help foster respect for State laws.

This legislation will put an end to the abortion clinics and family planning organizations that exploit young, vulnerable girls by luring them to recklessly disobey State laws. This legislation has had the support of the overwhelming majority of Members who have voted in favor of a similar, but not identical, bill in not only 1998 and in 1999 but also in 2002. Today, CIANA has 129 cosponsors. The people have spoken in the past, and so have their representatives.

I am extremely hopeful that this Congress will pass this common-place and commonsense legislation. I hope it will pass the House and the Senate, and the President has said he will sign the bill into law. I encourage my colleagues to vote in favor of this legislation and reject weakening amendments that seek to put loopholes in this bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary.

Ms. WATERS. Mr. Chairman, I rise in strong opposition to what I think is an outrageous piece of legislation that is going to harm women and make criminals out of innocent individuals and even grandmothers who seek to help their granddaughters travel across State lines in order to end their pregnancy.

Mr. Chairman, we worked very hard in the Committee on the Judiciary to try and make sense out of this bill. Those of us who oppose this legislation thought for one minute that perhaps our colleagues would have enough humanity to recognize that there ought to be some exceptions to this bad bill. One that I dealt with had to do with incest.

Can Members imagine that a young girl has been raped or abused by a father, and now she has to go to him to ask him for permission to have an abortion; but beyond that, permission to travel out of the State to another State where the laws are different and would allow for abortion, perhaps without a bypass procedure?

It is inconceivable to me that we would have been denied this kind of an amendment. It is inconceivable to me that my colleagues on the other side of the aisle would think that they should not only force a young girl who is the victim of incest to go to the perpetrator, maybe the father or the relative to ask them for permission, they even create penalties for anyone that would assist the young girl in traveling across State lines. This is absolutely outrageous and unreasonable.

Young women in this country increasingly are confronted with far too many traumatic situations. We have sexual predators out there, many in the headlines today. We have more and more cases of incest that we are learning about, and at the same time we would make life more difficult for someone who is the victim of incest. I would ask my colleagues to reject this legislation. It is absolutely unreasonable.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me this time to speak on this important issue.

I rise today to urge my colleagues to support H.R. 748, the Child Interstate Abortion Notification Act. This important piece of legislation will make it a Federal crime to transport a minor across State lines to obtain an abortion in another State.

Unfortunately, only about half our States currently have parental notification or consent laws in effect, and all too often these laws are circumvented by those wishing to take minors to other States that do not have parental notification requirements. This often happens under heavy pressure from older boyfriends or at the urging of abortion providers.

In order to protect the welfare of young women and the rights of their parents, Congress has a duty to regulate this interstate activity. Furthermore, those who manipulate and abuse young, vulnerable, pregnant women should be punished. This must include irresponsible abortionists who perform abortions on young women from other States. As Federal lawmakers, we also

have an obligation to protect the rights of the States. Unfortunately, when it comes to abortion, these State laws are being trampled on at the expense of vulnerable young women and their families.

Life does begin at conception and is sacred. We should do all we can to protect life. This includes empowering the States that have parental notification laws to enforce them. Abortionists should not be rewarded for opening their businesses to new markets in other States. The health and well-being of these young women is at risk.

I am optimistic about the future of this legislation because of the tenacity of the gentlewoman from Florida (Ms. ROS-LEHTINEN), the 129 cosponsors of the bill, the support the Committee on the Judiciary and the chairman of the committee, and our leadership in the House. Life is a gift from God delivered at conception. It must be protected and cherished at that point forward. I am happy and honored to be here to celebrate another great stride towards that goal.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) who has worked tirelessly on the committee on this subject matter.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise today in strong opposition to the Child Interstate Abortion Notification Act. This is simply another example of anti-woman and anti-choice legislation that jeopardizes a young woman's health and is at odds with the United States Constitution.

This bill will leave young girls like Spring Adams completely unprotected. Spring was a 13-year-old sixth grade student from Idaho who became pregnant as a result of her father's shameful actions. When Spring's father became aware that she planned to terminate the pregnancy, he shot and killed her. If H.R. 748 were law, girls in Spring's tragic circumstances would be more vulnerable to harm since young women will be forced to notify the same parent that sexually abuses them of their plan to seek medical care. Is that the dangerous situation we want to put an abused girl in?

What is worse is that H.R. 748 does not contain a health exception which is dangerous to a young woman's health. Under this bill, doctors will be guilty of a crime if they do not wait 24 hours before performing an abortion, a medical procedure, on a young girl even if the girl is at risk for serious injury. This means that in some circumstances conscientious doctors must sit on their hands and wait for 24 hours as young female patients suffer from complications and risk permanent injury.

Mr. Chairman, 24-hour delays are not always an option when a young girl is pregnant and experiencing medical complications. And if these victimized girls ask a caring grandparent or aunt to drive them to another State for an abortion, even if the girl is at risk for serious injury or has been sexually abused by a parent, their family members will be guilty of a crime and may wind up in prison.

That is a heavy price to pay for trying to help and protect a loved one. Doctors and grandparents should not have to make the unthinkable choice between protecting a patient or granddaughter from serious physical injury and going to jail. This bill forces them to make that impossible choice. For this reason, I urge every Member of this body to stand up for women's health, stand up for the U.S. Constitution, and vote ''no'' on this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in support of the Child Interstate Abortion Notification Act. While many States require parental notification or consent before an abortion procedure, others do not. The gentlewoman from Florida (Ms. ROS-LEHTINEN) introduced this bill to prohibit the transportation of a minor across State lines in order to obtain an abortion.

As we have all heard in the discussion today, there are no Federal parental notification laws and not every State operates under the same rules. There are some States that do not require a parental consent form or notification, or their laws may be tied up in a court challenge, as was the case in Florida; but the voters voted overwhelmingly to have parental notification. When a minor is transported across State lines to evade these State laws, the rights of parents have been violated.

I only have daughters. I have three daughters and certainly any parent realizes that their children cannot have such a minor thing as a tattoo or a body piercing or even receive vaccines in school without their consent. Is it asking too much that our children receive parental consent before they undergo an out-of-state and serious medical procedure, all without their parents' consent? Can you imagine learning that your daughter was transported across State lines because she thought it was her only option? That is just plain wrong.

Mr. Chairman, we must support the Child Interstate Abortion Notification Act today. Certainly Congress does not want to condone nonparents transporting young women across State lines for the purpose of evading the parental involvement laws in the girl's home State. To me that is a dangerous and unconscionable precedent to set. Across the country, officials must obtain parental consent before performing even routine medical procedures.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, the sponsor of this legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN), is my colleague and friend; but on this issue I must respectfully disagree with her.

I know that most of my colleagues believe teens should communicate with their parents and guardians when faced with difficult and terrifying choices. Unfortunately, that does not always happen; and in some cases where abuse and neglect are involved, we cannot force it to happen. In every community in every congressional district, whether red or blue, the sad truth is that there are unspeakable acts perpetrated against young girls by relatives that result in pregnancy, and this legislation does nothing to protect them.

In a perfect world, there would be no heinous acts against children. In a perfect world, no woman would become pregnant until she was spiritually, physically, and emotionally prepared to love and care for a child.

□ 1630

Just over a month ago, I stood on the floor of this House because I firmly believed that politicians have no right to meddle in personal and private affairs of medical decisions. As recent actions and events have reflected, leaders in this Congress across the country are seeking more ways to violate the Nation's laws and our personal freedoms in order to impose their will on American families. This is not the role of Congress, nor should it be. This legislation includes no provision for a teenager who fears turning to her parents because the pregnancy may be the result of an act of rape or incest. It is wrong and we must stop it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today to voice my strong support for H.R. 748. And I thank the Committee on the Judiciary for allowing Members to speak on this bill and also particularly the gentlewoman from Florida, who brought this legislation to the floor and who has worked on this legislation to get it through.

Needless to say, this bill is something that many of us feel very strongly about, that will protect our daughters of minor age from those who would seek to harm them or that would interfere with that parental/child relationship.

In my State, for example, Alabama, we have a one-parent consent or judicial bypass law that is currently on the books. Three of the States that border Alabama, Georgia, Tennessee, and Mississippi, have laws that are at least as stringent as those in Alabama. The fourth State, Florida, currently has no parental involvement statute in effect, which in essence means that minor children from Alabama can be taken into Florida to have an abortion with no parental involvement.

I in no way believe that this legislation punishes young women. It was put there to protect them. Therefore, I

would urge my colleagues to vote in support of this important legislation.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time. I applaud his leadership.

And I would like to be associated with the comments of the Members of minority in their comments strongly against this bill. It is not about protecting children. It is merely a part of the majority's agenda to please anti-choice extremists. If the majority were truly concerned about children, then this bill would not be so extreme, so complex, and so unconstitutional. It provides no exception for the health of the mother, as required by the Supreme Court. It does not always provide an option for judicial bypass, which is also required by the Supreme Court. And it violates States rights by forcing the laws of one State on to another.

What this bill is really about is the majority war with our courts. The majority knows that this bill is unconstitutional, but they do not care. And when the first court determines that it is unconstitutional, the majority will blame the judges, just as they labeled them judicial activists, as they did in the Terri Schiavo case, and just as they did in the partial birth abortion case. Believe me, when the judges make their decision, it will be based on volumes and volumes of case precedent that sets the standard of constitutionality and not on a political agenda.

I urge my colleagues to vote ''no.''

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, as a father with four daughters, the safety and well-being of young women are among my absolute priorities. The Child Interstate Abortion Notification Act is not a bill that affects a minor's right to have an abortion. It is a bill that protects young women from being pressured into having an abortion. The legislation requires that abortion providers provide 24-hour notice to one of the minor's parents or legal guardians before the procedure is performed. Abortion is already taking one life. We have a duty to protect the lives of the young girls forced to have these procedures.

Kentucky is among the Commonwealths and States that have parental involvement laws for minors seeking an abortion. An overwhelming majority of Americans support these laws, and parents, unlike those taking a young girl over State lines for the procedures, have the girl's best interests at heart. The decision to end the life of an unborn child is not one that should be made by a frightened young girl forced into a clinic.

Too often the men transporting the girls are either abusive boyfriends or men who have committed rape and are trying to dispose of the evidence. These predators should not be given the opportunity to circumvent State law and circumvent a girl's parents.

The House has passed legislation similar to this in the past, and we find ourselves here again supporting a bill that will protect young women. Officials must obtain parental notification before dispensing aspirin to minors and before taking students on field trips. States require written parental consent before a minor can get a tattoo or body piercing. But our current laws allow a young girl to be taken across the State lines for an abortion without notifying her parents. This is despicable. It is dangerous. And it should be stopped.

I urge my colleagues to join me to pass the Child Interstate Abortion Notification Act so that we can protect young girls and involve their parents or legal guardians in decisions of life or death.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN), a distinguished member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Chairman, I rise today in strong opposition to H.R. 748.

This bill is yet another example of government intrusion into the most private of family decisions, and it once again criminalizes the actions of doctors who seek to provide women with confidential reproductive health care services.

Mr. Chairman, in a perfect world every child would be able to turn to their parents for guidance. In a perfect world, every parent would have their child's best interests in mind. In a perfect world, every parent would create a safe and loving home where their teens could talk openly about important decisions.

But, Mr. Chairman, we do not live in a perfect world. And mandatory parental notification and consent laws like the one before us harm exactly those people whom our laws should be looking out for, those who cannot turn to their parents for guidance. These young women who feel they cannot turn to their parents often enlist the help of a grandparent or an aunt or a trusted family friend. H.R. 748 would make it a Federal crime for any of these people to help the young women in need.

I urge my colleagues to vote against this deplorable legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I have to take issue with the gentlewoman from Wisconsin (Ms. BALDWIN). She says this bill involves itself in the most personal of family decisions. How does it involve itself in a family decision when the family does not even know about it? And what this bill requires is that the family at least know about the fact that their daughter is being taken across a State line in circumvention of a State law requiring parental involvement.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Chairman, I certainly thank the gentlewoman from Florida for offering this legislation. I commend her, and I am proud to be an original cosponsor of this legislation.

We work so hard in the policies that we pass in this body. We work so hard in so many ways in this country today to try to help families to stay together. We try to encourage communication between parents and their kids. And that is exactly what this legislation is designed to do. It is designed to encourage parents and their children to have more conversations, to be communicating about some of life's most difficult and challenging circumstances and decisions that have to be made in families today.

We have young kids in our family, and time after time after time, kids come home from school with permission slips. They cannot do anything in school today without a permission slip. A school trip, being on a bus, participating in some activity. We cannot do anything in schools today, with young people today, without getting a permission slip from their parents. A child cannot get an aspirin in school without getting permission from their parents.

Yet with this legislation, we are simply suggesting and requiring that if someone is going to try to take a young child, a minor, a young woman, a girl, across State lines to evade a law that is designed to have parents and their children talking and communicating about some of the toughest things that families have to deal with, we are talking about an abortion procedure. We are talking about an invasive surgical procedure. It requires anesthesia. And we are saying that parents should not necessarily be involved in that decision? My gosh, it betrays common sense. It betrays norms for decency and common sense. We are talking about an invasive surgical procedure that requires anesthesia, when we require a parent to be notified and to give consent for their child to have an aspirin or to ride on a bus or to go on a school trip; yet saying parents should not be involved necessarily when their child is going to have an invasive surgical procedure requiring anesthesia simply betrays common sense.

I certainly encourage and urge passage of this legislation.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise today in opposition to H.R. 748.

Let us just pause for a moment and think about what it does. Will it prevent unwanted pregnancies that teenagers today have, although in smaller numbers, at least in California where we have had good education? Let us get real about it.

I think it glosses over the complexity of real people's lives and abandons

young women at a critical time. Young women deserve better than H.R. 748's complicated grid of State laws and intimidating legal procedures.

We cannot mandate healthy communication where it does not exist. Just the opposite, I think, can happen from this bill. But we can work together to prevent teen pregnancies through education, through counseling, through access to family planning services. Please let us focus on prevention rather than restrictions.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, would the Chair inform us as to how much time remains on both sides?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 14 minutes left. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8½ minutes left.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

It is very critical that we understand whose side everyone is on. The Center for Reproductive Rights, the American Medical Association, the American College of Obstetricians and Gynecologists, who are all opposed to this bill, the American College of Physicians, the American Public Health Association, Planned Parenthood, all have longstanding policies opposing mandatory parental involvement laws because of the dangers they pose to young women and the need for confidential access to physicians.

We have yet to have anyone explain why it is that the exception for health is not included in this law. So the dangers that are posed to young women in H.R. 748 underscore the need for confidential access to physicians. It is absolutely critical that we realize that this is about developing more human regulations of this very terrible circumstance.

Very little has been said on the other side about the constitutional concerns and the fact that we refuse to recognize that the lack of parental notification provisions raise at least three serious constitutional concerns.

□ 1645

So I urge the Members to consider how much more Draconian this law is than the previous bills that have been on the floor.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for yielding me this time. I do rise in strong opposition to this bill. I am a strong supporter of my own State's law requiring parental involvement, but I strongly oppose this bill.

First of all, it is quite different from any bill that has appeared before us, and it is truly ironic that we should have this bill before the House on the very same day we are passing a Small Business Bill of Rights. One of those rights is for small business to be relieved of litigation.

The majority of physicians in America practice in one, two, or three-man practices, which are small businesses. But, this bill opens up a new lawsuit possibility against them for civil damages in case they do not notify the parents, and that is plural, of a young person who comes to them for abortion services. It requires that the physician serve this notification in person. Now, what happens if that doctor gets in his car, goes and drives and notifies the mother, but since he does not know the mother and father are estranged, he does not notify the father. The father then has a right of action against him.

This is not fair or right. This bill requires physicians to reveal information that under HIPAA and all confidentiality laws, they are not allowed to reveal. So this puts a burden on physicians that is extraordinary, and they are small businesses, and we need to remember that.

Secondly, it puts young people, remember, it does not put the teenager of a healthy family in jeopardy, it puts the teenager of the at-risk family, of the family in which there is a lot of abuse, in jeopardy. Many of the teenagers who become pregnant young are pregnant because their fathers impregnated them, or an uncle or a nephew or a cousin. These are ugly situations, and if they find a grandmother or an aunt or a cousin who will substitute for a mother who may be the drugee and effectively out of their lives, who might help them deal with this situation, and that grandmother does not happen to know that she has to comply with State notification and all the other laws of both States, she will be subject to criminal penalties.

This is a bad bill for the children who most need our help.

Mr. CONYERS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York (Mr. NADLER), the subcommittee ranking member.

Mr. NADLER. Mr. Chairman, we have alluded repeatedly in this debate to the reasons why this bill is oppressive and is wrong, and we have alluded to the fact that it is unconstitutional, but we have not really gone into that.

The fact is that under the rulings of the Supreme Court, it is not permissible to pass a law which has the effect of imposing one State's legal requirements on another State, as this bill does. In essence, the bill imposes on States and physicians the laws of the States that have the most stringent requirements on abortion. Federalism dictates that one has the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in another State, according to the privileges and immunities clause of the 14th amendment.

In the Saenz case in 1999, the Supreme Court held that a State cannot discriminate against a citizen of another State when there is no substantial reason for the discrimination, except for the fact that they are a citizen of another State. The court specifically referred to Doe v. Bolton, the companion case to Roe v. Wade, where it said the State cannot limit access to its medical care facilities for abortions to in-State residents. A State must treat all that are seeking medical care within that State in an equal manner.

This bill would, in effect, say that there are two legal regimes in a State. One is the regime, the system, the set of laws that apply to residents of that State passed by the State legislature of that State. The second law that applies applies to people who came from another State, and it is the laws of that other State that apply, plus the laws of this State. Constitutionally, you cannot do that. You cannot make, you cannot make a young woman carry the law of one State on her back wherever she goes because she originated in that State.

I said before that Congress has made no attempt to use Federal authority to impose the laws of one State on another since the Fugitive Slave Act. The Fugitive Slave Act, if passed today, would clearly be unconstitutional. This bill is clearly unconstitutional, as well as oppressive.

It is also wrong because the States that have decided not to impose such laws on their own citizens should not be forced to because we say so.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished chairman for yielding me this time, and I wand to commend him and the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Ohio (Mr. CHABOT) for their outstanding work that they have done, and many others, on this very important legislation to protect life—especially the lives of underage teenagers.

Mr. Chairman, abortion mills in my home State of New Jersey go so far as to buy ads, especially in the yellow pages, to promote abortion for minors residing in Pennsylvania, where parental consent is required for abortion, to come to my State, where no parental involvement of any kind is needed. The marketing of teenage abortions in this way, Mr. Chairman, or in any way, for that matter, is morally indefensible. The abortion industry's engraved invitation to vulnerable young girls to procure a secret abortion means it becomes more likely and that more abortions will indeed occur. That means, Mr. Chairman, more dead babies; that means more wounded moms.

Earlier in this debate, the gentlewoman from California (Mrs. CAPPS) suggested that the Child Interstate Abortion Notification Act somehow constituted an ''abandonment'' of minor girls. Well, I thought I had heard just about everything one could hear in my 25 years in Congress during abortion debates, but to call a bill designed

to protect vulnerable teenagers from abuse by abortion mills and those who would facilitate that abuse ''abandonment'', is deeply and profoundly troubling. I respectfully submit that enabling secret abortions by underage teenagers without parental knowledge or consent is, in and of itself, abandonment. To abandon is to forsake, to desert, to give up on. Why abandon a 14-year-old or a 15-year-old or a 16-year-old to an abortion mill where she could be severely hurt and where the baby will be killed? Moreover, Mr. Chairman, abortion itself, by definition, is an act of abandonment of a baby.

Let us not kid ourselves. Abortion mills do not nurture, they do not heal, they do not cure disease; unless you construe pregnancy to be a disease, and some abortionists do, including Dr. Willard Cates, who used to be the head of the CDC Abortion Surveillance Unit and gave a 1976 speech before Planned Parenthood, titled ''Pregnancy: The Second Most Prevalent Sexually Transmitted Disease After Gonorrhea.'' But if you do not see pregnancy as a disease and the child a tumor or wart, then we are talking about abandonment.

Abortion clinics are in the business, and a Member just a few moments ago talked about abortion mills as small business. It is not just small business; this is big business, and abortionists make millions of dollars plying their lethal trade. But they are in the business, I say to my colleagues, of dismembering the fragile bodies of unborn children with sharp knives and hideous suction machines that are 25 to 30 times more powerful than a vacuum cleaner used at home. This is not healing, this is killing, and it is abandonment.

I say to my colleagues, no wonder 3 out of 4 Americans strongly support parental notification laws. This bill ensures that those State laws are not violated and young girls and young women are protected from abuse and abandonment.

Mr. CONYERS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, under this legislation, we get two crimes for the price of one. H.R. 748 would not only make a felon out of anyone, a stepparent, grandparent, aunt, or member of the clergy who accompanies a young woman across State lines for an abortion; it would make a felon out of any doctor who performs an abortion on a minor from another State without having first obtained parental consent, in person, and abided by a 24-hour waiting period. In my judgment, this is a terribly misguided bill that has the potential to isolate young people and put doctors in the unthinkable position of having to decipher State and Federal law before practicing good medicine.

Thankfully, most young women involve their parents in the decision to seek an abortion. But, under this legislation, those who feel they cannot turn to their parents when facing an unintended pregnancy, and my colleague, the gentlewoman from Connecticut (Mrs. JOHNSON) talked about the terrible cases of incest where a young woman is impregnated by a father or a stepfather, they will be forced to fend for themselves without any help from a responsible adult. Some will seek unsafe abortions close to home. Others will travel to unfamiliar places, obtaining abortions by themselves. We should encourage the involvement of responsible adults in these difficult decisions, not criminalize this compassion.

Mr. Chairman, every single Member of this body knows that we cannot legislate family relationships. Sadly, parental consent laws do not always force young women to talk to their parents. In fact, we know that in some circumstances, these laws, without any exemptions, can literally tear families apart.

This bill is not about involving parents in the lives of their daughters, or about ensuring that doctors practice medicine responsibly or well; in my judgment, it represents a lack of compassion, empathy, and moral judgment. It distracts us from doing things that will actually help young people and their families make abortion less necessary, teaching and encouraging abstinence, fostering safe and healthy relationships in adolescence.

I believe this body can do better, and I encourage my colleagues to oppose this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), my distinguished predecessor as chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, the question was asked, whose side are we on? I am on the side of the family. It seems to me the practice of ferreting some pregnant girl who is a minor out across the State line so that parents will not know about it is an assault on the family, and I do not know why the family should be assaulted as much as it is routinely by some elements. Where in the world is the humanity in killing an unborn child?

I have listened to this whole debate, and not one syllable has emanated from the opposition to this bill about the real tragedy of abortion: the killing of an innocent human life. That is what abortion is. And you are busy attempting to facilitate abortions.

The litany of medical societies that support abortion is a scandal. At one time, abortion was a crime. Now it is a constitutional right. But it is wrong, and the sad thing is, we have gotten used to it.

This is a good bill and we ought to support it. Get on the side of the family.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I thank the distinguished gentleman from Michigan for yielding me this time.

I want to ask my colleagues to ask themselves, what messages are we sending to young women and girls about what their value is, with no provisions and no exceptions and no safety clauses in this bill to protect them from abuse? Why could we not have an amendment to ensure that protection for those young girls?

□ 1700

Mr. Chairman, I urge my colleagues to consider all of the unintended consequences and ramifications of passing this legislation. But more importantly, I ask them to consider the young women and girls and families whose lives we will be impacting. The result of this legislation, sadly, will not be more communication between parents and their daughters. It will not result in fewer minors becoming pregnant. It will result in more young girls ending their pregnancies themselves, giving birth in bathroom stalls and potentially harming their newborns and themselves. These and other dire outcomes are the potential unintended consequences of this legislation.

Mr. Chairman, I urge my colleagues to think carefully through the consequences of this legislation.

Mr. CONYERS. Mr. Chairman, I am proud to yield 1½ minutes to the gentlewoman from California (Ms. SOLIS), cochair of the Women's Caucus.

Ms. SOLIS. Mr. Chairman, I also rise in opposition to H.R. 748, the Child Interstate Abortion Notification Act. This bill especially concerns me because it endangers the lives of young women who are seeking abortion services in emergency circumstances, such as rape and incest.

The travel restrictions in this bill make it a Federal crime for any person other than a parent to assist a minor across State lines to access abortion services.

Unfortunately, this is not inclusive of young women who seek help from a grandparent or another family member when the relationship with the parent is either nonexistent or unhealthy. This places a burden on young women who are unable to seek help from a parent.

Plus, it is important to realize that often women must travel across State lines because they do not have reproductive health providers close by.

The notification requirements also place a burden on doctors. Under this bill, it would be illegal for a doctor to perform an abortion without first notifying a parent. This will not only deter doctors from performing such services but also endanger the life of a young woman who may not be able to consult with a parent. This could create a very dangerous situation at home.

The bill does not provide exemptions for critical and dangerous health situations which endanger a woman's life. The bill endangers the life of young women, and I encourage my colleagues to vote against the bill.

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, this bill imposes a Federal parental notification requirement on the 27 States, including my own of Illinois, that either have no parental involvement law in effect, or require parental involvement but allow flexible alternatives, such as allowing an adult family member to be notified or give consent.

Since Illinois has no parental involvement law in effect, the bill will impose tough and unrealistic requirements to Illinois providers for the first time. Under the bill, doctors will be asked to comply with other State laws, verify the information provided by patients, and obtain in-person parental consents, even if the parents were abusive or guilty of incest.

To make matters worse, because this bill lacks an adequate exception for medical emergencies, Illinois doctors could be force to withhold needed medical treatment from their patients in order to comply with this Federal law.

Young people from Missouri, Indiana, and other neighboring States often travel to Illinois for safe abortion care, frequently because the nearest abortion provider happens to be located in Illinois. Yet this legislation would criminalize responsible adults.

Mr. CONYERS. Mr. Chairman, I am now pleased to yield the remaining time to the gentlewoman from Colorado (Ms. DEGETTE), chair of the Pro-Choice Caucus.

Ms. DEGETTE. Mr. Chairman, I rise in opposition to this legislation. The bill before us is so ludicrous it would be laughable if it were not so dangerous. The bill is blatantly unconstitutional. It is unrealistic, and it is cruel.

Not since the Fugitive Slave Act has there been a law designed to extend individual State laws beyond their boundaries to intrude into the jurisdiction of other States.

The debate on this bill so far has centered on what young women should do, how families ought to be. And there is not any disagreement among us about how much we all love our kids. We all want the best for our kids, no matter what. And when it comes to making big decisions, I think we would all want our kids to come to us for advice. Certainly I would want my 15-year-old daughter to come to me first, and I think she would.

And, in fact, the majority of young women do involve one or more parents when considering an abortion. But, sadly, this is not the case for all young people in this country. For myriad reasons, many adolescents and young adults cannot turn to their parents with a problem like this. And in many situations, they have a very good reason. For example, what about the victims of incest?

Of course teenagers should seek out their parents' advice, but we also need to face reality. We need to do what will help these desperate kids from making a bad situation worse, even to take their own lives.

The government cannot, my friends, mandate healthy, open family communication when it does not exist. The bill here will not make families stronger, and will put more young women at risk.

Not everybody talks to their parents, because they cannot. And so it is these young people who most need the advice and assistance of a trusted family friend, a minister, or a sympathetic grandmother. When a young woman cannot involve her parents, public policies and medical professionals need to encourage her to involve a trusted adult. And if you look at this bill, it does just the opposite of that. If it is passed into law, these young women will have to face this life-altering decision themselves, alone and without any medical help.

So why do so many major medical associations, including the AMA, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association, all have longstanding policies against parental notification laws?

Because they are dangerous to these young women and they take away the need for confidential access to physicians. And so I think the harm to adolescents alone, by denying access to appropriate medical care, is cruel, it is against family values, and it makes this legislation so dangerous, it so ill serves our youth. We need to vote against this bill to preserve our families.

Mr. CONYERS. Mr. Chairman, I yield the remaining time to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I just simply want to come to the floor and wish upon my colleagues the ability to look at a bill that really denies a young person the comfort of clergy, of grandparents, and the ability to make a fair decision about a choice that should be the family, the doctor, and the religious leader.

This parental consent that confuses the issue of State laws is going to cost lives. I ask my colleagues to consider that we want to save lives. We want that young person to have someone to have comfort. And if their parent is incestuous, if their parent has created incest, then that is not the person for parental consent.

Mr. Chairman, I oppose the legislation before the House, H.R. 748, the Child Interstate Abortion Notification Act. The provisions contained within this proposal are very inflexible and unreasonably punitive. This legislation completely eliminates State rights and creates a maze of confusion during a troubling time.

Given the usual slant of my good colleagues on the other side of the aisle to favor uniformity in legislation, this bill is inconsistent with that purpose. Overall, H.R. 748 would force physicians to learn and enforce 49 other states' laws with respect to parental-involvement requirements. On its face, one of the policies that this bill seeks to enforce, the mandate that every parent will receive notice and can get involved when their daughter faces a crisis pregnancy, is a good one. However, one of its harmful effects is that it is unnecessarily punitive. In the absence of laws mandating parental involvement, young women come to their parents before or while they consider abortion. A study found that 61 percent of parents in states without mandatory parental consent or notice laws had knowledge of their daughter's pregnancy.

Interestingly enough, a majority of my colleagues on the other side of the aisle supported less governmental intrusion in personal family matters in the recent case of Terry Schiavo (S. 653/H.R. 1332). However, in the case of a young girl's decision to have an abortion, the proponents of H.R. 748 seek to force family communication even where it does not already exist. Excessive governmental intrusion can have detrimental consequences as evidenced in the case of a 13-year-old sixth grade student from Idaho named Spring Adams who was shot to death by her father after he learned of her plan to terminate a pregnancy caused by his acts of incest.

Some of the major health associations such as the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association strongly oppose mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. This legislation poses such a risk by increasing the risk of harm to adolescents by obstructing their access to healthcare that could save their lives.

According to an article by Lawrence B. Finer and Stanley K. Henshaw, only 13 percent of U.S. counties have abortion providers. Therefore, the fact that many young women seek abortions outside of their home state is not solely attributable to an avoidance of home state law.

I will offer an amendment with Mr. NADLER of New York, #9 that expands the exceptions to the prohibitions of this act to include "conduct by clergy, godparents, aunts, uncles, or first cousins." This amendment is a very simple but necessary dampening of the excessive punitive nature of this legislation. A young woman should not lose her right to seek counsel and guidance from a member of the clergy, her godparent, or the family member enumerated in the text of the amendment if she so desires.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My State, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follows old provisions of the "Child Custody Protection Act" which make it a federal crime for an adult to accompany a minor across state lines for abortion services if a woman comes from a state with a strict parental-involvement mandate. There are 10

states (CO, DE, IA, ME, MD, NC, OH, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 states (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case.

Given the disparity in state law requirements for the parental-notification requirement, not giving a young woman the right to seek assistance in deciding from a member of the clergy, a godparent, or family member could increase the health risks that she faces. I ask that my colleagues support this important amendment.

Young women as a population group are more likely to seek abortion later in their pregnancy. The Centers for Disease Control (CDC) have shown that adolescents obtain 30 percent of all abortions after the first trimester, and younger women are more likely to obtain an abortion at 21 weeks or more gestation. The provisions of H.R. 748 will exacerbate this dangerous trend, and the GAO study called for in my amendment would uncover this potential problem.

Mr. Chairman, this bill will add an unnecessary layer of legality, travel time, and mandatory delay to the already difficult job that physicians have in providing quality care to their patients. My colleagues on the other side of the aisle have consistently advocated for protection of health care providers by way of tort reform. This legislation flies in the face of that initiative and is totally inconsistent with it. I ask my colleagues to reject it.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, what this bill does is it requires the involvement of parents or where State law requires the involvement of parents in the decision on whether or not a minor should have an abortion.

Now, minors have not reached the age of majority. They cannot sign contracts; they cannot serve on juries. Parents or legal guardians in every instance stand in the place of the minor and represent the minor's interests. And under the current law, a doctor cannot even treat a child for a hangnail without parental consent, or at least parental notification. But under the law, a doctor can perform an abortion.

Now, let us look at it this way. Abortion is a very serious medical procedure. In many cases, complications arise from that abortion. And the parents or the guardian are legally responsible for providing medical care when medical care is needed for minors.

So if you buy the argument of the people who are opposed to this bill, a parent of a minor who is not notified can end up being prosecuted for child neglect if complications ensue from the abortion and the parent does not know that they have a legal obligation to provide necessary medical care. That is why this bill should be passed, because parents ought to be involved in the medical decisions. They ought to have knowledge of the medical decisions. And we should not condone a system where a minor can run across a State line in order to get an abortion without the notification that is required by the State law of that minor's residence. This bill ought to pass.

Mr. UDALL of Colorado. Mr. Chairman, I rise today to express my opposition to H.R. 748, the Child Interstate Abortion Notification Act, because this bill may reduce the likelihood that girls will seek family planning assistance when they are faced with a pregnancy and does not include an exemption to protect the health of the young mother.

This bill is intended to ensure that parents are involved with a girl's decision to have an abortion, even if they cross a State line in an effort to avoid State parental notification laws. As the father of a teen-aged daughter I completely sympathize with the idea that parents be involved in helping their children through crises, including that of an unwanted pregnancy, and if my daughter found herself in this situation I hope that she would feel comfortable coming to me and my wife for guidance and support. Not every family functions with love and support, however, and if we intend to legislate in this area we must be careful to do so with an eye on the exception and not the rule.

In some families, young women are the victims of parental abuse, including sexual abuse. In the case of unwanted pregnancy, these girls may have another trusted adult, often a relative like a grandparent, in whom they feel comfortable seeking support and guidance from, and will turn to for assistance when faced with a pregnancy. I would much rather see a girl seek the guidance of a trusted adult than no one at all. This bill will make it a crime for an adult who is not the parent to take a girl across State lines to obtain an abortion if the girl's home State requires parental notification. Girls will be less likely to seek the assistance of a trusted adult if they know the adult could face criminal charges for assisting in obtaining an abortion.

I also have concerns that this bill does not include an exemption for the health of a mother. In t1e Supreme Court case Stenberg v. Carhart, the Court struck down Nebraska's Partial-birth abortion ban because it did not include such an exemption. This bill requires a physician to wait 24 hours before performing the abortion on a girl from a State with a parental notification law, even if the parent of the girl is present. If an abortion is needed to protect the health of the mother, a doctor would have to wait 24 hours before they could perform the procedure. Though I am not a lawyer, based on the precedent set in the aforementioned court case, I have concerns that this bill would be unconstitutional should it become law.

The Child Interstate Abortion Notification Act does not ensure that girls will seek the support and guidance of the parents when faced with a pregnancy. Instead it increases the likelihood that they will not seek the guidance of any adults, which could harm themselves and the fetus they are carrying. For these reasons, I cannot vote in support of H.R. 748.

Mr. SMITH of Texas. Mr. Speaker, I support H.R. 748, the Child Interstate Abortion Notification Act. This bill creates criminal offenses that are long overdue at the Federal level and are needed to prevent the disregard of a parent's right to know when their child is seeking a major medical procedure—an abortion.

The legislation makes it a Federal crime to transport a minor, for the purpose of obtaining an abortion, from a State that requires parental notification, across State lines to a State that does not require parental notification.

Almost half of the States, including my home State of Texas, currently require parental notification before a minor can obtain an abortion. However these laws are being circumvented by individuals who want to undermine the rights of parents. Such individuals can include abusive boyfriends who pressure their young girlfriends into having an abortion, older men who rape young females and want to hide their crime, and minor females who may not know all of the emotional and physical repercussions of having an abortion.

The bill also makes it a Federal crime for an abortion provider not to give the parent or legal guardian of a minor seeking an abortion 24 hours' notice in advance of the procedure, if the minor crosses State lines to have the abortion. The 24-hour notice period will allow parents the time necessary to discuss the ramifications of an abortion, and possible options such as adoption, with their daughters.

The Child Interstate Abortion Notification Act protects a minor's ability to have an abortion in cases of parental sexual abuse as long as the abortion provider informs the appropriate State authorities of the abuse. The ability to have an abortion is also protected in cases in which the minor's life is threatened if the abortion is not performed immediately.

There is a great deal of support and precedent for a law like this. The Supreme Court has consistently upheld the constitutionality of State parental notification laws. According to a March 2005 Quinniac University poll, 75 percent of those polled agree that parental notification should be required before a minor can obtain an abortion. We in the House of Representatives have shown our support for such laws by passing legislation similar to the Child Interstate Abortion Notification Act three previous times—in 1998, 1999, and 2002. Now it is time for this legislation to pass again and be signed into law by the President.

Mr. MILLENDER-McDONALD. Mr. Chairman, I rise to strongly urge all of my colleagues to vote against H.R. 748.

There are so many reasons to vote against this bill.

To begin, the premise of CIANA violates the core constitutional principles of federalism.

The ability to travel freely between states is fundamentally interwoven into the cloth of our country. The 50 states are not 50 different countries and the founding fathers would not have wanted us to treat them as such.

H.R. 748 violates the Constitutional right of every individual to travel freely from State to State. If we are to be a unified Nation, every citizen cannot be treated as a foreigner when visiting another State.

Every young woman who will be affected by this bill is a citizen. Every young woman who will be affected by this bill deserves the protections of the Constitution of the United States of America that applies to everyone.

CIANA treats a young woman who travels to a state or resides there temporarily (as in the case of a college student) differently than a young woman living in that State.

The Supreme Court held in Doe v. Bolton that the Privileges and Immunities Clause requires a state to make abortions available to out-of-state visitors on the same legal terms under which it makes them available to residents. CIANA would single handedly reverse this decision.

CIANA is potentially dangerous from a health and safety perspective.

CIANA contains no exception to the 24-hour waiting period for when an abortion may be necessary to protect a teenage girl's health. The only exception that exists is in cases where the minor's life is at risk. Even at that point, the bill contains no guidance as to how to draw the line between a lifethreatening situation and one that is a nonfatal medical emergency.

CIANA imposes a mandatory 24-hour waiting period even if the teenager's parents accompanied her to the doctor. This means that anything short of a possible death, including a risk of infertility or nonfatal hemorrhaging, will not waive the 24-hour delay. These delays can impose logistical and financial hardships on functional families who are trying to support their daughter.

A vote for this bill will signal that we do not even trust parents to make these incredibly personal and incredibly painful decisions with their daughters even in cases of medical emergency.

CIANA is an extremely dangerous attempt to incrementally encroach upon the Supreme Court's decision in Roe v. Wade. Imposing the aforementioned restrictions on a young woman's ability to obtain an abortion essentially places those young women in the same place as young women were prior to the Roe decision.

Most disturbing of all is that teenagers facing an unwanted pregnancy may turn to dangerous and drastic acts to avoid notifying their parents.

A teenager facing an unwanted pregnancy is already in crisis. Those young women who are unwilling or unable to tell a parent about an unwanted pregnancy may resort to self-induced or illegal abortions with tragic results.

I implore you to vote against this bill.

Mr. MEEHAN. Mr. Chairman, I rise in opposition to the Child Interstate Abortion Notification Act.

With this bill, the Republican Congress once again reaches inappropriately into the private lives of American citizens.

H.R. 748 would make criminals out of doctors, nurses, and family members who help young people who are seeking legal abortion services. It will not prevent abortions—but it will force young women to make that decision alone, without the help of adults they can trust. It may even force them into seeking unsafe abortions that put their health or their lives at risk.

Most minors seeking abortions involve their parents in the decision. But all too many young women live in emotionally or physically abusive households. Some have become pregnant as a result of rape or incest. For them, it is unrealistic and cruel to make it a crime for them to seek the help of other adults they can trust, such as a clergy member, older sibling, or grandparent.

H.R. 748 is blatantly unconstitutional. It restricts interstate travel and prevents young women from exercising their legal rights. It imposes undue burdens without making exception for emergencies where the young woman's health is threatened. It requires minors seeking judicial bypasses to go to court in not one but two States, even though this option is not even available in some States. Finally, this bill is another assault on federalism, usurping the laws of 27 states that have no parental notification laws or more reasonable laws.

Once again, the Republican Congress is attempting to legislate family relationships and restrict the constitutional rights of American citizens. I urge the defeat of H.R. 748.

Mr. STARK. Mr. Chairman, I rise in strong opposition to H.R. 748, the Child Interstate Abortion Notification Act of 2005. This bill would not only jail grandparents, older siblings, and others who attempt to help minors who can't turn to their parents, but it would criminalize doctors, regardless of the laws of the State in which they practice.

Today I stand here principally as a Californian. Republicans and Democrats in California have stood up for a woman's right to choose. They have defended the privacy and health of women. We do not have a parental consent law in California because we don't dare suggest that the decision to have an abortion is ever taken lightly or done in isolation unless it's absolutely necessary. We don't pretend that forcing girls who have been raped by their fathers to get their permission to terminate the pregnancy is somehow standing up for ''family values.''

The people of my home State have resisted the grotesque politics of the so-called ''culture of life.'' The politics of people who vote to cut $xx billion in health care for the poorest Americans and simultaneously intervene in private, end-of-life decisions and hide behind their hypocritical mandate of ''looking out for the most vulnerable.''

Even though the people of California and their bipartisan elected leaders have judiciously worked to protect the privacy and health of women, some in Washington, DC, think they know better. This legislation would jail California doctors with out-of-state patients unless they inform the parents in person 24 hours in advance of the procedure. If the parents are unreachable, doctors would have to give notice ''by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place.'' This ludicrous meddling in medical decisionmaking would be a joke if it weren't so tragic.

If enacted, the consequence for offending the religious right now carries with it up to a year in prison. God help the doctor who is as confused by that sentence as I am.

Mr. Chairman, those of us who still believe in science know that the best way to reduce the number of abortions in this country is to have comprehensive sex education and provide full funding for family planning so that unintended pregnancies don't happen in the first place. It's no coincidence that the abortion rate, which hit a 24-year low when President Clinton left office, has risen throughout President Bush's first term. The ''culture of life'' philosophy of hypocrisy, fear, and shame works better on the campaign stump then it does in practice. If this is what the culture of life is really all about, then I want no part of it. I vote no on this shameful, unconstitutional bill.

Ms. SCHAKOWSKY. Mr. Chairman, I stand today in strong opposition to H.R. 748, the Child Interstate Abortion Notification Act. It is a direct attack on a woman's right to choose, it endangers women's health, and it forces young women facing unintended pregnancies to choose between dealing with it on their own or enlisting the help of a trusted adult who could possibly be put in jail as a result. This bill makes it a crime for anyone other than a parent, including a grandparent or a religious counselor, to accompany a minor across state lines for an abortion if the minor has not complied with her home state's mandated parental consent or notification law. This bill also makes it a federal crime for a doctor to perform an abortion on a young woman who is a resident of another state unless the doctor notifies the young woman's parent in person at least 24 hours before the procedure.

I agree that, whenever possible, minors should go to their parents for help in difficult situations. And research tells us that the majority of the time, young women do talk with their parents when making difficult decisions about pregnancy, whether their state requires parental consent for an abortion or not. Unfortunately, H.R. 748 ignores the reality of many situations where a young woman may choose not to go to her parents, possibly because she fears violence or because she was the victim of incest or because their parent is not available. Very often in those situations, young women seek help and guidance from other trusted adults in their lives, such as grandparents, aunts, and ministers. Yet, this law would deter many young women from seeking help and would instead tell them that they must deal with this situation on their own.

The reality is that CIANA will not make more young women tell their parents about a pregnancy if they do not want to, nor will it reduce or prevent abortion. What it would do is endanger the health of young women who feel they have no other choice but to seek illegal or self-induced abortions and who will be limited in their options for receiving health care. The American Medical Association has noted that ''the desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths.'' The American Academy of Pediatrics, American College of Obstetricians and Gynecologists, and the Society for Adolescent Medicine all oppose this bill because of the dangers they pose to young women and the need for confidential access to physicians. The coalition of health groups in their letter urging Congress to oppose this bill state, ''Our primary responsibility must be to our patients.

The potential health risks to adolescents if they are unable to obtain reproductive health services are so compelling that deference to parental involvement should not stand in the way of needed health care for patients who request confidentiality.''

This bill would force minors to delay urgent health care and, contrary to proponents' claims, infringe on the rights of parents. There is no exception to either the waiting period or the notification requirement in cases where a person is facing a serious but not life-threatening medical emergency. In a medical emergency, a young person would be forced to wait 24 hours for an abortion that could avert serious risks to her health. The abortion must be delayed even when the minor's parent accompanies her and requests medical help.

Furthermore, many young women who obtain abortions outside of their home States do so for reasons that have nothing to do with avoiding their home States' laws. The most prevalent and compelling of these reasons is the lack of abortion providers. Only 13 percent of U.S. counties have an abortion provider. Several states, in fact, have only a single provider or a provider who may be located many hours away from a young woman's home.

Lastly, CIANA violates the basic principle of federalism by attaching the laws of a woman's home State no matter where she travels in the Nation. The Supreme Court has held that States are required to make abortions available to visitors on the same legal terms under which they make them available to residents. Since Illinois has no parental involvement law in effect, this bill would impose tough and unrealistic requirements to Illinois providers for the first time. Under CIANA, doctors will be asked to comply with other State laws, verify the information provided by patients, and obtain in-person parental consent even if parents are abusive, guilty of incest or absent from the household. CIANA imposes a punitive and arbitrary federal parental notification requirement that will trump the public policy judgments of the 27 States that lack such requirements. It will mean that physicians who comply with their State's laws and provide medical care to their patients could be treated as criminals.

Make no mistake, this law is a direct threat to a woman's right to make decisions about her reproductive health. We need to see this bill for what it really is—another attempt to chip away at Roe v. Wade and deny women choice.

The Government cannot mandate healthy family communication where it does not already exist. We must face this reality and work to help teens receive the treatment, counseling, and support they need when it comes to reproductive health. I urge my colleagues to reject H.R. 748 because it would endanger young women's health and force them to be alone at a time when they are most vulnerable and most in need of support from a trusted adult.

Mr. HONDA. Mr. Speaker, I rise today in opposition to H.R. 748, the ''Child Interstate Abortion Notification Act.''

Over 20 years after Roe v. Wade, a woman's right to an abortion continues to be challenged and undermined. Amendments to appropriations bills have been added to restrict abortion coverage. A nationwide campaign of violence, vandalism, and blockades continues to curtail the availability of abortion services and endangers providers and patients. Anti-choice lawmakers continue to push for legislation that attempts to ban ''partial-birth'' abortions, reinstate ''global gag rule'' policies, restrict access to mifepristone and contraceptives, and protect those who participate in violence against abortion clinics through bankruptcy laws.

Now, Congress is considering H.R. 748, legislation that would make it a Federal crime for doctors or family members to help young adults obtain an abortion.

Like many of my colleagues, I believe that it is important for teenagers to talk to their parents about their decision to have an abortion, and research suggests that most do. Unfortunately, in the real world, parental involvement is not always in a minor's best interest. Many young women who choose not to involve their parents have valid reasons. One study concluded that one-third of teens who do not involve their parents are victims of family violence and fear its recurrence or they are forced to leave their homes due to their pregnancy.

To make matters worse, this legislation would endanger a young woman's health by delaying the abortion until later in the pregnancy when it is less safe by turning them to possible dangerous alternatives.

It is for all of these reasons that we must protect the rights of young women to access safe, affordable and appropriate health care.

We need to ensure that instead of making abortion more difficult and dangerous for young women, Congress should make abortion less necessary by providing opportunities for young women to make educated choices through comprehensive sex education and ensuring young women have access to a range of family planning options.

I urge my colleagues to oppose H.R. 748.

Mr. SIMMONS. Mr. Chairman, I rise in opposition to H.R. 748, the ''Child Interstate Abortion Notification Act.'' I do this because I believe this is bad public policy that will hurt young women.

Most young women today readily involve their parents in a decision to end a pregnancy. They do this because they come from loving homes where there is healthy communication and support, not because there is a law requiring them to do so.

Unfortunately, some young women come from homes where these support structures are not in place. Some young women come from families with absentee parents, or abusive parents. This is an unfortunate reality.

Rather than ensuring healthy communication between parents and their teenage daughter about the difficult decision to terminate a pregnancy, this bill may isolate these young women even further. This bill may cause a young woman to either delay care, when the risk of complications from an abortion will be greater, or cause her to avoid going to a doctor in the first place and consider unsafe alternatives.

By attempting to legislate on family dynamics, this bill puts the health of young women from troubled homes in jeopardy. I cannot believe we want to do this.

In discussing this issue, the American College of Obstetricians and Gynecologists, the American Academy of Pediatricians, and the Society of Adolescent Medicine have joined together in a letter opposing this bill. They say:

> The potential health risks to adolescents if they are unable to obtain reproductive health services are so compelling that deference to parental involvement should not stand in the way of needed health care for patients who request confidentiality.

The American Medical Association has also weighed in on the consequences of parental notification:

> Because the need for privacy may be compelling, minors may be driven to desperate measures to maintain the confidentiality of the pregnancies. They may run away from home, obtain a ''back alley'' abortion, or resort to self-induced abortion.

Surely we do not want to support legislation which has such adverse consequences for young women.

Mr. Chairman, many years ago I had the honor to work with Senator Barry Goldwater (R–AZ). In his classic work, The Conscience of a Conservative, Goldwater wrote:

> Every man, for his individual good and for the good of his society, is responsible for his own development. The choices that govern his life are choices he must make: they cannot be made by any other human being, or by a collectivity of human beings.

He went on to say:

> The Conservative looks upon politics as the art of achieving the maximum amount of freedom for individuals that is consistent with the maintenance of social order. The Conservative is the first to understand that the practice of freedom requires the establishment of order: it is impossible for one man to be free if another is able to deny him the exercise of his freedom.

And he concluded:

> Thus, for the American Conservative, there is no difficulty in identifying the day's overriding political challenge: it is to preserve and extend freedom.

Finally he said that:

> Throughout history, government has proved to be the chief instrument for thwarting man's liberty.

Mr. Chairman, this bill is a prime example of government inserting itself into the lives of our people, invading their privacy, and thwarting their liberty. This is unacceptable.

I urge a vote against this bill.

Mr. SHAYS. Mr. Chairman, I rise in opposition to H.R. 748, the Child Interstate Abortion Notification Act.

I support encouraging—not requiring—parental notification for minors seeking contraceptive services. This legislation proposes a variety of new mandates on women, families, and doctors.

For example, the bill forces doctors to learn and enforce 49 other States' laws, under the threat of fines and prison sentences. In many cases, it forces young women to comply with two states' parental-involvement mandates. It also requires a doctor to notify a young woman's parents in person, in another State, before abortion services can be provided.

Finally, in some cases, even if a parent travels with his or her daughter to obtain abortion care, the doctor must still give ''notice'' to the parent and wait 24 hours before providing the care. In such cases, this requirement acts as a built-in mandatory delay—which makes it more difficult logistically, more expensive, and more burdensome all around for the family. It may even endanger the young woman's health.

Not only does H.R. 748 include these negative provisions, it also could be found unconstitutional for three reasons. First, it contains no health exception.

Second, in some cases, it offers young women no judicial bypass. Judicial bypass is required by the Supreme Court and allows another responsible adult to consent instead of a parent.

Finally, it forces states to enforce other States' laws by forcing inalv carry their home State laws with them when they travel.

Every parent hopes that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women do turn to their parents when they are considering an abortion. One study found that 61 percent of parents in States without mandatory parental consent or notice laws knew of their daughter's pregnancy.

In a perfect world, all children would have open, clear communication with their parents. Unfortunately, this is not the case in every family. I believe this legislation would dissuade young women from turning to other trusted adults, such as an aunt or older sibling, in a time of need.

While this bill might be well intentioned, it is a deeply flawed attempt to curb young women's access to private, confidential health services under the guise of protecting parental rights.

I would like to see abortion remain safe and legal, yet rare. Whatever one's views on abortion, I believe we all can recognize the importance of preventing unintended pregnancies. When women are unable to control the number and timing of births, they will increasingly rely on abortion. Making criminals of advisors, however, is simply not the way to accomplish this goal.

I urge my colleagues to oppose this legislation.

Mr. BLUMENAUER. Mr. Chairman, 3 years ago I voted against a bill that is similar to what is being considered in the House today. My position on the bill has not changed. In fact, H.R. 748, the ''Child Interstate Abortion Notification Act'' is worse. Not only will this anti-choice bill make it illegal for friends and relatives to assist young women with one of life's most difficult decisions, it will require physicians to notify a young woman's parents in person, regardless of whether they live in a different State, before the abortion services can be provided. The physician will be responsible for following the abortion laws of both the State where he is performing services and the State from which the patient has traveled. In effect, doctors will have to know the abortion laws of 50 different States.

I wish that every child was in a loving family that they could turn to first. The facts are, however, that many young women do not have that type of relationship with their parents and in too many cases we have seen the actual problem caused by abusive close family members.

People who would deny women reproductive choice have altered their tactics to chip away at women's reproductive freedoms; this is one of the most insidious examples. This bill would limit the choices for the most desperate women and is part of an overall anti-choice strategy that I reject.

Measures like H.R. 748 often have unintended consequences that can lead to desperate actions with dire consequences for the mental health and physical well-being of our nation's young women.

Mr. FARR. Mr. Chairman, I rise today in strong opposition to the Child Interstate Abortion Notification Act, H.R. 748. This bill would create a complex maze of State and Federal parental notification and consent requirements that impact young women, family members, and doctors differently depending on the young woman's State of residence and the State in which she is seeking abortion care. It would preempt State laws by imposing parental notification and a 24-hour mandatory waiting period that could result in criminal penalties for health care providers and citizens. This unwise legislation will endanger the health of teens, compromise the ability of doctors to provide the best treatment in a timely manner, and fail to actually prevent teen pregnancies or abortions.

Abortion is an extremely difficult, personal decision that should be made with the advice of trusted advisors like doctors, partners, parents, friends, or anyone else with whom the woman wishes to discuss her decision. Unfortunately for some young women, especially those whose families have histories of physical and emotional abuse, they cannot consult their parents on this complicated issue.

I wish that all young women would be able to discuss this decision with their parents, but in reality, this is simply not always the case. In these situations, we should encourage grandparents, adult siblings, religious advisors, and mentors to provide support for these young women. By making the people who offer teens help during this extremely difficult time, subject to criminal prosecution and lawsuits, Congress is isolating young women who desperately need the help and advice of trusted adults. This isolation will unnecessarily add to the emotional distress of a young woman facing an unintended pregnancy, and could contribute to her failure to seek timely medical care.

This legislation contains a complicated web of 24-hour waiting period, parental notification requirements, and judicial bypass procedures that will vary depending on the different State laws already in place. These intricate provisions will result in confusion and delay for a young woman who does not have the support of a trusted adult as she tries to navigate this system in order to receive safe and timely medical treatment.

In addition, H.R. 748 fails to provide an exemption to protect the health of the pregnant woman. Based on the Supreme Court decisions in Planned Parenthood of Southeastern Pennsylvania vs. Casey and Stenberg vs. Carhart, it is unconstitutional to interfere with a woman's choice to have an abortion if continuing the pregnancy is a threat to her health.

The restrictions and requirements in H.R. 748 clearly interfere with a woman's choice to have an abortion. It is an unconscionable and unconstitutional that this legislation would endanger the health of young women.

If H.R. 748 becomes law, doctors will face unprecedented mandates and infringements on their responsibilities to provide safe and timely medical care. The goal of doctors should be to provide the most unbiased, safe and personal medical care possible for each of their patients. Unfortunately this legislation forces doctors to spend more of their time focusing on the intricacies of State law rather than the well-being of their patients. The effect of this legislation on the complex web of State parent notification laws will force doctors to become legal experts in all States' laws, and in some cases doctors would be forced to personally travel to another State to inform a young woman's parents, in-person, of her intent to have an abortion. H.R. 748 establishes a confusing bureaucracy that threatens doctors with imprisonment while diminishing the quality and timeliness of the health care doctors are able to provide.

This legislation attempts to address teen pregnancy and abortion as issues of interstate commerce, but we are not talking about products or trade. We are talking about people; our nieces, granddaughters and friends who are in desperate need of help and advice from trusted adults. H.R. 748, deprives our young women of this needed support and counsel. The real issue we should be addressing today is how to prevent unwanted teen pregnancies, which is the only real way to decrease the number of abortions. I urge my colleagues to support comprehensive sex education so that young women have the information to prevent pregnancies. I urge my colleagues to support Title X funding that provides reproductive health care to low-income young women around the country. I urge my colleagues to support over-the-counter status for emergency contraception so that a young woman that is the victim of rape or incest can prevent a pregnancy.

We must do more to protect our teens and their health, but H.R. 748 only creates more roadblocks for vulnerable young women and the trusted adults and doctors that are attempting to help them.

Mr. TURNER. Mr. Chairman, I am pleased to co-sponsor H.R. 748, the Child Interstate Abortion Notification Act.

This bill makes it a Federal offense to knowingly transport a minor across State lines with the intent to circumvent parental notification laws so that the minor can obtain an abortion.

It is imperative that we stop the victimization of young girls who are transported across State lines to undergo abortions without their parents' knowledge. Not only does this practice endanger the lives of our daughters, imagine how parents would feel if their daughter was transported across State lines without their knowledge and pressured to have an unwanted abortion.

Across the country, officials must obtain parental consent before performing routine medical services such as providing aspirin, and before including children in field trips and contact sports. Some States require written parental consent before a minor can get a tattoo or a body piercing. Despite all this, in some States people other than parents can secretly take minor girls across State lines for abortions.

Mr. Chairman, the Child Interstate Abortion Notification Act protects the rights of parents to be involved in the medical decisions of their minor daughters and protects the health and safety of young girls by preventing valid constitutional State parental involvement laws from being circumvented. I am pleased to support this bill, which protects our daughters and supports our families.

Mr. DINGELL. Mr. Chairman, the bill before us is a tangled web of legal intricacies, which I found to be a muddled attempt to impose specific laws of individual States. After a careful reading of the bill, I am forced to rise in opposition to the legislation.

H.R. 748 is a two-part bill. The first part makes it a crime for anybody other than a parent to accompany a minor across State lines for an abortion if the minor's State of residence has parental notification laws. We have seen this language, known as the Child Custody Protection Act, in past Congresses and I have hesitantly voted in favor of it. I say hesitantly because I have always been concerned that: the bill violates the constitutional principles of federalism; there are no exceptions for another responsible adult family member to accompany the minor; and the language is so broad that it would allow a cab or bus driver to be prosecuted.

You are probably wondering, Mr. Chairman, why I voted for the bill even with these concerns. Well, as a parent, I feel strongly that parents should be involved in major decisions concerning the health and well-being of their children. The most knowledgeable resource regarding the minor's medical history is often their parent. Moreover, as is the case with any medical procedure, it is important that someone in the household be aware of the situation should there be side effects. Thus, I voted to move the process forward with the hope that my concerns would be addressed before the final legislation was sent to the President for signature. This did not happen because the Senate has never acted on the legislation.

The second part of the bill is new and would hold a doctor criminally liable for performing an abortion on a minor from another State. This, Mr. Speaker, is where the web gets really tangled. You see, in some cases, the minor would have to comply with the laws of two States, and in all cases, the doctor would have to get consent from the parent in person and a mandatory 24-hour waiting period would be instituted.

Probably the most striking scenario would be a minor who traveled between States with no parental consent law. In this case, the doctor would have to obtain consent in person from the parent, the mandatory 24-hour waiting period would be instituted, and in this specific case there would be no judicial bypass option.

This creates quite a burden on doctors, who would be required to have a near-encyclopedic knowledge of the parental involvement laws in each of the 50 States, their specific requirements and their judicial procedures.

Some States have strict parental consent laws, some have parental consent laws with reasonable bypass mechanisms, and some States have no consent laws at all. If this bill passes, we are saying to some States, ''your law is good.'' To others we are saying, ''your law is OK, but it is not quite good enough.'' And to still other States we are saying, ''your law, or lack thereof, is wholly inadequate.'' This is no way to legislate in our federalist system.

While reading over the bill, Mr. Chairman, I tried to think of what precedent there is for this kind of law. It took awhile, but the only law I could come up with was the Fugitive Slave Act. Going back to laws like this, Mr. Chairman, is not something this Congress should even consider.

Mr. Chairman, I often wonder why we do not focus more of our effort on preventing unwanted pregnancies. Reducing the number of abortions performed in this country is certainly a goal we can all agree on and strive for. As such, I would ask that all of my colleagues to come to the table to discuss the ways we can further this mutual goal.

Mr. Chairman, I urge my colleagues to vote yes on the Scott and Jackson-Lee amendments and no on the underlying bill.

Mr. MORAN of Virginia. Mr. Chairman, I would like to remind my colleagues that what we are talking about are young girls who are in trouble, young girls who are unmarried, young girls who invariably, according to the statistics, have been impregnated by older men exploiting them. While it should be common for parents to be responsible, to be nurturing and not to be punitive, it unfortunate is not always the case.

Proponents of this measure claim that this bill will ''give parents a chance to help their daughters during their most vulnerable times'' and would require doctors to give 24 hours' notice to the minor's parent before allowing her to have an abortion.

It is not quite as simple as that. In a perfect world, teenagers would be able to tell their parents that they are pregnant, but many are unable to due to fear of rejection at home, threats of physical and emotional abuse, and in the most troubling of situations, because it was a family member, such as a stepfather, that put them in that position in the first place.

These teenage girls should have a right to seek help from a trusted adult, such as a grandmother or a member of the clergy.

This bill will create a complicated patchwork of State and Federal law that will apply differently depending on the minor's State of residence and the State where the abortion is performed.

More importantly, it will be nearly impossible for teenagers to understand and physicians to comply with.

While this measure includes all the provisions of the Child Custody Protection Act, a measure considered in previous Congresses which would make it a Federal crime for a caring adult other than a parent to accompany a young woman across State lines for an abortion, the Child Interstate Notification Act, CINA, goes even further by mandating that doctors be fully aware and knowledgeable of the mandatory parental involvement laws in each of the 50 States, their specific requirements, their judicial-bypass procedures, and their interaction with the Child Interstate Abortion Notification Act or face criminal fines.

CIANA would make it a Federal crime for a doctor to perform an abortion on a minor who is a resident of another State unless the doctor notifies the minor's parent, in person, a minimum of 24 hours before the procedure.

It is also disturbing that this measure, not unlike the partial-birth abortion ban law, does not include an exception for emergency circumstances where a minor's health would be threatened by this delay. It is no wonder that the constitutionality of this law is being challenged in several Federal courts as we speak.

The intent of this measure is not to ensure that caring parents have access to their teenage daughters who are contemplating having an abortion. The true intent is to make it so difficult for doctors to comply with this law that they simply give up.

What would be compassionate of teenage girls is for this body to consider legislation such as the Prevention First Act, H.R. 1709, which would help to reduce the number of unintended teenage pregnancies by providing annual funding to both public and private entities to establish or expand teenage pregnancy prevention programs.

This measure would also require these entities to incorporate teenage pregnancy prevention programs that have been proven to delay sexual intercourse or sexual activity, increase contraceptive use or reduce teenage pregnancy, such as comprehensive sexual education.

Why are we not doing more to help the 820,000 teen girls who get pregnant each year?

This is the second time in as many months that the House of Representatives is legislating morals when we do not know the individual circumstances that may apply. We should leave this to the States.

I urge all my colleagues to vote against the Child Interstate Notification Act, a regressive measure, which will have no impact on reducing the number of unintended teenage pregnancies and will do more harm than good.

Mr. PAUL. Mr. Chairman, in the name of a truly laudable cause, preventing abortion and protecting parental rights, today the Congress could potentially move our Nation one step closer to a national police state by further expanding the list of Federal crimes and usurping power from the States to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a constitutional oath, which prescribes a procedural structure by which the Nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to be amongst those Members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across State lines for ignoble purposes.

As an obstetrician of almost 40 years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this ''medical'' procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralized and in control of the States. In the name of protecting parental rights, this bill usurps States' rights by creating yet another Federal crime.

Our Federal government is, constitutionally, a government of limited powers, article I, section 8, enumerates the legislative area for which the U.S. Congress is allowed to act or enact legislation. For every other issues, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights to governance. The 10th amendment is brutally clear in stating ''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.'' Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely

pass H.R. 748. H.R. 748 amends title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents' rights to not have their children taken across State lines for contemptible purposes? Absolutely. Can a State pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the Federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some States. To the extent the Federal and State laws could co-exist, the necessity for a Federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense to be twice put in jeopardy of life or limb. . ." In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of the unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for Federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more Federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress's tendency in recent decades to make Federal crimes out of offenses that have historically been State matters has dangerous implications both for the fair administration of justice and for the principle that States are something more than mere administrative districts of a Nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a Federal police force is that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of State sovereignty over those issues delegated to it via the 10th amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal Government imposing its substantive edicts on the States. Article IV, section 2, clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to State autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate Federal law, or an "adequate" Federal law improperly interpreted by the Supreme Court, preempts States' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all States by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the Federal Government. There was a time when a popular bumper sticker read "It's ten o'clock; do you know where your children are?" I suppose we have devolved to the point where it reads "It's ten o'clock; does the Federal Government know where your children are." Further socializing and burden shifting of the responsibilities of parenthood upon the Federal Government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, H.R. 748.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GILLMOR). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 748

*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 "Child Interstate Abortion Notification Act".*

***SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.***

*Title 18, United States Code, is amended by inserting after chapter 117 the following:*

***"CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION***

*"Sec.*
*"2431. Transportation of minors in circumvention of certain laws relating to abortion.*

***"§ 2431. Transportation of minors in circumvention of certain laws relating to abortion***

*"(a) OFFENSE.—*

*"(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports a minor across a State line, with the intent that such minor obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the minor resides, shall be fined under this title or imprisoned not more than one year, or both.*

*"(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed or induced on the minor, in a State other than the State where the minor resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the minor resides.*

*"(b) EXCEPTIONS.—*

*"(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.*

*"(2) A minor transported in violation of this section, and any parent of that minor, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.*

*"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant—*

*"(1) reasonably believed, based on information the defendant obtained directly from a parent of the minor, that before the minor obtained the abortion, the parental consent or notification took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the minor resides; or*

*"(2) was presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence waived any parental notification required by the laws of that State, or otherwise authorized that the minor be allowed to procure an abortion.*

*"(d) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.*

*"(e) DEFINITIONS.—For the purposes of this section—*

*"(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma or a criminal assault on the pregnant female or her unborn child;*

*"(2) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—*

*"(A) requiring, before an abortion is performed on a minor, either—*

*"(i) the notification to, or consent of, a parent of that minor; or*

*"(ii) proceedings in a State court; and*

*"(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;*

*"(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision;*

*"(4) the term 'parent' means—*

*"(A) a parent or guardian;*

*"(B) a legal custodian; or*

*"(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required; and*

*''(5) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.*

***SEC. 3. CHILD INTERSTATE ABORTION NOTIFICATION.***

*Title 18, United States Code, is amended by inserting after chapter 117A the following:*

***''CHAPTER 117B—CHILD INTERSTATE ABORTION NOTIFICATION***

*''Sec.*

*''2432. Child interstate abortion notification.*

***''§ 2432. Child interstate abortion notification***

*''(a) OFFENSE.—*

*''(1) GENERALLY.—A physician who knowingly performs or induces an abortion on a minor in violation of the requirements of this section shall be fined under this title or imprisoned not more than one year, or both.*

*''(2) PARENTAL NOTIFICATION.—A physician who performs or induces an abortion on a minor who is a resident of a State other than the State in which the abortion is performed must provide at least 24 hours actual notice to a parent of the minor before performing the abortion. If actual notice to such parent is not possible after a reasonable effort has been made, 24 hours constructive notice must be given to a parent.*

*''(b) EXCEPTIONS.—The notification requirement of subsection (a)(2) does not apply if—*

*''(1) the abortion is performed or induced in a State that has a law in force requiring parental involvement in a minor's abortion decision and the physician complies with the requirements of that law;*

*''(2) the physician is presented with documentation showing with a reasonable degree of certainty that a court in the minor's State of residence has waived any parental notification required by the laws of that State, or has otherwise authorized that the minor be allowed to procure an abortion;*

*''(3) the minor declares in a signed written statement that she is the victim of sexual abuse, neglect, or physical abuse by a parent, and, before an abortion is performed on the minor, the physician notifies the authorities specified to receive reports of child abuse or neglect by the law of the State in which the minor resides of the known or suspected abuse or neglect; or*

*''(4) the abortion is necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.*

*''(c) CIVIL ACTION.—Any parent who suffers harm from a violation of subsection (a) may obtain appropriate relief in a civil action.*

*''(d) DEFINITIONS.—For the purposes of this section—*

*''(1) the term 'abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device intentionally to terminate the pregnancy of a female known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of a spontaneous abortion, accidental trauma, or a criminal assault on the pregnant female or her unborn child;*

*''(2) the term 'actual notice' means the giving of written notice directly, in person;*

*''(3) the term 'constructive notice' means notice that is given by certified mail, return receipt requested, restricted delivery to the last known address of the person being notified, with delivery deemed to have occurred 48 hours following noon on the next day subsequent to mailing on which regular mail delivery takes place, days on which mail is not delivered excluded;*

*''(4) the term a 'law requiring parental involvement in a minor's abortion decision' means a law—*

*''(A) requiring, before an abortion is performed on a minor, either—*

*''(i) the notification to, or consent of, a parent of that minor; or*

*''(ii) proceedings in a State court;*

*''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;*

*''(5) the term 'minor' means an individual who is not older than 18 years and who is not emancipated under State law;*

*''(6) the term 'parent' means—*

*''(A) a parent or guardian;*

*''(B) a legal custodian; or*

*''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides;*

*as determined by State law;*

*''(7) the term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which such doctor practices medicine, or any other person legally empowered under State law to perform an abortion; and*

*''(8) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.*

***SEC. 4. CLERICAL AMENDMENT.***

*The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new items:*

***''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431***

***''117B. Child interstate abortion notification ..... 2432''.***

***SEC. 5. SEVERABILITY AND EFFECTIVE DATE.***

*(a) The provisions of this Act shall be severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.*

*(b) The provisions of this Act shall take effect upon enactment.*

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–56. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–56.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SCOTT of Virginia:

Page 4, after line 11, insert the following:

(3) The prohibitions of this section do not apply with respect to conduct by taxicab drivers, bus drivers, nurses, medical providers or others in the business of professional transport.

Redesignate succeeding subsections accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 236, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill makes it a Federal crime to transport a minor across State lines with the intent that the minor obtain an abortion if the parental-involvement laws of the State were circumvented.

Now, transport is not defined in the bill. But it obviously includes taxicabs, buses, ambulance drivers and others that may transport a minor across State lines to get an abortion or return from an abortion under the bill. And it makes them criminals for the simple task of doing their job, transporting someone between two places.

Now, the bill also makes conspiracy and accessory after the fact criminal violations, so a nurse or receptionist or sorority sister who calls the cab could also be prosecuted for the Federal crime.

That is why, Mr. Chairman, I have introduced the amendment, which says that the prohibitions of this section do not apply with respect to the conduct of taxicab drivers, bus drivers, nurses, medical providers or others in the business of professional transport.

Now, even if a prosecutor uses commonsense prosecutorial discretion and does not prosecute a cab driver or a sorority sister in this situation, there are other problems with the bill, because a technical violation of the bill, such as one committed by the taxicab driver, automatically exposes that taxicab driver or the sorority sister who calls the cab, did not even go on the trip, to civil liability. That means that the parents can sue them for what they did.

The civil liability provisions of the bill create a blanket Federal cause of action for a parent that suffers ''legal harm,'' compounding the massive intimidation effects of the bill. Based on the language of the bill, the cab driver, receptionist, sorority sister could be held civilly liable for helping to provide safe and legal transportation assistance to the minor.

Moreover, based on the agency principles, not only is the cab driver exposed to civil liability, but the entire cab company is similarly exposed.

Now, you may say that the cab driver probably did not know. But what happens when the passenger gets into the cab and says, take me to the abortion clinic which happens to be across State lines. And during the trip, he hears the minor discuss with a friend where she is going and why. It becomes clear what the deal is.

Now, in prior discussions with the amendment, it has been suggested that the bill will immunize someone who may be a taxicab driver and also a sexual predator.

Let us not insult each other. If someone is a sexual predator, and the prosecutor evidence of that, this will be the last code section that they will be looking at because these are misdemeanors. The code is full of felonies for sexual predators.

And so if the parent finds out that the minor went across State lines by taxicab and gets mad, and the child has to explain what happened, how they got to the clinic, and what was said in the cab, obviously, the parent can sue the cab driver.

□ 1715

Now, an overwhelming portion of minors already discuss the situation with their parents. This will not reduce teen pregnancy. This will not increase the number of children that discuss the situation with their parents. This will make no exceptions for dysfunctional families. It will just make criminals out of friends and relatives and allow the parents to sue them.

I just do not think, Mr. Chairman, that the taxicab drivers ought to get caught up in that controversy and that is why I hope the amendment is adopted.

Mr. Chairman, I reserve the balance of my team.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment should be defeated for a number of reasons, most specifically of which, it is once again drafted overly broadly and will allow the immunization of people who really are a part of a scheme to transport people across State lines in violation of a State parental involvement law.

The amendment would allow the creation of an entire for-profit, interstate taxicab network specifically designed to thwart State parental notification laws. For example, we heard from the gentleman from New Jersey (Mr. SMITH) that there are ads in the Pennsylvania Yellow Pages for abortion clinics in New Jersey, since New Jersey does not have a parental notification or involvement law but Pennsylvania does.

So if this amendment were adopted, an ad could advertise the abortion clinic in New Jersey and then have a phone number of a cab company that is under contract with that New Jersey abortion clinic to pick up the minor and cross the State line for the abortion. And I do not think that is what we want to foster with this amendment.

The allegations that taxicab drivers would be inadvertently caught up under this bill I think is misstated. They are not generally liable under the bill which allows for the conviction of an individual who knowingly transports a minor across State lines with the intent that such an individual obtain an abortion. Although a taxicab driver or a bus driver or whoever may have the knowledge that the minor that he or she is transporting will obtain an abortion as soon as she arrives at her destination, his or her intent is not that the minor obtain the abortion. Rather, it is to transport the minor to the destination of choice, whether it is an abortion clinic or a shopping mall.

In other words, the taxicab driver's reason for transporting the minor is to receive the fare, not to ensure that he or that she obtain an abortion. So a taxicab driver will generally not have the requisite criminal intent necessary for prosecution under the bill.

On the other hand, there are some instances in which the taxicab driver does have such criminal intent; and this amendment, if adopted, would mean that even if they had that intent they could not be prosecuted. The driver may have the intent that a minor obtain an abortion across State lines perhaps because the minor has been the victim of statutory rape at the hands of the cab driver himself and he wants to erase any evidence of his impregnating her.

This amendment, if adopted, will allow such misconduct and that is wrong. A taxicab license should not be a license to commit crimes and avoid prosecution.

The amendment should be defeated for reasons I have stated. It seeks to address a problem that does not exist, and, in doing so, opens a huge loophole that can be exploited by those who would seek to keep parents in the dark and conceal criminal misconduct. I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Virginia (Mr. SCOTT) has 6 minutes remaining.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in support of the Scott amendment and in opposition to H.R. 748. I commend the work of my colleagues, the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from Colorado (Ms. DEGETTE) in the work on this bill as well.

Here we go again. The party that talks about States rights is stepping on the rights of States. The party that talks about family values wants to put Grandma and Aunt Jane in jail.

Supporters of this bill argue that it will help reduce the number of abortions in this country or protect the health and well-being of our Nation's youth and families. But while these types of bills may look good for politics for some, they make very bad policy for all.

It is sad that the U.S. has the highest rates of teen pregnancy in the western civilized world, and I think everyone here agrees that we should take steps to counter that. That is why we should support programs that improve the health of our young people, improve communication among families, prevent teen pregnancy and reduce the number of abortions.

Fortunately, these programs like those under Title X do exist. Unfortunately, these programs are not what we are focusing on here today. Congress should work to find common ground on real solutions to problems of unintended pregnancies and abortions. Funding for programs like Title X is one way to reduce abortions. Passage of H.R. 748 is not, and I urge a ''no'' vote.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding me time.

This amendment, as the chairman previously indicated, is just unnecessary. If you go to the language of the bill itself, it indicates it is essentially illegal to knowingly transport a minor across the State line with the intent that such minor obtain an abortion, and so on.

Now, clearly the taxicab driver's intent is to obtain the fare, not that the young girl receive an abortion. So this is really unnecessary. I might add, during the course of this debate we have heard a number of things. We had heard that parents, for example, that a girl is not protected under this proposed bill because perhaps there is a case of incest; perhaps the father is the one that actually was responsible for the girl becoming pregnant. Judicial bypass, as we all know, as it does under the various State laws, protects that particular situation so that is really not an issue.

I think the gentleman from Illinois (Mr. HYDE) was exactly right when he said that in essence when you have somebody secreting a girl who is pregnant to have a secret abortion in another State, that is an assault on the family, and that is what we are trying to prevent.

Again, the parents are in the best position to be able to determine what is in the best interest of that child.

Finally, I just wanted to say we have heard this bill, which I think is a very good pill and has passed in this House three times before, we have heard it called by some folks on the other side ludicrous, laughable, cruel; but I just might note that the last time this bill was before this House, 58 Democrats, 58 folks on the other side of the aisle voted for this bill. And so that is a little more than 1 in 4 supported this bill.

I think it is great legislation. I am very pleased we will once again take it up.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I am grateful to the gentleman from Virginia (Mr. SCOTT) who has been very careful about what he has said and

written about this bill, and his amendment is very thoughtful.

Now, for anybody that thinks this is the same bill you have voted on three times, I want to tell you it is not. This bill goes far further and federalizes more things than any of the legislation we have ever had. And as the bill is drafted now, and as the gentleman from Virginia (Mr. SCOTT) has perceived, anyone involved in any way with the transportation of a minor would have violated the law if they were going to get an abortion, whether he knows it or not.

That is because the bill does not require proof of any intent to avoid State parental consent laws. Just simply transporting a minor, a driver, a taxi man, a bus driver, a family member, could be jailed up to a year or fined, or both. The same applies to emergency medical personnel.

As the gentlewoman pointed out, doctors who may be aware that they are taking a minor across State lines to obtain an abortion but would have no choice if a medical emergency was occurring, what about the Supreme Court requirement for medical emergencies for abortion? Does that not mean anything to anybody here?

Similarly, a nurse at a clinic just providing directions to a minor or her driver could be convicted as an accessory. We have never had that in the bills before us before. A doctor who procures a ride home for a minor and a person accompanying her because of car troubles, coupled with the minor's expressed fear of calling her parents for assistance, could be convicted as an accessory after the fact. A sibling of the minor who merely agrees to transport a minor across States lines without knowledge of any intent to evade the resident State's parental consent or notification laws could be thrown in jail and convicted of a conspiracy to violate the statute.

Let us pass this amendment that brings just a little bit of humanity back into a very mean-spirited bill. We need this amendment to protect these individuals who are innocently swept into the young woman's abortion act and are not made innocent victims of the law.

Support the Scott amendment.

Mr. SENSENBRENNER. Mr. Chairman, I am prepared to close if the gentleman from Virginia (Mr. SCOTT) has no further speakers.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me read the operative language of the bill. ''Whoever knowingly transports a minor across a State line with the intent that such minor obtain an abortion,'' clearly covers a taxicab driver who knows where he is going and has heard the discussion behind him.

I just do not think the bill ought to apply to the taxicab driver. If the others do not think it applies, then just pass the amendment. I think it is a commonsense amendment. The taxicab driver ought not get caught up into an interfamily dispute over who did what and he get sued and the cab company get sued because he did not know it was illegal to take the fare to the nearest abortion clinic which happened to be across the State line.

The taxicab driver could clearly know and he could hear the discussion about where they were going and why. That would make him guilty, the taxicab company guilty, the sorority sister that called the taxicab guilty for conspiracy.

This is a commonsense amendment. I do not think the taxicab driver ought to be part of this discussion, ought not be sued by a mad parent, and I hope we will adopt the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, one standard element of obtaining a criminal conviction is that the defendant has the appropriate criminal intent.

Now, under the bill without the Scott amendment, if the taxicab driver does not have the criminal intent which includes knowledge of what is going on, then the taxicab driver and the company cannot be convicted. If they do have the criminal intent to evade a State parental involvement law, then they ought to be convicted of transporting the minor across the State line.

What the Scott amendment does is effectively immunize transporters who have criminal intent, and that is why the amendment ought to be defeated. I urge the membership to vote ''no.''

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SCOTT of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

□ 1730

The Acting CHAIRMAN (Mr. GILLMOR). It is now in order to consider amendment No. 2 printed in House Report 109–56.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 4, after line 11, insert the following:

''(3) The prohibition of subsection (a) does not apply with respect to conduct by a grandparent of the minor or clergy person.

The Acting CHAIRMAN. Pursuant to House Resolution 236, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, before yielding to the cosponsor of this legislation, I yield 30 seconds to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I support the amendment, but I also wanted to point out that at the end of the last debate the chairman of the committee suggested that there needs to be a criminal intent for the evasion of the parental consent laws, but we do not need intent for that. If, in fact, you have circumvented the parental consent laws, then there is a violation. You do not even have to know you violated them if, in fact, you did; and I think the chairman would acknowledge that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from New York (Mr. NADLER), the ranking member of the subcommittee.

Mr. NADLER. Mr. Chairman, I am pleased to be offering this amendment with my good friend, the gentlewoman from Texas.

Mr. Chairman, this is one of the amendments that the committee report lied about. This amendment would prevent terrible and, I assume, unintended injustices. The amendment creates an exception to the provisions that make it a crime to accompany a minor across State lines who is seeking abortion services if the person accompanying the minor is a grandparent or a member of the clergy.

These are responsible adults to whom young people often turn when they are in trouble and cannot go to their parents. In an ideal world, that would never happen; but where that is the case, where they feel they cannot turn to their parents, I think we want our young people to able to turn to a grandparent or their minister, priest, or rabbi.

At the very least, I do not think Members want to put grandmothers and members of the clergy behind bars simply because they did not want to leave a young person alone and unaided during a very difficult moment.

Do we really want to put grandmothers and clergy in jail? Surely the supporters of this bill would not want to put a grandmother or reverend in jail who is only trying to help a minor.

I know they argue that the evil abortion providers are spiriting them away, but we are not talking about if that ever occurred. We are talking about the grandmother of the minor. We are talking about the trusted minister, priest, or rabbi of the minor whom she seeks out and confides in.

The opponents of this amendment have argued that it is the fundamental right of a parent to be involved in any decision concerning the pregnancy of their child. This is certainly true.

But in the real world, there are situations where it is impossible for a minor to tell a parent about a pregnancy, for instance, in cases of incest, where the parents physically abuse their children or in the case that I mentioned while in general debate of the young 13-year-old girl whose father had raped her, found out she was pregnant, and murdered her. In these cases, a minor needs to be able to turn to a responsible adult, such as a grandparent or a clergy member, for assistance. We should not criminalize this assistance. We should not be throwing caring grandmothers, grandparents, or ministers in jail.

Now, it may be that a properly drafted amendment that would say if it was a ring of people doing this for money, maybe that would be reasonable, but not a grandparent or a clergy member who was helping a young person in trouble.

Some have argued that we should defeat this amendment because there are cases, albeit few and isolated, where a grandparent or a member of the clergy may be a sexual predator. Sadly, this is true sometimes. Thankfully, it is rarely true. It is also true that sometimes a parent is a sexual predator, and this bill not only does not protect the minor in those cases. It requires the doctor to ring the sexual predator's doorbell to tell him what is going on, and it gives the sexual predator the ability to sue the doctor. That is what the bill does.

Even with this exception, with the exception in this amendment, any sexual predator will still face the full force of the law. Those crimes can, and should still, be punished. This amendment in no way shields these criminals from the consequences of their acts. It does, however, protect caring grandparents and clergy from going to jail just because they cared enough about a young person to stand with them in a difficult time.

Mr. Chairman, it should be the duty of the government and Congress to provide help to young women in these trying times, not to make life more difficult than it needs to be.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve my time.

Mr. SENSENBRENNER. Mr. Chairman, I am the only speaker on this amendment, and I will reserve my time so I can close.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member. And may I ask how much time is remaining.

The Acting CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) has 6 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) is recognized for 2 minutes.

Mr. CONYERS. Mr. Chairman, I want to thank the gentlewoman from Texas, whose amendment, with the gentleman from New York (Mr. NADLER), helps to bring a little sensitivity, a little care, understanding, concern about the awful problem behind the necessity that is thought to be needed for this bill.

The Jackson-Lee/Nadler amendment seeks to give the young women who are already in desperate situations an opportunity to turn to a trusted adult. Specifically, it creates an exception for grandparents and clergy members from civil or criminal liability.

Now, one could almost, in a more rational circumstance, ask who could be against that. The alternative to this, without this amendment, would be to leave the young women at the mercy of their peers and adults who do not have their best interests at heart or leave them alone.

So the amendment is absolutely vital. Even further, some young women justifiably fear they would be physically abused if forced to disclose their pregnancy to their parents. Nearly one-third of minors who choose not to consult with their parents have experienced violence in their family or feared violence or feared being forced to leave home. So enacting this legislation and forcing young women in these circumstances to notify their parents of their pregnancies will only exacerbate the dangerous cycle of violence in dysfunctional families.

This is the lesson of Spring Adams, an Idaho teenager who was shot to death by her father after he learned she was planning to terminate a pregnancy he caused. It is clear that when a young woman believes that she cannot involve her parents in her decision to terminate a pregnancy, the law cannot mandate healthy, open family communications.

I urge my colleagues to support Jackson-Lee/Nadler.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, in an ideal world, teens would talk to their parents if they found themselves pregnant. I guess some would even go so far as to say, in an ideal world, our teens would not be having sex at all; but let us face it, that is not the world we live in. Many teenagers would do anything not to tell their parents about an unintended pregnancy, even if it means putting their own life in jeopardy.

Make no mistake, I strongly support measures that will help foster healthy relationships between parents and their children; but those out there who believe this is a good, family-friendly bill are out of touch with reality.

This bill is not going to encourage teens to talk to their parents. It is not going to curb abortion. Rather, this bill will only encourage young girls to seek unsafe, illegal abortions.

I urge my colleagues to vote for this amendment; vote against H.R. 748.

I thank the gentlewoman very much for yielding time to me.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of the time.

I thank the distinguished gentlewoman for her leadership. I thank the gentleman from New York (Mr. NADLER) for his leadership, and I thank him very much for the fight that he has put forward for a fair and balanced response to what could be a very tragic set of circumstances.

I am delighted to follow the gentlewoman from California (Ms. WOOLSEY) because I want to reinforce the fact that we want healthy relationships between parents. We want a young woman to be able, a girl, a minor to be able to consult with her parents in a prayerful manner with her clergy and with her physician in this potentially tragic set of circumstances.

But allow me to read into the RECORD a circumstance that does occur in America. In Idaho, a 13-year-old girl named Spring Adams was shot to death by her father after he learned that she planned to terminate her pregnancy caused by his acts of incest. Might I repeat it again, Mr. Chairman, by his acts of incest. One more time. By his acts of incest.

This is what the debate is about. This particular legislation, although it may be well intended, does not have an exemption for incest, does not have an exemption for incest. The amendments that my colleagues offered in the Committee on the Judiciary all went to the idea of providing the greater safety for this minor, not to eliminate the responsibility of a parent, nor to eliminate the relationship between parent and child.

Let me for the record, as the gentleman from New York (Mr. NADLER) did indicate in his remarks, that the amendment that I offered in the Committee on the Judiciary did not exempt sexual predators, and I am so terribly offended and offended for this institution for the untruths that were reported in the report language.

The Jackson-Lee amendment that offered to include aunts, uncles and cousins and godparents to be able to provide counsel to that minor was to speak to the question of incest, in case a parent was engaged in incest. Unfortunately, we could not get our colleagues on the other side of the aisle to understand the clarity of trying to provide an additional person cover, counsel if you will, so that if the parent perpetrated incest, that child had somewhere to go.

The untruth of the representation in the report language needs to be qualified and corrected. I hope my colleagues will see fit very shortly to have that corrected; but I would simply say that H.R. 748, as it is drafted, does not provide protection for that minor child.

Our amendment, the Nadler/Jackson-Lee amendment, allows for the grandparent and the clergy to be exempted

from being sued by the parents when they can stand instead to provide counsel, religious counsel, social counsel, comfort counsel to that minor child; and that they should be subjected to a lawsuit by a parent who may have perpetrated incest is an insult and a travesty.

This legislation will not improve family communication or help young women facing crisis pregnancies. We all hope that loving parents will be involved in their daughters' lives, and I will tell my colleagues that 61 percent seek counsel. Ninety-three percent who do not get counsel from their parent do seek to from a close associate, friend, grandparent.

It is important, even in the absence of laws mandating parental involvement, many young women do turn to their parents. I would argue that this is a poorly drafted legislative initiative. I would ask my colleagues to support this amendment because there is no incest exemption.

Mr. Chairman, I rise to offer and support an amendment on which my colleague from New York, Mr. NADLER has joined me.

My amendment, in particular, made no mention of sexual predators. One can infer virtually anything about amendments until they are taken into context. In fact, one can infer a myriad of negative things from what is not included in the base legislation. The report was, frankly, ludicrous as to this matter. We must take it upon ourselves to accurately interpret our colleagues' amendments; lest we turn ourselves into a body of mud-slinging, vindictive individuals.

As Chair of the Children's Caucus, the report has risen to an inflammatory inference that must be corrected because justice requires it. However, one thing about this debate is different. The unprofessional way in which our committee colleagues have elected to report out the amendments that were offered by Mr. SCOTT, Mr. NADLER, and me has morphed from the simple reiteration of the precise idea of the amendment two years ago when we last debated this to an abomination that insinuates that our amendments would protect sexual predators. As my colleague and partner in offering the amendment I will present today stated before the Committee on Rules, our committee colleagues have behaved in an unfair manner and have made a clear partisan attack when the lives of minor females are at stake.

The Child Interstate Abortion Notification Act (CIANA), while good in its intention, was written with several areas of vagueness, overly punitive nature, and constitutional violations that very much deserve debate in order to save lives and to obviate the need for piles upon piles of legal pleadings.

The mandatory parental-involvement laws already create a draconian framework under which a young woman loses many of her civil rights. My state, Texas, is one of 23 states (AL, AZ, AR, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, ND, PA, RI, SD, TN, UT, TX, VA, WY) that follows old provisions of the "Child Custody Protection Act" which make it a federal crime for an adult to accompany a minor across state lines for abortion services if a woman comes from a state with a strict parental-involvement mandate. There are 10 states (CO, DE, IA, ME, MD, NC, OH, SC, WI, WV) that are "non-compliant," or require some parental notice but other adults may be notified, may give consent, or the requirement may be waived by a health care provider in lieu of the parental consent. Finally, there are 17 states (AK, CA, CT, DC, FL, ID, IL, MT, NV, NH, NJ, NM, NY, OK, OR, VT, WA) that have no law restricting a woman's access to abortion in this case. The base bill, if passed, would take away the States' rights to make their own determination as to legislating the abortion issue for minors with respect to parental notification.

Our amendment to the Child Interstate Abortion Notification Act, would change the prohibitions to exempt grandparents of the minor or clergy persons. This must be done because some minors want the counsel of a responsible adult, and are unable to turn to their parents. In Idaho, a 13 year old girl named Spring Adams was shot to death by her father after he learned that she planned to terminate a pregnancy caused by his acts of incest. This is an exact situation where the help of a grandparent or clergy would have been more helpful. Spring Adams may still be with us today if she could have found someone more compassionate and caring to confide in.

H.R. 748, as drafted, will not improve family communication or help young women facing crisis pregnancies. We all hope that loving parents will be involved when their daughter faces a crisis pregnancy. Every parent hopes that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women do turn to their parents when they are considering an abortion. One study found that 61 percent of parents in states without mandatory parental consent or notice laws knew of their daughter's pregnancy.

Unfortunately, some young women cannot involve their parents because they come from homes where physical violence or emotional abuse is prevalent or because their pregnancies are the result of incest. In these situations, the government cannot force healthy family communication where it does not already exist—and attempts to do so can have tragic consequences for some girls.

Major medical associations—including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association—all have longstanding policies opposing mandatory parental-involvement laws because of the dangers they pose to young women and the need for confidential access to physicians. These physicians see young ladies on a daily basis and hear their stories. They would not protest this law unless they felt there were severe stakes.

CIANA criminalizes caring adults—including grandparents of the minor, who attempt to assist young women facing crisis pregnancies. In one study, 93 percent of minors who did not involve a parent in their decision to obtain an abortion were still accompanied by someone to the doctor's office. If CIANA becomes law, a person could be prosecuted for accompanying a minor to a neighboring state, even if that person does not intend, or even know, that the parental-involvement law of the state of residence has not been followed. Although legal abortion is very safe, it is typically advisable to accompany any patient undergoing even minor surgery. Without the Jackson Lee-Nadler Amendment, a grandmother could be subject to criminal charges for accompanying her granddaughter to an out-of-state facility—even if the facility was the closest to the young woman's home and they were not attempting to evade a parental involvement law.

In a statement given by Dr. Warren Seigel, a member of the Physician for Reproductive Choice and Health, to the House Judiciary Subcommittee on the Constitution, he says "I recognize that parents ideally should be—and usually are—involved in health decisions regarding their children. However, the Child Interstate Abortion Notification Act does nothing to promote such communication. Instead, CIANA places incredible burdens on both young women and physicians; infringes on the rights of adolescents to health care that does not violate their safety and health; makes caring family, friends and doctors criminals; and could be detrimental to the health and emotional well-being of all patients."

Although this legislation is supposedly aimed at increasing parent-child communication, the government cannot mandate healthy families and, indeed, it is dangerous to attempt to do so. Research has shown that the overwhelming majority of adolescents already tell their parents before receiving an abortion. In fact, the younger the woman is, the more likely she is to tell her parent. The American Academy of Pediatrics, a national medical organization representing the 60,000 physician leaders in pediatric medicine—of which I am a member and leader—has adopted the following statement regarding mandatory parental notification:

Adolescents should be strongly encouraged to involve their parents and other trusted adults in decisions regarding pregnancy termination, and the majority of them voluntarily do so. Legislation mandating parental involvement does not achieve the intended benefit of promoting family communication, but it does increase the risk of harm to the adolescent by delaying access to appropriate medical care.

It is important to consider why a minority of young women cannot inform their parents. The threat of physical or emotional abuse upon disclosure of the pregnancy to their parents or a pregnancy that is the result of incest make it impossible for these adolescents to inform their parents. My amendment would allow other trusted adults to be a part of this process. Support the Jackson Lee-Nadler amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the time given to me in opposition to the amendment.

Mr. Chairman, first, both sections of the bill do provide an exception for incest, and all of the arguments that have been made to the contrary are simply not correct.

Furthermore, this amendment should be defeated because it would codify the circumvention of parental involvement when the overwhelming majority of Americans support parental involvement. In some polls, over 80 percent of the public supports parental involvement. As recently as March 2005, 75 percent of over 1,500 registered voters

surveyed favored requiring parental notification before a minor gets an abortion, and only 18 percent opposed parental notification.

□ 1745

Under current law, grandparents and clergy do not have the authority to authorize a medical procedure for a minor child, or even ear piercings or the dispensing of aspirin at schools. So why should such a fundamental parental right be thrown aside for the abortion procedure alone? This amendment would sever the essential parent-child relationship. Grandparents and undefined clergy are not parents. It is that simple.

It is instructive that the Supreme Court has always held that the important duty to ensure and provide for the care and nurture of minor children lies only with the parents, a conclusion which arises from the traditional legal recognition that ''the natural bounds of affection lead parents to act in the best interest of their children.'' That was Parham v. J.R., 1979, of the Supreme Court. And as Justices O'Connor, Kennedy, and Souter observed in Planned Parenthood v. Casey, parental consent and notification laws related to abortions are ''based on the quite reasonable assumption that minors will benefit from consultation with their parents and that children will often not realize that their parents have their best interests at heart.''

Significantly for CIANA, the Supreme Court recently struck down a Washington State visitation law under which grandparents were granted visitation of their grandchildren over the objection of the children's mother. That State visitation law was struck down precisely because it failed to provide special protection for the fundamental right of parents to control with whom their children associate.

The amendment also excludes from the bill any clergy, and the amendment leaves the word ''clergy'' undefined. Just last year, one State court ominously described the dangers of using the term ''clergy'' in the law without providing any clear definition. That court stated, ''Almost anyone in a religious organization willing to offer what purports to be spiritual advice would qualify for clergy status.'' That is Waters v. O'Connor, 2004, the Court of Appeals of Arizona. That means that under this amendment, an impressionable and vulnerable minor could be sexually exploited by a cultist and the cultist could escape liability and prosecution under this legislation because the cultist claims clergy status.

In fact, when the Federal Rules of Evidence were being debated in Congress, Congress specifically rejected using the word clergy in those rules. Doing so would have invited courts, just as this amendment would, to allow all matter of cult figures to fall under the term.

Parents, and not anyone else, know and can provide their dependent minor children's complete and accurate medical histories. Before children undergo medical procedures, parents are required to provide this critical information. Without that medical history, an abortion could be devastating to a child's health.

As the Supreme Court has made clear, ''the medical, emotional, and psychological consequences of an abortion are serious and can be lasting. An adequate medical and psychological case history is important to the physician. Parents can provide medical and psychological data, refer the physician to other sources of medical history, such as family physicians, and authorize family physicians to give relevant data.'' That is H.L. v. Matheson, 1981.

And in addressing the right of parents to direct the medical care of their children, the Supreme Court has stated, ''Our jurisprudence historically has reflected western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course; our constitutional system has long rejected any notion that a child is a mere creature of the State.'' And, on the contrary, asserted that parents generally ''have the right, coupled with the high duty, to recognize and prepare their children for additional obligations. Surely this includes the high duty to recognize symptoms of illness and to seek and follow medical advice. The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions.'' Parham v. J.R., 1979.

Parents, not grandparents or undefined clergy, are legally, morally, and financially responsible for their children's follow-up medical care. If parents are kept in the dark by others, they will not be able to recognize potentially dangerous consequences of abortions.

Mr. Chairman, I urge my colleagues to defend the integrity of the parent-child relationship, which this amendment does so much to undo; to protect the rights of young girls from potential medical harm by defeating this amendment. Please vote ''no.''

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GILLMOR). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1, offered by Mr. SCOTT of Virginia, and amendment No. 2, offered by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 245, not voting 10, as follows:

[Roll No. 141]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt

Stark
Strickland
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—245

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brown, Corrine
Brown-Waite, Ginny
English (PA)
Green, Gene
Grijalva
Olver
Pearce
Rothman
Westmoreland
Wicker

□ 1817

Mr. KING of Iowa changed his vote from ''aye'' to ''no.''

Messrs. ISRAEL, SCHWARZ of Michigan, LYNCH and MOORE of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN (Mr. GILLMOR). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 252, not voting 5, as follows:

[Roll No. 142]

AYES—177

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Ross
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—252

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Brown, Corrine
Istook
Rothman
Westmoreland
Wicker

□ 1827

Mr. SAXTON changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. GILLMOR). There being no further amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GILLMOR, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes, pursuant to House Resolution 236, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NADLER. Yes, Mr. Speaker, I am most certainly opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NADLER moves to recommit the bill H.R. 748 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 5, line 5, insert after ''(a)'' the following: '', other than a parent who caused the minor to become pregnant as a result of rape or incest''.

Page 9, line 2, insert after ''(a)'' the following: '', other than a parent who caused the minor to become pregnant as a result of rape or incest''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, this bill allows a father to sue the person who accompanied the young woman or, if he did not receive the required notice, to sue the doctor who provided the abortion even if he himself, the father, that is, caused the pregnancy by rape or incest.

If adopted, my motion to recommit would simply ensure that this right to sue does not extend to a parent who caused the pregnancy through rape or incest. The motion to recommit would ensure that this bill would not enable such rapists to profit from their wrongdoing.

I know the gentleman from Wisconsin (Mr. SENSENBRENNER) will say that the bill already prohibits suits by rapists, but the so-called prohibition in the bill applies only to suits against the doctor, not against the person who accompanied her, and even against the doctor only in the unlikely event that the minor declares the rape in a signed written statement to the doctor.

□ 1830

Aside from that exception, the rapist under this bill will profit from the newly established rights to sue the doctor or the unlimited newly established right to sue the person who accompanied her.

I cannot believe that any Member of this House, even those who support parental-consent laws, could really want to enable a criminal, a father who raped his daughter and caused the pregnancy, to be able to profit from his wrongdoing by suing doctors, grandmothers, and clergymen. This motion would correct this obvious mistake; and I think, or at least I hope, that the sponsors of this bill would agree that this amendment should be adopted.

Mr. Speaker, there has been a great deal of loose talk over the last few days about sexual predators and the need to protect young women. We may not agree in this House on the best way to protect these young women, but we should all be able to agree that a father who rapes his daughter should not profit from his crime. This bill as presently constituted gives him that power. The motion to recommit would take that ability away from him and would do nothing else at all.

The motion to recommit simply says a father who rapes his daughter or commits incest with her and causes that pregnancy cannot then sue someone who performs an abortion or who accompanies her to an abortion.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the motion to recommit with instructions. This motion is necessary in order to correct a glaring deficiency in H.R. 748. In its current form, H.R. 748 would permit a parent who impregnated his daughter nonetheless to bring an action under the bill against a health provider or a person accompanying a young girl across State lines for violation of the bill's notification provisions when a young girl travels across State lines to seek an abortion.

Mr. Speaker, this is about incest. My friends on the opposite side of the aisle would have you believe that there is an exception in this bill, that somehow they have taken care of this. It is not true. They have not made an exception for someone, a parent, that could now sue because the young girl did not come to them and get their permission, or if a person assisted this young girl, taking her across State lines.

The Nadler-Waters motion to recommit would prohibit a parent who caused his daughter's pregnancy from bringing an action under the bill against a health care provider or any person accompanying the minor across State lines when that minor travels across State lines to obtain an abortion.

Mr. Speaker, a parent who has molested his child and left her facing pregnancy should not be allowed to sue a medical care provider who aided this child in her moment of need or sue someone who accompanied his child across State lines to help her safely address this tragic situation. Nor should that parent have any role in his daughter's decision to seek an abortion, unless the daughter chooses to give her parent such a role. A person who has violated his daughter in such a horrible way simply must not be entitled to any relief.

Mr. Speaker, I urge my colleagues to support the motion to recommit H.R. 748 to the Committee on the Judiciary with instructions so that, at the very least, the committee may correct the obvious miscarriage of justice that the bill produces in its current form. And if my colleagues on the opposite side of the aisle continue to insist that they made an exception, make them show it to you in the bill. Make them prove it to you.

Mr. SENSENBRENNER. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, what the two proponents of the motion to recommit are arguing is something that simply is not going to happen. If the father of a young girl impregnates her as a result of an incestuous act, filing a lawsuit will expose that crime and the evidence that would have to be submitted by the defendants would end up very clearly showing that that father did commit a crime.

What would happen as a result of this bill not passing, with or without the amendment, is that the father who did commit that crime of incest would want to destroy the evidence of that crime without alerting the authorities. This bill prevents that, and the bill requires the alerting of appropriate authorities to protect young girls from future abuse.

Those who oppose this bill and are supporting this motion to recommit would doom the victims of rape and incest to continued abuse. Supporters of this bill want to prevent that abuse from continuing.

Vote down the motion to recommit, and vote for the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the question of passage.

The vote was taken by electronic device, and there were—yeas 183, nays 245, not voting 6, as follows:

[Roll No. 143]

YEAS—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—245

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Bishop (GA)
Brady (TX)
Brown, Corrine
Rothman
Westmoreland
Wicker

□ 1855

Mr. COX and Ms. FOXX changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 270, noes 157, not voting 7, as follows:

[Roll No. 144]

AYES—270

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar

Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—157

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Boehlert
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Blumenauer
Brown, Corrine
Camp
Rothman
Westmoreland
Wicker
Wilson (NM)

□ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1900

## PRIVILEGED REPORT ON RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT TO TRANSMIT CERTAIN INFORMATION TO THE HOUSE OF REPRESENTATIVES RESPECTING A CLAIM MADE BY THE PRESIDENT ON FEBRUARY 16, 2005, AT A MEETING IN PORTSMOUTH, NEW HAMPSHIRE, THAT THERE IS NOT A SOCIAL SECURITY TRUST

Mr. THOMAS, from the Committee on Ways and Means, submitted a privileged report (Rept. No. 109–58) together with dissenting views, on the resolution (H. Res. 170) of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting in Portsmouth, New Hampshire, that there is not a Social Security trust, which was referred to the House Calendar and ordered to be printed.

## AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REINSTATE CERTAIN PROVISIONS OF THE RULES RELATING TO PROCEDURES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO THE FORM IN WHICH THOSE PROVISIONS EXISTED AT THE CLOSE OF THE 108th CONGRESS

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–59) on the resolution (H. Res. 241) providing for the adoption of the resolution (H. Res. 240) amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

*Resolved,* That upon adoption of this resolution, House Resolution 240 is hereby adopted.

The SPEAKER pro tempore (Mr. LAHOOD). The question is, Will the House now consider House Resolution 241.

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 241.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Rochester, New York, the distinguished ranking minority Member of the Committee on Rules, the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides that upon its adoption, House Resolution 240 will be adopted. This will take us back to the 108th Congress's rules with regard to ethics, word for word, comma for comma, exactly the same rules that existed in the 108th Congress.

Mr. Speaker, our Founding Fathers understood the need for Members to scrutinize the actions of their peers. I commend those who, over the years, have volunteered for service to the House as members of the Committee on Standards of Official Conduct.

Mr. Speaker, the Father of our great Constitution, James Madison, in Federalist No. 57 said: ''The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.''

Now, it is not surprising that our Constitution contains in Article I, section 5 the peer review requirements for each House of the Congress. Article 1, section 5 is as follows: ''The House shall be the Judge of the Elections, Returns and Qualifications of its own Members,'' and ''may punish its Members for disorderly behavior.''

Now, Mr. Speaker, unfortunately, we have recently seen that there are those who have wanted to use the ethics process for political purposes. At the start of the 109th Congress, our great Speaker, the gentleman from Illinois (Mr. HASTERT), decided, along with the membership of the Republican Conference and through a vote of the full House, to include reforms of the ethics process because we believed it was flawed and needed increased transparency and accountability. Mr. Speaker, we still believe that.

The reforms adopted at the start of the 109th Congress were an effort to address the fairness of the ethics process.

Now, as many of you know, the ethics complaints filed at the end of the 108th Congress placed Members in jeopardy without any notice or opportunity for due process. That is not fair to any Member or to the institution itself.

Speaker HASTERT justly has been concerned about the rights of every single Member of this institution on both sides of the aisle, and he has also been very concerned about the integrity of this institution in the eyes of the American people. The Members of this great body and the American people deserve a structure which provides due process in the area of ethics.

Accordingly, we tried to take political jeopardy out of the ethics process with our changes at the beginning of this Congress.

Now, Mr. Speaker, in spite of this ongoing issue with which we have had to contend, we are extraordinarily proud of the fact that we have been able to successfully get the work of the American people done. We have been doing the American people's business with a great deal of success. We have engaged in a rigorous debate over ideas.

In just the first few months of this year, the beginning of the 109th Congress, we have shown strong bipartisan support, reaching across the aisle to Democrats and gaining support for funding for our troops, the energy bill, the highway bill, the Continuity of Congress bill, the border security issue, and other issues. And in the legislation that we just passed, 54 Democrats joined with Republicans to once again show that we are working in a bipartisan way to get the work of the American people done.

The fact is, the House needs an ethics committee, and today remains without one because, unfortunately, our friends on the other side of the aisle made a decision not to organize.

Mr. Speaker, this House needs an ethics committee which can begin its work. Unfortunately, we have seen our friends on the other side of the aisle choose not to organize the ethics committee.

I will say that my very good friend, the gentleman from Washington (Mr. HASTINGS), has worked valiantly to try and reach out and bring together bipartisan compromise to ensure that the ethics committee can get down to work and do its business, so that it can, in fact, comply with Article I, section 5 of the Constitution; and it is a struggle which the gentleman has been involved in for the past several months. And unfortunately, the gentleman has not been as successful as he would like.

We believe that with the action that we are about to take here today, that we can now move ahead with depoliticization of the ethics process and do the kinds of things that need to be done.

Now, as I said, we stand by the rules changes that we proposed, that underscore the importance of due process and underscore the importance of ensuring that we have an ethics committee which can guarantee the rights of every individual in this institution. But I believe that it is even more important now for us to move back to the rules of the 108th Congress. Why? So that we can, in fact, let the gentleman from Washington (Chairman HASTINGS) and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and the other members of the ethics committee begin their work.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, this bill represents a true victory for the American people and provides some hope for the integrity of this body, which has been so badly tarnished by the actions of this majority that can one day be restored.

As a child, my parents taught me that integrity means doing what is right when no one is looking.

Well, 4 months ago when they thought no one was looking, the Republican majority of this House passed a rules package that gutted the House ethics standards and effectively neutered the House ethics committee, a committee that genuinely worked well and that had not had a complaint for years.

The changes were made in an obvious attempt to protect one man from further prosecution or investigation by the ethics committee. Four months later, after the world has been awakened to the unethical brand of sweep-it-under-the-rug politics, the Speaker has finally relented to public pressure and agreed to reinstate the ethics rules that have governed the House for years, rules that should have been governing the House during the 109th Congress from the very start.

You know, it is easy to do the right thing when the whole world is watching, and today the whole world is watching. And it appears that the majority, with their back against the wall, may finally do the right thing. It appears as though they will heed the call of the minority and the call of America to reinstate the ethics committee.

It appears they may heed the overwhelming call to return to the rules of the 108th Congress. And not just a section from part A, or a smidgeon of part B; but all of them.

Even now, at this low point, there is concern that the rules changes the majority proposes today will not include measures to ensure that the staff of the ethics committee remain nonpartisan. That, Mr. Speaker, would be a tragedy. And it is crucial that they maintain a professional and nonpartisan staff if the ethics committee will retains any credibility moving forward.

But even in defeat, it seems the majority has no shame. I will say that whatever the outcome today, they do not deserve a pat on the back for this apparent about-face.

And as I said earlier, we should always remember, it is easier to make the right decision when the world is watching. But what defines our character is what we do when no one is watching.

We saw clearly what this majority is all about. We have been witness to it for the past 4 months, and every day we discover new abuses of the rules by the Republican leadership and new abuses of the democratic process here in the House. Example: what happened in the report from the Judiciary Committee.

All of us owe the gentleman from West Virginia (Mr. MOLLOHAN) a debt of gratitude for his resoluteness and steadfastness on this issue and for having the courage to fight against this clear attempt by the majority to subvert the democratic process and destroy the principles of ethics and integrity in the House.

Let us hope that America will not soon forget what the majority did and the Herculean effort it has required to convince them to reverse course.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I have mentioned him several times in my remarks. I am now very pleased to yield 4 minutes to my friend, the gentleman from Pasco, Washington (Mr. HASTINGS), the hardworking member of the Committee on Ethics who actually chairs the committee and is ready to go to work.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to thank the distinguished chairman of the Rules Committee (Mr. DREIER) for his graceful words. And I want to say, Mr. Speaker, that no one has worked longer and harder over the years or devoted more personal energy to the critically important institutional issues of this House than the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

□ 1915

Those issues do not win you many headlines back home but they are absolutely essential to our continuing ability to work in an effective bipartisan fashion history in the people's House.

So I thank the gentleman from California (Mr. DREIER) for his leadership in the past and his insistence in moving this resolution to the floor.

Mr. Speaker, I have introduced House Resolution 240 for one reason and one reason only: to restore a functioning ethics process here in the House. Regrettably, the Democrats have kept the Ethics Committee shut down now for more than 2 months. It simply must be restarted as soon as possible.

Members will recall that in January as part of our opening day rules package for the 109th Congress, the Members of this House adopted a series of much-needed ethics reforms. We adopted those reforms in order to ensure that the ethics rules treat Members of the House as fairly as possible.

We believe, for example, and still believe that it is unfair for the Ethics Committee to tell individuals called before the committee during an investigation whom they can or cannot hire as their lawyer. This right to counsel, after all, is a fundamental right enjoyed by all Americans, so we moved to protect it. In addition, we believed and still believe that it is unfair for Members to be publicly embarrassed when the committee issues a public letter of reprimand or admonishment or violation, et cetera, without providing the Member in question with any advance notice that they are being scrutinized by the committee in any way. So we moved to make sure that this never happens to any Member of either party in the future.

And finally, we believe and still believe that it is unfair for Members of either party to be kept in perpetual limbo after initial investigation of a complaint if a bipartisan majority of the committee cannot agree to proceed with the full-scale investigation. Contrary to many published reports, no investigation has ever been undertaken by the Ethics Committee without bipartisan support. But under the old rules of the 108th Congress, the burden of proof to get out from under an ethical cloud fell on the Member in question, whether Democrat or Republican. So we acted to restore fairness to that part of the ethics process as well.

Nevertheless, despite the fact that the full House adopted these rules, the Democrat members of our committee refused to accept the clear directive of the House and to let us organize our committee. For 2 months now, I have worked in good faith to address the substantive objections of the gentleman from West Virginia (Mr. MOLLOHAN) to these rules, and I know that he holds these objections in a very sincere way. And while I have a great deal of respect for the gentleman from West Virginia, I regret that he has declined to consider any of my proposed compromises.

As it should be, membership on our committee is evenly divided between the majority and minority, which means that substantive action of any kind requires support from both sides of the aisle and a genuine commitment to compromise. However, Democrat leaders and the gentleman from West Virginia (Mr. MOLLOHAN) have made clear that they remain absolutely unwilling to compromise on any of these matters and insist on overturning the expressed will of the House by returning to the rules of the 108th Congress.

Because I believe it is severely damaging to this institution to permit Members on the other side of the aisle to keep the doors locked on the Ethics Committee, I have concluded that we must return now to the rules of the past Congress, the 108th Congress. My resolution would do just that. But at the same time, Mr. Speaker, I am hopeful that once Democrats agree to put a functioning Ethics Committee back in business, they will then agree to work with us in a bipartisan way to address the real problems of unfairness to Members that are inherent in the 108th rules.

Mr. Speaker, the American people have every right to expect the highest ethical standards here in the House. Those of us charged with upholding the integrity of the institution stand ready to carry out our important responsibilities.

Accordingly, I urge adoption of H. Res. 240 so all of us who serve on the Ethics Committee, from both sides of the aisle, can get back to work.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me time.

I would observe at the outset that if the arguments propounded by the gentleman from California (Mr. DREIER) and the distinguished chairman of the Ethics Committee, which they have made repeatedly over the last 4 months, were agreed to by the American public, we would not be here today. But those arguments were rejected.

A vote on this important legislation which will restore the bipartisan ethics rules that were originally adopted in 1997 and which functioned well in every Congress since then is long overdue. And I believe that it was inevitable.

Today is not a day for those of us on the Democrat side of the aisle to gloat. However, it is a day for those who instigated and supported these partisan rules changes in January to recognize that a serious mistake in judgment was made. That does not seem to be the case.

The gentleman from Colorado (Mr. HEFLEY) will observe, as he has in the past, that this is the first time, and I have served here for 24 years, the first time that the rules of the Ethics Committee were changed in a partisan action. As the former chairman, the gentleman from Colorado (Mr. HEFLEY) stated 2 weeks ago, ''We can't make rule changes unilaterally.'' We've never made rules for the Ethics Committee ''unilaterally.'' ''The way it was done was wrong.''

Today the Speaker recognizes the validity of that statement and seeks to rectify this error. It is a good step. However, let me say as clearly as I can, this legislation marks a beginning, not an ending. It is in reality a procedural prerequisite to a real, meaningful ethics process that ensures the American people of the integrity of this great institution. Surely every one of us wants that to be the reality.

In the last several months a great number of issues have become public that warrant an inquiry by the Ethics Committee. The press has asked me numerous times over the last 3 months, Are you going to file a complaint? And I have said, No, I am not going to file a complaint. And the reason I am not going to file a complaint is because I believe it is the responsibility of the Ethics Committee, particularly when ethics questions are raised in the public arena, that the Ethics Committee address those issues so that the public's confidence can be kept intact.

It is imperative now that the committee organize as soon as practicable so that it may conduct its important business. Let me also urge the chairman and the ranking member to honor the letter and the intent of the 1997 rules package by agreeing to hire a nonpartisan professional staff. I say that because the chairman indicated that he was going to treat this like any other committee and install his chief of staff.

His chief of staff, I am sure, has high integrity and great ability. I do not question that at all. But it is incumbent upon us to make sure that both sides have confidence in the leadership of this staff as was intended by the rules.

Mr. Speaker, the Ethics Committee is the only mechanism that this institution has to police itself. Today we have taken a vital step in restoring procedural vitality to our ethics process and ensuring public confidence in this institution. I urge my colleagues to vote for this bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), the distinguished vice chairman of the Committee on Rules.

Mr. LINCOLN DIAZ BALART of Florida. We did the right thing, Mr. Speaker, the first day of this Congress when we passed amendments to the rules as they relate to the Ethics Committee, which the chairman of the Ethics Committee has referred to. Basically they dealt with the right to counsel, with the right to notice, and the right to action within a time limit.

In other words, if you will, the fish-or-cut-bait amendment, decide amendment, and do not theoretically hold any and all Members potentially in limbo with regard to accusations ad infinitum.

Now, Mr. Speaker, the Spanish philosopher Ortegay Gasset said, ''Man is man plus his circumstances.''

What are our circumstances today?

The minority has said that they will not organize, they will not commence the work of the Ethics Committee unless we, the majority, agree to go back to the rules of the prior Congress. In other words, that the amendments that we talked about that have to do with due process be eliminated before they begin even, they agree to begin the work of the Ethics Committee. Those are our circumstances.

Either no Ethics Committee, for us to say to the minority, you won, there will be no Ethics Committee, or to go back to the prior rules without the very wise and necessary amendments that we carried forth the first day of this Congress. In other words, to have an ethics process that is flawed. And that is what we are agreeing to today. It is better to have a flawed ethics process than no ethics process. Thus, we are passing the rule that we have brought forth today which I support and urge the adoption of.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I am pleased to rise in support of this resolution which will repeal the unfortunate ethics rules changes that the majority included in the House rules package that was adopted on January 4 of this year.

For those of us who have opposed these rules changes from the outset, it has been a long, difficult effort and it is gratifying to see it finally succeed.

I have maintained from the outset, Mr. Speaker, that what is at issue in

these rules changes is in fact the fundamental question of whether the House is going to continue to have a credible ethics process, a credible ethics process that will command the respect and confidence of both the Members of the House and the public. And I firmly believe that nothing less than this is at stake here tonight.

Back in 1967, the House of Representatives in its wisdom also thought that it was important for the House to have a credible ethics process. The premise to ensuring credibility of that ethics process was bipartisanship. It was the standard by which the Ethics Committee's organization was measured; and the original committee established back in 1967 was, in fact, bipartisan. An equal number of Democrats and an equal number of Republicans. A unique situation in the House of Representatives where partisanship is the way we are organized, and rightly so. But it is not right with regard to the Ethics Committee.

Those founding Members, if you will, recognized that the Ethics Committee that was going to be able to do its job, if it is going to be able to have the confidence of the body, if it was going to be able to maintain the standards that reflect favorably upon the House of Representatives and enforce those standards in the face of the American people, then its decisions had to come from bipartisanship.

Mr. Speaker, that bipartisanship has been reflected each and every time the House of Representatives has reconsidered major rules changes. So far as I know, in each time that the House of Representatives has undertaken to change the rules with regard to the Ethics Committee, it has abided by that principle of bipartisanship by establishing a committee that was equally represented of Democrats and equally represented from Republicans.

□ 1930

These bipartisan task forces, one established in 1988 when the Democrats were in charge of the House, in the majority, one established in 1997 when the Republicans were in charge of the House of Representatives, each maintained this principle of bipartisanship. These bipartisan ethics rules task forces were charged with going off, sitting around a table and coming up with rules that they could recommend; and they were charged with recommending back to the House of Representatives.

On each occasion, those bipartisan task forces fulfilled that mission admirably. They negotiated in that proper environment ethics rules, each side saying why they objected to the other side's proposals and working out the compromises.

The gentleman from Maryland (Mr. CARDIN), our colleague who is here tonight, performed distinguished service, along with his Democrat and Republican counterparts in that 1997 bipartisan task force, and it is under those rules which the committee was operating last year in the 108th Congress.

Mr. Speaker, whatever the motivation for the Speaker and the Republican leadership directing the Committee on Rules to change the Committee on Standards of Official Conduct rules, the process which they undertook was flawed from the beginning. Why? Because they violated that tradition and the principle that is embedded in that tradition to change Committee on Standards of Official Conduct rules through bipartisan task forces.

That is our first objection to the majority's rule changes of January 4 of this year, that because they could, because they were in the majority, come up with rules changes, direct the Committee on Rules to embed them in the House rules package, pass them in that omnibus package by the most partisan vote the House casts, all Republicans voting for, all Democrats voting against, and in that process, imposing in a partisan manner the rules changes.

It is no wonder that these three rules changes, the automatic complaint dismissal rule, the rule that allows the attorney of accused to represent all the witnesses, and the rule that allows anybody mentioned unfavorably to immediately opt for a trial rather than investigation, it is no wonder that in that partisan process those rules were flawed, and they were.

It is imperative that we change these rules. The gentleman from Illinois (Speaker HASTERT) is doing the right thing here tonight by reversing his decision earlier this year and directing that this resolution be brought to the floor.

The committee, Mr. Speaker, can now organize. It can now get on with its business. It can now consider some of the very tough issues like staffing issues that have been referenced here; and if there is a concern about rules in the House, we can all move on a bipartisan basis in the right direction, through the right format, by forming a bipartisan task force to come up with bipartisan rules changes to the Committee on Standards of Official Conduct and, in the process, assure the Chamber and the American people that the credibility of the Committee on Standards of Official Conduct is going to be maintained.

I look forward to working with the gentleman from Washington (Chairman HASTINGS), my distinguished chairman, in moving forward with the business of the Committee on Standards of Official Conduct.

Mr. DREIER. Mr. Speaker, I am happy to yield 2½ minutes to the gentleman from Colorado Springs, Colorado (Mr. HEFLEY), the very distinguished former chairman of the Committee on Standards of Official Conduct, our friend.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman very much for the time.

Let me say that the Committee on Standards of Official Conduct was not broken. There was no deadlock ever. There were no partisan votes ever. Almost every vote was unanimous. Every staff member was hired or fired in a bipartisan way; but at the same time, neither the process nor the rules are perfect, and they should be looked at. They just should not be looked at in the way we have done it. My colleagues have heard me say it over and over, and they are getting tired of it and I apologize, and maybe we will not have to talk about it anymore; but we cannot have a Committee on Standards of Official Conduct unless it is completely bipartisan in every way.

I want to praise the Speaker of the House for taking the leadership in this and getting us out of this mess. I want to praise the gentleman from Washington (Chairman HASTINGS) and the other members of the Committee on Standards of Official Conduct for trying to resolve this dispute.

I want to praise the gentleman from West Virginia (Mr. MOLLOHAN) for trying to resolve the dispute and making sure that we continue with an absolute nonpartisan or bipartisan committee. There are ethics charges flying around this place that are being used in a political way, there is no question about it. I do not think the gentleman from West Virginia (Mr. MOLLOHAN) is a part of that, however. I think he sincerely is concerned about the institution, and I think all of us are.

We should be open to reforming the ethics process when necessary; and I encourage the committee, and in a bipartisan way, to look at these rules and to look at other rules.

The gentleman from West Virginia (Mr. MOLLOHAN) and I talked often about a package of rules that we would like to present to the House for consideration of changing, and I would encourage the committee to do that.

Some of the due process provisions of the rules that were made in the January decision are good, and the committee should give consideration to adopting them even if not directed by the House. I am encouraged by this effort to return to a bipartisan ethics process that existed during the last Congress.

I urge my colleagues to vote for this and to continue the effort to return the process to a bipartisan type of process that it absolutely must be. Then we can go from here and make sure that when we have a Committee on Standards of Official Conduct, it is an ethics committee we can all be proud of.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I just want to compliment the gentleman from Colorado (Mr. HEFLEY) for his comments. I support this resolution, and I think he has really stated the case very well, that the ethics process must work in a bipartisan manner.

In fact, I served on the Committee on Standards of Official Conduct for 6 years during some of the most difficult times, including the investigation of Speaker Gingrich and the House so-called banking scandal. At no time during any of that debate did we break

down on a partisan line in the Committee on Standards of Official Conduct. We worked things out. We figured out what needed to be done. The facts speak for themselves. So allowing for the Committee on Standards of Official Conduct process moving forward will allow it to operate in a nonpartisan way.

The revisions that were passed in a partisan manner on the first day of this session were wrong. They were wrong in process, and they were wrong in substance. The process needed to be bipartisan.

I had the opportunity to co-chair with Mr. Livingston the 1997 ethics task force that brought about the changes in our ethics rules. We worked together in a bipartisan manner to bring about those changes. That was not done in this case.

The substance of these rules changes made it very difficult for the committee to function. All one needed to do was to allow time to go by and there was automatic dismissal. Failure to act was rewarded. It encouraged the partisan divisions since there is an equal number of Democrats and Republicans on the Committee on Standards of Official Conduct. That is not the way that the ethics committee can function in a nonpartisan or bipartisan manner. The rules changes were flawed, and the process was flawed.

It is interesting that we have this resolution before us today. The reason is because the public understood what we did on the first day of this session, and they knew it was wrong.

This is the people's House, and the people's voice has been spoken and heard by this body. We, today, will correct a mistake that we made on the opening day of this session. It will allow us to restore a proper ethics process that truly can function to carry out one of our most sacred responsibilities.

Under the Constitution, we are required to judge the conduct of our own Members. This rules change will permit us to carry out that most sacred responsibility so we can restore public confidence in this body. This is a great institution, and this rules change will allow this institution to carry out that responsibility.

Mr. Speaker, I regret that we have been delayed 4 months in this work. I am glad tonight that we are correcting the mistake that was made. I urge my colleagues to support the resolution.

Mr. DREIER. Mr. Speaker, I am happy to yield 1¾ minutes to the gentleman from Marietta, Georgia (Mr. GINGREY), a very hard-working new member of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I rise today in support of House Resolution 240, a bill providing for changes to the rules of the House of Representatives related to the procedures of the Committee on Standards of Official Conduct, the ethics committee.

Mr. Speaker, it is truly unfortunate the House of Representatives must take up this legislation that rescinds progressive reforms made to the practice of the Committee on Standards of Official Conduct.

Mr. Speaker, new rules were agreed upon that would have allowed a bipartisan majority to resolve ethics disputes in an expeditious and judicious fashion. These rules would have ensured that the House Committee on Standards of Official Conduct could never be used by either party, Republican or Democrat, as a weapon to malign and tarnish the reputation of any Member in this body for political purposes.

Yet, Mr. Speaker, the House Democrats have refused to accept these changes and, thus, have brought the Committee on Standards of Official Conduct to a screeching halt. Not only have the House Democrats essentially shut down the House Committee on Standards of Official Conduct but they have also used its demise for political gain.

Over the past few months, House Democrats have abandoned any substantial discussion of policy like Social Security modernization and resorted to an incessant stream of personal and political attacks upon Members of this body, especially upon one Member in particular.

The Democrats do not have a plan to strengthen Social Security for our seniors, but they will spend months upon months stonewalling and refusing to allow the Committee on Standards of Official Conduct to function. Mr. Speaker, if the House Democrats actually allowed the Committee on Standards of Official Conduct to meet and conduct investigations, then they would lose their ability to exploit tabloid sensationalism and would have to return to doing the work of the American people.

So, Mr. Speaker, the House must now consider a return to the old rules. Despite the flaws in the old rules, we in the majority cannot and will not accept a Committee on Standards of Official Conduct held hostage for purposes of political gain.

Mr. Speaker, I encourage my colleagues to support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, this resolution is long, long, long overdue. We should not have to be here today at all. We should not have to fix something that the Republicans broke for no good reason.

Let us be clear and honest about this. The ethics rules are not being reinstated today because suddenly the majority has had a change of heart. They are being reinstated because the American people have been outraged by Republican attempts to dismantle the ethics process. They have demanded that the House do the right thing. They have demanded that we restore the sensible, bipartisan procedure we used to have.

We have heard a lot of complaints from some on the other side about the politicization of this ethics process; but, Mr. Speaker, the partisan politics are coming from the other side. In fact, the Republican leadership is still playing politics.

In my hand is a copy of some of the talking points put out by the House Republican Conference on this rule change. Here are just a few samples of the poisonous rhetoric being put out today by the other side.

They accuse the Democrats of ''questionable motives''; a ''cynical attempt to corrupt the process''; ''partisan hackery in the guise of 'good government.'''

These talking points have the audacity to claim that Republicans are now taking the high road. Hardly. Their low-ball tactics continue, and I will insert these into the RECORD at this point so the American people can see what is going on here.

RETURN TO THE RULES OF THE 108TH CONGRESS

Despite the best good-faith efforts of the Ethics Committee Chairman and the Republican Leadership, House Democrats have left no way to restart the ethics process without a full and complete return to the Rules of the 108th Congress. For the good of the House, an operating but flawed Ethics Committee is preferable to a more equitable, but non-operational Committee.

House Republicans stand by the changes made to the rules of the House at the outset of the 109th Congress, but believe it is more important for the institution to have a functioning Ethics Committee that may be flawed, than to have a more perfect, but non-operational Committee.

The three major rules changes made at the start of this Congress greatly increased the bipartisan nature of the ethics process, prevented the Ethics Committee from being used as a political tool, and ensured fairness for Members targeted by politically motivated charges.

The three changes—guaranteeing Members the right to be represented in front of the Committee by counsel of their choice, ensuring Members' right to due process, and eliminating the possibility that a charge could wind up ''in limbo''—were opposed by House Democrats in a blatantly political attempt to use the ethics process for electoral gain.

Despite the questionable motives behind Democrat opposition to the rules changes, House Republicans worked to come to an agreement with the Minority in order to get the Ethics Committee up and running.

Unfortunately—but not surprisingly—each attempt by either the Republican Leadership or Chairman Hastings was rejected.

Chairman Hastings offered on numerous occasions to meet with Ranking Member Mollohan in order to craft a compromise, but was rebuffed. When he presented his written and signed guarantee addressing Mr. Mollohan's concerns, Minority Leader Pelosi called his good-faith effort ''a sham'' (Weekly Media Availability, April 21, 2005).

Just one week prior to Leader Pelosi's statement, Ranking Member Mollohan said: ''We would proceed by our rules, not any other way'' (Pittsburgh Post-Gazette, April 14, 2005).

The Democrat intransigence clearly indicates their intention to use the ethics process as a tool in their political arsenal. Their

cynical attempt to corrupt the process by injecting political rancor is odious, and will be seen for what it truly is—partisan hackery in the guise of ''good government.''

But rather than let the Democrat ''my way or the highway'' strategy drag on, House Republicans have elected to take the high road.

By returning to the Rules of the 108th Congress, the House will once again have an operational Ethics Committee which, while flawed, will at least be able to begin functioning.

Unlike the obstructionist Democrats who would rather bluster about supposed abuses of power by the Majority than actually come to an agreement on ethics, House Republicans are committed to moving forward and protecting the integrity of the House.

Mr. Speaker, I hope that today marks a real return to an honest, bipartisan ethics process and not just an attempt to change the subject.

I hope that members of the Committee on Standards of Official Conduct will continue to work in a bipartisan way and that the leadership of the House will let them do that work, without pressure or intimidation.

I hope the committee will continue the tradition of nonpartisan, professional staff members.

Only time will tell. In the meantime, Mr. Speaker, I take comfort in the knowledge that the American people are watching very, very closely.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. DREIER) has 13½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 12 minutes remaining.

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to the very distinguished gentleman from Moore, Oklahoma (Mr. COLE), who serves on both the Committee on Rules and the Committee on Standards of Official Conduct.

Mr. COLE of Oklahoma. Mr. Speaker, I rise to support this resolution because I am convinced that it is the right and proper way to address a tough partisan division that exists at this time. I thank the Speaker and the gentleman from Washington (Chairman HASTINGS) for their work in resolving this difficult issue.

As we move forward, Mr. Speaker, I think we would be well advised to operate according to the spirit of a statement once made by John Wesley, the founder of the Methodist Church. He said: ''Differences that begin in points of opinion seldom terminate there. How unwilling men are to grant anything good in those who do not in all things agree with themselves.''

□ 1945

Mr. Speaker, people of both sides in this dispute have acted honorably; however, many have questioned the integrity of those who disagreed with them on the substance of the questions at hand. It is my sincere hope that we do not question the motives and the intentions of the members of the Committee on Standards of Official Conduct as we go about our work. There has been far too much division and imputation of motives with respect to questions surrounding the Committee on Standards of Official Conduct and the rules by which it operates. That hurts the Committee, it reflects poorly on the House, and undermines public confidence in the institution.

Mr. Speaker, with that said, I commend the Speaker and the chairman of the Committee on Standards of Official Conduct for setting us on the path to providing this House with a functioning ethics committee and, therefore, I request all Members support this important rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time. I rise in support of this resolution to restore the integrity to our ethics process and reinstate the standards of previous Congresses, standards which regrettably this Chamber chose to erode earlier this year. That action marked the first time in the history of the House of Representatives that our ethics rules were altered on a partisan basis.

Our constituents deserve a Congress that holds itself to the highest of standards. Many generations of our predecessors acknowledged the importance of this by having the Committee on Standards of Official Conduct be evenly divided between the parties, regardless of any electoral outcome, by working together in a bipartisan fashion, and by ensuring that neither party would be allowed to use partisanship and power as a shield against behavior that falls short of the standards our constituents expect and deserve.

With this action earlier this year, this Congress fell short of this standard. The ethics process must operate on a bipartisan basis to ensure that it functions in an evenhanded and just fashion, and it must be prepared to act without regard to party in order for the people of this country to have any faith in it. Simply put, this Chamber's ethics and the standards to which we hold ourselves must be put to a higher plane than any one political party.

We should never have reached this point, but with today's long overdue action, my hope is that the House of Representatives will correct that error.

Mr. Speaker, I want to thank my distinguished colleague, the ranking member of the Committee on Standards of Official Conduct, the gentleman from West Virginia (Mr. MOLLOHAN), for his determined and tenacious leadership on this matter. If it were not for his leadership and the leadership of others, it would have been all too easy for this to be ignored and the American people would not be seeing this victory. Had we not altered course, we could have done irreparable long-term damage to the institution that we all love. Instead, thanks to their efforts, we take much-needed corrective action.

Mr. Speaker, I urge my colleagues to support this much-needed resolution.

Mr. DREIER. Mr. Speaker, I yield 1¾ minutes to the gentleman from Madison, Ohio (Mr. LATOURETTE), a former member of the Committee on Standards of Official Conduct.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me this time, and, Mr. Speaker, I am a recovering member of the Committee on Standards of Official Conduct. I just want to tell my story briefly about a complaint that was pending last year.

When the complaint was pending, these good government groups indicated that I was unfit to sit in judgment because the majority leader had donated to my campaign over 10 years and I was corrupt. When I voted unanimously with my colleagues to send a couple of letters to the majority leader, I then possessed the wisdom of Solomon. When the Speaker replaced me on the committee with other members this year, I am now up for sainthood in a number of churches across the country.

I tell this story because what I think what the Speaker was attempting to get at, during the course of that complaint there were press conferences held by people, rather than letting the Committee on Standards of Official Conduct do its work. And the Speaker saw that one of the rules changes was, you know what, you cannot choose your own lawyer. Well, that is ridiculous, and I do not think any of us would stand for that in any other venue.

He also, during consideration of one of the complaints, found that two members, who did not even have any part of what allegedly was going on, received letters from the committee saying, your conduct is in question. He felt that due process was required in that situation, and I agree with him, and I think most people in this body would agree with him.

I would hope as we make these changes, and I want to commend Speaker HASTERT, because this is a magnanimous gesture on his part, it is tough to recognize and admit that maybe something was not done in an appropriate way and that we take a step back and do it, and Speaker HASTERT has had the courage to do that today.

But the next step, Mr. Speaker, I will tell you, is going to be that there will be a complaint filed against a Republican or a Democrat and there will be these outside interest groups that say, if it is against the Democrat, the five Democrats on the committee are trying to protect their buddy; or if it is against a Republican, that the five Republicans are attempting to protect their friend and their buddy.

I would hope as we make these changes, with the Speaker's blessing,

that every Member of this House commit themselves to let the Committee on Standards of Official Conduct do their work, and we never impugn the integrity of the men and women who serve honorably.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank my colleague for yielding me this time, and since I do not need the full 2 minutes, I will be yielding back some time, but I just want to say to her and to everyone in this Chamber, that the ethics process needs to be bipartisan, and so it is so right to return the rules back to the way they were.

I believe that the gentleman from Washington (Mr. HASTINGS) and the gentleman from West Virginia (Mr. MOLLOHAN), the chairman and ranking members respectively, can work out whatever other differences that still remain. These are two good men.

And I also want to say that I have tremendous respect for Members of this Chamber from both parties for the good will and integrity they exhibit. I just think it is important for us to put this behind us and to move forward. It may be that on a bipartisan basis the chairman and ranking member and the full committee will come back with recommendations that this full body can consider.

It would be an absolute shame, I think, if the Committee on Standards of Official Conduct becomes a committee in which it is a place to just ''get Members'' and a place to score political points. And I hope and pray that it will be a committee that will see its primary purpose as maintaining the integrity of this Chamber and allowing us to all feel proud of what happens here.

So I thank my colleague for yielding me this time, and I think it was a mistake to have amended the rules and I am grateful that we are restoring them to the way they were.

Mr. DREIER. Mr. Speaker, I am happy to yield 1¼ minutes to the gentleman from Columbia, Missouri (Mr. HULSHOF), another former member of the Committee on Standards of Official Conduct.

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Mr. Speaker, I rise, gratefully, in support of this resolution, and applaud you, Mr. Speaker, for allowing it to come to the floor for consideration.

My colleagues, there are those beyond this venerable hall who would hope that this body would erupt in partisan ethical warfare. There may even be a handful of colleagues who have threatened ethical retaliation against another Member on the other side. There are others that, with tonight's vote, will try to claim some moral or ethical superiority because of the vote; and still others who will continue to seek some political advantage by taking the alleged improprieties of one Member and trying to tarnish the rest of that Member's party.

To those that I have described, you need not heed my words. But for the vast majority of my colleagues that I have not described, that are fair and decent and honorable and honest, I say to you, we need a functioning ethics process. Matter of fact, let me rephrase that. This institution requires a credible ethics process. The American public deserves that credible ethics process.

The integrity of this institution is at stake. The memory of those who have served, those that are going to come after us who serve, this resolution sets us back on the correct path. I urge its adoption.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York has 9 minutes remaining.

Ms. SLAUGHTER. And my colleague from California?

The SPEAKER pro tempore. The gentleman from California also has 9 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 1 minute to my good friend, the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am not a member of the Committee on Standards of Official Conduct, nor have I ever been, nor do I ever want to be. I think we need to laud the members on both sides of that Committee.

The other side knows me as being very frank. I speak an open mind. My perception of the rules changes, and I think the perception of many of my colleagues, is that they were made because we felt there were partisan attacks against our leadership. I know most of the members on the Committee on Standards of Official Conduct, and I consider them friends.

Even during the time of Newt Gingrich, I thought the Committee on Standards of Official Conduct did a credible job, but we felt that David Bonior was being partisan. We also felt that part of the Democrat leadership was directing partisanship on this committee.

Now, maybe the rule was wrong, but we think also the partisanship is wrong. Using Mr. HOYER's words, if we want a truly effective ethics committee, and I believe in my heart that most Members in this body want that, so I hope that that can happen. I pray that that can happen because we do not want a Hatfield-and-McCoy scenario. It would do disservice to this body.

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to the gentlewoman from Hinsdale, Illinois (Mrs. BIGGERT), a very hardworking member of the Committee on Standards of Official Conduct.

Mrs. BIGGERT. Mr. Speaker, I rise to urge my colleagues to vote for this resolution, not because I think it is a good resolution, but because I think it is the lesser of two evils. What is the first evil? Well, those on the other side of the aisle claim it was the process by which the rules were changed last January. Perhaps they are right. As a member of the committee, I happen to believe that the changes were good ones, but perhaps we will look at that on another day in a bipartisan way.

But we should make no mistake about it: The greater evil by far is in not allowing the ethics committee to meet and do its job. And why do I say this? It is because without a functioning ethics committee, some Members will be tried in the press by partisan interest groups or by innuendo and accusation instead of by facts and due process. At the same time, complaints against other Members will go unresolved and uninvestigated. That is not right.

My point is that an ethics committee was not created for one particular Member of Congress, it was created for all of us and for the good of this body. As a three-term member of the Committee, I have great respect for both the Republican and the Democrat members with whom I have served on the committee. Peer review is never easy, and it is impossible if we are not allowed to leave politics and partisanship at the door.

I commend the chairman, the gentleman from Washington (Mr. HASTINGS), for his hard work and perseverance. He inherited a challenge, acted as an honest broker, and did everything possible to resolve it. I also commend the leadership of Speaker HASTERT on this issue.

I urge my colleagues on both sides of the aisle to vote ''yes'' to send us back to the table to do the jobs we have been assigned to do for this great body.

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to my very good friend, the gentleman from Chattanooga, Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, once again today, the Speaker of the Whole House, the gentleman from Illinois (Mr. HASTERT), has proven that he is a decent, fair, humble, and, today, magnanimous person, putting the institution first.

The truth is neither party has an exclusive on integrity or ideas. There are good and decent people in both parties. But we are not your enemy. Al Qaeda is our enemy. We are competitors. We need to stick together and pursue unity and reconciliation. Sometimes that means setting your own beliefs aside, which the Speaker did today for the purpose of the institution, holding it up above our own view of how things should be done.

I have spoken out when I thought we were going in the wrong direction, but in this case I, frankly, think the rules proposals were reasonable. And if one Member's foot was not in a snare today, I think a lot of Members over here would have agreed to them. But that is not a discussion point anymore.

I appeal to both sides. Let us make sure that this ethics conflict does not turn into a circular firing squad. It is not in our country's best interest and it is not in this institution's best interest. Let us pursue, as much as we can in the competitive battles we fight on ideas and our agendas, let us pursue reconciliation and unity, especially when it comes to the ethics of this great institution, putting it above either party's political agendas. It will serve our country well, and the Speaker should be commended.

□ 2000

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Goddard, Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman for yielding me this time.

Some people may say the majority party is in full retreat, that we were wrong in processing substance with the new rules. Well, that is incorrect. The new rules were fair and just, and according to the rules of the House, were passed by a majority vote.

Where the fault lies is with those who use the ethics rules for pure political attacks, those who use the failure to act as an attack against one Member. The opposition claims these existing rules are unethical. That is also incorrect. What is unethical is to unjustly smear someone in order to destroy their character.

Mr. Speaker, I think that is the attempt here, to unfairly attack one Member and use the House rules to do so. I admire the efforts of the gentleman from Illinois (Mr. HASTERT) because I think the gentleman has gone above and beyond the call of duty to go back to the previous set of rules so we can move the process forward and continue the hard work, the successful work of the Republican-controlled House.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Monticello, Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, some in the minority are obsessed with the vanity of power and they will hatchet the ethics process and people. I have taken down some of the words used here tonight by the minority: tarnish, gutted, subverted, destroyed, flawed, violated. What are they talking about? I am unceasingly amazed and gravely disturbed by the torrent of darkness caused by what I will refer to as false prophets of justice engaged in ignominious conduct. It is called the politicalization of the Committee on Standards of Official Conduct, and it is wrong.

I have been a victim of a vicious political attack and gone before the Committee on Standards of Official Conduct. I will assure Members, having been brought before the Committee on Standards of Official Conduct, and I was fortunately cleared by unanimous vote, but when another Member wants to make a partisan attack and go before the committee, that is wrong. So we are engaged in this session to clarify it. I supported the changes.

Mr. Speaker, to the American people, what are we talking about: the right to counsel, due process, notification, bipartisanship. That is what I demand. That is what I want, and I am going to vote against this.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, my sister says of our four siblings, I may be the only true optimist. I am like the kid who got the horse manure for Christmas, and all he could do is run around asking, Where is the pony?

In this body on this issue when we look through and sift through the piles and piles of rhetoric, and we look at just the rules, the rules were fair. They are not perfect, but they are better than what was there. I was not familiar with the process they went through, but the right to know you are being investigated, you would want to know that. The right to due process, the concept of a speedy trial and speedy disposition. Members want to talk about partisanship, if it a 5–5 split, that is partisan. The only way we can get bipartisan is if we make it a 6 vote to go forward with an investigation. That is bipartisan. I thought they were good rules when I voted for them the first time. I hope we can move on. I am going to vote for them again. I think they are more fair.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the minority leader of the House.

Ms. PELOSI. Mr. Speaker, I commend the gentlewoman from New York (Ms. SLAUGHTER) for upholding a high ethical standard in the House, and I rise in strong support of the resolution before us.

Mr. Speaker, this is a great day for the American people. Across the country they have spoken out and editorial boards have reflected their views throughout our nation that not any one of us is above the law. No Member of Congress is above the law.

I come to this podium as the House Democratic leader, but I also would note that I bring to my office that I serve in now and to this podium the experience of serving on the House Committee on Standards of Official Conduct for 6 years, and an additional 7th year to be part of the Livingston task force. Mr. Livingston, a Republican Member, chaired our committee, and the gentleman from Maryland (Mr. CARDIN) was our ranking member on the task force that wrote the rules that we have been talking about this evening.

They were very important. We came together in a bipartisan way, hammered out all of the challenges that Members proposed, and came up with bipartisanship. When we did that, we were acting in the tradition of the Committee on Standards of Official Conduct in the House of Representatives, bipartisan in nature in terms of writing the rules and in implementing them.

My friends, we all should be deeply indebted to all of the Members who have served on the bipartisan Committee on Standards of Official Conduct. Anyone who has served on it will tell Members it is not an easy task, and one that any one of us would like to avoid. It is very hard to pass judgment on your peers.

What I learned on the committee was that there are only three things that matter in the discussion: the facts, the rules of the House, and the law of the land. Anything else, discussion, hearsay and the rest of it was irrelevant to the decision-making. So in a bipartisan way, friendships were developed, we worked together. Members are down in the lower levels of the Capitol for long, long hours; and it was sometimes very difficult and sad to make those judgments. We deliberated; we exchanged ideas. Indeed, we even prayed over our decisions because we knew what impact they would have on the lives of our colleagues.

In short, we took our responsibility to act in a bipartisan way very, very seriously. And so should the committee regarding the rules that we will be returning to now. They should be taken in the most serious way. I hope when we vote on these rules tonight, we will have a big vote and that big vote will show not only our support for this resolution but our respect for the Committee on Standards of Official Conduct and its need to act in a bipartisan way.

One concern that I do have that has not been addressed is something that has happened not by a rules change but by a practice, a one-time practice.

Mr. Speaker, this book is called the ''House Rules and Manual,'' and it determines how we function in the House and how each of the committees functions. This rule says here: ''All staff members shall be appointed by an affirmative vote of a majority of the committee.'' The rules governing staffing have been the standing rules of the House since the bipartisan task force recommendations were adopted in the 105th Congress, in the 106th Congress, the 107th Congress, the 108th Congress, and they are indeed the rules of the House now even without action being taken tonight.

Central to a bipartisan upholding of a high ethical standard is nonpartisan staffing of the Committee on Standards of Official Conduct. Certainly the Chair and the ranking member have their staff person for liaison purposes to the committee, but the work of the Committee on Standards of Official Conduct must be done in a nonpartisan way. Those are the rules of the House.

They must be upheld. They have been departed from in this Congress.

I would hope that it is implied in what we do here that the intent of Congress is to obey the rules of the House. If any Member has a different view of the intent of Congress regarding the hiring of staff for the committee in a nonpartisan way, I think that Member should speak up now because the intent of Congress should be clear, unequivocal, and not controversial.

I want to commend those that served during the 108th Congress, and especially the gentleman from Colorado (Mr. HEFLEY); and I agree with the gentleman from Colorado (Mr. HEFLEY) whole-heartedly: if there are rules changes that need to be made, let us subject these rules to the scrutiny that Members feel they should have, and let us do it in a bipartisan way.

In fact, on at least two, maybe three, occasions, I have brought that very proposal to the floor in a privileged resolution by saying, ''let us form a bipartisan task force to examine the rules and see how we go forward.'' We can still do that, but we cannot do it until these rules are in place for the committee to function and then to review them.

I commend the gentleman from West Virginia (Mr. MOLLOHAN) and am so proud of the dignified, serious way he approached his responsibilities to upholding a high ethical standard. And the gentleman from Washington (Mr. HASTINGS) is absolutely right, we will not compromise ever on the integrity of the House. I support the gentleman's statement and associate myself with the gentleman's statement in that regard.

And as we return to bipartisanship in upholding a high ethical standard in the House, let us also heed the voice of the American people who want us to return to bipartisan cooperation in growing our economy so we can create good-paying jobs in our country. Let us expand access to affordable health care for all Americans. That is what the American people want us to do. Let us work in a bipartisan way to broaden opportunities for our children so no child is left behind and so our children can go to college without going into crushing debt.

Let us listen to the American people who want us to work in a bipartisan way to truly protect our homeland, to strengthen Social Security; and let us listen to the American people when they say, ''we need relief at the pump now. We cannot pay these high prices at the pump. We cannot pay these high prices at the pharmacy.''

I contend that ethics impact policy. Certainly a high ethical standard is its own excuse for being. Integrity of the House should be unquestioned, and part of our responsibility is to uphold that ethical standard. But ethics does impact policy. The American people must believe that we are working in this House in the public interest and not in the special interest. A higher ethical standard is essential to creating policy which is consistent with our values.

And so I support this resolution, and I urge our colleagues all to vote for it and hope that the strong vote that it will receive will not only speak to the resolution but speak to the respect that we all have for the ethics process, for the Committee on Standards of Official Conduct, for upholding a high ethical standard, and for saying not any one of us is above the law.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the distinguished minority leader just made a very compelling case for the bipartisan legislative accomplishments that we have had in this House in the past few months.

We have had between 41 and 122 Democrats join with Republicans in passing legislation dealing with bringing the price of gasoline down by passing the energy bill, passing bankruptcy reform, passing the class action bill, passing Continuity of Congress legislation, and making sure that we deal with a wide range of concerns the American people want us to address. Unfortunately, the minority leader did not vote for any of those pieces of legislation, along with that large number of Democrats.

We are going to deal in a bipartisan way with the ethics issue. We feel strongly that we were absolutely right in saying that Members should be entitled to choose their own lawyer and absolutely right in saying that there should be due process, and we were absolutely right in saying that Members should not be left out hanging, there should be a resolution to their case.

But the gentleman from Illinois (Mr. HASTERT) has in his wisdom said it is very important for us to move ahead in a bipartisan way to do what those editorial boards correctly say should happen: we should be able to have a Committee on Standards of Official Conduct that works. That is what we believe is the right thing to do. I take my hat off to the gentleman from Illinois (Mr. HASTERT) for stepping up to the plate and making it clear that is just what we should do. Vote for this resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 20, answered ''present'' 1, not voting 7, as follows:

[Roll No. 145]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne

Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Barton (TX)
Blackburn
Burgess
Burton (IN)
Buyer
Carter
Cubin
Culberson
Gillmor
Gohmert
King (IA)
McHenry
Otter
Pence
Poe
Price (GA)
Simpson
Thornberry
Tiahrt
Weldon (FL)

ANSWERED ''PRESENT''—1

Souder

NOT VOTING—7

Boucher
Brown, Corrine
Lee
Rothman
Waxman
Westmoreland
Wicker

□ 2040

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 241, House Resolution 240 is adopted.

The text of H. Res. 240 is as follows:

H. RES. 240

*Resolved*, That clause 3 of rule XI of the Rules of the House of Representatives (relating to the Committee on Standards of Official Conduct) is amended as follows:

(1) Subparagraph (2) of paragraph (b) is amended to read as follows:

''(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, Delegate, Resident Commissioner, officer, or employee of the House only—

''(A) upon receipt of information offered as a complaint, in writing and under oath, from a Member, Delegate, or Resident Commissioner and transmitted to the committee by such Member, Delegate, or Resident Commissioner; or

''(B) upon receipt of information offered as a complaint, in writing and under oath, from a person not a Member, Delegate, or Resident Commissioner provided that a Member, Delegate, or Resident Commissioner certifies in writing to the committee that he believes the information is submitted in good faith and warrants the review and consideration of the committee.

If a complaint is not disposed of within the applicable periods set forth in the rules of the Committee on Standards of Official Conduct, the chairman and ranking minority member shall establish jointly an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if at any time during those periods either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.''.

(2) Paragraph (k) is amended to read as follows:

*''Duties of chairman and ranking minority member regarding properly filed complaints*

''(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

''(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

''(B) establish an investigative subcommittee; or

''(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

''(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.''.

(3) Paragraphs (p) and (q) are amended to read as follows:

*''Due process rights of respondents*

''(p) The committee shall adopt rules to provide that—

''(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

''(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

''(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

''(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

''(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

''(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

''(5) a respondent shall receive written notice whenever—

''(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

''(B) a complaint or allegation is transmitted to an investigative subcommittee;

''(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

''(D) an investigative subcommittee votes to expand the scope of its investigation;

''(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

''(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

''(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

*''Committee reporting requirements*

''(q) The committee shall adopt rules to provide that—

''(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

''(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

''(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

''(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

''(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

''(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

''(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.''.

## DEMOCRATS SHOULD REFOCUS EFFORTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the American people elected us to represent their best interests, and Republicans in the 109th Congress are fulfilling their duties. In only 4 months, Republicans have made real progress in decreasing the deficit, strengthening America's borders, preventing frivolous lawsuits, improving our highways, and providing our country with a comprehensive energy policy.

Unfortunately, in an effort to obstruct the successful Republican agenda, House Democrats have dedicated their time and energy to play politics and obstruct Republican Members of Congress.

Last week, Republican Members of the Committee on Standards of Official Conduct agreed to impanel a formal investigation into the recent allegations regarding the majority leader. Today, the House considered another proposal to address this issue.

House Democrats prefer to attack our effective majority leader, the gentleman from Texas (Mr. DELAY), instead of allowing Congress to hold an open and honest discussion on this issue. I am disappointed by their actions and hopeful that Democrats will refocus their efforts on providing real solutions for the American people.

In conclusion, God bless our troops, and we will never forget September 11.

## TRAVEL RESTRICTIONS TO CUBA AFFECTING AMERICAN TROOPS

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, we heard the last speaker say ''God bless the troops.''

I want to tell you the story of a man named Carlos Lazo. He is a Cuban-American. He joined the military. He served honorably in the National Guard in the State of Washington. He spent a year in Iraq as a medic in Fallujah, the most violent area of Baghdad or all of Iraq.

When he came back he thought, Maybe I would like to go see my children. So he went and applied for a visa to Cuba, and he was told, Well, we are sorry, you went in 2003. You can't see your children until 2006.

Now, we are out here passing these ridiculous resolutions about how the Cubans act about travel. Why can Carlos Lazo not go and see his children?

I write a letter to OFAC up at the Department of Treasury. They do not even answer my letter. They give no justification for why a man who served cannot see his kids. And guess what? He is going back to Iraq. That is how much we respect the military in this country.

Somebody ought to act on his behalf. The Republicans have control of this Congress. They have control of the White House. And Carlos cannot see his kids. Some democracy you are selling in Iraq.

## CONGRATULATING COACH GENE MAYFIELD ON HIS INDUCTION TO THE TEXAS HIGH SCHOOL FOOTBALL HALL OF FAME

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, I rise tonight to congratulate Coach Gene Mayfield on his induction into the Texas High School Hall of Fame. On May 7, 2005, Coach Mayfield will be inducted into the Texas High School Hall of Fame.

Coach Mayfield was a master at turning mediocre football programs into State title contenders. A graduate of Quitaque High School, Mayfield played quarterback for Coach Frank Kimbrough at West Texas State University. In 1950, Mayfield led his team to a Border Conference Championship and a win over the University of Cincinnati in the 1951 Sun Bowl. After serving as Kimbrough's assistant for two seasons, Mayfield accepted the job at Littlefield High School, where his teams advanced to the Texas State semi-final games in 1954 and 1956.

Coach Mayfield began rebuilding the football program at Borger High School in 1958 with a district title in his first season. His 1962 squad was undefeated until losing the Texas State championship game to San Antonio Brackenridge 30 to 26.

In 1965, the ''Father of Mojo'' took over an Odessa Permian team picked to finish last in the district. The Panthers went on to win the Texas State championship, beating San Antonio Lee 11 to 6. Mayfield's teams also advanced to the title game in 1968 and 1970.

Mayfield left Odessa Permian and took the West Texas State University job in 1971. He finished his coaching career at Levelland High School.

Coach Mayfield posted a career high school record of 156 wins, 35 losses and 4 ties. While his teams were very successful, Coach Mayfield's greatest accomplishment was the influence he had on the lives of the young men he coached. He instilled in all of us the value of hard work, responsibility, discipline, and being prepared. Coach Mayfield left a lasting impression on everyone he coached.

I credit much of my personal success to his influence on my life during these years since 1965.

Congratulations, Coach Mayfield, on a life well led.

## WELCOME HOME TENNESSEE NATIONAL GUARD FROM MCNAIRY COUNTY, TENNESSEE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I would like to welcome home some of our Tennessee Army National Guard, our friends and neighbors from McNairy County who were deployed in 2004.

America relies on men and women who are willing to give of their time and effort and energy to defend our great Nation. These are men and women of courage and bravery, and that is what each individual has done. They have defended this Nation; they have defended our freedom.

I know the Tennessee National Guard Family Group Service of McNairy County has done a great job coming together to support the men and women in uniform and working to be sure that the families of those deployed had the help that they needed.

Mr. Speaker, McNairy County really has been a model community in this effort, and I hope all of my colleagues will join me in congratulating them and welcoming home their loved ones in the Tennessee Army National Guard.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

(Mr. HENSARLING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## ORDER OF BUSINESS

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take this time for my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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## IN SUPPORT OF LIEUTENANT PANTANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the second day of the Article 32 hearing for Second Lieutenant Ilario Pantano, a marine who I have talked about at great length who has served our Nation bravely in both Gulf Wars.

In an action of self-defense a year ago, Lieutenant Pantano made a split-second battlefield decision to shoot two Iraqi insurgents who refused to follow his orders to stop their movement towards him. Two and one-half months later, a sergeant under his command, who never even saw the shooting and who was earlier demoted for his lack of leadership abilities, accused him of murder. Because of that, Lieutenant Pantano today continues to face an Article 32 hearing where a hearing officer will determine whether he will face a court-martial for two counts of premeditated murder.

Mr. Speaker, today's hearing came to a halt when it became apparent that Lieutenant Pantano's accuser, Sergeant Coburn, had recently violated his superior's orders not to give interviews on this case. The defense showed that he has interviewed with many media outlets. Just last week, New York Magazine ran a cover story on this case with multiple quotes from Sergeant Coburn. It is clear that his testimony cannot be considered credible.

What is happening to this young man is an injustice. I see absolutely no way these charges can move forward any further when the accuser and key witness in this case is an individual who did not see the incident, has continually disobeyed orders, and who has clearly made it his mission to defame the character and integrity of a superior who demoted him for poor performance.

Lieutenant Pantano has served this Nation in great honor. My personal experience with him and his family convinced me that he is a dedicated family man who loves his Corps and his country. By all accounts, he was an exceptional marine.

I hope that in the next day or two as these hearings end, the hearing officer comes to the same conclusion that I and many like me have come to, that Lieutenant Pantano should never have been charged in the first place, and that all charges against him are dropped. I hope and pray that the truth will prevail.

Mr. Speaker, I have put in a resolution, House Resolution 167, to support Lieutenant Pantano as he faces trial. I hope that my colleagues in the House will take some time to read my resolution and look into this situation for themselves. But, most of all, I hope it is not necessary for us to discuss this further after this week.

I close with a quote from a witness in today's trial, Navy Corpsman George "Doc" Gobles, who was present during the shooting, but did not actually see anything. He did, however, testify to the character and leadership of Lieutenant Pantano. When he was asked about Lieutenant Pantano on the stand earlier today, he said, "I just felt a sense of security when a situation arose, I knew he would be able to take care of it. I felt the safest with this platoon, more than any other platoon in our company, more than anything because of Lieutenant Pantano and his leadership."

Mr. Speaker, as I close I want to mention that his mother, who is a wonderful lady from New York whom I have had the pleasure of talking to on several occasions, has set up an Internet Web site. It is www.defendthedefenders.org, and I would ask my colleagues to please look into this and join me on House Resolution 167. I ask the good Lord in heaven to please bless Lieutenant Pantano and his family, and I ask the good Lord to please bless all of our men and women in uniform and their families, and I ask God to please bless America.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–60) on the resolution (H. Res. 242) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

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## REAL SOLUTIONS FOR IMMIGRATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I rise this evening to continue my ongoing efforts to offer real solutions to fix our immigration system and to highlight the real contributions of our Nation's immigrant community.

Last week, we talked about CNN's Lou Dobbs and his "Broken Borders" segment. We talked about how Mr. Dobbs uses his show to offer a venue to anti-immigrant extremists. We talked about how, between all of his regular guests, one would be hard-pressed to find a solution to the challenges we face, because they would rather demagogue and divide than offer tangible ideas or pragmatic proposals. I guess they think it is better for ratings, better for raising money for their organizations, or better for riling up their membership.

Well, let me say this: It is not better for America. It is not better for America to do nothing about an immigration system that hurts families, hampers businesses, and harms communities.

So, this evening, I thought we could continue our discussion on mending borders, and I thought we could do it by answering a few questions that Mr. Dobbs left unanswered at the end of his show last week.

Let me start with Ray from Michigan's comment. Ray wrote the following to Mr. Dobbs: "Isn't hiring illegal aliens just another way to outsource labor? The money doesn't stay in the United States."

Well, Ray from Michigan, since Mr. Dobbs did not refute the inaccuracy of your statement, let me point you to a recent study by the Inter-American Development Bank.

According to the study, approximately 16.7 million U.S. workers born in Latin America had a combined gross income of $450 billion last year, of which 93 percent was spent locally. That means billions of dollars spent at local stores for local services, that means hundreds of thousands of jobs created. Just look at Chicago. According to a study by the Center For Urban Economic Development at the University of Illinois, the estimated 220 undocumented immigrants in the Chicago

area alone added $5.5 billion to the local economy, creating more than 31,000 jobs.

So I would simply and respectfully say to Ray from Michigan that immigrants make enormous contributions to our economy and to our communities, and we should work together to create a system that allows them to come out of the shadows and work here legally, safely, and humanely.

Now, let's go to Judy in Belvedere, Illinois. Judy wrote the following to Mr. Dobbs: ''I feel like this country is finally waking up to the fact that the illegal population is draining our country of millions of taxpayers' money.''

Let me respond with a few points, the first being that all immigrants pay taxes, income taxes, property taxes, sales taxes, gasoline taxes, cigarette taxes, every tax when they make a purchase. As far as income tax payments go, sources vary in their accounts, but a range of studies find that immigrants pay between $90 billion and $140 billion in Federal, State, and local taxes.

And let us not forget the Social Security system. Recent studies show that undocumented workers sustain the Social Security system with a subsidy as much as $7 billion a year. Let me repeat that: $7 billion a year.

Mr. Speaker, I know I have provided a lot of facts and figures this evening, so let me close with a newspaper quote describing immigrants: ''These people are by their nature unruly and not fit for civil society and government. We have little hope of containing them, other than by force of law.''

Somebody writing to Lou Dobbs? No. The source of the quote, an editorial in the esteemed New York Times. In their defense, it was in 1895.

And what unruly, ungovernable misfits was the New York Times writing about? Italian immigrants.

Now, my point in reading this quote is not to be critical of the New York Times or, let me be clear, to say anything disparaging about Italian immigrants.

My point, I hope, is obvious.

Uncertainty and fear and ignorance about immigrants, about people who are different, has a history as old as our Nation. Boston and Philadelphia papers in the early 19th century editorialized against the Irish who they said were ruining our Nation, for the only real Americans, those, of course, being of English ancestry. It is not new or unusual for the real Americans, meaning those immigrants who came to America a little bit longer ago, to fear the outsiders, the pretenders, the newcomers. But I think we have an obligation to set the record straight.

Because the truth is, today's immigrants, as they have for generation after generation, work the longest hours at the hardest jobs for the lowest pay, jobs that are just about impossible to fill. They pick our fruit, they care for our children and elderly, they change bedpans, they clear our tables and wash our dishes. And they do those jobs not because they want to take away anything from America, but because they want to give their skills, their sweat, their labor, for a better life and to help build a better America, just as those who came before them.

I hope we in this body can work in a bipartisan manner to ensure that our immigration system can better reflect their contributions.

## ETHICS DISCUSSIONS IN WASHINGTON, DC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, we are hearing a lot about ethics these days, ethical problems, ethical controversies. Why is ethics coming up as a topic of discussion here in Washington, DC? It is because the Democrat leadership has led their party on a campaign against our Republican majority through what I believe is a conspiracy of character assassination and misleading attacks.

Let me quote this week's U.S. News and World Report. Democrat strategists, confident that voters are increasingly fed up with the Republican establishment, are planning an all-out attack on what they call the ''abuse of power'' by Republicans. Democrat strategists, Mr. Speaker. Those folks who live and crawl around the basement of the Democrat National Committee and the DCCC, they see ethics as a way that might be able to gain them a few congressional seats.

I can tell my colleagues why they are doing this. It is because in the last 2 election cycles, Democrats, their agenda, their leaders, their ideas, or lack thereof, are going nowhere. They lost six U.S. Senate seats. They have posted double digit losses in the U.S. House of Representatives races. They are sitting back and trying to obstruct as Republicans pass tax relief. In fact, in just this Congress, we eliminated the death tax, the double taxation of inheritance. They watched as the Republicans passed an energy policy to keep and lower gas prices. They tried to obstruct class action lawsuit reform which Republicans passed to protect small businesses and individuals from the frivolous lawsuits of ambulance-chasing trial lawyers. They sat back as we passed comprehensive bankruptcy reform. And they are losing their own Members on these votes.

Mr. Speaker, over 70 Democrats have abandoned their leadership, their Democrat leadership to support a Republican bill on bankruptcy reform. Forty-two Democrats bolted their leadership, their left-wing leadership to support the permanent repeal of the death tax. Forty-one Democrats abandoned their leadership on energy policy, because they see that our ideas are better than their party's. A whopping 50 members of the Democratic Caucus abandoned their leader, the gentlewoman from California (Ms. PELOSI), on class action lawsuit reform. The Democrat Party is hemorrhaging. They are hemorrhaging.

□ 2100

So how does the leadership fight back, when they cannot even win their own rank-and-file members? How do they fight back? It is by baseless, senseless attacks and character assassinations, that is how. Let me quote an article that ran in a January issue of the New Republic, a liberal left wing magazine. The article is called ''How the Democrats Can Overthrow the House.'' And I quote: ''Democrats should consider fighting back by extraparliamentary means, going beyond the standard perimeters of legislative debate and attacking Republicans not on issues but on ethics. Character. In other words, it may be time for Democrats to burn down the House in order to save it.''

Not my words, Mr. Speaker. This is the liberal strategy for taking control of this House of Representatives. Burn down the House. Burn down this institution. That is the Democrats' plan. They are willing to tear down this very institution so they can gain raw political power. We have seen this before, and that is why you are hearing all of this about House rules and ethics.

But here is the deal. Democrats want to apply the rules, Mr. Speaker. They do. They just do not want to apply the rules to themselves. Consider the Democratic leader, the gentlewoman from California (Ms. PELOSI). She called for an investigation of the House majority leader, our Republican majority leader, for alleged irregularities for his travel records.

But ABC News reported last night that members of her very own Democrat leadership staff have not properly disclosed their own travel forms. Not just once. Not just twice. But a dozen times. The gentlewoman from Ohio (Mrs. JONES) who is a member of the ethics committee, Mr. Speaker, the gentlewoman is a member of the ethics committee, she went on a trip to Puerto Rico. I do not blame her for wanting to go on a nice trip. The gentlewoman from Ohio went on this with the gentlewoman from California (Ms. PELOSI) herself, as well as a number of other Democrats.

According to ABC News last night, the gentlewoman from Ohio (Mrs. JONES) said the incident was paid for by a registered lobbyist, while the gentlewoman from California (Ms. PELOSI) said it was paid for by a different organization.

Then, the gentlewoman from Ohio (Mrs. JONES) went back and amended her forms to say that the lobbyist did not pay for it. But you know what? Two other Democrats that went on that trip did not even disclose their travel. Did not even disclose it. When asked, one Member told the Washington Times, this happened 4 years ago; I am not sure why this is even relevant. Wow.

Do you hear hypocrisy? This is the pot calling the kettle black.

The SPEAKER pro tempore (Mr. CARTER). The time of the gentleman has expired.

## POINT OF ORDER

Mr. ISRAEL. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ISRAEL. Mr. Speaker, is the gentleman allowed to make allegations, false allegations about another Member on the floor of the House during this time?

Mr. MCHENRY. Mr. Speaker, if I may address this, these are not false allegations

Mr. ISRAEL. Mr. Speaker, I would appreciate a ruling.

Mr. MCHENRY. I am reporting what ABC News reported.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. MCHENRY. This is reported in the press.

The SPEAKER pro tempore. The Chair will remind all Members to refrain from arraigning official reference to the conduct of other Members. The gentleman's time has expired.

Mr. MCHENRY. Mr. Speaker, it is in reference to a reported incident that is covered by ABC News.

The SPEAKER pro tempore. The gentleman's time has expired.

## SMART SECURITY AND THE TSUNAMI OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, those watching C–SPAN right now probably are wondering what they are watching. They probably think it is a circus. But they are pretty familiar with the 5-minute speeches that Members of Congress deliver each day after the House of Representatives wraps up its legislative session.

Some critics and political opponents may claim that these nightly speeches serve little purpose, and sometimes they do serve little purpose. It is hard to accomplish much in 5-minute increments, they say.

But because half of the American people are not being represented by the Bush administration's shameful and threatening foreign policy, and half the American people are not receiving the representation they deserve from the Republicans in Congress, those who cower to the President's every demand when it comes to funding the illegal, ill advised and dangerous war in Iraq, I come here nightly so that I can discuss that very issue, the issue of the war in Iraq. That issue says to me that we need to change the way we think about foreign policy if we hope our country will survive the threat of global terrorism from fanatical groups like al Qaeda.

That is why next week I will reintroduce the SMART Security Resolution for the 21st Century, legislation that provides a positive alternative to the Bush doctrine of unilateralism and preemptive war. SMART Security addresses the threat of terrorism and nuclear security by augmenting and encouraging diplomatic efforts with other nations.

We need to address the threats we face through international cooperation, not war, because the military option does not solve our problems.

Only by promoting an effective national security strategy that is based on conflict prevention, diplomacy, multilateralism, and nonproliferation can we truly secure America for the future, while at the same time holding on to the liberties and values that make this country so very great.

Many of my House colleagues have stood with me in urging a new and smarter American foreign policy. Fifty Members of Congress cosponsored the SMART Security resolution during the 108th Congress, and my staff and I will work to ensure that this number increases in the 109th Congress.

But Members of Congress are not alone in this effort. Many of my constituents get it too. I am incredibly privileged to serve as the voice in Congress for the people of Marin and Sonoma counties, just north of the Golden Gate Bridge, which comprises California's 6th Congressional District.

My constituents get democracy as well as anyone else in the country. In last November's election, for example, a record 89½ percent of registered voters turned out to vote in California's 6th district; 91.1 percent turned out in my hometown of Petaluma, California.

That is why I quote them, and I want to quote Marge Piaggio, who lives in Fairfax, California. She called my office earlier this month to say that what the world needs is, and I am quoting her pretty liberally here, but she said what the world needs is a ''peace tsunami.'' The tsunami analogy might sound like an odd idea at first, but I think Marge is on to something. It is about time, she said, and I agree with her, that we washed over the war machine and cleaned up our political system.

Of course Congress will need the help and the support of citizens of the United States in this effort. And another one of my constituents, Jean Walz of Santa Rosa, wrote because she realizes that there is an important role that she and others like herself can play in helping to end the war in Iraq.

In reference to my nightly 5-minute speeches, Jean wrote the following in an e-mail, and I quote her: ''If you can do this each night, so can I. I will send an evening missive each and every night to my local elected representatives to please stop this war in Iraq.''

Everyone in this country, Mr. Speaker, who opposes the Bush administration's dangerous current path can emulate Jean Walz's heroic efforts to influence her local representatives. Then we will have peace in the United States between ourselves and other countries.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## EXCHANGE OF SPECIAL ORDER TIME

Mr. BRADLEY of New Hampshire. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

## COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. BRADLEY) is recognized for 5 minutes.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to commemorate the 90th anniversary of the Armenian genocide and to commend the Armenian Caucus co-chairs, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from New Jersey (Mr. PALLONE), for again encouraging their colleagues to remember this solemn occasion.

April 24 marked the beginning of this systematic and deliberate campaign of genocide perpetrated by the Ottoman Empire in 1915. Over the next 8 years, 1.5 million Armenians were tortured and murdered, and more than half a million were forced from their homeland into exile.

The U.S. Ambassador to the Ottoman Empire during the genocide vividly documented the massacre of the Armenians by stating: ''I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.''

As this crime against humanity was being committed, the United States led the world in attempting to end the slaughter and to save those who survived. American intervention prevented the full realization of the Ottoman Empire's genocidal plan, and U.S. humanitarian assistance was extended to those who survived.

While the U.S. record on the Armenian genocide is the most expansive in the detail of its coverage of the events of 1915 to 1918, the official records of many other countries, Austria, France, Germany, Great Britain, Italy, and Russia corroborate the evidence gathered by U.S. diplomats.

Therefore, it is important for our government to reaffirm its own record on the Armenian genocide and to assure that the relevant historical

records are preserved. By keeping memories alive through history, we will prevent other instances of inhumanity from occurring.

As an ardent supporter of New Hampshire's Armenian community, I would like to pay particular respect to hard-working individuals within my State. Mr. Mike Manoian and Mr. John Aranosian have long advocated on behalf of the Armenian-American citizens in New Hampshire, and their efforts have resulted in the increased awareness and understanding of Armenian interests. I applaud that dedicated work and greatly appreciate their strong commitment. As a proud member of the Congressional Caucus on Armenian Issues, I will continue to encourage my colleagues to honor the memory of those Armenians who suffered and perished nearly a century ago.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## EXCHANGE OF SPECIAL ORDER TIME

Mr. ISRAEL. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## COMMEMORATION OF THE 60TH ANNIVERSARY OF AUSCHWITZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ISRAEL) is recognized for 5 minutes.

Mr. ISRAEL. Mr. Speaker, in January I attended the commemoration of the 60th anniversary of the Auschwitz death camp in Poland. This month and over the next several weeks, the world will pause and reflect on the 60th anniversary of the liberation of so many Holocaust death camps and, in fact, the drawing to a close of the Holocaust.

Every day the memory of the Holocaust diminishes as survivors find their eternal rest. And that is why it is so profoundly important that we teach the lessons of the Holocaust to our young people, to generations who become more and more removed and more and more distant from that gruesome experience.

I recently received a poem from a very bright young woman who met with a survivor from Auschwitz named Josephina Prins. I want to read this poem on the floor of the House because it shows just how powerful that experience was, bridging the divide of generations and making one of histories most unfathomable tragedies real for a 13-year-old girl named Ophelia Snyder. The poem is entitled ''The Miracle, Josephina Prins.''

They called you a number,
A thing.
They called you an animal.
You were a star.
You were a Jew.
They treated you like a smudge,
Like an object.
You are a person just like us.
Prick your finger.
What comes out?
Ask a friend.
What comes out?
Red blood.
We are all the same.
Then why,
Why did you seem so different?
Why are you not treated the same?
Are you not flesh?
Are you not blood?
Does your heart not beat?
Are we not the same?
74937.
You are special.
But then you are the same.
74937.
P-R-I-N-S.
Let that name live forever.
Even in the darkest night.
Let those letters shine with the hope of others.
Let her memories live forever.
Let her life inspire.
Let others remember.
And let us never forget.
P-R-I-N-S.
Josephine Prins.
The Jewel.
The Jew.
A miracle.
By the girl who met the miracle.
Ophelia B. Snyder.

Ms. Snyder is 13 years old, but she teaches lessons that are, in fact, eternal.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

(Mr. PORTMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## EXCHANGE OF SPECIAL ORDER TIME

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent to assume the time of the gentleman from Ohio (Mr. PORTMAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## DEFINITION OF HYPOCRISY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, Webster's Dictionary defines hypocrisy as a false pretension to personal qualities or principles not actually possessed.

Politicize is defined as to make the subject a political discussion or dispute. Progress is defined as moving forward, advancing, developing.

Now, of those three words, I can pick out two that occur regularly in this Chamber as the minority party perfects its blocking maneuvers. Unfortunately, it is not progress.

Let us talk about hypocrisy. Four Members of the minority party took the same trip with the foreign agent that the Democrats keep crowing that the majority leader took. Another Member of the minority party filed travel papers clearly stating that a lobbyist paid for her trip, but then corrected the papers after reporters asked about them and chalked it up to human error.

□ 2115

Yet the minority leader continues to insist that the ethics problems her party has trumped up is a Republican issue. I think that those who live in glass houses should not throw stones, lest their own walls begin to crack.

The minority leader's staff has not properly disclosed their own travel 12 times. A Democrat member of the ethics committee reported that a registered lobbyist paid for a trip she took to Puerto Rico. Two other Democrats did not even disclose that they went on the same trip. The minority whip took ten trips paid for by private parties that he never disclosed.

If you listen closely, you will hear the tinkling clatter of cracked glass falling on the ground outside the minority leader's office.

It is regrettable that the shameless hypocrisy of the liberal wing of the minority party in this Chamber chose to politicize the ethics committee. The reasons for doing this are simple: The liberal wing of the minority party knows that they have no agenda, no ideas, and frankly no leadership. So they are striking out against a successful majority leader who has brought forth an agenda, continues to offer ideas, and continues to lead his party.

The liberal wing of the minority party, still stinging from their losses in November, especially in the great State of Texas, are going after the majority leader. He must be doing something right to account for all the vitriolic slander aimed at him.

The liberal wing of the minority party had to create a distraction in hopes that the country would not notice that the Republicans were busy passing bipartisan legislation to create jobs, to help small businesses, to strengthen our borders, and craft a comprehensive energy policy.

So what do we do now?

The minority party will not let the ethics committee meet so the majority leader can clear his name. For the good of the House, the ethics process has to be above partisan politics. The Republicans have been willing throughout these long months of blustering from the obstructionist party to work towards a solution for the ethics committee to do its work.

Maybe returning us to the rules of the previous Congress will be acceptable to them, maybe not. I guess we will find out as the minority leader is sweeping up the broken glass resulting from her shattered strategy of personal attacks, personal destruction, and personal slander.

The SPEAKER pro tempore (Mr. CARTER). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

## PRACTICE WHAT YOU PREACH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, we passed the bankruptcy bill out of here the other day and I voted ''no,'' and I will show you what I got for my reward. I got two more credit cards in the mail the very same day I voted ''no.''

The credit card industry in this country is demonstrating what is anti-Christian about this body. A lot of people stand around and tell us, oh, we believe in the Judeo-Christian religion and that is the root of all our efforts and everything else. Well, let me tell you something: The Israelites went down into Egypt and they were slaves. God said, look, I am going to take you out of Egypt, I will put you in the promised land but you have got to develop a community where nobody is enslaved.

Now, that took us to several different points in the presentation. The first was the idea of the Sabbath. On the Sabbath day, everybody was supposed to rest; slave, worker, wife, husband, animals, everybody rested on the seventh day.

The second concept was of the Sabbath year. And here is what the Sabbath year was. And I read this, this is from Deuteronomy 15. If you do not know, that is the fifth book in the Jewish Bible and it is also the fifth book in the Christian Bible.

''Every seventh year you shall grant a remission of debts. And this is the manner of the remission: Every creditor shall remit the claim that is held against a neighbor, not exacting it of a neighbor who is a member of the community, because the Lord's remission has been proclaimed. When the Lord, your God, has blessed you as he has promised you, you will lend to other nations but you will not borrow.''

How do we explain $450 billion of borrowing?

''You will rule over other nations but they will not rule over you.'' And it goes on. ''If there is among you anyone in need, a member of your community in any of our towns within the land that the Lord, your God, is giving you, do not be hard-hearted or tight-fisted towards your needy neighbor. You should open your hand, willingly lend enough to meet the need, whatever it may be. Be careful you do not entertain a mean thought, thinking the seventh year, the year of remission is near, and therefore view your needy neighbor with hostility and give nothing. Your neighbor might cry to the Lord against you and you will incur guilt. Give liberally but be ungrudging when you do so, for on this account the Lord, your God, will bless you and all your work and all that you undertake.

''Since there will never cease to be some in need on the Earth, I therefore command you, open your hand to the poor and the needy neighbor in your land.''

Now we have stood out here and passed a bill that is in exact contradiction. This same idea goes right into the Christian faith. This is not a Jewish idea. It is not a Christian idea. It is the Judeo-Christian ethic under which we live.

The bankruptcy bill says, if you have taken more money and borrowed more money than you can pay off, we are going to get you. We are going to squeeze the last dime out of you.

In that bill that passed here the other day, we changed a basic principle in our bankruptcy law in this country; that if you are in bankruptcy the first draw on any money available is the wife and the children. Child support. That should be the first money that goes out to be paid. If there is nothing else left, that should be first.

What this bill said was, these credit card companies who are out there sending these cards out all over this country with absolutely no regulation whatsoever, they are hooking people and then we are going to squeeze the last dime. We will put the poor woman and her kids in court, arguing with attorneys from the credit card company about whether or not they are going to get any money. So the poor woman and the kids are going to spend their food money on a lawyer to fight these people. No protection whatsoever.

That is not what the book of Deuteronomy said. That is not what God commended us to do. Whether we are Christian or Arab or Muslim or whatever, that bill was an abomination. We ought to start paying attention to the base of the values that we say we submit to in this House.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

(Mr. CONAWAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

(Mr. DENT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

(Mr. PETERSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## UPDATING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

Mrs. NORTHUP. Mr. Speaker, I rise today to highlight an important issue that has become the topic of much discussion across our country: Social Security.

Republicans in Congress have joined together to form a series of teams to highlight the important issues facing our Nation today, and I am proud to serve as the chairman of the Retirement Security Team and to be joined by a number of my esteemed colleagues for this important discussion tonight.

Mr. Speaker, we know that it is important that Congress address the challenges that Social Security stand before us in the coming years. We know that there is an increased number of retirees and that there are fewer joining the work force. When Social Security first paid out benefits in 1950 there were about 16 workers for every retiree. Today there are 3.3 workers for every retiree, and we are headed towards a time when there will be only 2 workers in the system for every retiree. This means that we need a system that can support a Social Security team program.

When Social Security began, it happened that it paid out benefits when you were 65, but the life expectancy was at the age of 62. So this means for the average American they paid into a system where they were expected to die 3 years before they would be entitled to collect benefits. To our great benefit and to all Americans' benefit, our lives are much different now. We know that our life expectancies are much greater than 65; 79, 80, 81 are becoming the life expectancy. And not only that, Americans are healthier. They are enjoying vibrant lives after they retire, and that means we have to have a Social Security system that can support the hope and opportunities that so many seniors have come to depend on and look forward to in their years after the age of 65.

It is an exciting time for Social Security. The Members here in Congress that are with me tonight are eager to address the challenges of Social Security so that we can meet our responsibilities and so that we can live up to the expectations of also our children and grandchildren who are going to be expected to bear the responsibility of this program after we ourselves are retired.

This is a good time to embrace this challenge, to put ideas on the table, to ask our friends across the aisle to join us and to make a difference for today's seniors that they know they are in a system that is strong and vital and is there for them as they have always known it. For those that are about to be retired, that there is a system that they can expect is going to stay the same and benefit them.

We need to invite seniors today and those that are about to be seniors to join us in this conversation as seniors in previous generations have done, to sit down at the table and to help ensure that this program that means so much to them will be there for their children and grandchildren.

The seniors in my district are appreciative of the generations before them that planned for a program that would be sustainable while they themselves were retired. And I know that they are eager to roll up their sleeves and to join in this discussion and make sure that the program for their children and grandchildren will be stainable too.

So tonight let me introduce several of my colleagues as we discuss what the opportunities are before us with relationship to Social Security.

First, I would like to introduce my very good friend, the gentleman from South Bend, Indiana (Mr. CHOCOLA) or Elkhart, Indiana to be exact. I thank the gentleman for being with us tonight.

Mr. CHOCOLA. Mr. Speaker, I thank the gentlewoman for yielding to me. I also thank her for her leadership on this issue.

This is not the first time that we have come to the floor and talked about this important issue that we face as a Nation, and it is really a test we cannot afford to fail. We need to act responsibly. We need to find ways to find a bipartisan solution to the challenges, the really undeniable challenges that we face with Social Security. People like the Chairman of the Federal Reserve and the Comptroller General of the United States have said that the sooner we act, the less painful any solutions will be.

We can talk tonight about important numbers like 2017 when we go into a negative cash flow. We can talk about 2041 when the trust fund is exhausted and we can not pay the promised benefits to future retirees. We can talk about $10.4 trillion unfunded liability that we have as a Nation today that we must face up to. But I think that this problem is really even bigger than that. And to that end, I will tell just a quick story.

I was in a committee hearing not long ago where the Secretary of the Treasury, John Snowe, was testifying. And our friends on the other side of the aisle were criticizing the Secretary about any proposed solutions that had been discussed or offered to address this problem. And after that criticism I talked to one of my friends on the other side of the aisle and said, If this is so bad, if our solutions are so unwelcomed by the American people, why do you not just let us do it because that would be the quickest way to go back into the majority? If this is such a bad idea and the American people will like it so little, they will throw us out of office for trying to solve this problem in a responsible way.

□ 2130

I do not think that that offer is going to be taken because I think that many understand that this is much bigger than Social Security in itself. This is a bigger test and a challenge that we face as a Nation.

Just stop and think for a second that if we allowed every working American the opportunity to own a little bit of a growing economy, we would truly become an ownership society, and think about the fact that every American could own a piece of this growing Nation, the strongest economy on Earth, and got the benefit of this and could build a nest egg and build wealth over the course of their career, they would not really like things like frivolous lawsuits anymore or excessive regulation or excessive corporate taxes. We pay the highest corporate taxes in the industrialized world. People would understand, take ownership of how we grow the economy, and we all could benefit from that.

I think the ramifications of that go much beyond Social Security. They represent an ownership society, and we can use those types of principles to address even bigger problems like Medicare, Medicaid, pension reform.

So this is such an important issue that we have to move forward. It is a test we cannot afford to fail, and we need to find a bipartisan solution.

Before I turn it back over to the gentlewoman from Kentucky, I just say that I invite all Members of this body to become part of the solution. I used to be in the private sector before I was elected to Congress; and the people I worked with never came and said, boy, we have got a problem and all your ideas are rotten. What they would do is say, you know, we have got a problem and here are some ideas that I have to solve those problems and so we can act responsibly.

Is that not what we are elected to do? Because it is easy to be against things. It is easy to criticize other people's ideas, but we are really elected to find solutions to hard problems. If we are not willing to stand up and offer solutions to tough problems, rather than just criticizing others for their solutions, I do not think we are living up to the responsibility that we have as public servants. It is certainly not why anyone sent us here from home to serve in this body.

So I thank the gentlewoman for her leadership, and I invite every Member of this body to participate in a constructive discussion to find a bipartisan solution to an undeniable challenge that we face as a Nation; and if we do not live up to it, we are not doing what we need to do to serve future generations and generations that are currently retired in a responsible way.

Mrs. NORTHUP. Mr. Speaker, I thank the gentleman for his comments,

and I know that I look forward to discussing some of the directions we do not go.

We know that raising taxes is not a solution. We know that depending on a trust fund that does not exist is not a solution; but I do see that our friend, the gentleman from Georgia (Mr. GINGREY), has joined us. I welcome him, and I will yield to him for a few minutes.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Kentucky, and as well my good friend from Indiana; and it is a pleasure to be with my colleagues tonight to discuss something of such tremendous import to the country.

I have done about, Mr. Speaker, 10 listening sessions, town hall meetings on this subject; and it is very, very instructive. If you do them during the daytime, it is typically going to be senior-dominated; and many of those individuals, of course, are among the 43 million who are current Social Security beneficiaries.

One thing that we try to make sure that they understand is in any of the plans that are out there, and of course, every plan is a work in progress and nothing is set in stone, but that the concept, first of all, of holding harmless anyone 55 years or older, that their Social Security benefits will not change. Their checks will only change when they get their annual COLA, and they would not, in fact, have the opportunity to invest in an individual personal account, if that is part of the final solution.

I do not know, maybe my colleagues have heard this, too. Some of them, in particular at age 55, they are a little disappointed: Why did you cut me out? I do not get full retirement until I am 67 years old because of those changes that occurred under the Reagan administration in 1983, the last time we were in crisis. They are kind of disappointed, particularly if they are planning on working and deferring their benefits until age 70. They would have 15 years of an opportunity to get the miracle of compound interest.

But these seniors, and I am sure again that my colleagues are hearing the same thing, they are very concerned. Even when we tell them that they are secure and we promise them this is our pledge, they are concerned about their children and grandchildren; and they are there not so much for themselves, even if their Social Security was at risk, they are very concerned about their children and grandchildren. That kind of renews my sense of faith and spirit in our seniors and in the American way. It is really great to hear that from them.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I am over 55 and many of my friends are over 55. I hear it more often from people that are 49, that say, now, wait a minute, if you are going to cut off the people who can benefit from these at 50, I only have a year to go; so how long is it going to take you to pass this bill so that I can get in the gate and be one of those that can also grow a personal account within Social Security to help pay some of the benefits that I will be entitled to when I retire.

So I have heard that and I agree with my colleague. It is very heartening to talk to the seniors. They obviously know that they depend on Social Security. They deserve to be reassured that their benefits are not going to change.

But many of them remember that the Democrat Congress in 1993 passed a tax on Social Security. They raised the taxes on Social Security significantly. They had thought that their Social Security would be untaxed. Now it is taxed, and they realize that if we can secure Social Security for the long run, that their current Social Security is even less likely to incur higher tax rates or a greater percentage of their Social Security tax. That is reassuring to them and also gives them a sense that they have helped steer or shepherd Social Security through sort of this transition so that it will be there for their children.

Mr. CHOCOLA. Mr. Speaker, if the gentlewoman would yield for just a second, I think it is important to step back for just a second and kind of review the course of the debate on this issue.

There were a whole bunch of headlines in the paper yesterday and today about a hearing that occurred over in the other body and which would lead people, I think, to believe that the discussion about Social Security has stalled or the President is not being effective in leading the discussion on meaningful reform on Social Security.

But it was not all that long ago, beginning this year in January, where I would hold town hall meetings and speak with people in the 2nd District of Indiana, and there was still a question of whether there was a problem or not. We would have a discussion: Do we have to act now or can we wait? Is this a crisis, or is this something that is being overblown?

But today when I talk to people back in the 2nd District of Indiana, there is no question whether there is a challenge, an undeniable challenge that we face in the need to move forward and act.

A very encouraging thing happened to me the other day. I think seniors do understand their benefits are safe and secure, and they are concerned about their children and their grandchildren and want to make sure there is a system in place that can give them the same benefits they have been able to enjoy.

I visited an eighth grade class in Culver, Indiana, on Liberty Day, where the local Lions hand out a copy of the Declaration of Independence and the Constitution, which is a great thing to do for our young people. I asked a question of the eighth grade class: How many of you are concerned about Social Security? To my great delight, every single one of them raised their hands. I said the discussions we are having in Washington and around the country about Social Security really is not about your grandparents because their bennies are safe and secure, but I know they are concerned about you, and our action or inaction on this issue is really all about you because you are going to pay for or you are going to enjoy the benefit of whatever we do.

So I was very encouraged to see that the eighth graders in Culver, Indiana, are paying attention to this and they understand the consequences to them and their families. I think that the debate is moving in the right direction. We have gone from do we have a problem to, sure, we have a problem to, now what do we do about it.

Again, I think it is the only responsible thing we can do for every Member of this body to participate in the discussion, to offer their ideas. Personal accounts have been controversial. I think personally that they need to be part of the discussion, but I know the President and I am sure that my colleagues here tonight would say if somebody has a better idea that results in permanent solvency for the Social Security system and gives future generations the opportunity to have all of the benefits that their parents and their grandparents have had, let us hear it, let us talk about it, let us debate it. If it is a good idea, I am sure we could act on it, and I am sure we would all benefit from that.

Mrs. NORTHUP. Mr. Speaker, I agree. We are all looking for the best possible solution.

I think when you ask the question, can we afford to wait, the follow-up question is, or what we often hear from the other side of the aisle, we do not have a crisis now because the trust fund will take care of us until 2017 or 2018.

Let us talk a little bit about why that is not the solution. I do not know whether the gentleman from Georgia (Mr. GINGREY) would like to maybe lead that off, why we cannot wait and why the trust fund is not going to take care of this.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman because it is such a good point.

The gentleman from Indiana said in his earlier remarks that we have a $10 trillion unfunded liability. That is a big number, but the cost of doing nothing is estimated at $600 billion a year for every year we do nothing and continue to try to avoid the problem, pretend that it does not exist, hope that some other Congress, the 110th, the 112th, whatever, will address that, and we will not have to put our political careers at risk.

I have heard others say, and I have said many times in my discussions across my district, that I am more concerned about the next generation than the next election. We do an interesting thing in our listening sessions. We have a video clip. Of course, it is a black and

white movie reel going back to 1935 showing a little clip of President Roosevelt signing that initial law, and he said very clearly this is not going to be enough to take care of the average senior's full retirement. I encourage them because of, and he used a term I hardly knew what it meant, I had to look it up in the dictionary, the vicissitudes of life. Things happen, good and bad; and people should prepare by buying an annuity to cover the vicissitudes of life, but unfortunately, people, fully a third of our seniors, cannot afford to invest in an IRA. Maybe they never had an opportunity to participate in one of these employer-sponsored 401(k) benefit plans for retirement, where the employer matches the employee, and they certainly did not have enough money in the paycheck they were earning to buy an annuity.

So where the problem is, and we all know it, nobody is disputing this, a third of our seniors get to age 62 or 65, they do not have a job, they do not have any other savings. They only have the Social Security check.

So this idea of an individual personal account is not a brand-new idea, and I know my colleagues agree with me on this point. It is not privatization. We are not turning the Social Security trust fund over to Merrill Lynch or Smith Barney and saying, here, go ahead and invest the money and you do this on behalf of the government and its retirees, and if you want to invest in Enron or Global Crossing or WorldCom or something not at all.

I think it is just so disingenuous, but we have to spend so much time undoing some of the negative publicity that has been sent out to our seniors to literally scare them, just like the same scare tactics that were used when we were passing the Medicare Modernization and Prescription Drug Act. Tear up your AARP card because they supported that; resign from that organization. Even if you are eligible to get $600 a year benefit on your prescription drugs, $1,200 over 2 years, do not accept that Medicare-approved drug discount card.

So we are spending an inordinate amount of time trying to overcome that negative publicity, those scare tactics in regard, yes, now with Social Security.

It is important and I really commend the gentlewoman from Kentucky for sponsoring this hour, for leading this hour so that we can make sure our colleagues understand that clearly it is time to do something about Social Security, and we cannot afford to put it off to the future.

Mrs. NORTHUP. Mr. Speaker, I thank the gentleman; and I want to yield to the gentleman from Indiana (Mr. CHOCOLA) to also discuss the trust find and why we cannot wait and depend on the trust fund.

□ 2145

Mr. CHOCOLA. Well, Mr. Speaker, that is a very good question, and there has been a lot of discussion about what is the trust fund. Does it have money in it? Does its have IOUs in it? Really, what does it have? And that question was presented to David Walker, who is Comptroller of the United States and responsible for the GAO.

In a committee hearing he was asked, how would you characterize the trust fund? And David Walker is one of the most honest, knowledgeable people I have ever heard talk about this issue. He is a Clinton appointee, but he does not talk about it in partisan ways at all. And paraphrasing his response, he said, well, the trust is less of a trust and more of an accounting device. It really is only pieces of paper in a filing cabinet. There is no marketable securities in there.

And I think his point was that we need to act now. Because in less than 3 years from now, in 2008, the baby boomers will start to retire. What we are faced with, in large part, is a demographic math problem. We have so many people retiring that we do not have enough people paying into the system to be able to provide the benefits for those collecting those benefits.

So that the trust fund itself, again characterizing the comments of David Walker, is that there are no assets there. There are only liabilities. They are IOUs that the government owes itself and that we must pay. We must find a way to live up to the promises we have made to current retirees and future retirees. But we are going to have to do it by thinking about alternative solutions. All the options need to be put on the table.

The fact is that one of the earliest lessons I learned in business was that balance sheets and income statements are fiction, cash flow is reality. The reality is that we have a cash flow problem. We do not have enough cash to pay the benefits, and we need to act now. As my colleague from Georgia said, if we fail to act, every year it costs us $600 billion more and the options on the table become fewer and more painful.

And so we need to act now. We need to find a bipartisan way and we need to invite our colleagues, especially on the other side of the aisle, to be part of the solution, not just part of the problem.

Mrs. NORTHUP. Mr. Speaker, I also would like to address the trust fund issue. I often use as an example an analogy that most people in every home can understand. I would say if you came home from work every week and you put some of your paycheck in a cookie jar for your child's college education, and then you borrowed it and you took a vacation, you bought some clothes, you did whatever with it, and you left an IOU in the cookie jar, at the end of 18 years you would have a cookie jar full of IOUs with no assets to back those up. In a sense, you would have nothing more than if you had never had the trust fund to start with. It is nothing but an accounting tool that shows us how much has gone in.

Now, this is how it was from the beginning. It is possible if we could bring back the Congresses of 1945 and 1948 and 1950 and 1960 and 1967, we could ask them if they would like to rethink that, and if they would have wanted to put it in a trust fund and put it someplace where it would grow and get interest and so forth. But in the meantime, those Congresses, believing that it was important to build an educational system and so forth, they spent the money.

In fact, in 1967, when Social Security was fixed at one point, increased revenues, it supported the war in Vietnam and at the same time the Great Society. Unfortunately, those programs that were started at that time still are the responsibility of the generations that followed behind. So our children are not only going to have the responsibility of Social Security, they also are going to bear the responsibility of continuing these programs that our educational system is dependent on, that our health system is dependent on, and that our rural communities have depended on. It is part of the American foundation.

So that is an enormous responsibility, filling the necessary programs and at the same time paying Social Security benefits that should have been part of a trust but that are not. So the trust fund is not something that is going to be there for our children to depend on or for those that are about to be retiring. In fact, already Social Security is reaching across to the education programs, the health programs, and pulling those dollars back across into Social Security to pay out the old-age benefits that have been promised, and that of course we are going to pay.

So already we are feeling the pressure on all of the other programs that got used to depending on the Social Security surplus dollars. Each year that is difficult for us, but starting in 2017 not only will every Social Security dollar be absorbed in benefits that will be paid out, but also dollars that have come in in general revenues, that had been used to sustain our defense, to keeping our rivers going and our airports flying and all the other responsibilities that government has, they will have to be foregoing those dollars to pay Social Security benefits. And as more of the baby boomers retire, that gets into a deficit that is so steep it challenges this country for all the rest of the years without a fix in Social Security.

Mr. Speaker, I do see that my friend and colleague, the gentleman from Wisconsin (Mr. RYAN), has come in. I know that he has put forth or introduced a plan that has all of us very interested in that plan and how it would work. Maybe I could ask the gentleman to spend a little while telling us about his program.

Mr. RYAN of Wisconsin. Mr. Speaker, I would be glad to do so, but let me first thank my colleagues from Georgia, Indiana and Kentucky for talking

about this issue tonight. This is one of the most important issues facing our country, and it faces all generations; our seniors' generation, our worker generation, our children's generation and our grandchildren's generation.

We have one problem that my colleagues have done such a good job of talking about, which is the insolvency problem, that when we go from 3.3 workers paying for one retiree to 2 workers paying for one retiree, or put another way, when we go from 40 million seniors to 80 million seniors within one generation, it is bringing the system to insolvency. But the real problem starts not just in 2017 but in 3 years, in 2008, when the oldest baby boomers begin retiring. That is when the revenues coming into Social Security start going down. And in 12 years, we no longer have enough money coming in to pay off all the benefits.

But there is one more problem that is coming to Social Security that we also want to fix, in addition to making the program solvent, and that is we want to make this program generationally fair, and it is not right now. Take me, for example. My mom is 70 years old and she gets about a 5 percent rate of return on her payroll taxes that she paid when she worked. It is a good deal for current seniors. They are getting a relatively good market rate of return on their payroll taxes, 5 percent for a 70-year-old; even higher for an 80-year-old.

But for current workers today, based upon the payroll taxes they are now paying, they are getting anywhere from 1 to 1.5 percent. The average worker today gets a 1.25 percent rate of return on their payroll taxes. Well, when you take a look at my children, our children's generation, I have three little toddlers, right now, under the current system, they are scheduled to get today a negative 1 percent rate of return on their payroll taxes.

Now, why is that important? I would say it is important because 80 percent of the American worker pays more in payroll taxes than they even pay in income taxes. It is the biggest tax most Americans pay. When Americans take 12.4 percent of their wages and put it into this program and it is a program that they are not even getting a fair share on, we have to ask ourselves can we not do better? Can people get a better retirement benefit from Social Security if they could only grow their money, this 12.4 percent coming out of their paychecks, at a better rate of return, like current seniors are getting?

That is why when we talk about saving Social Security, we want to do more than what Congress has traditionally done in the past. What have they traditionally done in the past? Raised taxes or reduced benefits. Specifically, Congress has raised payroll taxes 22 times since this program began. The payroll tax rate was 2 percent in 1937. Today, it is 12.4 percent. So we could save this program with solvency by just raising taxes again or reducing benefits. But if that is what we do, then that 1.25 percent that current workers are getting, and that negative 1 percent that our children will be getting, will just get much worse.

When you take a look at the pension plans around America, if you take a look at the Thrift Savings Plan that we here in Congress and other Federal employees have, which got us an average of 7.67 percent over the last 10 years; or if you take a look at most of the union pension plans, the Taft-Hartley plans, that got between 7 and 10 percent over the last 10 years; or if you look at the AARP's mutual funds, they have 35 bond and stock mutual funds that got on average about 7 percent over the last 10 years; and you look at the pension system, you say we can do better for workers today.

Why are today's workers only going to get a little over a 1 percent rate of return on their payroll tax dollars when every other pension fund, every other savings system out there does about 5 or 6 or 6 times that? So that is what we are taking a look at.

What I do in my bill is give people a choice. For those people under the age of 55, if they want to, they can dedicate a portion of their payroll taxes to their personal savings accounts. And we are not talking about privatizing Social Security. We are not even talking about partially privatizing Social Security. Because to privatize the program would be to let someone take a chunk of their payroll taxes and go outside the system, take it to their stock broker and do whatever they want with it. That is not what is being debated here. That is not what is on the table. That is not what is being discussed.

What we are talking about, whether you look at the Ryan-Sununu bill or any other bill in Congress, or the President's framework, what we are talking about is personal accounts that are inside of Social Security; that are run, overseen, managed, and regulated by Social Security, not Wall Street firms outside of the system. The vision that we have is to give people a choice of having a personal retirement account inside of Social Security, run by Social Security, just like the Thrift Savings Plan that we here in Congress have where we can get a better rate of return on our dollars. That is what we are planning on doing.

Now, the great thing that you can accomplish with personal retirement accounts is it can help bring solvency to the system and it can reduce the need to raise taxes or reduce future benefits. So what I would say is, the most humane way to save Social Security for future generations, to make it fair for our kids so they can get a similar retirement benefit like our seniors are getting today, and to bring the system into solvency and preserve the Social Security safety net, which we are all interested in continuing, personal retirement accounts are the most humane way to save the system. Because without them, then you have to resort to steep tax increases or benefit reductions.

If we want to fix this problem right now, tomorrow, and just do it on taxes, what the Social Security trustees, what the actuaries tell us, is the payroll tax rate would have to go up 50 percent tomorrow, to 18.6 percent. So when you are looking at the fact that 80 percent of us in this country, the biggest tax we pay is payroll taxes, and you want to raise that 50 percent to solve this problem, we say no to that.

When you take a look at the benefits, if you want to do this just on benefits, we would have to reduce future benefits by 40 percent just to solve this problem for the three generations we have. But with personal retirement accounts, you can prevent those kinds of painful options and give people a chance of making their money work harder for them so they can actually accumulate real wealth and get a better benefit when they retire.

The added benefit of a personal retirement account also is that it is your property. It is part of the individual's property. The government cannot take it away from you. It is the ultimate lockbox. Because unlike today, where the government spends all the Social Security surpluses, raids the trust fund, the government cannot take your personal account away from you.

When I talk to constituents, one thing that surprises them so much is that they think that they have a personal retirement account already. When they get their statement in the mail from Social Security, it says here is what you are entitled to, here is what you paid into it. People think there is an account with their name on it with money in it waiting for them. That is not the case. Court case after court case, from Fleming v. Nester in 1960, the Supreme Court has continuously told us no American has a legal or a contractual right to their Social Security benefit. The only guarantee any American has to their Social Security benefit is whatever the 535 politicians in Congress in any given year decide it is going to be.

But with a personal retirement account, that is your money. That is your property. It is surrounded by private property rights that the government cannot take from you. If you die, it goes to your family. It does not go back to the government.

I take a look at my personal situation from my own life, because our lives shape our values, which shape what we do here. My father died when I was 16 years old. He was 55. I was a recipient of the safety net. The survivor benefits that I got from Social Security helped me pay for college and finance my education. My mom at the time had a choice to make. She could either keep the payroll taxes that she paid when she worked, and my mom was a stay-at-home mom for a number of years, but also worked at a hospital. So she paid a lot of payroll taxes. But

she had a choice when my dad died: Keep what she paid in her payroll taxes or not, and/or keep what my dad had paid in his payroll taxes. Not both.

She got a $250 death benefit and then she had to give away all that money she paid in payroll taxes throughout her working career. She had to give that all back into the system and get the benefit based on my dad's payroll taxes. Under the personal retirement account system, especially for women who outlive their husbands, especially for any spouse who outlives the other spouse, not only would my mom be able to keep the payroll taxes she had always paid over those years for herself, she would also get my dad's personal retirement account on top of it.

So there are a lot of problems in the current system that I think a personal retirement account fixes, not least of which is inheritability. You actually own the fruits of your own labor and you own the account that you have in your name. The great thing that occurs in society by fixing Social Security this way, instead of going to the old-fashioned way of cutting benefits or raising taxes, is you broadly decentralize the concentration of wealth in America through personal retirement accounts.

□ 2200

Mr. Speaker, what do I mean when I say that. Under the Ryan-Sununu bill with accounts that we are proposing, where we have accounts and we keep the safety net of Social Security intact, we do not reduce benefits or raise taxes. According to the Social Security actuary, workers will have $7 trillion in their personal retirement accounts within 15 years. That is $7 trillion that every willing worker in America will have in their name as part of their property that they otherwise would not have. That is $7 trillion that would have otherwise gone to Washington will instead go into workers' savings.

Half of America today is the investor class. Half of the households own stocks and bonds. What that also means is the other half of America does not. The other half of America are not members of the investor class.

With personal retirement accounts which come from the existing retirement accounts that workers already pay, the biggest tax that they pay, every willing worker will be an owner in our society. They will own a piece of America's free enterprise system. They will have a stake in our society, they will be an owner of real assets and real wealth. That is a good thing.

I would like to think from the left or right, Republican or Democrat in Congress, we can agree on a couple of notions, that to decentralize the concentration of wealth in America and to narrow the gap between rich and poor would be a good thing to do. That is exactly what would happen when we have personal retirement accounts as part of the plan to save Social Security. That is essentially what our bill does.

If Members have any other questions on the specific mechanics, I will be happy to go into them. I thank the gentlewoman from Kentucky (Mrs. NORTHUP) for talking about this issue. If we delay like the gentleman from Indiana (Mr. CHOCOLA) said, every year we delay, according to the trustees, not the Republicans or the Democrats, but the trustees, it is another $600 billion of debt that we go into the hole. We owe it to our kids and grandkids not only to make this program solvent, but to give them a choice to have a system so they get an actual decent retirement benefit when they retire.

Mrs. NORTHUP. Mr. Speaker, I will give all of my colleagues a chance to respond to the presentation of the gentleman from Wisconsin (Mr. RYAN), and I thank the gentleman for his hard work. It is very difficult with all of the numbers and all of the actuarial work, and we are all very excited about this plan.

When the gentleman talks about the $7 trillion that would accumulate in workers' accounts, it reminds me of how important in an economy it is to have a thriving middle class. Economies with a few rich and many poor do not thrive because there is not a majority of people with purchasing power. In my district we make refrigerators and dishwashers and Ford has a Ford Explorer plant. We need a huge middle class that can create demand and gain the benefits of that production.

Years ago when there was only a fraction of Americans that owned stocks, all they got was what they made when they went to work. They got paid by the hour, week, or the month. As the economy grew, only that 20 percent that owned stocks shared in the wealth that came from the growth of the economy.

When you start to have every worker start to own stocks and bonds, they get to share in the economic growth of this country so you increase the purchasing power of the middle class. So you not only allow every single worker to increase the fruits of their labor; you also create an economy that is vibrant and exciting.

Also as we have more seniors that retire, it is important that they maintain their purchasing power. If our seniors wind up with the lowest amount of dollars that they can spend, they will not be able to participate in growing our economy. So the benefits of every single person growing a nest egg, a nest egg that they can count on and pass on to their children, that they can watch and understand what it means to the relationship between their job and their future when they retire is hugely important. We thank the gentleman.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN). I think the Ryan-Sununu plan is one that excites me. There are several others out there, but one thing that the gentleman from Wisconsin (Mr. RYAN) said that we need to emphasize, he is explaining that if we totally, completely say that an individual personal account, not privatization but as he has explained it, an opportunity to invest a portion, just a portion of that payroll tax in something like a thrift savings plan, if we completely rule that out as our friends on the other side of the aisle have done in both Chambers, drawn a deep line in the sand and said no, not only no, but heck no.

But when we say show us your plan, what do they do, they hold up a blank sheet of paper because they do not want to admit what the gentleman from Wisconsin (Mr. RYAN) just pointed out, alternatives are to raise the payroll tax or to decrease benefits or raise the age at which a person can receive full benefits. Let us say because people are living longer and are healthier, let us say full retirement is 75 and early retirement is age 70, so it is important that people understand.

We are not ruling out anything on our side of the aisle. We do not have a plan set in stone, but clearly this option of an individual personal account enjoys, like no other fix, the miracle of compound interest. Einstein, when asked what the greatest power on Earth was, everyone expected him to say atomic energy, but he said the miracle of compound interest. I think the gentleman is on the right track.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman. Also, there are some fiscal issues that we need to talk about. There are some real misnomers out in the press. The trustees of Social Security have told us that the long-term debt, the unfunded debt we would owe to Social Security, that we would have to put aside today to keep it going into the future, is $11.1 trillion. Add to that the $1.7 trillion in unfunded IOUs we have in the Social Security trust fund, and it is not an asset, it is a debt, that is over $12 trillion we are short of money we would need to keep Social Security going at the current level where my kids get a negative 1 percent rate of return.

If we come up with a plan to save the system that has a personal retirement account as a part of it, and any borrowing or cost associated with transitioning from the current system over to a saved system, that cost is not new debt. Many people say that the Bush plan costs $2 trillion.

Well, that is not true; but, nevertheless, because there are not enough specifics to even analyze that plan, it is a framework, but let us take that at face value. The Bush plan costs $2 trillion to have personal retirement accounts that are voluntary. To bring the system into permanent solvency, $2 trillion wipes out that $12 trillion in debt. So if we are talking about debt that is incurred to save the system, that is not new debt; that is taking debt that is hanging out there on top of the American people, recognizing it and paying it off today, just like you refinance your mortgage but paying it off at a

smaller digestible level, and leaving the country debt-free with a better Social Security system that is guaranteed and gives people better benefits when they retire. It is a really important point that I think is missed a lot in the debate up here.

Mrs. NORTHUP. Mr. Speaker, that is true and certainly in an accounting system, no one would approve an accounting system where the assets that are coming in are going to have to meet future liabilities without also accounting for those future liabilities. If you can reduce a 10 or 11 or $12 trillion liability to a $2 trillion transition, that you incur as a transition, what you have done is overall reduced liability to our children and grandchildren. That is an excellent point.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. RYAN) for his leadership on this issue. He has provided a lot of great ideas and leadership throughout this body.

Just to reinforce a couple of things, as the gentleman from Georgia said, Albert Einstein said the greatest force in the universe is compound interest. And I would argue the second greatest force in the universe is ownership. I saw that firsthand in my private life. Before I was a Member of Congress, I ran a publicly traded company. We had a 401(k) and a profit-sharing plan. People who lived paycheck to paycheck, that one might not consider to be financially sophisticated, they would come into my office and say, How much management fee would I pay on that? What was the last 5-year return? How should I think about my risk tolerance?

Mr. Speaker, when people are given ownership of their own money, they become real smart. It was commonplace for people to retire after a 30- or 40-year career, to retire as hourly workers with $300,000 or $400,000 in a retirement nest egg. So they were proof that one of the most powerful forces in the universe is compound interest.

Those that criticize the gentleman's plan who say we would put at risk guaranteed benefits, I think it is an important point that the current system has zero guaranteed benefits. None of the benefits are our property or have our names on them, and having millions of small lockboxes with our names on them is the only way we can guarantee benefits for future retirees.

Finally, the transition financing issue. Part of the gentleman's plan is to pay transition financing through savings in government, slower growth in government, which is a great idea. But even if we had to borrow the money, every public company uses what is called accrual accounting, that you have to identify and state on our financial statements liabilities as they are incurred. We use a cash basis in government, and we identify or recognize those liabilities when we write the check.

If we are going to have truth in accounting, we have to stand up and say this is an unfunded liability that is already an obligation. So paying off our mortgage early as the gentleman pointed out is the responsible thing to do and in fact results in a lower financial obligation long term. That is how we get solvency and act responsibly, and I thank you for your leadership.

Mrs. NORTHUP. Mr. Speaker, I see that the gentleman from Georgia (Mr. KINGSTON) has joined us, and I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to make a couple of points. Number one on the compounded interest, at one of my 16 Social Security town meetings, a woman from Douglas, Georgia, came up to me and said, as I got a little older, in 1989 I started saving $200 a month. Compounded daily, that money is now worth $320,000. That is the miracle that Einstein was talking about.

I also wanted to bring out one point here. We focus so much on solvency, but there is also a generational fairness issue, and that is best shown if we think about somebody retiring in 1980, they got all of their money out of Social Security in 2.8 years. If you retire in 2003, it will take you 17 years to get your money back. If you retire in 2020, it is worse than that, it is more like 21 years. One of the things that we have is a solvency challenge, and we also have a generational fairness challenge.

Finally, I want to make the point that we are Republicans. We are the majority. It is going to be a little more difficult because we have to govern and come up with ideas. And it is easier if you are in the minority party to just sit back and criticize and live out there and tell people there is no problem with Social Security. The reality is we need and we want Democratic ideas. I think Social Security should be bipartisan and it should transcend the next election, and you should get the best ideas of the Democrats and of the Republicans, and move forward with the best.

I was disappointed to learn that the meeting which some of us are going to be participating in tomorrow, the bipartisan meeting, now the gentlewoman from California (Ms. PELOSI) has said to her Members that they cannot go to it.

□ 2215

And I think of the bipartisan meeting that we are going to have with the AARP, an equal number of Democrats, equal number of Republicans, that we now only have two Democrats who are going to go even though others said, yes, we will go, this time works for us.

So I am hoping that the gentlewoman from California (Ms. PELOSI) and the Democrats will back off their extreme obstructionist position and allow Members to sit down and negotiate with the other party and try to come up with ideas, because that kind of partisanship, that kind of silliness, that kind of bitterness is not going to help our seniors and our future generations.

So I am looking forward to this meeting. I know the gentlewoman from Kentucky (Mrs. NORTHUP) is going. I do not know if all of my colleagues here are going or not, but we would like to have everybody in attendance there.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, let me just reiterate what the gentleman said. How important it is and how thrilled we would be to have more of the Democrats there. First of all, I want to thank the Democrats who are still committed to come to it. I am eager to meet with them. I remember when I was in the Kentucky legislature in 1990, that we had education reform and I was in the minority and I was one of the Republicans that reached across the aisle and joined the majority party in passing educational reform. It just had a profound impact on education. It was one of the first systems that had an accountability system where we tested and held schools accountable.

It is thrilling when something happens, where people put party aside and step forward and pass something that will make generations of differences. And I am so excited that AARP is going to be part of a meeting, a bipartisan meeting. I am thrilled that two of our Democrat colleagues are eager to come. I know my colleagues here share my eagerness to hear what they have to say and start to look for common ground. I hope they will prevail upon some of their other members that this is bigger than a party thing. It is really something that is important for the future of our country, and I believe that it could still be quite a successful meeting.

Mr. CHOCOLA. Mr. Speaker, if the gentlewoman would yield, I just go back to the eighth graders I visited last week in Culver, Indiana. And I do not know if they remember that I was there a week later. But I guarantee in 20 years they will remember that I was there and they will look back and say, ''That darn Chris Chocola, he was part of a Congress that could not get above the political rhetoric, could not put partisan politics aside and solve this problem for me and my family''; or they will think back and say, ''Finally somebody did the responsible thing and I do not have to pay for the inaction of a Congress that was elected to make sure I did not have to pay the bill when I grew up and I was trying to grow my family and grow my career.''

So I think that we should always keep in mind when we have these discussions those eighth graders and what they are going to think about us in 20 years, because, after all, that is what this is about. It is about the future of our country. It is about giving future generations the opportunity to enjoy some of the same benefits and opportunities that we have all had, that our parents have had, and if we do not act responsibly, I am afraid that those

eighth graders will certainly recognize that and hold us responsible, as they should.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, I know our time is about up. So let me start by yielding to the gentleman from Wisconsin (Mr. RYAN) to see if he has any final thoughts or anything he wants to say in conclusion.

Mr. RYAN of Wisconsin. Mr. Speaker, only that I think it is very important that we come together, bring our ideas to the table, and fix this problem. We cannot keep kicking the can down the road. We owe too much to our kids, and just the numbers are so overwhelming. When we in one generation are going to double the number of retirees we have in this country, followed by fewer workers paying into the system, it is a system that cannot sustain itself. That is why we have got to fix this.

Social Security, I would argue, is the most successful and important program ever devised and created by the Federal Government. It has done wonders keeping people out of poverty. It is too important to let it fail and fall because of partisan politics. We have got to fix it for our kids and grandkids.

Mrs. NORTHUP. Mr. Speaker, reclaiming my time, let me close by thanking my colleagues who are here tonight. The gentleman from Elkhart, Indiana (Mr. CHOCOLA) has been a friend who has been on the floor. We have had opportunities to discuss this previously, and I know we will be back for future opportunities. And the gentleman from Georgia (Mr. GINGREY) has been a great leader on this issue. He is so thoughtful and so articulate on it, and I know that Americans around the country that heard him tonight were inspired. And, finally, the gentleman from Georgia (Mr. KINGSTON) is a leader in our caucus, and we depend on his advice and his leadership, and he has made a huge difference.

And we look forward to joining our fellow Americans around the country to continue these conversations in the future.

## THE BUDGET

The SPEAKER pro tempore (Mr. GOHMERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. SPRATT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SPRATT. Mr. Speaker, more than a month ago, the House and Senate passed budget resolutions both on a fast track. Our hearings were minimal, ostensibly to finish up for the Easter break.

But this year's budget has become the classic case of hurry up and wait. Only yesterday, a month after finishing the budget resolution, did the House finally appoint conferees, and today we held the first and only meeting of the conference committee. We held that meeting amidst reports that agreement on the conference report was almost already a done deal. So the meeting was a formality, a gesture to lend some sort of collaboration to the budget process. But there has been no collaboration, and the budget resolution said to be emerging from conference does not reflect the resolution that we would pass if we were full partners in this process.

This year the Federal Government faces a deficit estimated at $427 billion, the third record deficit in a row. With deficits of this size, $427 billion, rising and never ending, the budget should be used to make the bottom line better, not worse. But the budget coming out of this conference does just the opposite. The President's budget, the House Republican budget, the Senate budget all make the deficit larger, not smaller.

The House budget makes the deficit $127 billion worse than current services. The Senate budget, Republican budget, makes the deficit $217 billion worse than current services.

I acknowledge, I will give the Republicans their due, both houses. They have searched the budget for programs to cut, and they have come up with some significant cuts. Medicaid, $20 billion; student loans; pension benefit guarantee premiums; probably the earned income tax credit, food stamps, maybe veterans benefits.

But these cuts do not go to the bottom line. That is the dirty little secret. They do not go to the bottom line and diminish the deficit. What they do, partially at least, is offset their tax cuts because even though the budget is $427 billion in deficit, Republicans are still pushing for more tax cuts, knowing full well that it can only make the bottom line worse, the deficit larger.

I think it is fair to ask can we fund the government if we have massive deficits and yet keep on cutting taxes? Obviously one way is to use the payroll taxes in the Social Security surplus to make up for the income taxes that are lost to tax reduction. And, in fact, that is just what the Republicans do. They use the payroll taxes that are accumulated in the Social Security surplus to make up for the income taxes lost to tax reduction.

As the next chart shows, the chart I have right here shows, they spend 100 percent of the Social Security Trust Fund surplus not on benefits but on everything in the Federal budget, 100 percent of it not just this year, 2005, 2006, but every year in their 5-year budget. I know that a government bond is placed in the trust fund for every dollar that is taken out of it, but I also know that President Bush went to West Virginia a couple of weeks ago and disparaged these bonds as mere IOUs, just scraps of paper.

Mr. Speaker, I do not believe that Social Security is in what one would call a crisis, but I do believe the actuaries at Social Security when they tell us that it may be faced with insolvency as early as 2041, and I believe we should do all that we can, as soon as we can, to remove that risk. But until we have a solution in place, a grand solution that returns the program to assured solvency for 75 years, surely we should do no further harm. Yet in raiding the Social Security Trust Fund of $160 billion this year and more in subsequent years, the Republicans' budget does just that, considerable harm. This is not a step towards making Social Security solvent. It is a long step backwards.

This budget is also a long step backwards for programs that Americans depend upon: education, veterans health care, environmental protection, medical and scientific research, and on and on down the list. On the discretionary side, the money we are appropriating, 13 bills every year, the House resolution cuts nondefense discretionary spending, domestic discretionary spending, by $12 billion in 2006 and by $150 billion over the next 5 years below inflation. The Senate's resolution is a bit lighter. It cuts spending next year by $6.3 billion and by $128 billion over the next 5 years.

On the mandatory spending side, which some call the entitlement side, the House budget resolution directs nine committees to come up with mandatory spending cuts and reconciliation procedures that will total $69 billion over 5 years. The Senate, more moderate, calls for $17 billion in reconciled cuts.

These reconciled cuts that our committee issues to different committees of jurisdiction in the House and Senate do not designate or specify how they shall be achieved, but the jurisdiction of each committee suggests exactly what is likely to be cut. The House resolution, since it is directed to the Committee on Energy and Commerce, for example, will likely fall on Medicaid; and since it is directed to the Committee on Agriculture, it will likely fall on food stamps; and since it is directed to the Committee on Education and the Workforce, it will likely fall on student loans or other income security; and since it is directed to the Committee on Veterans' Affairs, on veterans benefits. It is also directed to the Committee on Ways and Means. That means it is likely to fall on something we call the earned income tax credit, which is tax relief for the working poor, the people who need it the most. Or it could fall on welfare for the most disabled, those who have nowhere else to turn and rely upon a program called SSI, Supplemental Security Income.

These cuts are likely as a result of the reconciliation instructions in the budget resolution, even though the President did not call for them in his budget resolution and they are not included in the Senate budget resolution.

The Senate also, enough Senators got their backs up and said the Medicaid program is too important to people for whom it is health care of last resort and we simply cannot blindly whack $20 billion or even $10 billion out of the program. If we want to reform it and

restructure it and try to achieve some savings, fine, but let us not have an arbitrary budget savings number that drives reform and restructuring. So enough Republicans in the Senate voted that the Medicaid provision calling for cuts in Medicaid was deleted from their resolution.

And yesterday on the House floor we did exactly the same thing. A large majority of this institution, Democrats and Republicans, voted not to have the Medicaid cuts included in the bill. Mark my words, however, notwithstanding a majority in this House and a majority in the Senate, those cuts in Medicaid are likely to emerge in the budget resolution that is likely to come forth tomorrow.

These budget policies continue the course that was set when President Bush came to office. At that time the budget was in surplus by $5.6 trillion dollars over 10 years. Democrats warned then and there on the House floor and in committee that these were paper projections, they could disappear in the blink of an economist's eye, and we said let us seize this opportunity. Having years and years of deficits, now that we have a surplus or what appeared to be a huge surplus, we said let us pay down some of our long-term liabilities like Social Security and build up the Social Security program.

President Bush decided to take a different tact. It is true, terrorists, recession, and war have all taken a toll on the budget. But the Bush administration has adopted the attitude that we can have guns, butter, and tax cuts too, and never mind the deficits. As a result, the budget has moved from record surpluses to record deficits, as this next chart shows.

The President's 2006 budget, the budget for next year, like the House budget, like the Senate budget, claims to cut these deficits in half over 5 years. That is the claim we hear repeated frequently. They imply that in another 5 years, the budget would be brought back to balance. Give us 10 years, we will get the job done. But their budgets give us no figures at all, nothing after the first 5 years, and by running their numbers out only 5 years instead of 10, they avoid recognizing the impact that 90 percent of the President's remaining tax cut agenda is going to have on deficits. They will add $2 trillion if passed, if implemented, $2 trillion to the deficits in those outyears from 2011 to 2015 if we include a fix to the alternative minimum tax.

□ 2230

CBO, our Congressional Budget Office, our budget shop, which is neutral and nonpartisan, has given us a 10-year estimate, something the Republicans have not supplied us in the House nor Senate, a 10-year estimate, at least with the President's budget, and they estimate that there is no progress whatsoever on the deficit. In fact, CBO estimates deficits totaling $2.6 trillion over the next 10 years if we implement, if we follow the recommendations and the requests in the President's budget. $2.6 trillion in additional debt.

As bad as this may appear, the realistic numbers are even worse, because CBO is simply taking what the President has requested and extended it forward over 10 years. If we add what the President has omitted, the numbers are far, far worse.

The President has omitted the cost of Social Security privatization, even though he is pushing hard for it and acknowledges that the cost will be $754 billion between 200 and 2015. He omits the cost of fixing the Alternative Minimum Tax, which CBO says is $642 billion over 10 years, even though everybody knows it is a political inevitability. And he omits any costs for our deployments in Iraq and Afghanistan after 2005. Nothing for 2006. Everybody knows we will still have troops in substantial numbers there. CBO suggests that the cost over the next 10 years could easily amount up to $384 billion. Not a dime of that is in the President's budget.

When these costs are included, the budget outlook, as the next chart shows, is much, much bleaker. Annual deficits never fall below $362 billion. The heck with this talk of cutting them in half. They never fall below $362 billion, and they eventually rise at the end of this time period to $621 billion in 2015. That is a CBO number, which we have adjusted.

We do not have a 10-year projection of the House or Senate budget, but both are broadly similar to the President's budget, and that means that these estimates are roughly the same, basically in the same ballpark.

They say that the past is prologue, and we should not forget in that sense the impact of Bush budget in the first term between 2002 and 2005. To accommodate the Bush budgets between 2002 and 2005, we in the Congress, Republicans in Congress, on three different occasions have had to raise the debt ceiling, the legal ceiling to which we can borrow in the United States, first by $450 billion, then by $984 billion, then by $800 billion, by a total of 2.234 trillion in a period of 4 years.

In the House when we considered the budget, Democrats offered a better plan. We offered a better plan to reduce the deficit and eventually, believe it or not, to balance the budget again in the year 2012. The numbers added up. The Republican budget never achieved balance.

A real bipartisan conference, not like the one we had today, a real bipartisan conference, with everyone at the table and everything on the table, would give us a chance to consider a conference report like the budget resolution that we offered the floor which put the budget back in balance and actually achieved balance in the year 2012. Unfortunately, such a conference and such an outcome will not occur.

Unlike last year, there probably will be a Republican budget this year, but there be no plan, no prospect, for reducing the deficit.

I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Speaker, I appreciate the gentleman yielding. I would like to ask a question on this, because I think it is a very significant chart the gentleman is pointing out.

It is my understanding it took the first 204 years of American history to run up $1 trillion in debt, and that chart seems to demonstrate, what, that in just 2 or 3 years—

Mr. SPRATT. Every 18 months we are adding $1 trillion to the national debt, to the statutory debt to the United States. Nobody in his right mind thinks this is something that can be sustained.

Mr. COOPER. So to put the cookies on a low shelf, it took the first 204 years to do $1 trillion worth of damage to our Nation, and now the Republican majority is doing that every 18 months?

Mr. SPRATT. Roughly that. Even the CBO tells us that another substantial increase in the debt ceiling will be necessary by at least January or February of next year.

Mr. COOPER. If the gentleman will yield further, this is probably hard for the folks back home to understand, and I know it is hard for many Members here to understand, but this news simply has not gotten out to the American people. It is my understanding that, what, votes on raising the debt ceiling anymore do not happen?

Mr. SPRATT. This is past history. What I was giving you is a projection. You can look at the last three increases over the last 4 years, and the bottom line is $2.234 trillion. As Yogi Berra liked to say, you can look it up. It is a matter of record.

Mr. COOPER. Numbers do not lie. I appreciate the gentleman yielding. So the total national debt now is about $7.7 trillion.

Mr. SPRATT. That is correct.

Mr. COOPER. We pay the interest on that debt largely to foreign nations now, right? More and more foreign nations are lending us this money, so we are owing more and more money to foreign nations, is that correct?

Mr. SPRATT. Reclaiming my time, that is correct.

Mr. COOPER. Mr. Speaker, if the gentleman will continue to yield, Japan, China, Europe, nations like that, we will have to write checks to for many, many years in order to service the interest.

Mr. SPRATT. This chart shows the percentages of our debt that are held by foreigners. As you can see, they have steadily increased to the point where in 2004 the share of foreign-owned debt rose to 44 percent. One of the reasons that it is difficult to get this message across to the American people is that they are not really feeling the effects of it, since foreigners are buying for now a lot of our debt. But when and if they cease buying it in

huge quantities as they have been, we have got a problem.

Mr. COOPER. So almost half the mortgage on America is owned by foreigners, and they have been kind to lend us that money, but they could change their minds and stop lending us money at almost any time? Because we sell Treasury bonds, notes, other papers, every day in the market.

Mr. SPRATT. Reclaiming my time, in the meantime, they are accumulating claims against the United States that could some day be called.

Mr. COOPER. What happens if we cannot pay the debt?

Mr. SPRATT. Well, we have to probably inflate our currency. But let us not get into that. We are still not in that bad of shape, and I do not want to get into dire predictions. But we are forewarned. We all know there are limits to which anyone can go, governments, individuals, households, companies, corporations, there are limits to which you can go in borrowing money. It is a function of what your income is, and we are beginning to approach those limits.

Mr. COOPER. Mr. Speaker, the gentleman mentioned we certainly do not want to inflate the currency, but the dollar today is weaker than it has been in some time, the dollar vis-a-vis foreign currencies. If an American travels abroad and pays in dollars, you discover today it buys very little under Bush administration policies. A few years ago it used to buy a whole lot more. That is a sign of a weak dollar that we are already facing today because of our dependence on foreign borrowing.

Mr. Speaker, I appreciate the gentleman yielding. I did not mean to distract from your presentation.

Mr. SPRATT. Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY). I traveled to Las Vegas to spend the day with the gentlewoman from Nevada (Ms. BERKLEY) a couple of weeks ago, and we went all over the City of Las Vegas, from three different editorial boards, to television, to a town meeting, and we found people there very much concerned about Social Security and about the shape of the budget.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from South Carolina for yielding. I so enjoyed the gentleman in Las Vegas and so did all of my constituents, because he was able to bring home to them and articulate to them exactly what the issues are when it comes to the budget and how it is going to affect them in a very adverse way.

I am here tonight to talk about why I am going to be voting against this Republican budget that is going to be on the floor probably tomorrow. But before I do, I have to comment on the last hour, because I had the opportunity since I was sitting here to hear some of the rhetoric from the other side when they were talking about Social Security and a bipartisan meeting with AARP that the Democrats were supposedly boycotting.

I think it is very important for people that are listening to know, at least from this Democratic Member of Congress, that until I heard that, I had never heard of such a meeting. I am married to a Republican. We practice bipartisanship in our home every single day. And I think if the Republicans were truly serious about working in a bipartisan fashion with the Democrats to craft solutions to the very serious problems that we have, we not only would sit down and talk about Social Security, not the privatization of Social Security, which we all know will do absolutely nothing to make this system solvent, but talk about the more immediate and pressing crises of Medicare and the health care system in this country. If you have tried to access the health care system in this country, you would know without me having to tell you that we do have a crisis.

So instead of creating a crisis and screaming about the partisan nature of the House of Representatives, maybe if they truly wanted to solve some of the solutions to make life easier for average American people, we would be sitting down at a table now, instead of the gentleman and I sitting here talking to each other. But we can talk about that some other time. I was just so taken aback by the attack that I felt I had to respond to it.

Mr. Speaker, I am going to be voting against this budget proposal that the Republicans have set forth, and it is very important that my constituents know why.

This is a very fiscally irresponsible budget. It is going to devastate numerous programs that many low and middle-income Americans depend on. I know they do in my congressional district.

Day after day we hear the President and congressional Republicans talking about fiscal responsibility and providing opportunities for lower and middle-income families in this country. But the priorities outlined in this budget tell an entirely different story. This is the perfect example of Republican rhetoric not matching the reality on the ground.

The Republican budget hides costs. We all know that. The gentleman spoke of some of the hidden costs. It threatens to put key programs like veterans health care, education funding and Medicaid on the chopping block.

The Republicans talk about keeping our promises to our veterans. I sit on the Committee on Veterans Affairs, and I have the fastest growing veterans population in the United States of America in Southern Nevada. The issues that affect our veterans are very important to me, and particularly health care, because my veterans do not get the health care that they deserve.

The Republican budget does not include enough money for veterans programs to keep pace with inflation over the next 5 years. To me this is an outrage. It is never acceptable to cut veterans benefits at any time, but it is especially not appropriate at a time when our country is depending more and more on the strength and morale of our Armed Forces in Iraq, Afghanistan, Kosovo and South Korea. We are stretched very thin.

These soldiers are going to be coming home to this country. They are going to be veterans and they are going to be expect the health care that this Nation has promised our soldiers when they become veterans, and I am afraid this budget is way short of providing the needs of our veterans, particularly not only health care needs, but mental health care, and that is going to be a major problem with our troops coming home from Iraq, a serious, serious problem.

I am not going to vote for any budget that threatens key programs, including health care benefits for the more than 160,000 veterans that live in my community. These men and women have served our country with dignity and valor, and I refuse to support a budget that shortchanges programs that are vitally important to them.

The Republican budget also fails students and their families in Nevada and across the country. It not only will not support current education programs and services over the next 5 years, but, again, since I have got the fastest growing student population in the United States, a budget that is even neutral and does not cut programs, although this one does, hurts my district disproportionately, because while our student population is growing, if education funding is going down, we take the biggest hit in the country.

Education should be one of the highest priorities in any budget. Our schools and our teachers and our students already feel the squeeze by budget cuts. To further cut funding is unfathomable to me.

The Republican budget cuts child nutrition programs. If you are a kid and you are not getting breakfast at home and you are going to school on an empty stomach, how are you going to learn? How are you going to concentrate on your studies when your tummy is growling? This cuts student nutrition programs.

It cuts student loans. I come from a family where my dad was a waiter when I was growing up. I depended on those student loans to get an education. That is how I went through college and how I went through law school. It took me many years to pay back those students loans, but without them I guarantee you I would not be standing here on the floor of the House tonight.

Vocational grants, so important for those students that do not go to college, who would rather go get a vocational education, which is also important for our economy in this country, those programs are getting decimated.

Also disability and pension programs. What type of Nation that prides itself on caring for its fellow citizens is going to cut pension and disability programs? But this Republican budget does exactly that.

Student loans. Let me get back to that, because I know firsthand how important they are.

□ 2245

They are vitally important to families in southern Nevada and across this country. Low and middle-income families in my district are not going to be able to send their kids to college without student loans. People think of Las Vegas and they see the fancy hotels and the wild night life, and we do have the glitz and the glamour in Las Vegas, but Las Vegas is populated by middle income people that are working in those hotels and trying to put a roof over their family's heads, food on their tables, clothes on their backs, and their children through college. They are entitled to have these student loans so that they can make sure that their children enjoy the American dream.

I am astounded that that is an area that this administration and this Republican budget is cutting.

Straining student loan programs will reverse the progress this country has achieved by sending millions of students just like me to college who otherwise could not afford it. This is unacceptable, must be stopped, and the American public should be rising up and complaining to the Republican Members of this House, telling them that this is unacceptable to them, because it hurts, and it is very painful.

The Senate restored funding for medicaid in its budget and, last night, the House the Representatives voted to instruct budget conferees to protect medicaid funding from the drastic cuts outlined in the President's budget. I hope that the House and Senate conferees do the right thing and leave the medicaid funding alone.

Medicaid provides crucial health services to approximately 159,000 people in my home State of Nevada. Any cuts to medicaid funding will make it much harder for low-income pregnant women, seniors, children, disabled, and families in Nevada and throughout the United States to get the health care they need.

I cannot stress enough how important medicaid is to the State of Nevada. Nevada's hospitals, nursing homes, community health centers depend on this funding. Medicaid pays for 65 percent of Nevada's certified nursing home residents. What are these seniors going to do if we lose this funding? It is going to be devastating for them. Are they going to be thrown out on the streets where they are going to die in the gutter? This medicaid funding must be restored, and it must be restored to the appropriate levels to take care of the people of this country.

I am going to vote against this conference report, because it fails to prioritize veterans, students, low-income and middle-income families. I want to remind my colleagues and the chairman that not too long ago, the Democrats offered a budget alternative that every Republican in the House voted against. And in light of the attacks that I just heard before we got up to speak about the partisan nature of the Democratic Party, I mean I find it a little shocking that not one Republican would cross the aisle and support the democratic budget proposal, because in that proposal, the Democrats not only talked the talk, but we walked the walk. Democrats provided an alternative that was fiscally responsible, would balance the budget by 2012, would reduce the deficit, and provide opportunities to all Americans that the Republicans only talk about. But if their budget is any indication of what they care about and what they are going to act upon, well, I am afraid it is a little light on helping their fellow man and taking care of the fiscal health of this country.

So I thank the gentleman very much for his leadership on this. There is nobody that presents our side of the argument better than the gentleman from South Carolina (Mr. SPRATT), and I thank the gentleman for letting me be a part of this discussion tonight.

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for a very effective presentation.

I yield to the gentleman from Portland, Maine (Mr. ALLEN), a former mayor who understands what Federal grants and aids and other projects mean to cities and small towns all over this country.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding. It is true at the local level you learn in a very short time the importance of a partnership between the Federal Government and the States and local governments. Clearly, it has been forgotten here.

I do want to thank the gentleman for the knowledge that he brings to this particular debate, the information he brings. I mean, the gentleman knows more, in my opinion, about this budget than anyone else in the Congress.

At some level, it seems to me, this should not be that hard, because the Federal budget should, number one, be designed to create a stronger and more competitive economy. I mean, after all, what we want for people in this country is to have opportunity, we want them to be able to get a good education, to get a job and be successful in competing, because we are all competing in one way or another in a global economy. We know that the Chinese economy is growing very rapidly, that India has very strong schools these days, particularly in engineering, and so we need the best educated, best trained work force we can have.

Now, if we look at this budget, we are not going to get the best educated, best trained work force out of what the Republicans are trying to do to this country. As the gentlewoman from Nevada was saying, there are so many programs, adult education, job training programs, technical education that are being reduced, being reduced, simply to pay for tax cuts for the richest people in the country. So how do we build a stronger, more competitive economy when we are reducing the ability of people to get the education and training they need; when we are turning around and passing a resolution, as we did today, a resolution that said, we are for a small business Bill of Rights, and then reducing funds to the Small Business Administration to make it harder for entrepreneurs in this country to get the financing they need, the technical assistance they need to get a business off the ground. It takes your breath away.

Mr. SPRATT. Mr. Speaker, that is the point I was trying to make at the opening. While these cuts may seem to be necessary to deal with the deficit, in truth, the deficits and their budget resolution are bigger than they would be under current surpluses. What they really do, to some extent, is use these entitlement cuts and discretionary spending cuts to offset the tax cuts so they will not grossly enlarge the bottom line. But they still have a huge deficit that is bigger than would otherwise be the case, because they are, notwithstanding these deficits, are making more and more tax cuts.

Mr. ALLEN. Mr. Speaker, just quickly, the thing that strikes me, that is astonishing to me is the median household income in this country is something like $48,000, $49,000. Half of the households, or less than half of the households earn more. We have a deficit of roughly $427 billion projected for this year. That is more than $1 billion a day that we are borrowing, a lot of it from Chinese and Japanese banks. Yet, $89 billion will be enjoyed by households earning over $350,000 this year, next year, the year after that, the year after that; $89 billion that they did not have in the prosperous 1990s because of the tax cuts that the Republicans passed for the wealthiest people in the country, and they are going to do anything to protect those tax cuts.

So what they are doing is they are cutting aid for small businesses, they are cutting vocational education, they reduce funding for adult education, they reduce funding for the Small Business Administration to protect tax cuts for the wealthiest people in the country. It is hard to see how that will provide a stronger and more competitive economy, and it certainly will not provide broader prosperity because that, in my view, is the second goal we ought to have here. We ought to be trying to make sure that opportunity in this country; the chance, if you work hard and play by the rules, to have a reasonable opportunity for a reasonable level of prosperity. That is missing in this budget.

The middle class in this budget takes it on the chin. This is no budget for middle class Americans.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding. I have been listening, listening over in my office initially and now here on the Floor to the discussion, and it strikes me that what the Republicans have given us is a worst-of-both-worlds budget.

The Ranking Member on the Committee on the Budget has described to us very convincingly how this budget takes us over the cliff fiscally. There is no question. We are looking at $400 billion, $500 billion deficits as far as the eye can see; just unprecedented deficits and debt piling up on this country.

One would like to think that if we are incurring that kind of deficit, we are at least getting some bang for the buck, right? We would like to think that we are getting adequate funding for domestic needs, for example. We would like to think that the economy is getting some juice, some stimulus. Yet, we are not getting that, either. We are getting the worst of both worlds. We are going over the cliff fiscally, yet we are not addressing these priorities.

Mr. Speaker, the political premise seems to be, and the gentleman from Maine was getting at this; the political premise seems to be that we are going broke in this country because we are doing too much for education, or because we are building too many highways, or because we are doing too much cancer research, or because too many loans are available to small businesses. I think that is irresponsible, and ''irresponsible'' is a kind word for that kind of political pitch, that we are getting from our Republican friends these days.

The fact is that these domestic expenditures account for very little in the way of our budget difficulties, yet they are being required to bear the brunt of the administration's budget policies. If it is not domestic discretionary expenditures, what is it? I would like to ask the gentleman.

Mr. SPRATT. Mr. Speaker, we have a chart to prove that point. I need to get it up here. We have a chart that shows how over the last 4 fiscal years, the increases in discretionary spending and, once again, that is the money we appropriate in 13 different bills each year. We call it discretionary because each year we decide how to spend it, it is defense, it is national parks; if we look at those accounts in discretionary spending, we will find that 90 to 95 percent of the increases in discretionary spending over and above current services, just running in place, are attributable to 3 different factors.

Here we go. Here is the chart. Defense, Homeland Security, and the response to 9/11. Those three factors account for 90 to 95 percent of the growth in discretionary spending. Now, the President says we are spending out of control but, in truth, the House is controlled by Republicans, the Senate is controlled by Republicans, the White House is controlled by Republicans. It is a self indictment, if anything.

But here is the actual truth: discretionary spending is going up, but it is going up in accounts and for reasons the President has requested and sought money for, and we have given it to him. Having put an Army in the field in Iraq, we are going to support them and see them through, we hope to a successful conclusion. But this is policy that he has originated and we have supported in one way or another and now support, and this accounts for the main increase in spending.

So number one, it is spending he has initiated; number two, it is not likely to fall off substantially to abate by any significant amount in the near future. That is a fact we have to live up to, a fiscal fact we have to live up to. But the administration is in a state of fiscal denial. They will not acknowledge that this is a fact, and that the remaining wedge out of the budget for discretionary spending, domestic, nondefense discretionary spending constitutes maybe $380, $390 billion. You cannot squeeze enough out of that sector to begin to wipe out a $427 billion deficit.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, we are stuck here in the Congress not able to pass a transportation bill. Our communities are crying out for highway maintenance, for modernizing our highway system, for bringing transit on line. The administration has stood in the way of a congressional accommodation on a transportation bill that would invest in our future. Is highway spending part of that equation?

Mr. SPRATT. Ironically, there is about $20 billion there for roads, bridges, oil wells and other infrastructure in Iraq.

Mr. PRICE of North Carolina. Yes, in Iraq, but not in this country. We are not going broke because we are building too many highways in this country or doing too much in the way of infrastructure development. In fact, it is very, very foolish to cut back on those things in the name of fiscal balance when the problem in truth lies elsewhere.

Well, if the gentleman will go further, what is the tax side of this equation?

Mr. SPRATT. Well, as I acknowledged, terrorists and war and recession have all taken a toll on the budget. But the President has basically taken the attitude that we can have guns, butter, and tax cuts too, and never mind the deficits. The tax cuts keep coming every year. The President has an unfinished tax agenda of at least 1 trillion 400 billion, and that does not include everything, because he does not put on his agenda anything, anything to fix the alternative minimum tax. I paid it this year, I paid it last year, more and more Americans are going to be paying the AMT until it rises, Treasury tells us, to 30 million tax filers in the year 2010, not far away.

The political truth of the matter is, we will have to do something about that. That means that the President's tax agenda, tax cut agenda calls for another $2 trillion beginning in 2011. They conveniently stop their budget projections in 2010, so we miss the outyears, but here is what happens in the outyears when you add AMT to the President's other requests, principally to make permanent the tax cuts adopted in 01, 02 and 03. This is what happens to the baseline projections of the deficit; it gets worse and worse and worse. There is no end in sight, and it is aggravated by this fact, the tax cut agenda.

□ 2300

Mr. PRICE of North Carolina. Does the gentleman yield?

I spoke to the Raleigh Kiwanis Club just as tax filing deadline approached a couple of weeks ago and said something about the alternative minimum tax, that if the Members in this room have not figured that alternative minimum tax, you had better do it because I, for one, and sounds like the gentleman from South Carolina (Mr. SPRATT) had the same experience, I found just exactly how this is biting, and there were many heads nodding in that room. This alternative minimum tax is reaching deep into the middle class. And as the gentleman says, the President's budget takes no account of the need to fix that.

Mr. ALLEN. If the gentleman would yield, you know, I find a couple of things astonishing here. One is the Office of Management and Budget used to do 10-year projections of the budget. But they do not anymore. They just do 5 years under the Bush administration because from year 6 to year 10 is such a horrifying picture, they do not want the American people to know how bad it is. And you do not have to take it from us, from Democrats.

Before the 2003 tax cuts were passed, Paul O'Neill, George Bush's Secretary of the Treasury, said if you pass these 2003 tax cuts, if you do that, you will not be able to do anything else that you want to do. And he was right. He was absolutely right. Because this year, as a percentage of total economic activity, tax revenues to the United States of America are at the lowest level since 1959, before Medicaid, before Medicare. We are trying to run a 21st-century government on revenues that are, you know, really, as a percentage of the economy, 1950s revenues. And it is all because Republicans have, at least they say, they think if you cut taxes, revenues to the government increase. That is what the gentleman from Texas (Mr. DELAY) has stood up and said. The CBO disagrees and the real world does not work that way because every time they do a big tax cut, revenues decrease. We have got an administration that is the most fiscally irresponsible administration in the last hundred years at least, maybe forever, because they have turned the deficit,

turned a surplus generated during the Clinton administration into huge deficits that go on and on.

And I just think in terms of what happens to our children, because part of this deficit, part of this budget ought to be to prepare a better future for our children. That is what all Americans want. And we are simply piling debt on the backs of our children and grandchildren. We are spoiling their chances for a good life. And frankly, the people who are doing it have to know it.

Mr. SCOTT of Virginia. Will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I just want to follow up on this briefly because we talked about fiscal responsibility and irresponsibility. And we have seen this chart. In 1993 we passed budgets that were very controversial. But they had the effect of eliminating the deficit and sending it up into surplus. And these were controversial, and those votes were used against the Democrats.

Right after these votes were cast, when we eliminated the trend line going down into further and further deficit and started going up, we had PAYGO in effect, where if you had a tax cut, you had to pay for the tax cut. If you had a spending increase, you had to pay for it with either more taxes or less spending somewhere else. You just could not spend without paying for it. You could not cut taxes without paying for it. And we ended up in a surplus at the end of 2000. We let PAYGO expire so you could pass massive tax cuts and increase spending all you wanted without paying for it. And that kind of fiscal irresponsibility puts us down here to $427 billion in the hole.

Now, it is going to get worse before it gets better. The President suggests in the rhetoric that he is going to cut the deficit in half in 5 years, which is actually somewhat modest. That means he is only going to clean up half the mess he caused. He is not even going to clean up just half. He is going to promise to clean up half.

But this green line down here shows if you actually include what we know must be included, there is no way you are going to even come close. It is just going to get worse and worse.

This blue line is an interesting line because this is the budget projection. All the surpluses of 300 billion-plus was the projection made in 2002, which is an interesting year, because it is after 2001. After 9/11 we still thought we could have surpluses, but we continued to cut taxes, we continued to increase spending without any limit.

Now, we have heard about the priorities that we are going to be missing. We have heard about education. We have heard about health care. We have heard about all of the things we cannot do. One of the things we cannot do, I live in Newport News, Virginia. We build aircraft carriers. Because of the budget crunch, they are talking about reducing the number of aircraft carriers.

We have a NASA research facility near my district, aeronautics research. We are scrambling to try to find a couple $100 million so that NASA Langley can have a few million dollars to continue the research that we are doing. We are having trouble finding that money. We hope we can find it.

But just last week, we passed another tax cut. When fully phased in, it would be another $70 billion a year. Without paying for it. Just passed it.

One priority we have, all of us here, Social Security. If you look at all of the tax cuts, you know, where are we going to find the money for Social Security to keep the plan we have got now, all of the tax cuts under this administration passed, and if we make them permanent, $14 trillion. Social Security only has a 3.7 to $4 trillion shortfall. If you add on Medicare, you could have solved both of those, or you can have tax cuts. And to add insult to injury, make the tax cuts permanent. That is over $11 trillion in present value cost. Social Security, 3.7. Make the tax cuts permanent for the top 1 percent, those making more than $350,000 a year. That is almost enough in itself to solve the Social Security problem that we have.

Matter of priorities. Are we going to give tax cuts to the top 1 percent, or are we going to save Social Security for everybody? Well, we are going to be voting on that. We have already passed estate tax repeal. We have got others. I believe that we ought to save Social Security first. If you are going to have an $11 trillion tax cut plan on the table, well, let us just take the first 4 trillion and solve Social Security. Then maybe we can only cut taxes $7 trillion. But we would have saved Social Security. Let us save Social Security first. We have got a good plan. All of the benefits being promised we cannot pay right now. We are 4 trillion short. It is actually better than the President's plan because his plan goes broke quicker and cuts benefits in the process. So that ought to be a nonstarter.

But we have priorities and because of our fiscal irresponsibility, we cannot meet those priorities. If we go back to the fiscal responsibility we had from 1993 to 2000, you had to pay for your new initiatives. You could not just pass a tax cut, and where a President would veto bills that were fiscally irresponsible, even if he had to shut down the government. In 1995 we shut down the government rather than President Clinton signing those bills that would have put us back in the ditch where we were. Now, that is the kind of leadership we need now. We do not have it.

And if the gentleman looks at the chart right beside him, where you pass these tax cuts that look a little modest for the next couple of years, but when you reveal the full 10-year and the next 10-year cost, you know they are fiscally irresponsible. We cannot afford them, and that is why Social Security is in jeopardy today.

Mr. SPRATT. I yield to the gentleman from Tennessee (Mr. COOPER), who I believe has a question he wants to put forth.

Mr. COOPER. I think it is important to return to the fact that we are going to be voting tomorrow on the budget for the United States of America, and it is a budget that no one has seen yet. They only appointed the conferees yesterday.

Mr. SPRATT. $2.6 trillion budget, which no one has seen.

Mr. COOPER. $2.6 trillion, covering all of the priorities of this great Nation, the fact that we are at war, Social Security and Medicare, all domestic spending, cancer research, CDBG grants, everything is rolled up into it and no one has seen it.

Now, last year we did not have a budget at all, so maybe the prospect of voting on a budget this year is a good one. But from all that we do know of the budget, and we will probably vote on it apparently about 2:00 tomorrow afternoon, it will be crammed down our throats with no one having seen the text of it. And the New York Times and responsible publications like that are saying it is really the worst of both worlds. It is going to help the people who need it the least and hurt the people who need it the most. It is going to hurt poor people. It is going to hurt middle-class people. It is going to hurt small businesses. It is going to hurt our schools, and that is irresponsible budgeting.

Mr. SCOTT of Virginia. Will the gentleman yield?

Mr. COOPER. I would be delighted to yield to the gentleman.

Mr. SCOTT of Virginia. When the budget left the House, what did it do to things likes Medicaid?

Mr. COOPER. I believe they recommended a $60 billion cut in Medicaid.

Mr. SCOTT of Virginia. Did they direct the Education and Workforce Committee to cut mandatory spending?

Mr. COOPER. Well, unbelievable cuts are in this and unbelievable aid to countries like Iraq. It is really a crazy set of priorities and unbelievable tax cuts.

Mr. SCOTT of Virginia. And if you cut mandatory spending and the education budget, the only thing you have for school lunches and student loans, that is the only thing you can cut under that program.

□ 2310

Mr. COOPER. One thing we know will go up is interest expense on the national debt because the deficits are the largest in American history. It is getting harder and harder to blame 9/11 for that because they have produced the largest deficits in American history year after year after year, as this chart shows right here. As the gentleman illustrated earlier, the sea of red ink is continuing; deficits, the largest in

American history, as far as anyone can see.

Mr. SCOTT of Virginia. The gentleman mentioned 9/11. It seems to me that it is fair to have been surprised in September of 2001 or maybe later that you suffered 9/11. Does the gentleman find it surprising that people still appear to be surprised that 9/11 happened here, 4 years later, that we are budgeting as if it did not happen? And surprise, after you pass the budget, oh, we forgot about 9/11?

Mr. COOPER. All the experts, including Chairman Greenspan of the Federal Reserve, say right now under these Republican budgets we are clearly on an unsustainable path, a literal road to ruin for our Nation. And the head of the GAO, the Government Accountability Office, David Walker, has said the same thing. In fact, he pointed out that 2004 was the worst year in American fiscal history, the worst year in our entire Nation's fiscal history because we are piling up deficits in such an irresponsible fashion. It is time for that to stop, but the situation will not be helped tomorrow when they cram down a budget on us that literally no one has seen. But if it resembles the House Republican budget or the Senate Republican budget, it is likely to be bad news for the American people.

Mr. SCOTT of Virginia. Let me ask one more question. The gentlemen mentions interest on the national debt. I remember in 2001 when this administration came in, when Chairman Greenspan was testifying, the questions he had to answer were along the lines of should we pay off the whole national debt or should we pay off just the short-term debt or the long-term debt? What will happen to the interest rates when you pay off the national debt?

Were the projections not at the beginning of 2001 when this administration came in that we could pay all the debt held by the public, we could pay it off by 2008, and by 2013, 2015, we could have put all the money back into the trust funds that we borrowed from like Social Security?

Mr. COOPER. The gentleman makes a great point because we have gone from the prospect of being a debt-free Nation to being one of the most indebted nations in the world.

In fact, there is a tragic tipping point that will occur in the last year of the Bush administration, because in that year, and this is according to the House Republican budget, we will actually be spending more on interest payments to our creditors than we spend on all regular domestic government in America. So in a sense it will be a better deal to be a bond holder of this country, even a foreign bond holder, than to be a citizen of this country. And that is the classic result of budget mismanagement which we are seeing year in and year out under this administration.

Mr. SPRATT. The gentleman mentioned what they told us about repayment of the debt. If the gentleman recalls, they said if you pass our budget, including these tax cuts, $1.5 trillion, $1.6 trillion in tax cuts, with interest even more, we will not be back until 2008, if you implement our budget, to ask you for an increase in the debt ceiling. We will not need to come back because we will have ample room beneath that ceiling.

In the Clinton administration the last 3 years we paid off over $300 billion of national debt. That is the first time that has happened for a long time. So they said that trend is going to extend and we will not need to come back and ask for an increase in the debt ceiling in 2008. History shows in 2002 they were back, hat in hand, saying we need $450 billion. The next year, 2003, they needed 984.

As the gentleman from Tennessee (Mr. COOPER) pointed out, that was equal to the entire debt of the United States in 1980. And then only 16 months later, they were back asking for another $800 billion which was provided in November of last year; and as a consequence, the total increase in the debt ceiling of the United States to accommodate the Bush budget from 2001 through 2005 is $2 trillion 234 billion. That is simple arithmetic, back-of-the-envelope analysis, but it is truly astounding to me, given the fact that they told us we would not need to raise the debt ceiling until 2008.

Mr. COOPER. The gentleman mentioned earlier that in early 2006 they will be asking for another increase in the debt ceiling, perhaps even 2005.

Mr. SPRATT. That is correct. This time next year they will need another increase, probably in the range of $800 billion.

Mr. SCOTT of Virginia. Would the gentleman remind us what the 10-year surplus was projected to be at the beginning of this administration?

Mr. SPRATT. $5.6 trillion.

Mr. SCOTT of Virginia. For those same 10 years, what is the projected surplus to be now?

Mr. SPRATT. It is more like $3.3 trillion deficit. We have had a swing in the wrong direction of nearly $9 trillion.

Mr. SCOTT of Virginia. Mr. Speaker, I would ask if the entire take of the individual income tax, is that not about $800 billion?

Mr. SPRATT. That is correct.

Mr. SCOTT of Virginia. And we have an average of $900 billion overspending from what was projected every year for the 10-year period?

Mr. SPRATT. Yes. It is a serious problem. It is a result of policies. It did not just fall off out of the sky. It is not terrorism necessarily. It is not war, even. It is the fiscal policies of this administration.

Now, one thing we did, as the gentleman will recall, in 2001 we did not do it, I did not vote for that budget; but in the Senate in particular, they said these tax cuts will have to sunset at the end of 2010 because, one reason, there may not be the surplus that we think there will be. This is a blue-sky estimate. It may not obtain it. If it does not, we do not want to be committed to these tax cuts only to find out that the surplus that they are predicated upon does not actually happen. And so they were all made to expire or terminate by December 31, 2010.

Now, we know that the surplus projection was wrong, grossly off, vastly overstated. And we have huge deficits in the place of huge surpluses now. But the administration is still pushing the same fiscal policy, asking, insisting, scheduling these tax cuts to be extended, all of them, almost all of them, after the year 2010, even though they can only do one thing at that point in time and that is go directly to the bottom line and vastly, hugely, expand the deficit of the United States.

Mr. SCOTT of Virginia. Does the gentleman have a chart that shows what the surpluses were supposed to be and what the annual deficits look like?

Mr. SPRATT. Here is one good chart that does just that. The gentleman can see it better than I can from his vantage point. We can see what they projected.

In the year 2002 they projected a surplus of $313 billion. That was with the implementation of their policies. It turned out to be a deficit of $158 billion. In the year 2003 they projected $359 billion. At least that was the January 2001 projection. I beg your pardon. That was without policy. That was the projection before Bush policy. A $359 billion surplus turned into a $377 billion deficit with Bush policies.

Mr. SCOTT of Virginia. Now, Mr. Speaker, could the gentleman show me where Social Security and Medicare present surpluses are on that chart?

Mr. SPRATT. Most of the numbers that we have quoted, as the gentleman well knows, are net of the Social Security surpluses.

Mr. SCOTT of Virginia. So that means we spend the Social Security plus, and then spend even more than that after we have spent the surplus?

Mr. SPRATT. That is correct. We had a deficit last year of $412 billion. But that was after deducting $150, $160 billion surplus in Social Security. If that Social Security surplus had not been offset, there was a deficit in the general account of the Federal budget equal to nearly 600.

Mr. SCOTT of Virginia. In the final years of the Clinton administration we had the Social Security and Medicare surplus and we were talking about a lockbox where that would be put to save Social Security and Medicare without spending it; is that right?

Mr. SPRATT. That is correct.

Mr. ALLEN. If I could just jump in here, I wanted to come to a conclusion about what this means, these huge deficits, these unprecedented deficits, the highest deficits in American history. They mean higher interest rates in the long run, higher interest rates than we would have otherwise.

Mr. COOPER. On car loans.

Mr. ALLEN. On car loans and home mortgages and on business loans. That is number one. And because it means higher interest rates in the long run, it means slower economic growth, slower economic growth than we would have with more responsible policies. What does slower economic growth yield? Fewer jobs. Fewer jobs for the American people.

□ 2320

So we have higher interest rates, slower economic growth, fewer jobs.

It is hard to believe the people who care about America would do what the Republican majority is doing to the American people through these budgets. They have fed the wealthiest people with tax cuts, the largest tax cuts in American history, and they are taking from the middle class opportunities for education and job training and advancement that ought to be part of what this country means.

I think it is embarrassing, it is a shameful activity, and it clearly is the worst fiscal irresponsibility that I can remember in the last 100 years.

Mr. SPRATT. Mr. Speaker, the gentleman has just examined one of the reasons that this deficit, these deficits which are structural deficits built into the budget, not cyclical and resulting from the economy, but structural, will not go away of their own accord, will not self-resolve but will be with us on and on and on until we take significant action.

The sad part about it is the budget resolution that comes to the floor tomorrow will not take significant action. We will have a budget that appears, but we will not have a plan to reduce the deficit, and we will not have any prospect of reducing the deficit, not under this budget. We will just kick the can down the road and leave it to the next Congress.

I thank all of the gentleman here for participating tonight.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. ISRAEL, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, May 4.

Mr. CONAWAY, for 5 minutes, today.

Mr. DENT, for 5 minutes, today.

Mr. MCHENRY, for 5 minutes, April 28 and May 3 and 4.

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, May 4.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. DAVIS of Tennessee, for 5 minutes, today.

## EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FILNER and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,807.00.

## ADJOURNMENT

Mr. SCOTT of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Thursday, April 28, 2005, at 10:00 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions [R06–OAR–2005–TX–0008; FRL–7890–4] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Post 1996 Rate-of-Progress Plan, Adjustments to the 1990 Base Year Emissions Inventory, and Motor Vehicle Emissions Budgets for the Dallas/Fort Worth Ozone Nonattainment Area [TX–107–1–7496; FRL–7890–1] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1736. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7889–8] received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1737. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-fired Electric Utility Steam Generating Units from the Section 112(c) List [OAR–2002–0056; FRL–7887–7] (RIN: 2060–AM96) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1738. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New and Existing Stationary Sources: Electronic Utility Steam Generating Units [OAR–2002–0056; FRL–7888–1] (RIN: 2060-AJ65) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1739. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Reporting Requirement for Changes in Status For Public Utilities With Market-Based Rate Authority [Docket No. RM04–14–000; Order No. 652] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NEY: Committee on House Administration. House Resolution 239. Resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee (Rept. 109–57). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. House Resolution 170. Resolution of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting Portsmouth, New Hampshire, that there is not a Social Security Trust; adversely (Rept. 109–58) Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 241. Resolution providing for the adoption of the resolution (H. Res. 240) amending the rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress. (Rept. 109–59) Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 242. Resolution waiving a requirement of clause 6(a) rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. (Rept. 109–60) Referred to the House Calendar.

## REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 742. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration; referred to the Committee on Judiciary for a period ending not later than May 6, 2005, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(1), rule X (Rept. 109–61, Pt. 1). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ (for herself, Ms. BEAN, Mr. GRIJALVA, Mr. CASE, Mrs. CHRISTENSEN, and Mr. COOPER):

H.R. 1868. A bill to amend the Small Business Act to provide for increased access to capital for small businesses under the section 7(a) loan program, and for other purposes; to the Committee on Small Business.

By Mr. THORNBERRY:

H.R. 1869. A bill to improve the conduct of strategic communication by the Federal Government; to the Committee on International Relations.

By Mr. FOLEY (for himself, Mr. MILLER of Florida, Mr. PUTNAM, Mr. MACK, Ms. HARRIS, Mr. FEENEY, Mr. FITZPATRICK of Pennsylvania, Mr. BISHOP of Georgia, Mr. PAUL, Mr. JINDAL, and Mrs. KELLY):

H.R. 1870. A bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under such Act; to the Committee on Transportation and Infrastructure.

By Mrs. DRAKE (for herself, Mr. FORBES, Mr. CUNNINGHAM, Mr. GRAVES, Mr. KIRK, Ms. HART, Mr. ALEXANDER, Mr. TANNER, Mr. STEARNS, Mr. SESSIONS, Miss MCMORRIS, Mr. MURPHY, Mr. PRICE of Georgia, Mr. EHLERS, Mr. GOODLATTE, Mr. GOODE, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. KUHL of New York, and Mr. TAYLOR of Mississippi):

H.R. 1871. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. CANTOR, Mr. RYAN of Wisconsin, Mr. HAYWORTH, Mr. JINDAL, Mr. MANZULLO, Mr. AKIN, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. NEUGEBAUER, Mr. CAMP, Mrs. DRAKE, Mr. PENCE, Mr. KING of Iowa, Mr. BEAUPREZ, Mr. NUSSLE, Mr. BRADY of Texas, and Mr. CHOCOLA):

H.R. 1872. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the purchase of qualified health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. BASS (for himself, Mr. DAVIS of Florida, Mr. COOPER, and Mr. BRADLEY of New Hampshire):

H.R. 1873. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 1874. A bill to improve national pier inspections and safety standards; to the Committee on Transportation and Infrastructure.

By Mr. BERRY:

H.R. 1875. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. BLUMENAUER (for himself, Ms. HOOLEY, Mr. WALDEN of Oregon, and Mr. CHABOT):

H.R. 1876. A bill to establish a national demonstration project to improve intervention programs for the most disadvantaged children and youth, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CAMP:

H.R. 1877. A bill to suspend temporarily the duty on hydraulic control units; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 1878. A bill to suspend temporarily the duty on shield asy-steering gear; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 1879. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business taxable income rules; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1880. A bill to suspend temporarily the duty on 2,4-Dichloroaniline; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1881. A bill to suspend temporarily the duty on 2-Acetylbutyrolactone; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1882. A bill to suspend temporarily the duty on Alkylketone; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1883. A bill to reduce temporarily the duty on Cyfluthrin (Baythroid); to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1884. A bill to suspend temporarily the duty on Beta-cyfluthrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1885. A bill to suspend temporarily the duty on Deltamethrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1886. A bill to suspend temporarily the duty on cyclopropane-1,1-dicarboxylic acid, dimethyl ester; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1887. A bill to suspend temporarily the duty on Spiroxamine; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1888. A bill to suspend temporarily the duty on Spiromesifen; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1889. A bill to extend the temporary suspension of duty on Ethoprop; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1890. A bill to suspend temporarily the duty on Propiconazole; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1891. A bill to suspend temporarily the duty on 4-Chlorobenzaldehyde; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1892. A bill to suspend temporarily the duty on Oxadiazon; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1893. A bill to extend the temporary suspension of duty on 2-Chlorobenzyl chloride; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1894. A bill to suspend temporarily the duty on NaHP; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1895. A bill to extend the temporary suspension of duty on Iprodione; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1896. A bill to extend the temporary suspension of duty on Fosetyl-Al; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1897. A bill to extend the temporary suspension of duty on Flufenacet (FOE Hydroxy); to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself, Mr. FOSSELLA, Mr. SHIMKUS, Mr. PAUL, Mr. WILSON of South Carolina, Mr. BOEHNER, Mr. GILCHREST, Mr. CHABOT, Mr. DUNCAN, Mrs. BONO, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. BURTON of Indiana, Mr. MEEKS of New York, Mr. MILLER of Florida, Mr. SENSENBRENNER, Mr. MANZULLO, Mr. CAMP, Mr. CANNON, Mr. DEAL of Georgia, Mr. MACK, Mr. GREEN of Wisconsin, Mr. KUHL of New York, Mr. TERRY, Mrs. MUSGRAVE, Mr. CULBERSON, Ms. HART, Mr. MICHAUD, Mr. GARRETT of New Jersey, Mr. COSTELLO, Mr. HASTINGS of Washington, Mr. ROHRABACHER, Mr. SOUDER, Mr. FERGUSON, Mr. COX, Mr. ROGERS of Michigan, Mr. GOODLATTE, Mr. RADANOVICH, Mr. KENNEDY of Minnesota, and Mr. ADERHOLT):

H.R. 1898. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1899. A bill to suspend temporarily the duty on Phosphorus Thiochloride; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1900. A bill to extend the temporary suspension of duty on Methanol, sodium salt; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 1901. A bill to reduce temporarily the duty on Trifloxystrobin; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. OWENS, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. FRANK of Massachusetts, Mr. WAXMAN, Ms. LEE, Mr. ENGEL, Mr. HINCHEY, Mr. KILDEE, Mr. LANTOS, Mrs. MALONEY, Mr. MCGOVERN, Ms. NORTON, Mr. MEEHAN, Mr. JEFFERSON, Mr. OBERSTAR, Mrs. MCCARTHY, Ms. MILLENDER-MCDONALD, Mr. JACKSON of Illinois, Mr. SERRANO, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. MCNULTY, Mr. TOWNS, Mr. GRIJALVA, Mr. ANDREWS, Mr. BLUMENAUER, Mr. CLAY, Mr. OLVER, Ms. WOOLSEY, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Ms. ROYBAL-ALLARD, Mr. EVANS, and Mr. HOLT):

H.R. 1902. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY:

H.R. 1903. A bill to suspend temporarily the duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Ways and Means.

By Mr. DELAY:

H.R. 1904. A bill to suspend temporarily the duty on lutetium oxide; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 1905. A bill to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes; to the Committee on Resources, and in addition to the

Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H.R. 1906. A bill to reduce temporarily the duty on ACM; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1907. A bill to suspend temporarily the duty on Permethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1908. A bill to suspend temporarily the duty on Thidiazuron; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1909. A bill to suspend temporarily the duty on Flutolanil; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1910. A bill to suspend temporarily the duty on Resmethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 1911. A bill to reduce temporarily the duty on Clothianidin; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 1912. A bill to suspend certain nonessential visas, in order to provide temporary workload relief critical to the successful reorganization of the immigration and naturalization functions of the Department of Homeland Security, to ensure that the screening and monitoring of arriving immigrants and nonimmigrants, and the deterrence of entry and settlement by illegal or unauthorized aliens, is sufficient to maintain the integrity of the sovereign borders of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HOBSON:

H.R. 1913. A bill to suspend temporarily the duty on ACRYPET UT100; to the Committee on Ways and Means.

By Mr. HONDA:

H.R. 1914. A bill to amend the Harmonized Tariff Schedule of the United States to provide that the calculation of the duty imposed on imported cherries that are provisionally preserved does not include the weight of the preservative materials of the cherries; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1915. A bill to reduce temporarily the duty on diethyl ketone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1916. A bill to suspend temporarily the duty on 5-Amino-1-[2,6-dichloro-4- (trifluoromethyl)phenyl]-4-[(1R,S)-(trifluoromethyl)-sulfiny] -1H-pyrazole-3-carbonitrile; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1917. A bill to suspend temporarily the duty on 2,3-Pyridinedicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1918. A bill to suspend temporarily the duty on 80% 2,3-Dimethylbutylnitrile and 20% toluene; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1919. A bill to suspend temporarily the duty on 2,3-Quinolinedicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1920. A bill to suspend temporarily the duty on p-Chlorophenylglycine; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1921. A bill to suspend temporarily the duty on 3,5-Difluoroaniline; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1922. A bill to suspend temporarily the duty on 1,3-Dibromo-5-dimethyl-hydantoin; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1923. A bill to suspend temporarily the duty on booster and master cyl asy-brake; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1924. A bill to reduce temporarily the duty on certain transaxles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1925. A bill to suspend temporarily the duty on converter asy; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1926. A bill to suspend temporarily the duty on module and bracket asy-power steering; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 1927. A bill to reduce temporarily the duty on unit asy-battery hi volt; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H.R. 1928. A bill to allow the entry of certain United States-origin defense articles into bonded warehouses and foreign-trade zones; to the Committee on International Relations.

By Mr. LEWIS of Kentucky (for himself, Mr. BISHOP of Georgia, and Mr. ROGERS of Kentucky):

H.R. 1929. A bill to amend the Internal Revenue Code of 1986 to update the optional methods for computing net earnings from self-employment; to the Committee on Ways and Means.

By Mr. LUCAS (for himself, Mr. OSBORNE, Mr. CASE, Mr. HINOJOSA, Mr. PETERSON of Minnesota, and Mr. MORAN of Kansas):

H.R. 1930. A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs; to the Committee on Agriculture.

By Mrs. MCCARTHY:

H.R. 1931. A bill to amend chapter 44 of title 18, United States Code, to extend the firearm and ammunition prohibitions applicable to convicted felons to those convicted in a foreign court; to the Committee on the Judiciary.

By Mrs. MILLER of Michigan:

H.R. 1932. A bill to amend title 10, United States Code, to standardize the grade specified by law for the senior dental officer of the Air Force with that of the senior dental officer of the Army; to the Committee on Armed Services.

By Mr. PALLONE (for himself, Mr. TOWNS, Mr. RANGEL, and Ms. LEE):

H.R. 1933. A bill to authorize the Secretary of Education to make grants to eligible schools to assist such schools to discontinue use of a derogatory or discriminatory name or depiction as a team name, mascot, or nickname, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PITTS (for himself, Mr. SMITH of New Jersey, and Mr. LOBIONDO):

H.R. 1934. A bill to suspend temporarily the duty on certain vinyl chloride-vinyl acetate copolymers; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1935. A bill to suspend temporarily the duty on Clomazone; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1936. A bill to suspend temporarily the duty on Flonicamid; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1937. A bill to suspend temporarily the duty on Bifenthrin; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 1938. A bill to suspend temporarily the duty on Chloropivaloyl Chloride; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 1939. A bill to prohibit funds appropriated for the Export-Import Bank of the United States, any international financial institution, or the North American Development Bank from being used for loans to any country until the country has honored all United States requests to extradite criminals who have committed a crime punishable by life imprisonment or death; to the Committee on Financial Services.

By Mr. RUSH (for himself, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DINGELL, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLDEN, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Mr. WATT, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WYNN, Mr. HOLT, Ms. ESHOO, Mr. LEWIS of Georgia, Mr. MCINTYRE, Mr. PALLONE, Mr. STRICKLAND, Mrs. TAUSCHER, and Ms. WATERS):

H.R. 1940. A bill to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Energy and Commerce.

By Mr. SESSIONS:

H.R. 1941. A bill to reduce temporarily the duty on triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionate]; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. SAM JOHNSON of Texas, and Mr. ENGLISH of Pennsylvania):

H.R. 1942. A bill to amend the Internal Revenue Code of 1986 to impose penalties for the failure of 527 organizations to comply with disclosure requirements; to the Committee on Ways and Means.

By Mr. SHERMAN:

H.R. 1943. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on the Judiciary.

By Mr. SIMMONS (for himself, Mr. SHAW, Mr. PAUL, Mr. FOLEY, Mr. MARSHALL, Mr. THOMPSON of California, Mrs. MUSGRAVE, Mr. MICHAUD, Mr. KENNEDY of Minnesota, Mr. HAYES, Mr. KLINE, Mr. GOODLATTE, Mr. BOEHLERT, Mr. BOSWELL, Mr. MCCOTTER, Mr. OTTER, Mr. JENKINS, and Mr. MCHUGH):

H.R. 1944. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Ways and Means.

By Mr. SIMMONS (for himself and Mr. ETHERIDGE):

H.R. 1945. A bill to provide temporary duty reductions for certain cotton fabrics, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1946. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself and Mr. MCDERMOTT):

H.J. Res. 45. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

By Mrs. MCCARTHY (for herself and Mr. GEORGE MILLER of California):

H. Con. Res. 139. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan (for himself, Mr. EHLERS, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. CAMP, Mr. UPTON, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, and Mr. SCHWARZ of Michigan):

H. Con. Res. 140. Concurrent resolution recognizing and affirming the efforts of the Great Lakes Governors and Premiers in developing a common standard for decisions relating to withdrawal of water from the Great Lakes and urging that management authority over the Great Lakes should remain vested with the Governors and Premiers; to the Committee on International Relations.

By Mr. NEY:

H. Res. 239. A resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee; considered and agreed to.

By Mr. HASTINGS of Washington:

H. Res. 240. A resolution amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress.

By Mr. COOPER (for himself, Mr. TAYLOR of Mississippi, and Mr. SHAW):

H. Res. 243. A resolution recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week; to the Committee on Transportation and Infrastructure.

By Mr. FILNER (for himself and Mrs. BONO):

H. Res. 244. A resolution commemorating the 100th anniversary of the creation of the Salton Sea; to the Committee on Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPS, Mrs. MCCARTHY, Mr. VAN HOLLEN, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. CARDOZA, Mr. KILDEE, Mr. CONYERS, Mr. TERRY, Mr. HALL, Mr. OWENS, Mr. MCNULTY, Mr. WATT, Mr. MOORE of Kansas, Mr. TANNER, and Mr. MCCOTTER):

H. Res. 245. A resolution supporting the goals and ideals of National Nurses Week; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself and Mr. RAMSTAD):

H. Res. 246. A resolution expressing the sense of the House of Representatives that there should be established a National Drug Court Month, and for other purposes; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD (for herself and Mr. GARY G. MILLER of California):

H. Res. 247. A resolution commending the Southern California Association of Governments for Forty Years of Planning and Advocacy in Transportation, Air Quality, and Growth Management; to the Committee on Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCCOTTER:

H.R. 1947. A bill to provide for the reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 1948. A bill to provide for the reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 1949. A bill to provide for the reliquidation of certain entries; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. KLINE.

H.R. 22: Ms. KAPTUR and Mr. PASTOR.

H.R. 66: Mr. WALSH.

H.R. 97: Mr. UDALL of New Mexico.

H.R. 98: Mr. HAYWORTH, Mr. ALEXANDER, and Mr. MILLER of Florida.

H.R. 111: Mr. COSTA and Mrs. WILSON of New Mexico.

H.R. 176: Mr. MCGOVERN, Ms. LEE, and Ms. MATSUI.

H.R. 227: Mr. NADLER.

H.R. 292: Mr. WALDEN of Oregon.

H.R. 305: Mr. BOEHLERT, Mr. INGLIS of South Carolina, and Mr. HAYES.

H.R. 314: Mr. GREEN of Wisconsin.

H.R. 331: Mr. PASTOR and Mr. BECERRA.

H.R. 341: Mr. COSTELLO.

H.R. 400: Mr. RENZI.

H.R. 416: Mr. ROGERS of Alabama.

H.R. 425: Mr. CUMMINGS.

H.R. 438: Mrs. TAUSCHER and Ms. ROYBAL-ALLARD.

H.R. 478: Mr. CUMMINGS.

H.R. 500: Mr. LATHAM, Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Mr. JINDAL, and Mr. BOUSTANY.

H.R. 503: Mr. INSLEE, Mr. LANGEVIN, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. ABERCROMBIE, and Mr. LINDER.

H.R. 513: Ms. LEE.

H.R. 519: Mr. CONAWAY.

H.R. 521: Ms. HOOLEY and Mr. PRICE of North Carolina.

H.R. 554: Mr. CHABOT, Mr. WESTMORELAND, and Mr. BOUSTANY.

H.R. 583: Mrs. JO ANN DAVIS of Virginia.

H.R. 596: Mr. KIND, Mr. NEUGEBAUER, Mr. INGLIS of South Carolina, and Mrs. MCCARTHY.

H.R. 652: Mr. BOOZMAN and Mr. MORAN of Kansas.

H.R. 669: Mr. WU.

H.R. 687: Mr. SKELTON.

H.R. 747: Mr. RANGEL and Mr. COSTA.

H.R. 759: Ms. ROYBAL-ALLARD.

H.R. 761: Mr. NEAL of Massachusetts, Mr. MEEKS of New York, Mr. COSTA, Ms. HERSETH, Ms. BERKLEY, Ms. KAPTUR, Ms. HOOLEY, Mr. STRICKLAND, Mr. SABO, Mr. BISHOP of Georgia, Mr. SNYDER, Mr. WEINER, Mr. HONDA, Mr. LYNCH, Mr. FORD, Mr. SCOTT of Virginia, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. WASSERMAN SCHULTZ, and Ms. MATSUI.

H.R. 762: Mr. RADANOVICH.

H.R. 783: Mr. DEFAZIO, Mr. ISRAEL, and Mr. NORWOOD.

H.R. 791: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 870: Mr. KILDEE, Mr. MCDERMOTT, and Mr. OWENS.

H.R. 874: Mr. BONILLA, Mr. WELDON of Florida, Mr. CUNNINGHAM, and Mr. WESTMORELAND.

H.R. 884: Mr. RYAN of Wisconsin and Mr. GEORGE MILLER of California.

H.R. 920: Mr. BONILLA, Mr. HALL, Mr. MCINTYRE, and Mr. TOWNS.

H.R. 923: Mr. CARTER and Mr. WALDEN of Oregon.

H.R. 939: Mrs. MALONEY and Ms. WASSERMAN SCHULTZ.

H.R. 946: Mr. JACKSON of Illinois, Mr. PAYNE, and Mr. SERRANO.

H.R. 968: Mr. LAHOOD, Mr. BLUMENAUER, Mr. WELDON of Florida, Mr. BEAUPREZ, Mr. HALL, Mr. GOODE, Mr. BOOZMAN, and Mr. FRANKS of Arizona.

H.R. 997: Mr. HOEKSTRA.

H.R. 998: Mr. SULLIVAN.

H.R. 1010: Mr. RYAN of Wisconsin, Mr. BLUMENAUER, Mr. FORD, and Mr. CASE.

H.R. 1029: Mr. OTTER.

H.R. 1048: Mr. TIERNEY.

H.R. 1078: Mr. TIERNEY.

H.R. 1079: Mr. HOEKSTRA.

H.R. 1080: Mr. TIERNEY and Ms. WASSERMAN SCHULTZ.

H.R. 1081: Mr. LEWIS of Georgia.

H.R. 1116: Mr. OWENS and Mr. PASCRELL.

H.R. 1136: Mr. SHERMAN and Ms. DELAURO.

H.R. 1139: Ms. SCHAKOWSKY and Mr. ANDREWS.

H.R. 1153: Mr. SCHIFF, Ms. MATSUI, Mrs. MALONEY, and Mr. GRIJALVA.

H.R. 1155: Mr. PRICE of North Carolina.

H.R. 1215: Mr. HOLT.

H.R. 1227: Mr. EMANUEL, Mr. KIRK, Mr. BLUMENAUER, and Mr. CUMMINGS.

H.R. 1262: Mr. RUPPERSBERGER, Ms. HART, Mr. FOLEY, and Mr. LARSON of Connecticut.

H.R. 1298: Mr. OWENS, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. GORDON, Mr. PAUL, Ms. BALDWIN, Mr. BAIRD, and Mrs. CHRISTENSEN.

H.R. 1309: Ms. SCHAKOWSKY.

H.R. 1313: Mr. HAYES.

H.R. 1314: Mr. CHANDLER.

H.R. 1339: Mr. PASTOR.

H.R. 1352: Mr. CARNAHAN, Mr. WEXLER, Mr. WALSH, Mr. UDALL of Colorado, Mr. SKELTON, Mr. FITZPATRICK of Pennsylvania, Mr. LANTOS, Mr. FILNER, Mr. BERMAN, Mr. BAIRD, Mr. BLUMENAUER, Mr. WEINER, and Mr. WU.

H.R. 1355: Mr. MARCHANT.

H.R. 1358: Mr. GRIJALVA, Mrs. DRAKE, Mr. SIMMONS, and Mr. PASTOR.

H.R. 1361: Mrs. DRAKE.

H.R. 1364: Mr. SKELTON.

H.R. 1373: Mr. LYNCH, Mr. SANDERS, and Mr. SIMMONS.

H.R. 1384: Mr. LINDER.

H.R. 1405: Mr. PAYNE.

H.R. 1406: Mr. CARTER.

H.R. 1409: Mr. BOOZMAN, Mr. PENCE, and Mr. TANCREDO.

H.R. 1422: Mr. LINDER.

H.R. 1451: Mr. GUTIERREZ, Mr. BECERRA, Mr. SHERMAN, and Ms. BALDWIN.

H.R. 1469: Mr. YOUNG of Alaska.

H.R. 1471: Ms. SOLIS.

H.R. 1480: Mr. GENE GREEN of Texas and Mr. HIGGINS.

H.R. 1499: Mr. RADANOVICH, Mr. BRADY of Texas, Mr. CANTOR, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. PRICE of Georgia, Mr. WILSON of South Carolina, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. MARCHANT, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mr. CARTER, Mr. KUHL of New York, and Mr. JINDAL.

H.R. 1500: Mr. GOODLATTE.

H.R. 1505: Mr. ROGERS of Alabama, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. TERRY, Mr. FERGUSON, Mr. COLE of Oklahoma, Mr. FOLEY, Mr. WAMP, Mr. DENT, and Mr. CRENSHAW.

H.R. 1508: Mr. TIERNEY.

H.R. 1510: Mr. SAM JOHNSON of Texas, Mr. LINDER, Mr. DAVIS of Alabama, Mr. MANZULLO, and Mr. RADANOVICH.

H.R. 1511: Mrs. MCCARTHY, Mr. WELDON of Florida, and Miss MCMORRIS.

H.R. 1518: Mr. RANGEL.

H.R. 1522: Mr. BOUCHER.
H.R. 1545: Mr. WALSH.
H.R. 1548: Mr. SESSIONS, Mr. PUTNAM, Mr. ROSS, Mr. WELLER, Mr. WILSON of South Carolina, Mr. REYES, Mr. SHUSTER, Mrs. CHRISTENSEN, Mr. PENCE, Ms. GRANGER, Mr. SIMPSON, Mr. TOWNS, Mr. REGULA, Mr. GERLACH, Mr. SKELTON, Ms. HART, Mr. WICKER, Mr. LATHAM, Mr. CARDOZA, Mr. PICKERING, Mr. MICA, Mr. LAHOOD, and Mr. DENT.
H.R. 1558: Mr. PETERSON of Minnesota.
H.R. 1575: Mr. KILDEE and Mr. GOODLATTE.
H.R. 1578: Mr. LANGEVIN, Ms. PELOSI, Mr. CROWLEY, and Mr. BURTON of Indiana.
H.R. 1588: Ms. WOOLSEY, Mr. GENE GREEN of Texas, and Mr. STUPAK.
H.R. 1591: Mr. DINGELL, Mr. MCHUGH, and Mrs. BIGGERT.
H.R. 1592: Mr. DINGELL, Mrs. BIGGERT, Mr. MCHUGH, and Mr. MCCOTTER.
H.R. 1597: Mr. KUHL of New York, Mr. MCGOVERN, Mr. MCHUGH, Ms. WASSERMAN SCHULTZ, and Mr. RANGEL.
H.R. 1598: Mr. MICHAUD and Mr. TERRY.
H.R. 1618: Mr. SHADEGG.
H.R. 1633: Mr. HOBSON.
H.R. 1635: Mr. WALDEN of Oregon.
H.R. 1639: Ms. SCHWARTZ of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. GENE GREEN of Texas, Mr. MOORE of Kansas, and Mr. STUPAK.
H.R. 1642: Mrs. MUSGRAVE and Mr. FRANKS of Arizona.
H.R. 1650: Mr. FOLEY.
H.R. 1652: Ms. DELAURO.
H.R. 1671: Mr. GOODE and Mr. KILDEE.
H.R. 1686: Mr. MENENDEZ.
H.R. 1688: Mr. KUCINICH and Mr. FRANK of Massachusetts.
H.R. 1696: Mr. BARROW, Mr. EMANUEL, and Mr. POMEROY.
H.R. 1749: Mr. JINDAL.
H.R. 1759: Mr. GORDON.
H.R. 1764: Mr. SCOTT of Virginia.
H.R. 1791: Mr. JEFFERSON.
H.R. 1859: Mr. CHANDLER.
H.R. 1861: Mr. OLVER.
H.J. Res. 23: Ms. BERKLEY and Ms. WOOLSEY.
H. Con. Res. 71: Ms. VELÁZQUEZ.
H. Con. Res. 108: Mr. MEEKS of New York, Ms. BERKLEY, Mr. SABO, and Mr. COSTELLO.
H. Con. Res. 127: Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. CAPUANO, and Ms. MILLENDER-MCDONALD.
H. Con. Res. 128: Mr. HAYWORTH.
H. Res. 186: Mr. AL GREEN of Texas.
H. Res. 195: Mr. BOOZMAN and Mr. POE.
H. Res. 214: Mr. NEUGEBAUER.
H. Res. 221: Mr. JEFFERSON.
H. Res. 223: Mr. CROWLEY.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1636: Mr. GEORGE MILLER of California.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, APRIL 27, 2005 No. 53

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Lord, You are our light and salvation, so why should we be afraid? Each day, You provide us with blessings for which we give thanks.

Thank You for the beauty of the Earth and the glory of the skies. Thank You for bringing order out of chaos. Thank You for marriage and family, for homes built upon our trust in You. Thank You for children's laugher and for the roar of the ocean. Thank You for Your love and for the true and free gift of Your salvation. Thank You for Senators and staffers who faithfully labor to keep our Nation strong.

Lord, deliver us from those things that dishonor You. Free us from provincialism, narrowness, and from a shallow tolerance that lacks a studied conviction. Liberate us also from poverty of thought and spirit. We pray in Your Holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK 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 27, 2005.*

*To the Senate:*

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

TED STEVENS,
*President pro tempore.*

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader from the great State of Tennessee is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, this morning, following our leader time, we will have up to 2 hours of morning business. That time will be divided with the majority controlling the first 30 minutes, the minority controlling the next 60 minutes, and the last 30 minutes under the control of this side of the aisle. Following that time we will resume consideration of the highway bill. Yesterday, we began the amendment process on the highway legislation, and we will continue working through amendments today and over the course of this week. I do expect rollcall votes today on amendments, and we should have a full day of debate on the highway bill.

I do want to take this opportunity to remind my colleagues that we in all likelihood will be considering conference reports this week, as they are made available. One of those will be the budget conference report, which will be debated for up to a 10-hour statutory limit. I hope when we do come to the budget we not find it necessary to use all that time, but Senators should stay on notice that we will complete that very important conference report before we leave for our recess.

Finally, I should also mention there are a number of nominations—actually two specific nominations—that will be completed before adjourning. We are working back and forth across the aisle to see how we can best complete those two nominations. We have three district judges as well that should be voted unanimously. The two nominations that I referred to—one is the Portman nomination, which came out of committee, to be U.S. Trade Representative, and the other is Stephen Johnson, to be Administrator of EPA. Again, we are working on bringing that to conclusion, but we need to complete both of those before we leave. Both of these are Cabinet rank officials, and we should not—will not—adjourn until we have considered these important nominations as well.

Mr. President, I have a brief statement on the bill.

## THE HIGHWAY BILL

Mr. FRIST. Mr. President, yesterday the Senate voted overwhelmingly to invoke cloture on the motion to proceed to the highway bill, the highway bill we are now on. The amendment process has begun. It enjoys strong bipartisan support, and I am encouraged by the bipartisan commitment to both go to the bill and move this important bill forward. Time is of essence. The current highway extension from last year expires at the end of next month, on May 31. We are going to have to work together to pass this legislation, then take the bill that we pass to conference to join it with the House bill—I have a feeling there will have to be fairly extensive negotiations at that point—and then send that bill to the President for his signature.

This highway bill that is currently on the floor is a product of a long bipartisan process. It is based on more than 3 years of hard work, over a dozen hearings, testimony from more than 100 witnesses, countless hours of negotiation, all of it supported by a deep

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



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and broad coalition, from State and local highway authorities to national safety advocates. It was last month that a very similar bill overwhelmingly passed the House of Representatives by a vote of 417 to 9. It is time to get this bill done.

This is what America sees, I know: While we engage in this endless negotiation inside the beltway, outside the beltway people are listening to that as they are sitting in traffic jams which are getting worse and worse by the day. At the same time we are debating, roads and bridges continue to deteriorate, and preventable traffic accidents take the lives of tens of thousands of Americans each year. I will come back to that, because these lives do not have to be lost. The action we take on the floor of the Senate will cause those lives not to be lost.

Car crashes, in fact, are the No. 1 cause of death for every age from 3 years of age to 33 years of age; crashes are their No. 1 cause of death. According to national statistics reported just last week, 43,000 people died in car accidents just last year alone. More than 2.7 million people were injured.

I believe the key point is that one-third of all these traffic-related deaths can be attributed to unsafe roads. One out of every three deaths can be attributed to unsafe roads. In my home State of Tennessee, over 1,000 Tennesseans lost their lives in traffic accidents in 2003. Treasury Secretary Norm Mineta rightly says:

> If this many people were to die from any one disease in a single year, Americans would demand a vaccine.

We do have a medicine of sorts. In fact, we have a cure of sorts. Passing the highway bill will save 4,000 lives each year simply by making those roads safe, by improving those roads, as well as educating the public about road safety. In Tennessee, where seatbelt usage is among the lowest in the country, our State highway department is taking action, but, like transportation departments all across the country, it needs our help. The highway bill will provide Tennessee with more than $3.8 billion over the next 5 years to invest in our State's highway infrastructure.

Safety is a top priority of this legislation. Another serious goal is to get America's highways back on track economically. America is interlaced by nearly 4 million miles of roads and highways. Our transportation infrastructure is worth about $1.75 trillion. Every $1 billion we invest in transportation infrastructure generates twice that much—$2 billion—in economic activity and creates over 47,500 jobs. The interstate highway system has often been called the greatest public works project in history, and for good reason.

Our roads, ports, and railroads are vital to America's economic success. We know that well in Tennessee, where we are home to companies such as Federal Express, U.S. Express, Averitt Express. Unfortunately, America's transportation infrastructure is deteriorating badly and becoming painfully overcrowded. Our roads and highways are not keeping up with demand. Just ask any American commuter—bumper to bumper traffic all day long. Indeed, in our Nation's urban areas, traffic delays have more than tripled over the last 20 years, and not just in the big cities but all over the country. In Raleigh Durham, for instance, commuting time has gone up 25 percent in 10 years. In Charlotte, traffic congestion has added 39 additional commuting hours per year. That is nearly an entire work week that has been added, sitting in traffic. In Tennessee, traffic congestion has increased in all of our major metropolitan areas. In Nashville, my hometown, commuters drive an average of 32 miles per person per day. Metropolitan planning organizations are struggling to meet demand.

Americans suffer the loss of more than 3.6 billion hours in those traffic delays, and that translates down to 5.7 billion gallons per year of fuel being wasted. These transportation delays ripple through our Nation's economic sector and ultimately result in lost wages and lost jobs and lost productivity.

Traffic congestion also generates more pollution. Cars that are caught up in stop-and-go traffic emit far more pollution than they do on a road that is smoothly flowing. The American Highway Users Alliance estimates that if we could free up America's worst bottlenecks, in 20 years carbon dioxide emissions would drop by over three-fourths, and Americans would save 40 billion gallons of fuel.

Time, money, and quality of life are being burned up in traffic jams. The highway bill goes a long way to alleviating many if not most of these problems. The key to that effort is the improvements it will make in our mass transit system. The highway bill provides generous provisions to improve our bus and rail systems that make our urban centers thrive. In Tennessee, it will provide more than $240 million over the next 5 years to improve our transit for our rural and urban commuters. Taking the train or the bus will be more convenient and less time consuming and more comfortable.

As we consider this legislation, keep in mind that oil prices are climbing to historic highs, and the summer driving season is just around the corner. For the sake of every family right now planning their vacation for this summer, every commuter who parks and rides, every minute we spend in a traffic jam, I do urge my colleagues to work quickly to pass this bill.

One final note, and it is a note of caution: We need to stay within our budget limits. We have a rising deficit. We have a President who has clearly laid out his spending parameters, several of which will be spelled out in the budget we will bring to the floor tomorrow. But I am confident by working together we can get this done, and we can demonstrate reasonable fiscal restraint.

Our vast and interconnecting highways are emblematic of our American spirit. They represent what being American is all about. They represent that spirit and love of adventure, our drive for the unknown. Our highways, bridges, roads, trains, and ports are the physical, tangible expression of the United States. I do urge my colleagues in the great American tradition, in every sense of the phrase, to keep America moving forward.

Mr. President, 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 will be a period for the transaction of morning business up to 120 minutes, the first 30 minutes under the control of the majority leader or his designee, the next 60 minutes under the control of Mr. BIDEN or his designee, and the final 30 minutes under the control of the majority leader or his designee.

The Senator from the great State of Missouri.

Mr. TALENT. My understanding is we are going first in morning business on this side of the aisle.

The PRESIDING OFFICER (Mr. VITTER). The Senator is correct.

### JUDICIAL NOMINATIONS

Mr. TALENT. Mr. President, I will claim 20 minutes of the time. I will appreciate it if the Presiding Officer notifies me when 15 minutes are up because Senator HUTCHISON wants to use 10 minutes. I want to make certain everyone knows I do not intend to filibuster this morning. There will be a limit to my remarks.

I appreciated what the leader said about the highway bill. We do need to pass it. We need to pass a robust highway bill for all the reasons he stated. We are all very strongly for reducing the deficit, but spending on infrastructure is dynamic in nature, as I happen to believe tax cuts are dynamic in nature in the sense they produce economic growth. When we reduce the deficit, make this country competitive, help people get to work, Americans will get rid of the deficit if they can get to work in the morning. We need to have that debate in the Senate. Everyone needs to vote their conscience and vote out a robust highway and transportation bill.

That is not what I am here to talk about this morning. I am here to talk about judicial nominations. We have spent altogether too much time on judicial nominations the last 2 years, 150 hours on judicial nominations—not even Supreme Court nominations but court of appeals nominations. We have

been told over and over again how important they are. And they are important. They are the second highest court in the country. There are only three levels of courts in the country so the second highest court is also the second lowest court. They do the day-to-day appellate business of the Federal courts. It certainly is very important, but it is not worth filibustering the Senate and obstructing it to death and preventing the vote on these nominees. That is basically my message today.

For the first 214 years of this Senate, no nominee for the Federal court of appeals was ever successfully filibustered in the Senate. There were runt groups of Senators who in recent years tried filibusters, embryonic filibusters, that were cut off and defeated because the leadership of both parties, majority and minority leadership, opposed those filibusters on the grounds it was a mistake for this Senate to get in the business of filibustering judicial nominees. That was, until a couple years ago, the uniform point of view.

Senator BOXER said—and I am not picking out Senators in any particular area; I guess they are alphabetic:

According to the U.S. Constitution, the Senate nominates, and the Senate shall provide advice and consent. It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor.

Senator Daschle, former Democratic leader:

I find it simply baffling that a Senator would vote against even voting on a judicial nomination . . . We have a constitutional outlet for antipathy against a judicial nominee—vote against the nominee.

And, I add, let them have a vote.

Senator FEINSTEIN:

A nominee is entitled to a vote. Vote them up; vote them down . . .

But vote on them.

Senator FEINSTEIN again:

Our institutional integrity requires an up-or-down vote.

I couldn't agree with that more. I will get to that a little bit later if I do not have so many digressions that I use up my 20 minutes.

Senator KENNEDY:

We owe it to Americans across the country to give these nominees a vote. If our Republican colleagues do not like them, vote against them. But give them a vote.

Senator LEAHY, now the ranking member on the Judiciary Committee, former chairman of that committee:

I cannot recall a judicial nomination being successfully filibustered. I do recall earlier this year when the Republican chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination.

Yes, he is right.

Senator LEAHY again:

I . . . do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41 . . .

With 41 Senators out of 100, if we allow the filibuster in these cases, you can stop a nominee from ever coming to a vote. So nominees with bipartisan majority support in the Senate do not even get a vote if we allow filibusters in these cases. That has been the case with all these nominees.

I could go on and on with quotes. I will not do it.

For 214 years we never had one successful filibuster of a court of appeals nominee, not one supported by the leaders of either party. In the last 2 years we have had 10 successful filibusters and 6 other threatened ones.

What has happened? Is there something extraordinarily wrong with these nominees? No. I will go to two nominees before the Senate.

Justice Priscilla Owen from Texas. I do not know Justice Owen. I did not insist she come in and speak to me before I voted on her nomination. Here is her history.

Before joining the Texas Supreme Court, Justice Owen was a partner with the well-respected Texas law firm of Andrews and Kurth. She made partner. I never did. She practiced commercial litigation for 17 years. She earned a B.A. cum laude from Baylor University and graduated cum laude from Baylor Law School in 1977. After graduating from law school, Justice Owen earned the highest score in the State on the December 1977 Texas bar exam. Lawyers within the sound of my voice know the difficulty of earning the highest score on the bar exam. I am not certain how I ever staggered through the Missouri bar, but I am certain I did not get the highest score.

Justice Owen served on the Supreme Court in Texas since 1995. This person who could not even get a vote for 10 years has been a supreme court judge in Texas. She was reelected to her second term by 84 percent of the vote. Every major newspaper in Texas endorsed her. She cannot get a vote. She has significant bipartisan support, including from three former Democratic judges on the Texas Supreme Court. I will read some of that in a minute.

Justice Janice Rogers Brown from California is the daughter of sharecroppers, born in Greenville, AL, in 1949. She attended segregated schools in the era of Jim Crow. She moved to Sacramento, CA. Her family did. She got a B.A. in economics from California State in 1974 and her law degree from the UCLA Law School. She has received honorary law degrees from Pepperdine University, Catholic University of America Law School, and Southwestern University School of Law—three more honorary degrees than I have. She currently serves and is an associate justice—another justice on the State Supreme Court who cannot get a vote. She has held that position since 1996. Before that, she was on the intermediate State appellate court. She got on the State court of appeals. She cannot get a vote to get on the Federal court of appeals. She is the first African-American woman to serve on California's highest court and was retained with 76 percent of the vote in the last election.

I can go on and on with honorary degrees. She spent 24 years in public life in various legal capacities. She is experienced in judicial matters, in other governmental matters as a lawyer. She cannot get a vote. She is being filibustered.

Some of my colleagues say these and the other eight are too extreme; they are not in the mainstream. I wish every Federal judge on the bench today had the qualifications of these people and the bipartisan support of these people. The people who know them best from their own States do not think they are too extreme.

Raul Gonzalez, former Democratic Justice on the Supreme Court of Texas said of Justice Owen:

I found her to be apolitical, extremely bright, diligent in her work and of the highest integrity. I recommend her for confirmation without reservation.

I guess he would support a vote since he says we ought to confirm her.

Here is another former Democratic Chief Justice:

After years of closely observing Justice Owen's work, I can assert with confidence that her approach to judicial decision-making is restrained, her opinions are fair and well reasoned, her integrity is beyond reproach . . . I know personally how impeccable her credentials are.

This is from a Democrat in Texas, one of her colleagues.

Jack Hightower, a former Democratic Justice on the Supreme Court of Texas:

I am a Democrat and my political philosophy is Democratic, but I have tried very hard not to let preconceived philosophy influence my decision on matters before the court. I believe that Justice Owen has done the same.

A bipartisan group of 15 former presidents of the State Bar of Texas:

Although we profess different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit . . . The status of our profession in Texas has been significantly enhanced by Justice Owen's advocacy of pro bono service and leadership for the membership of the State bar of Texas.

They go on and on. These are 15 bipartisan former presidents of the State bar of Texas about Justice Priscilla Owen. She cannot get a vote. The 215-year tradition of not filibustering court of appeals nominees is broken to keep people such as her from not getting a vote.

The same things can be said of Justice Janice Rogers Brown who appears to be an extraordinary person. A bipartisan group of 12 of her current and former judicial colleagues says:

Much has been written about Justice Brown's humble beginnings, and the story of her rise to the California Supreme Court is truly compelling. But that alone would not be enough to gain our endorsement for a seat on the federal bench. We believe she is qualified because she is a superb judge. We who have worked with her on a daily basis know

her to be extremely intelligent, keenly analytical, and very hard working. We know that she is a jurist who applies the law without favor, without bias and with an even hand.

And she can't get a vote. This 214-year tradition of not filibustering court of appeals judges, we are breaking to keep people such as this woman from getting on the Federal bench and even getting a vote because she is not in the mainstream.

Here is the truth: There is not any one judicial mainstream, as there is no one mainstream of political philosophy in the Senate. Judges disagree about issues as Senators disagree about issues. The point is to disagree without being disagreeable. Disagree while recognizing the other person has a valid point of view. The fact that you do not agree with them does not make them automatically unfit even for a vote to serve on the Federal judiciary.

President Clinton appointed a lot of judges during his time in office who were a lot more liberal than I would have liked. I probably wouldn't have appointed very many of them. I cannot say they are out of the mainstream. They represent the views of tens of millions of people in the country. When you say somebody who disagrees with you is out of the mainstream, you are slandering everyone who supports their views. It is not the right thing to do. It is extremely divisive.

When we hear Members in the Senate say somebody else is not in the mainstream, what they mean is that other person disagrees with me. A confrontational person follows this logic: You say, They do not agree with me; therefore, they are not in the mainstream, and then when you add the filibuster on top of that, you say, therefore, I am not only not going to vote for them—which to me is the first mistake—but I am not even going to let them have a vote. What you are saying is they, and everyone such as them in the whole country and the Senate, do not even deserve a vote on whether they are qualified for public office.

Then we wonder why this place gets divisive and why it is hard to operate because we are not showing respect to many who may disagree with us.

My wife says, when she wants to bring me down to earth when I am on my high horse, JIM, wouldn't the world work wonderfully if everyone would only agree with you all the time about everything? We do not all agree with each other about everything. We have a vote and we go on. And then we try and concentrate on the areas where we do agree, such as the highway bill.

The worst thing about this—and there are a lot of bad things about what is happening with regard to the filibustering of nominations, the breaking of this 214-year tradition—the worst thing about it is the slandering of the credentials and the careers of these qualified people.

There is an old idiom, an old saying: People will forgive you the wrong you do them, but they will never forgive you the wrong they do you. Once, for whatever reason, they have done something that is wrong to you, then they may decide, you know what, I have to make that person out to be a bad person to justify the wrong I did to them in the first place.

A filibuster of these people, breaking the tradition to do that, to not even let them have a vote, these people who have bipartisan majority support on the floor, to justify that, you have to say things about their records. That completely disserves their histories of public service and qualifications, as the people who know them best have said.

The second worst thing about this whole issue is the fact that there are now large parts of the political community in this country, and even here, that, in order to support this effort and to win this battle that is going on, are treating the filibuster like it is a great thing. My heavens, there are groups that have made a mascot out of the filibuster. Filibuster is an extraordinary, obstructive tactic that is not even permitted in most legislative bodies. Even the advocates of it say it should be used sparingly.

The case is actually being made on the floor of this Senate that the filibuster is part of our deliberative process, that it promotes calmness and coolness, compromise, moderation. Is this calmness? Holding these votes up for years, is this coolness? Is this compromise? We have used the filibuster for the first time in 214 years, taking yet another step with the device, making it more common, a device that even the advocates of it say should be used very sparingly.

Do you want to know why? I will explain why. It has to do with the dynamics of a legislative body. If you care passionately about an issue before the Senate—and we should care passionately about these issues—and you know that issue is going to come up for a vote, what are you going to do? If you know it is going to come up for a vote, and a majority is going to win, what are you going to do? You are going to appeal to the middle, aren't you? You are going to seek arguments and amendments and methods that get the middle with you. That encourages compromise. If you do not have the middle with you, and you know it is going to be voted on, and you know a majority is going to win, what is going to happen to your position? Even Senators can figure out that math. You are going to lose.

The majoritarian process promotes compromise and discussion because it empowers the middle. Filibusters empower the extreme, and not just the extreme philosophically; they empower the confrontational people. I have nothing against people who take that point of view. And you need some of them in a legislative body, but you have to be careful how much you empower them. The people who say: Look, if it isn't the way I want it, it is not going to happen at all. It has to be my way or the highway—that is what filibusters empower. I am not saying we should not have it on the legislative calendar. But we have to remember there is a cost to it.

Do you want to know why we don't have an energy bill? Because of the filibuster. There are a lot of other examples of legislation the country has wanted and needed that have been held up with the filibuster. It is a tactic with a cost. It should be used sparingly. It should not be extended in areas where it has not been used in the past with a bipartisan consensus. That is the reason all these distinguished Democratic Senators said, for years on the floor of this body: We are not going to filibuster judicial nominations. It is because they knew what would happen.

We can be certain of one thing: The same standard is going to be applied in this body from President to President. I do not want the filibuster standard applied. I do not want a situation where because I disagree with a judicial nominee of a Democratic President, I am expected, as a matter of course—because that is the protocol and the precedent in this Senate—not to permit a vote. I believe—and it was the tradition here for years—that even if you disagree with a nominee, if they are competent and have integrity, you vote to confirm them out of respect for the process that elected that President and respect for the people and the party that person represents, even if you disagree. If they are a good person, you vote to confirm them. That is what I want to do in this Senate year by year.

The PRESIDING OFFICER. The Senator has consumed 20 minutes.

Mr. TALENT. One more minute, and I will really be done, if the Senator does not mind.

At the very least, we have to allow a vote. Let's keep the tradition of 214 years in the Senate. Let us allow a vote on these people, all of whom have bipartisan, majority support on the floor of the Senate. Let's not continue doing an injustice to the reputation of these fine Americans. Let's preserve the traditions of the Senate, have this vote, and then move on to other issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today in support of Priscilla Owen to serve on the Fifth Circuit Court of Appeals. I want to comment on the constitutional right of Senators to advise and consent to judicial nominations by the President, a right that is now being denied by tactics employed by the minority in the Senate.

Priscilla Owen was nominated to the Fifth Circuit Court of Appeals 4 years ago—4 years ago! She has been serving on the Supreme Court of Texas for 4 years, while awaiting her confirmation by the Senate. Yet she has actually had the votes to confirm her in the

Senate four times. Four times the Senate has voted on her nomination, and four times she has received a majority. On May 1, 2003, a cloture vote: 52 to 45 in her favor; May 8, 2003, 52 to 45; July 29, 2003, 53 to 43; November 14, 2003, 53 to 42.

In all these cases, she had a majority of votes in the Senate for confirmation, but she is not on the Fifth Circuit Court of Appeals today. Why? Because her nomination is being filibustered by Democrats, and she has been held to a standard of 60 votes instead of 51. That is changing the Constitution of the United States.

I know Priscilla Owen. I have watched her through this process. If anything confirmed my admiration for her, it is the incredible calm and measured response she has displayed in response to unfair attacks which have sometimes been personal, unfair, and have had political overtones. Yet she has remained totally professional. She has gone through two hearings with the committee. She has answered every question members asked. Some people have said she is the best witness that has ever come before the Judiciary Committee. It is because she knows what she is doing. She knows the law. And she is very bright.

She earned both her undergraduate and law degrees from Baylor University. She earned the highest score—the No. 1 score—on the Texas bar exam, when she took it. She has had a distinguished career in the private sector for 17 years. And since 1995, she has served on the Supreme Court of Texas.

The American Bar Association unanimously voted for her to have the ''well qualified'' recognition and rating. That is the highest rating they award, as they review judicial candidates—''well qualified.''

I would ask those who are holding up her nomination by putting a 60-vote threshold on it, in a completely partisan vote, what is it that caused her to have the entire Democratic conference come out against her? She has received bipartisan support nationwide.

When she was reelected to the Texas Supreme Court in 2000, she received 84 percent of the vote. Every major newspaper in Texas endorsed her.

Some of her detractors, I have to say, opposed her before they had ever heard one word about her. There were outside groups that decided she should not be a circuit court judge.

Three former Democratic judges, who sat on the Texas Supreme Court, have announced their public support for her. A bipartisan group of 15 past presidents of the Texas Bar Association have come out in open support of Priscilla Owen. I have to come away with the view that this is really not a debate about Priscilla Owen. This is not a debate about this woman who has an impeccable record and an impeccable academic background. No, I do not think it is about Priscilla Owen. I think it is about the Constitution and the requirement of advice and consent.

The minority has changed the Constitution by filibustering judicial nominees, for the first time in the history of the Senate. For the first time in the history of the Senate—over 200 years—we saw, in the last session of Congress, a filibuster of almost one-third of President Bush's circuit court nominees. No President has ever received fewer of his circuit court nominees than President George W. Bush. Almost a third were filibustered to death.

Before the 108th Congress, there were only 17 cloture votes on judicial nominations. But there was never a judge who had the support of the majority who failed to get confirmed. That is the key. For 70 percent of the last century, the same party controlled the Senate and the White House, but there was no use of a partisan filibuster on nominees to prevent an up-or-down vote.

It is not the rule that is being changed in this debate. It is the precedent of the Senate, for 200 years, that was changed in the 108th Congress, by requiring 60 votes for the confirmation of judges. And we are now looking to reaffirm the will of the Senate to do exactly what the Constitution envisions; and that is, a 51-vote majority for judges.

Two hundred years of Senate precedent is being torn apart. Through Democrat majority control and Republican majority control over the years—the filibuster was not used as it was in the last session of Congress.

As recently as March of 2000, more than 80 Senators were on record opposing the filibuster of judicial nominations because the filibuster was never intended to be used this way.

The Senate's original cloture rule, in 1917, did not even apply to nominations because no Senator had ever used a filibuster for nominations. When the cloture rule was rewritten in 1949 to cover all matters, it was used most often for scheduling purposes. History demonstrates that there was no real precedent for the use of the filibuster to permanently block the confirmation of judicial nominations. And there has never been a cloture vote where the person received majority support and still was not confirmed. However, we are not trying to do away with the filibuster on legislative matters. This is a part of our tradition in the Constitution that everyone, I believe, wants to uphold; that is, the right of a minority to filibuster and require three-fifths of the people present and voting in the Senate to overturn it. It is a vital legislative tool. But when it comes to judges, the Constitution never envisioned a super-majority. In fact, where the Constitution has required a super-majority, it has specifically said so. A majority vote ensures the balance of power between the President's right to nominate and the Senate's role to give advice and consent.

We are not only changing the tradition of the Senate with the filibuster of judicial nominations, we are changing the balance of power that was clearly set out in the Constitution and which has been one of the strengths of our democracy. The separation of powers and the balance of powers given to the legislative, executive, and judicial branches of our Government was the genius of the Founding Fathers.

We value three independent branches in our Government and work to prohibit one branch from overruling another, beyond repair. These are the stakes in this debate. That balance of power is going to be disrupted if we allow a super-majority requirement for Presidential nominees or judgeships to be confirmed. It says a minority of 41 Senators, who are not in the majority in the Senate, will have the ability to dictate to the President who is acceptable as a nominee.

That was not envisioned in the Constitution, and it was part of the careful balance between the right of the President to appoint the judiciary and the Senate's right to overturn that appointment by 51 votes, if necessary. But if the nominee gets the majority of 51, that person is confirmed.

We are trying to uphold that constitutional balance. The rules of the Senate can be changed by the Senate. The Supreme Court has been clear. In the United States v. Ballin, the Supreme Court held that only a majority of the lawful quorum is all that is necessary to change the House or Senate rules, practices, and procedures. Moreover, the Supreme Court held that the right to change rules, practices, and procedures is a ''continuous power'' that may be exercised at any time.

Clearly, the Senate has the right to change its rules and practices by the majority. I want the tradition of the Senate, for 200 years, to be upheld without any need for a rule change. For 200 years, Democrats and Republicans had agreed on this principle. It was not until the last session of Congress, when President George W. Bush lost almost one-third of his judicial nominees for the circuit court benches that we saw sudden changes to the traditions of the Senate, with the effort to impose a 60-vote super-majority for nominations by the Democrats.

I am here to talk about someone I know well, someone I have come to admire totally, even more than I did before she took this awesome responsibility to become a nominee of the President. She has withstood the slings and arrows. Her strength and sound judicial temperament has been consistent. Priscilla Owen has had the necessary 51 votes to be confirmed by the Senate four times. But still, we wait and have been waiting for four years. She deserves an up-or-down vote that will allow her to sit on the Fifth Circuit Court of Appeals bench.

I hope we will not let 200 years of tradition go. But if it is the will of the minority to continue to thwart 200 years of tradition and the Constitution of the United States, it is my hope we reinstate the long-standing practice on

nominations in the Senate and adhere to the Constitution. Our Founding Fathers knew what they were doing. We should not change the Constitution without going through the appropriate amending process, which has not been done.

We have unanimous consent for two more speakers, which we intend to continue to hold.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## JUDICIAL NOMINATIONS

Mrs. MURRAY. Mr. President, I come to the floor to talk about the Senate's deliberations on some of the administration's judicial nominees. It is clear this is a debate about basic American values. In drafting the Constitution, the Framers wanted the Senate to provide advice and consent on nominees who came before it to ensure that these very rights and values were protected. I believe, as a Senator, I have a responsibility to stand up for those values on behalf of my constituents in Washington State.

Many activists today are complaining that certain Senators are attacking religious or conservative values. I must argue that it is others—not Democratic Senators exercising their rights—who are pursuing a nomination strategy that attacks basic values outlined in the Constitution.

Our democracy values debate and dissension. Our democracy values the importance of checks and balances. Our democracy values an independent judiciary. But with the nuclear option and the rhetorical assault being launched at Democratic Senators by activists around the country, among others, we see those values under attack.

The nuclear option is an assault on the American people and many of the things we hold dear. It is an attempt to impose on the country, through lifetime appointments, the extreme values held by a few at the cost of the many. It is the tyranny of the majority personified. Confirming these nominees by becoming a rubber stamp for the administration would be an affront to the 200-year-old system of checks and balances, and at the same time it would be an affront to the values I promised to defend when I came to the Senate.

Building and maintaining a democracy is not easy, but our system and the rights and values it holds dear are the envy of the world. In fact, the entire world looks at us as the model for government. It is our values they want to look to. We must protect them not only for us but for those fledgling democracies.

I just returned from a bipartisan trip to Israel, Iraq, Georgia, and the Ukraine, where we saw leaders who were trying to write constitutions, trying to write laws, trying to write policies. They were all working very hard to assure even those who did not vote in the majority that they would have a voice. The challenges were varied in each country. They faced everything from protecting against terrorists to charging people for the first time for electricity, to reforming wholly corrupt institutions. Making sure that democracy survives means having debates, bringing people to the table, and making tough decisions.

In each case, the importance of not disenfranchising any group of people also rings true. So how we in this country accomplish the goal of sustaining a strong democracy and ensuring the participation of all people is very important.

Elections are the foundation of our democracy. They determine the direction of our country. But an election loss does not mean you lose your voice or you lose your place at the table. That is what we must do to keep our democracy strong. That is why we are fighting so hard to keep our voice.

Recently, we have heard a lot from the other side about attacks on faith and on values. In fact, some are trying to say our motive in this debate is somehow antifaith. I argue the opposite is true. We have faith in our values, in American values. We have faith that these values can and must be upheld. It is not an ideological battle between Republicans and Democrats. It is about keeping faith with the values and the ideals our country stands for. Having values and having faith in those values requires that we make sure those without a voice are represented. Speaking up for those in poverty to make sure they are fed is a faith-based value. Making sure there is equal opportunity and justice for the least among us is a faith-based value. Fighting for human rights and taking care of the environment are faith-based values. To now say those of us who stick up for minority rights are antifaith is frightening and it is wrong.

I hope those who have decided to make this into a faith-antifaith debate will reconsider. This should be about democracy. It should be about the protection of an independent judiciary, and it should be about the rights of minorities.

Mr. President, our system of government, of checks and balances, and our values are under attack by this transparent grab for power. They are, with their words and potential actions, attempting to dismantle this system despite the clear intent of the Framers and the weight of history and precedent. They think they know better. I think not.

Mr. President, there is even news this morning that our friends on the other side are unwilling to come to the table to compromise to avoid this crisis. I want to take a second to praise our leader, Senator REID, for his effort to find a reasonable conclusion before the nuclear bomb is dropped.

Unfortunately for him, for all of us on this side of the aisle, and for this institution, that plea has been rejected.

First, yesterday we saw that Karl Rove, one of the President's top advisers, said there would be no deal. Now, in this morning's papers, we read the leadership on the other side of the aisle is falling into line and saying, ''No deal.''

By rejecting the deal, Republicans are now saying that three nominees—three total nominees—are so important that they must break with the more than 200 years of tradition and 200 years of precedent. We have heard day after day on the floor—even a few moments ago—that this is the most important issue facing this body today.

Well, we have record-high gas prices and deficits, we have 45 million uninsured Americans, and we have far too many veterans without the health care they need and deserve. All the other side is talking about is doing away with the checks and balances so they can get radicals on the bench.

If the other side wants to continue on this destructive course and ignore those real needs of the American people, they can. But this Senator and my colleagues will continue to fight this abuse of power and do the work the people sent us here to do.

It is a sad day when one side refuses to come to the table to negotiate a way out of this impasse. It is even sadder that they refuse to accept our excellent confirmation record in blind pursuit of confirming the most radical of their choices.

Although we have been able to confirm 205 nominees that President Bush sent forward, there are a few that are far outside some basic values.

Let's start close to home with President Bush's nominee to the Ninth Circuit Court. To that court, which overseas appeals from my home State of Washington and five other States, President Bush has nominated William Myers. Mr. Myers is a lifelong lobbyist and anti-environmental activist. He is opposed by over 175 environmental, labor, civil, and women's disability rights organizations. He even drew opposition from Native American organizations and from the National Wildlife Federation. This is a man who has never tried a jury case, who has an anti-environmental record stretching back to his days as a Bush Interior Department official and industry lobbyist. He even received the lowest possible rating from the ABA.

Mr. President, in the Pacific Northwest and in regions around this great country, we hold our environmental values dear. I am not willing to hand a lifetime appointment to such a vehement advocate against the people's interests. This is the perfect example of the check our Framers had in mind when they drafted our Constitution. We can, and we must, use it.

That is just one example of a nominee looking to attack basic values. Bill Pryor, a nominee to the Eleventh Circuit, opposes basic individual liberties and freedoms. He called Roe v. Wade the ''worst abomination of constitutional law in history.''

Janice Rogers Brown, nominated to the DC Circuit Court, called 1937—that was the year this Government enacted many of the New Deal's programs to help lift our country out of the deep depression—''the triumph of our own socialist revolution.'' Mr. President, her disdain for worker and consumer protection values and principles is clear in decision after decision.

Nominee Priscilla Owen's narrow constitutional view was so far outside the mainstream that then-Texas Supreme Court Judge and now Attorney General Alberto Gonzales said that to accept it would be ''an unconscionable act of judicial activism.''

Mr. President, time and time again, these nominees have sided against the American people and the values we hold dear. They have taken extreme positions that run counter to mainstream values. Not one of these nominees has the experience or the temperament to administer justice in an impartial way to the citizens that they would serve.

Today it is fashionable for some of my colleagues on the other side of the aisle to disparage what they call activist judges. But this power grab reveals their true motivation. They want activists on the bench to interpret the law in a way that undermines important American values. We will not let them.

We have a responsibility to stand up and say no to these extreme nominees. But to know that, you don't need to listen to me; just look back at the great Founders of our democracy.

The Framers, in those amazing years when our country was founded, took great care in creating our new democracy. They wrote into the Constitution the Senate's role in the nomination process. They wrote and they spoke about protecting the minority against the tyranny of the majority. Their words ring true today.

James Madison, in his famous Federalist No. 10, warned against the superior force of an overbearing majority or, as he called it, a ''dangerous vice.'' He said:

> The friend of popular governments never finds himself so much alarmed for their character and fate as when he contemplates their propensity to this dangerous vice.

Years prior, John Adams wrote, in 1776, on the specific need for an independent judiciary and checks and balances. He said:

> The dignity and stability of government in all its branches, the morals of the people and every blessing of society, depends so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checked upon that. The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men.

Mr. President, I shudder at the thought of what these great thinkers and Founders of our democracy would say to this attempted abuse of power in the Senate. I think one of the best interpretations of those thoughts was offered to this body by Robert Caro, the great Senate historian, in a letter in 2003. He talked about the need for the Senate to maintain its history and traditions, despite popular pressures of the day, and of the important role debate and dissension plays in any discussion of judicial nominees. In particular, he wrote of his concern for the preservation of Senate tradition in the face of attempted changes by a majority run wild.

In part, he said:

> In short, two centuries of history rebut any suggestion that either the language or intent of the Constitution prohibits or counsels against the use of extended debate to resist Presidential authority. To the contrary, the Nation's Founders depended on the Senate's members to stand up to a popular and powerful President. In the case of judicial appointments, the Founders specifically mandated the Senate to play an active role providing both advice and consent to the President. That shared authority was basic to the balance of powers among the branches.
>
> I am . . . attempting to say as strongly as I can that in considering any modification, Senators should realize that they are not dealing with the particular dispute of the moment, but with the fundamental character of the Senate of the United States, and with the deeper issue of the balance of power between majority and minority rights.

Mr. President, protection of minority rights has been a fundamental principle since the infancy of this democracy. It should not—in fact, it cannot—be laid to rest here in this Chamber.

I know many people are out there wondering why we are spending so much time talking about Senate rules and judicial nominations. They are wondering why I am talking about nominees and being on the floor quoting Madison and Adams. They are wondering what this means to them.

Let me make it clear. This debate is about whether we want a clean, healthy environment and the ability to enforce laws to protect it fairly. This debate is about whether we want to protect essential rights and liberties. This debate is about whether we want free and open Government. This debate is about preserving equal protection under the law. This debate is about whether we want to preserve the independent judiciary, whether we want to defend our Constitution, and whether we want to stand up for the values of the American public.

Mr. President, these values are too precious to be abdicated. Trusting in them, we will not let the Republicans trample our rights and those of millions of Americans we are here to represent. We will stand and say, yes, to democracy; yes, to an independent judiciary; yes, to minority rights; and, no, to this unbelievable abuse of power.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise today to speak at some length, if time will permit me, about the same subject my friend from Washington State so eloquently addressed. My colleagues know that although when I speak, I sometimes get very passionate, I have not very often, in past years, risen to the floor for any extended period of time. I do that today because so much is at stake.

For over 200 years, the Senate has embodied the brilliance of our Founding Fathers in creating an intricate system of checks and balances among the three branches of Government. This system has served two critical purposes, both allowing the Senate to act as an independent, restraining force on the excesses of the executive branch, and protecting minority rights within the Senate itself. The Framers used this dual system of checks and balances to underscore the independent nature of the Senate and its members.

The Framers sought not to ensure simple majority rule, but to allow minority views—whether they are conservative, liberal, or moderate—to have an enduring role in the Senate in order to check the excesses of the majority. This system is now being tested in the extreme.

I believe the proposed course of action we are hearing about these days is one that has the potential to do more damage to this system than anything that has occurred since I have become a Senator.

History will judge us harshly, in my view, if we eliminate over 200 years of precedent and procedure in this body and, I might add, doing it by breaking a second rule of the Senate, and that is changing the rules of the Senate by a mere majority vote.

When examining the Senate's proper role in our system of Government generally and in the process of judicial nominations specifically, we should begin, in my view, but not end with our Founding Fathers. As any grade school student knows, our Government is one that was infused by the Framers with checks and balances.

I should have said at the outset that I owe special thanks—and I will list them—to a group of constitutional scholars and law professors in some of our great universities and law schools for editing this speech for me and for helping me write this speech because I think it may be one of the most important speeches for historical purposes that I will have given in the 32 years since I have been in the Senate.

When examining the Senate's proper role in our system of Government and in the process of judicial nominations, as I said, we have to look at what our

Founders thought about when they talked about checks and balances.

The theoretical underpinning of this system can be found in Federalist 51 where the architect of our Constitution, James Madison, advanced his famous theory that the Constitution set up a system in which ''ambition must be made to counteract ambition.''

''Ambition must be made to counteract ambition.'' As Madison notes, this is because ''[The] great security against a gradual concentration of the several powers in the same department consists in giving those who administer each department the necessary constitutional means and personal motives to resist encroachments by the other.''

Our Founders made the conscious decision to set up a system of government that was different from the English parliamentary system—the system, by the way, with which they were the most familiar. The Founders reacted viscerally to the aggrandizement of power in any one branch or any person, even in a person or body elected by the majority of the citizens of this country.

Under the system the Founders created, they made sure that no longer would any one person or one body be able to run roughshod over everyone else. They wanted to allow the sovereign people—not the sovereign Government, the sovereign people—to pursue a strategy of divide and conquer and, in the process, to protect the few against the excesses of the many which they would witness in the French Revolution.

The independence of the judiciary was vital to the success of that venture. As Federalist 78 notes:

> The complete independence of the courts of justice is peculiarly essential in a limited Constitution.

Our Founders felt strongly that judges should exercise independent judgment and not be beholden to any one person or one body. John Adams, in 1776, stated:

> The dignity and stability of government in all its branches, the morals of the people, and every blessing of society, depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that.

Adams continues:

> The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness and attention; their minds should not be distracted with jarring interests; they should not be dependent upon any one man or any body of men.

In order to ensure that judicial independence, the very independence of which Adams spoke, the Founders did not give the appointment power to any one person or body, although it is instructive for us, as we debate this issue in determining the respective authority of the Senate and the Executive, it is important to note that for much of the Constitutional Convention, the power of judicial appointment was solely—solely—vested in the hands of the legislature. For the numerous votes taken about how to resolve this issue, never did the Founders conclude that it should start with the Executive and be within the power of the Executive. James Madison, for instance, was ''not satisfied with referring the appointment to the Executive;'' instead, he was ''rather inclined to give it to the Senatorial branch'' which he envisioned as a group ''sufficiently stable and independent'' to provide ''deliberative judgments.''

It was widely agreed that the Senate ''would be composed of men nearly equal to the Executive and would, of course, have on the whole more wisdom'' than the Executive. It is very important to point out that they felt ''it would be less easy for candidates''—referring to candidates to the bench—''to intrigue with [the Senators], more than with the Executive.''

In fact, during the drafting of the Constitution, four separate attempts were made to include Presidential involvement in judicial appointments, but because of the widespread fear of Presidential power, they all failed. There continued to be proponents of Presidential involvement, however, and finally, at the eleventh hour, the appointment power was divided and shared, as a consequence of the Connecticut Compromise I will speak to in a minute, between the two institutions, the President and the Senate.

In the end, the Founders set up a system in which the President nominates and the Senate has the power to give or withhold—or withhold—its ''advice and consent.'' The role of ''advice and consent'' was not understood to be purely formal. The Framers clearly contemplated a substantive role on the part of the Senate in checking the President.

This bifurcation of roles makes a lot of sense, for how best can we ensure that an independent judiciary is beholden to no one man or no one group than by requiring two separate and wholly independent entities to sign off before a judge takes the bench?

There is a Latin proverb which translates to ''Who will guard the guardians?'' Our judges guard our rights, and our Founders were smart enough to put both the President and the Senate, acting independently, in charge of guarding our judicial guardians. Who will guard the guardians?

As a Senator, I regard this not as just a right but as a solemn duty and responsibility, one that transcends the partisan disputes of any day or any decade. The importance of multiple checks in determining who our judges would be was not lost on our Founders, even on those who were very much in favor of a strong Executive.

For example, Alexander Hamilton, probably the strongest advocate for a stronger Executive, wrote:

> The possibility of rejection [by the Senate] would be a strong motive to [take] care in proposing [nominations. The President] . . . would be both ashamed and afraid to bring forward . . . candidates who had no other merit, than that . . . of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instrument of his pleasure.

Hamilton also rebutted the argument that the Senate's rejection of nominees would give it an improper influence over the President, as some here have suggested, by stating:

> If by influencing the President be meant restraining him, this is precisely what must have been intended. And it has been shown that the restraint would be salutary.

The end result of our Founders was a system in which both the President and the Senate had significant roles, a system in which the Senate was constitutionally required to exercise independent judgment, not simply to rubberstamp the President's desires.

As Senator William Maclay said:

> [W]hoever attends strictly to the Constitution of the United States will readily observe that the part assigned to the Senate was an important one—no less that of being the great check, the regulator and corrector, or, if I may so speak, the balance of this government. . . .The approbation of the Senate was certainly meant to guard against the mistakes of the President in his appointments to office . . . The depriving power should be the same as the appointing power.

The Founders gave us a system in which the Senate was to play a significant and substantive role in judicial nominations. They also provided us guidance on what type of legislative body they envisioned. In this new type of governance system they set up in 1789 where power would be separated and would check other power, the Founders envisioned a special unique role for the Senate that does not exist anywhere else in governance or in any parliamentary system.

There is the oft-repeated discussion between two of our most distinguished Founding Fathers, Thomas Jefferson and George Washington. Reportedly, at a breakfast that Jefferson was having with Washington upon returning from Paris, because he was not here when the Constitution was written, Jefferson was somewhat upset that there was a bicameral legislative body, that a Senate was set up. He asked Washington: Why did you do this, set up a Senate? And Washington looked at Jefferson as they were having tea and said: Why did you pour that tea into your saucer? And Jefferson responded: To cool it.

I might note parenthetically that was the purpose of a saucer originally. It was not to keep the tablecloth clean.

Jefferson responded: To cool it, and Washington then sagely stated: Even so, we pour legislation into the senatorial saucer to cool it.

The Senate was designed to play this independent and, I might emphasize, moderating—a word not heard here very often—moderating and reflective role in our Government. But what aspects of the Senate led it to become this saucer, cooling the passions of the

day for the betterment of America's long-term future? First, the Founders certainly did not envision the Senate as a body of unadulterated majoritarianism. In fact, James Madison and other Founders were amply concerned about the majority's ability, as they put it, ''to oppress the minority.'' It was in this vein the Senate was set up ''first to protect the people against their rulers; secondly, to protect the people against the transient impressions into which they themselves might be led. . . .The use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch.''

Structurally, the Founders set up a ''different type of legislature'' by ensuring that each citizen—now here is an important point, and if anybody in this Chamber understands this, the Presiding Officer does—the Founders set up this different type of legislative body by ensuring that each citizen did not have an equal say in the functioning of the Senate—that sounds outrageous, to ensure they did not have an equal say—but that each State did have an equal say. In fact, for over a century, Senators were not originally chosen by the people, as the Presiding Officer knows, and it was not until 1913 that they were elected by the people as opposed to selected by their State legislative bodies.

Today, Mr. President, you and I do stand directly before the people of our State for election, but the Senate remains to this day a legislative body that does not reflect the simple popular majority because representation is by States.

That means someone from Maine has over 25 times as much effective voting power in this body as the Senator from California. An interesting little fact, and I do not say this to say anything other than how the system works, there are more desks on that side of the aisle. That side has 55. Does that side of the aisle realize this side of the aisle, with 45 desks, represents more Americans than they do? If we add up all the people represented by the Republican Party in the Senate, they add up to fewer people than the Democratic Party represents in the Senate. We represent the majority of the American people, but in this Chamber it is irrelevant and it should be because this was never intended in any sense to be a majoritarian institution.

This distinctive quality of the Senate was part of that Great Compromise without which we would not have a Constitution referred to as the Connecticut Compromise. Edmund Randolph, who served as the first Attorney General of the United States and would later be Secretary of State, represented Virginia at the Constitutional Convention, and in that context he argued for fully proportionate representation in the debates over the proper form of the legislative branch, but ultimately he agreed to the Connecticut Compromise. After reflection, that so seldom happens among our colleagues, myself included, he realized his first position was incorrect and he stated:

> The general object was to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man—

Referring to every man who agreed to the compromise—

> had found it in the turbulence and follies of democracy; that some check therefore was to be sought against this tendency of our Governments; and that a good Senate seemed most likely to answer this purpose.

So the Founders quite intentionally designed the Senate with these distinctive features.

Specifically, article 1, section 5 of the Constitution states that each House may determine its own rules for its own proceedings. Precisely: ''Each House may determine the Rules of its Proceedings.'' The text contains no limitations or conditions. This clause plainly vests the Senate with plenary power to devise its internal rules as it sees fit, and the filibuster was just one of those procedural rules of the many rules that vest a minority within the Senate with the potential to have a final say over the Senate's business.

It was clear from the start that the Senate would be a different type of legislative body; it would be a consensus body that respects the rights of minorities, even the extreme minority power of a single Senator because that single Senator can represent a single and whole State. The way it is played out in practice was through the right of unlimited debate.

I find it fascinating, we are talking about the limitation of a right that has already limited the original right of the Founding Fathers. The fact was there was no way to cut off debate for the first decades of this Republic.

Joseph Story, famous justice and probably one of the best known arbiters of the Constitution in American history, his remark about the importance of the right of debate was ''the next great and vital privilege is the freedom of speech and debate, without which all other privileges would be comparatively unimportant, or ineffectual.'' And that goes to the very heart of what made the Senate different.

In the Senate, each individual Senator was more than a number to be counted on the way to a majority vote, something I think some of us have forgotten. Daniel Webster put it this way:

> This is a Senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions.

Extended debate, the filibuster, was a means to reach a more modest and moderate result to achieve compromise and common ground to allow Senators, as Webster had put it, to be men—and now men and women—of absolute independence.

Until 1917, there was no method to cut off debate in the Senate, to bring any measure to a vote, legislative or nomination—none, except unanimous consent. Unanimous consent was required up until 1917 to get a vote on a judge, on a bill, on anything on the Executive Calendar. The Senate was a place where minority rights flourished completely, totally unchecked, a place for unlimited rights of debate for each and every Senator.

In part this can be understood as a recognition of our federal system of government in which we were not just a community of individuals but we were also a community of sovereign States. Through the Senate, each State, through their two Senators, had a right to extensive debate and full consideration of its views.

For much of the Senate's history, until less than 100 years ago, to close off debate required not just two-thirds of the votes, but it required all of the votes. The Senate's history is replete with examples of situations in which a committed minority flexed its ''right to debate'' muscles. In fact, there was a filibuster over the location of the Capitol of the United States in the First Congress. But what about how this tradition of allowing unlimited debate and respect for minority rights played out in the nomination context, as opposed to the legislative process?

First, the text of the Constitution makes no distinction whatsoever between nominations and legislation. Nonetheless, those who are pushing the nuclear option seem to suggest that while respect for minority rights has a long and respected tradition on the legislative side of our business, things were somehow completely different when it came to considering nominations. In fact, it is the exact opposite.

The history of the Senate shows, and I will point to it now, that previous Senates certainly did not view that to be the case. While it is my personal belief that the Senate should be more judicious in the use of the filibuster, that is not how it has always been. For example, a number of President Monroe's nominations never reached the floor by the end of his administration and were defeated by delay, in spite of his popularity and his party's control of the Senate.

Furthermore, President Adams had a number of judicial nominations blocked from getting to the floor. More than 1,300 appointments by President Taft were filibustered. President Wilson also suffered from the filibusters of his nominees.

Not only does past practice show no distinction between legislation and judicial nominations in regards to the recognition of minority rights, the formal rules of the Senate have never recognized such a distinction, except for a 30-year stretch in the Senate history, 1917 to 1949, when legislation was made subject to cloture but nominations were not. Do my colleagues hear this? All of those who think a judge is more entitled to a vote than legislation, in 1917 it was decided that absolute unlimited debate should be curtailed, and

there needs to be a two-thirds vote to cut off debate in order to bring legislation to the floor.

But there was no change with regard to judicial nominees. There was a requirement of unanimous consent to get a nominee voted on. So much for the argument that the Constitution leans toward demanding a vote on nominations more than on legislation. It flies in the face of the facts, the history of America and the intent of our Framers. This fact in itself certainly undercuts the claim that there has been, by tradition, the insulating of judicial nominees from filibusters.

In both its rules and its practices, the Senate has long recognized the exercise of minority rights with respect to nominations. And it should come as no surprise that in periods where the electorate is split very evenly, as it is now, the filibustering of nominations was used extensively. For example, my good friend Senator HATCH who is on the Senate floor—as my mother would say, God love him, because she likes him so much, and I like him, too—he may remember when I was chairman of the Judiciary Committee back in the bad old days when the Democrats controlled the Senate during President Clinton's first 2 years in office, a time when the Democrats controlled both the Presidency and the Senate but nonetheless the country remained very divided, numerous filibusters resulted, even in cases not involving the judiciary.

I remind my friends, for example, that the nomination of Dr. Henry Foster for Surgeon General, Sam Brown to be ambassador to the Conference on Cooperation and Security in Europe, Janet Napolitano to be U.S. attorney in the District of Arizona, and Ricki Tigert for the Federal Deposit Insurance Corporation head, were all filibustered. We controlled the Senate, the House, the Presidency, but the Nation was nonetheless divided.

Some may counter that there should be a difference between how judicial nominees should be treated versus the treatment accorded executive branch nominees, the Cabinet, and the rest. Constitutional text, historical practice and principle all run contrary to that proposition.

On the textual point, we only have one appointments clause. It is also instructive to look at a few historical examples. In 1881, Republican President Rutherford B. Hayes nominated Stanley Matthews to the Supreme Court. A filibuster was mounted, but the Republican majority in the Senate was unable to break the filibuster, and Stanley Matthews' Supreme Court nomination failed without getting a vote.

In 1968, the filibuster to block both Justice Abe Fortas from becoming Chief Justice and Fifth Circuit Court Judge Homer Thornberry to occupy the seat that Justice Fortas was vacating was one where the Democrats controlled the Senate, and the Republicans filibustered. The leader of that successful filibuster effort against Justice Fortas was Republican Senator Robert Griffin from Michigan. In commenting on the Senate's rejection of President George Washington's nomination of John Rutledge to be Chief Justice of the Supreme Court, the Republican Senator who mounted a successful filibuster against Fortas on the floor—translated, Fortas never got a vote, even though he was a sitting Supreme Court Justice about to be elevated to Chief Justice—what did the Senator from Michigan who led that fight say about the first fight in the Senate?

> That action in 1795 said to the President then in office and to future Presidents: "Don't expect the Senate to be a rubberstamp. We have an independent coequal responsibility in the appointing process; and we intend to exercise that responsibility, as those who drafted the Constitution so clearly intended."

There is also a very important difference between judicial and executive nominees that argued for greater Senate scrutiny of judicial nominees. It should be noted that legislation is not forever. Judicial appointments are for the life of the candidate.

Of course, no President has unlimited authority, even related to his own Cabinet. But when you look at judges, they serve for life.

An interesting fact that differentiates us from the 1800s, when these filibusters took place, and 1968, when they took place: The average time a Federal judge spends on the bench, if appointed in the last 10 years from today, has increased from 15 years to 24 years. That means that on average, every judge we vote for will be on that bench for a quarter century. Since the impeachment clause is fortunately not often used, the only opportunity the Senate has to have its say is in this process.

The nuclear option was so named because it would cause widespread bedlam and dysfunction throughout the Senate, as the minority party, my party, has pledged to render its vigorous protest. But I do not want to dwell on those immediate consequences which, I agree with my Senate Judiciary Committee chairman, would be dramatic. He said:

> If we come to the nuclear option the Senate will be in turmoil and the Judiciary Committee will be in hell.

However serious the immediate consequences may be, and however much such dysfunction would make both parties look juvenile and incompetent, the more important consequence is the long-term deterioration of the Senate. Put simply, the nuclear option threatens the fundamental bulwark of the constitutional design. Specifically, the nuclear option is a double-barreled assault on this institution. First, requiring only a bare majority of Senators to confirm a judicial nominee is completely contrary to the history and intent of the Senate. The nuclear option also upsets a tradition and history that says we are not going to change the rules of the Senate by a majority vote. It breaks the rule to change the rule. If we go down this path of the nuclear option, we will be left with a much different system from what our Founders intended and from how the Senate has functioned throughout its history.

The Senate has always been a place where the structure and rules permit fast-moving partisan agendas to be slowed down; where hotheads could cool and where consensus was given a second chance, if not a third and a fourth.

While 90 percent of the business is conducted by unanimous consent in this body, those items that do involve a difference of opinion, including judicial nominations, must at least gain the consent of 60 percent of its Members in order to have that item become law. This is not a procedural quirk. It is not an accident of history. It is what differentiates the Senate from the House of Representatives and the English Parliament.

President Lyndon Johnson, the "Master of the Senate," put it this way:

> In this country, a majority may govern but it does not rule. The genius of our constitutional and representative government is the multitude of safeguards provided to protect minority interests.

And it is not just leaders from the Democratic Party who understand the importance of protecting minority rights. Former Senate Majority Leader Howard Baker wrote in 1993 that compromising the filibuster:

> would topple one of the pillars of American Democracy: the protection of minority rights from majority rule. The Senate is the only body in the federal government where these minority rights are fully and specifically protected.

Put simply, the "nuclear option" would eviscerate the Senate and turn it into the House of Representatives. It is not only a bad idea, it upsets the Constitutional design and it disserves the country. No longer would the Senate be that "different kind of legislative body" that the Founders intended. No longer would the Senate be the "saucer" to cool the passions of the immediate majority.

Without the filibuster, more than 40 Senators would lack the means by which to encourage compromise in the process of appointing judges. Without the filibuster, the majority would transform this body into nothing more than a rubber stamp for every judicial nomination.

The Senate needs the threat of filibuster to force a President to appoint judges who will occupy the sensible center rather than those who cater to the whim of a temporary majority. And here is why—it is a yes or no vote; you can't amend a nomination.

With legislation, you can tinker around the edges and modify a bill to make it more palatable. You can't do that with a judge. You either vote for all of him or her, or none. So only by the threat of filibuster can we obtain compromise when it comes to judges.

We, as Senators, collectively need to remember that it is our institutional duty to check any Presidential attempt to take over the Judiciary. As the Congressional Research Service, the independent and non-partisan research arm of Congress, stated, the ''nuclear option'' would:

> . . . strengthen the executive branch's hand in the selection of federal judges.

This shouldn't be a partisan issue, but an institutional one. Will the Senate aid and abet in the erosion of its Article I power by conceding to another branch greater influence over our courts? As Senator Stennis once said to me in the face of an audacious claim by President Nixon:

> Are we the President's men or the Senate's?

He resolved that in a caucus by speaking to us as only John Stennis could, saying:

> I am a Senate man, not the President's man.

Too many people here forget that.

Earlier, I explained that for much of the Senate's history, a single Senator could stop legislation or a nomination dead in its tracks. More recent changes to the Senate Rules now require only ⅗ of the Senate, rather than all of its Members, to end debate. Proponents of the ''nuclear option'' argue that their proposal is simply the latest iteration of a growing trend towards majoritarianism in the Senate. God save us from that fate, if it is true.

I strongly disagree. Even a cursory review of these previous changes to the Senate Rules on unlimited debate show that these previous mechanisms to invoke cloture always respected minority rights.

The ''nuclear option'' completely eviscerates minority rights. It is not simply a change in degree but a change in kind. It is a discontinuous action that is a sea change, fundamentally restructuring what the Senate is all about.

It would change the Senate from a body that protects minority rights to one that is purely majoritarian. Thus, rather than simply being the next logical step in accommodating the Senate Rules to the demands of legislative and policy modernity, the ''nuclear option'' is a leap off the institutional precipice.

And so here we collectively stand—on the edge of the most important procedural change during my 32-year Senate career, and one of the most important ever considered in the Senate; a change that would effectively destroy the Senate's independence in providing advice and consent.

I ask unanimous consent to be able to continue for another 15 minutes.

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

Mr. BIDEN. The ''nuclear option'' would gut the very essence and core of what the Senate is about as an institution—flying directly in the face of our Founders who deliberately rejected a parliamentary system. A current debate, over a particular set of issues, should not be permitted to destroy what history has bestowed on us.

And the stakes are much, much higher than the contemporary controversy over the judiciary. Robert Caro, the noted author on Senate history, wrote the following in a letter to the Chairman and Ranking Member of the Senate Committee on Rules and Administration:

> [I]n considering any modification [to the right of extended debate in the Senate Senators should realize they are dealing not with the particular dispute of the moment, but with the fundamental character of the Senate of the United States, and with the deeper issue of the balance between majority and minority rights . . ., you need only look at what happened when the Senate gradually surrendered more and more of its power over international affairs to learn the lesson that once you surrender power, you never get it back.

The fight over the nuclear option is not just about the procedure for confirming judges. It is also, fundamentally, about the integrity of the Senate. Put simply, the ''nuclear option'' changes the rules midstream. Once the Senate starts changing the rules outside of its own rules, which is what the nuclear option does, there is nothing to stop a temporary majority from doing so whenever a particular rule would pose an obstacle.

It is a little akin to us agreeing to work together on a field. I don't have to sit down and agree with you that we are going to divide up this field, but I say, OK, I will share my rights in this field with you. But here is the deal we agree to at the start. Any change in the agreements we make about how to run this field have to be by a supermajority. OK? Because that way I am giving up rights—which all the Founders did in this body, this Constitution—rights of my people, for a whole government. But if you are going to change those rules with a pure majority vote, then I would have never gotten into the deal in the first place.

I suffer from teaching constitutional law for the last 13 years, an advanced class on constitutional law at Widener University, a seminar on Saturday morning, and I teach this clause. I point out the essence of our limited constitutional government, which is so different than every other, is that it is based on the consent of the governed. The governed would never have given consent in 1789 if they knew the outfit they were giving the consent to would be able, by a simple majority, to alter their say in their governance.

The Senate is a continuing body, meaning the rules of the Senate continue from one session to the next. Specifically, rule V provides:

> The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

I say to my colleague from North Carolina, on the floor, I say to my colleague from South Carolina, I say to my colleague from Utah: If you vote for this ''nuclear option'' you are about to break faith with the American people and the sacred commitment that was made on how to change the rules.

Senate rule XXII allows only a rule change with two-thirds votes. The ''continuing body'' system is unlike many other legislative bodies and is part of what makes the Senate different and allows it to avoid being captured by the temporary passions of the moment. It makes it different from the House of Representatives, which comes up with new rules each and every Congress from scratch.

The ''nuclear option'' doesn't propose to change the judicial filibuster rule by securing a two-thirds vote, as required under the existing rules. It would change the rule with only a bare majority. In fact, as pointed out recently by a group of legal scholars:

> On at least 3 separate occasions, the Senate has expressly rejected the argument that a simple majority has the authority claimed by the proponents of the [nuclear option].

One historical incident is particularly enlightening. In 1925, the Senate overwhelmingly refused to agree to then-Vice President Dawes' suggestion that the Senate adopt a proposal for amending its rules identical to the nuclear option.

On this occasion, an informal poll was taken of the Senate. It indicated over 80 percent of the Senators were opposed to such a radical step.

Let me be very clear. Never before have Senate rules been changed except by following the procedures laid out in the Senate rules. Never once in the history of the Senate.

The Congressional Research Service directly points out that there is no previous precedent for changing the Senate rules in this way.

The ''nuclear option'' uses an ultra-vires mechanism that has never before been used in the Senate—''Employment of the [nuclear option] would require the chair to overturn previous precedent.

The Senate Parliamentarian, the nonpartisan expert on the Senate's procedural rules—who is hired by the majority—has reportedly said that Republicans will have to overrule him to employ the ''nuclear option''.

Adopting the ''nuclear option'' would send a terrible message about the malleability of Senate rules. No longer would they be the framework that each party works within.

I've been in the Senate for a long time, and there are plenty of times I would have loved to change this rule or that rule to pass a bill or to confirm a nominee I felt strongly about.

But I didn't, and it was understood that the option of doing so just wasn't on the table.

You fought political battles; you fought hard; but you fought them within the strictures and requirements of the Senate rules. Despite the short-term pain, that understanding has served both parties well, and provided long-term gain.

Adopting the ''nuclear option'' would change this fundamental understanding and unbroken practice of

what the Senate is all about. Senators would start thinking about changing other rules when they became ''inconvienent.'' Instead of two-thirds of the vote to change a rule, you'd now have precedent that it only takes a bare majority. Altering Senate rules to help in one political fight or another could become standard operating procedure, which, in my view, would be disastrous.

The Congressional Research Service has stated that adopting the ''nuclear option'' would set a precedent that could apply to virtually all Senate business. It would ultimately threaten both parties, not just one. The Service report states:

> The presence of such a precedent might, in principle, enable a voting majority of the Senate to alter any procedure at-will by raising a point of order . . . by such means, a voting majority might subsequently impose limitations on the consideration of any item of business, prohibiting debate or amendment to any desired degree. Such a majority might even alter applicable procedures from one item of business to the next, from one form of proceeding to a contrary one, depending on immediate objects.

Just as the struggle over the ''nuclear option'' is about constitutional law and Senate history, it is also about something much more simple and fundamental—playing by the rules.

I reiterate that I think Senator FRIST and his allies think they are acting on the basis of principle and commitment, but I regret to say they are also threatening to unilaterally change the rules in the middle of the game. Imagine a baseball team with a five-run lead after eight innings unilaterally declaring that the ninth inning will consist of one out per team.

Would the fans—for either side—stand for that? If there is one thing this country stands for it's fair play—not tilting the playing field in favor of one side or the other, not changing the rules unilaterally. We play by the rules, and we win or lose by the rules.

That quintessentially American trait is abandoned in the ''nuclear option.'' Republican Senators as well as Democratic ones have benefited from minority protections. Much more importantly, American citizens have benefited from the Senate's check on the excesses of the majority.

But this is not just about games, and playing them the right way. This is about a more ethereal concept—justice. In his groundbreaking philosophical treatise, A Theory of Justice, the philosopher John Rawls points to the importance of what he calls procedural justice.

Relying on this predecessors such as Immanuel Kant, Thomas Hobbes, Jean Jacques Rousseau, and John Locke, Rawls argues that, in activities as diverse as cutting a birthday cake and conducting a criminal trial, it is the procedure that makes the outcome just. An outcome is just if it has been arrived at through a fair procedure.

This principle undergirds our legal system, including criminal and civil trials. Moreover it is at the very core of our Constitution. The term ''due process of law'' appears not once but twice in our Constitution, because our predecessors recognized the vital importance of setting proper procedures—proper rules—and abiding by them.

It is also the bedrock principle we Senators rely on in accepting outcomes with which we may disagree. We know the debate was conducted fairly—the game was played by the rules. A decision to change the Senate's rules in violation of those very same rules abandons the procedural justice that legitimates everything we do.

It is interesting to ask ourselves what's different about now, why are we at this precipice where the ''nuclear option'' is actually being seriously debated and very well might be utilized? Why have we reached this point when such a seemingly radical rule change is being seriously considered by a majority of Senators? It's a good question, and I don't have an easy answer.

We have avoided such fights in the past largely because cooler heads have prevailed and accommodation was the watchword.

As Senator Sam Ervin used to say—the separation of powers should not, as President Woodrow Wilson warned, become an invitation for warfare between the two branches.

Throughout this country's history—whether during times of war or political division, for example—Presidents have sometimes extended an olive branch across the aisle. Past Presidents have in these circumstances made bipartisan appointments, selecting nominees who were consensus candidates and often members of the other party.

President Clinton had two Supreme Court nominees, and the left was pushing us as hard as the right is pushing you. What did he do? I spent several hours with him consulting on it. He picked two people on his watch who got 90 or so votes. Moderate, mainstream appointments. He did not appoint Scalias. He did not appoint Thomases. He appointed people acceptable to the Republicans because he was wise enough to know, even though he was President, we were still a divided Nation.

History provides ample examples. During the midst of the Civil War, President Lincoln selected members of the opposition Democratic party for key positions, naming Stephen Field to the Supreme Court in 1863 and Andrew Johnson as his Vice Presidential candidate in 1864.

On the brink of American entrance into WWII, President Roosevelt likewise selected members of the opposition Republican party, elevating Harlan Fiske Stone to be Chief Justice and naming Henry Stimson as Secretary of War.

Other 20th Century Presidents followed suit. In 1945, President Truman named Republican Senator Harold Burton to the Supreme Court. In 1956, President Eisenhower named Democrat William Brennan to the Supreme Court. What has happened to us? What have we become?

Does anyone not understand this Nation is divided red and blue and what it needs is a purple heart and not a red heart or a blue heart.

Lest any of my colleagues think these examples are merely culled from the dusty pages of history, let me remind them that the Senate has witnessed recent examples of consensus appointments during times of close political division. As I already mentioned, President Clinton followed this historic practice during vacancies to the Supreme Court a decade ago.

As explained by my friend, the Senior Senator from Utah, who was then the ranking member of the Senate Judiciary Committee, President Clinton consulted with him and the Republican Caucus during the High Court vacancies in 1993 and 1994. The result was President Clinton's selection of two outstanding and consensus nominees—Ruth Bader Ginsburg and Stephen Breyer—both of whom were confirmed overwhelmingly by the Senate, by votes of 97–3 and 87–9, respectively.

Indeed, the last two vacancies to the Supreme Court are text book examples of the executive branch working in cooperative and collegial fashion with its Senate counterpart to secure consensus appointments, thus averting an ideological showdown. The two constitutional partners given roles in the nomination process engaged in a consultative process that respected the rights and obligations of both branches as an institutional matter, while also producing outstanding nominees who were highly respected by both parties.

To be sure, a careful review of our Nation's history does not always provide the examples of consultation, comity, or consensus in the nomination process. Presidents of both parties have at times attempted to appoint nominees—or remove them once confirmed—over the objections of the Senate, including in some instances where the Senate was composed of a majority of the President's own party. And sometimes the Senate has had to stand strong and toe the line against imperialist Presidential leanings.

Our first President, George Washington, saw one of his nominees to the Supreme Court rejected by this Senate in 1795. The Senate voted 14 to 10 to reject the nomination of John Rutledge of South Carolina to be Chief Justice. What is historically instructive, I believe, is that while the Senate was dominated by the Federalists, President Washington's party, 13 of the 14 Senators who rejected the Rutledge nomination were Federalists.

The Senate also stood firm in the 1805 impeachment of Supreme Court Justice Samuel Chase. President Jefferson's party had majorities in both the House and the Senate, and Jefferson set his sights on the Supreme

Court. Specifically, he wanted to remove Justice Chase, a committed Federalist and frequent Jefferson critic, from the Court.

Jefferson was able to convince the House to impeach Justice Chase on a party-line vote, and the President had enough members of his party in the Senate to convict him. But members of the President's own party stood up to their President; the Senate as an institution stood up against executive overreaching. Justice Chase was not convicted, and the independence of the judiciary was preserved.

The Senate again stood firm in the 1937 court-packing plan by President Franklin Roosevelt.

This particular example of Senate resolve is instructive for today's debates, so let me describe it in some detail. It was the summer of 1937 and President Roosevelt had just come off a landslide victory over Alf Landon, and he had a Congress made up of solid New Dealers. But the ''nine old men'' of the Supreme Court were thwarting his economic agenda, overturning law after law overwhelmingly passed by the Congress and from statehouses across the country.

In this environment, President Roosevelt unveiled his court-packing plan—he wanted to increase the number of Justices on the court to 15, allowing himself to nominate these additional judges. In an act of great courage, Roosevelt's own party stood up against this institutional power grab. They did not agree with the judicial activism of the Supreme Court, but they believed that Roosevelt was wrong to seek to defy established traditions as a way of stopping that activism.

In May 1937, the Senate Judiciary Committee—a committee controlled by the Democrats and supportive of his political ends—issued a stinging rebuke. They put out a report condemning Roosevelt's plan, arguing it was an effort ''to punish the justices'' and that executive branch attempts to dominate the judiciary lead inevitably to autocratic dominance, ''the very thing against which the American Colonies revolted, and to prevent which the Constitution was in every particular framed.''

Our predecessors in the Senate showed courage that day and stood up to their President as a coequal institution. And they did so not to thwart the agenda of the President, which in fact many agreed with; they did it to preserve our system's checks and balances; they did it to ensure the integrity of the system. When the Founders created a ''different kind of legislative body'' in the Senate, they envisioned a bulwark against unilateral power—it worked back then and I hope that it works now.

The noted historian Arthur Schlesinger, Jr., has argued that in a parliamentary system President Roosevelt's effort to pack the court would have succeeded. Schlesinger writes: ''The court bill couldn't have failed if we had had a parliamentary system in 1937.'' A parliamentary legislature would have gone ahead with their President, that's what they do, but the Founders envisioned a different kind of legislature, an independent institution that would think for itself. In the end, Roosevelt's plan failed because Democrats in Congress thought court-packing was dangerous, even if they would have supported the newly-constituted court's rulings. The institution acted as an institution.

In summary, then, what do the Senate's action of 1795, 1805, and 1937 share in common? I believe they are examples of this body acting at its finest, demonstrating its constitutional role as an independent check on the President, even popularly elected Presidents of the same political party.

One final note from our Senate history. Even when the Senate's rules have been changed in the past to limit extended debate, it has been done with great care, remarkable hesitancy, and by virtual consensus. Take what occurred during the Senate's two most important previous changes to the filibuster rule: the 1917 creation of cloture and the 1975 lowering of the cloture threshold.

First, let's examine 1917. On the eve of the United States' entry into WWI, with American personnel and vessels in great danger on the high seas, President Wilson asked that Congress authorize the arming of American merchant vessels. Over three-fourths of the Senate agreed with this proposal on the merits, but a tiny minority opposed it. With American lives and property at grave risk, the Senate still took over 2 months to come to the point of determining to change its rules to permit cloture.

When they did so, they did it by virtual consensus, and in a supremely bipartisan manner. A conference committee composed equally of Democrats and Republicans, each named to the committee by their party leadership, drafted and proposed the new rule. It was then adopted by an overwhelming vote of 76–3.

In 1975, I was part of a bipartisan effort to lower the threshold for cloture from two-thirds to three-fifths. Many of us were reacting against the filibustering for so many years of vital civil rights legislation. Civil rights is an issue I feel passionately about and was a strong impetus for me seeking public office in the first place. Don't get me wrong—I was not calling the shots back in 1975; I was a junior Senator having been in the chamber for only 2 years.

But I will make no bones about it—for about two weeks in 1975—I was part of a slim bipartisan majority that supported jettisoning established Senate rules and ending debate on a rules change by a simple majority.

The rule change on the table in 1975 was not to eliminate the filibuster in its entirety, which is what the current ''nuclear option'' would do for judicial nominations; rather it was to change from the then-existing two-thirds cloture requirement to three-fifths. It was a change in degree, not a fundamental restructuring of the Senate to completely do away with minority rights.

The rule change was also attempted at the beginning of the Senate session and applied across the board, as opposed to the change currently on the table, brought up mid-session concerning only a very small subset of the Senate's business. Nonetheless, my decision to support cutting off debate on a rules change by a simple majority vote was misguided.

I carefully listened to the debate in 1975 and learned much from my senior colleagues. In particular, I remember Senator Mansfield being a principled voice against the effort to break the rules to amend the rules.

Senator Mansfield stood on this floor and said the following:

> [T]he fact that I can and do support [changing the cloture threshold from ⅔ to ⅗] does not mean that I condone or support the route taken or the methods being used to reach the objective of Senate rule 22. The present motion to invoke cloture by a simple majority, if it succeeds would alter the concept of the Senate so drastically that I cannot under any circumstances find any justification for it. The proponents of this motion would disregard the rules which have governed the Senate over the years, over the decades, simply by stating that the rules do not exist. They insist that their position is right and any means used are, therefore, proper. I cannot agree.

Senator Mansfield's eloquent defense of the Senate's institutional character and respect for its rules rings as true today as it did 30 years ago. Senator Mansfield's courage and conviction in that emotionally charged time is further evidence, I believe, of why he is one of the giants of the Senate.

In the end, cooler heads prevailed and the Senate came together in a way only the Senate can. I changed my mind; I along with my Senate colleagues. We reversed ourselves and changed the cloture rule but only by following the rules. Ultimately, over ¾ of the voting Senators—a bipartisan group—voted to end debate. In fact, the deal that was struck called for reducing the required cloture threshold from ⅔ to ⅗; but it retained the higher ⅔ threshold for any future rules changes.

Now I understand that passions today are running high on both sides of the ''nuclear option'' issue, and I can relate to my current Republican colleagues. I agree with my distinguished Judiciary Committee Chairman that neither side has clean hands in the escalating judicial wars.

I also understand the frustration of my Republican colleagues—especially those who are relatively new to this Chamber—that a minority of Senators can have such power in this body.

For me, the lesson from my 1975 experience, which I believe strongly applies to the dispute today, is that the Senate ought not act rashly by changing its rules to satisfy a strong-willed majority acting in the heat of the moment.

Today, as in 1975, the solution to what some have called a potential constitutional crisis lies in the deliberate and thoughtful effort by a bipartisan majority of Senators to heed the wisdom of those who established the carefully crafted system of checks and balances protecting the rights of the minority. It's one thing to change Senate rules at the margins and in degrees, it's quite another to overturn them.

Federalist No. 1 emphasizes that Americans have a unique opportunity—to choose a form of government by ''reflection and choice'':

It has been frequently remarked that it seems to have been reserved to the people of this country . . . to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

We need to understand that this is a question posed at the time of the founding and also a question posed to us today. At the time of the founding, it was a question about whether America would be able to choose well in determining our form of government.

We know from the experience of the last 225 years that the founding generation chose well. As a question posed to citizens and to Senators of today, it is a question about whether we will be able to preserve the form of government they chose.

The Framers created the Senate as a unique legislative body designed to protect against the excesses of any temporary majority, including with respect to judicial nominations; and they left all of us the responsibility of guaranteeing an independent Federal judiciary, one price of which is that it sometimes reaches results Senators do not like.

It is up to us to preserve these precious guarantees. Our history, our American sense of fair play, and our Constitution demand it.

I would ask my colleagues who are considering supporting the ''nuclear option''—those who propose to ''jump off the precipice''—whether they believe that history will judge them favorably.

In so many instances throughout this esteemed body's past, our forefathers came together and stepped back from the cliff. In each case, the actions of those statesmen preserved and strengthened the Senate, to the betterment of the health of our constitutional republic and to all of our advantage.

Our careers in the Senate will one day end—as we are only the Senate's temporary officeholders—but the Senate itself will go on.

Will historians studying the actions taken in the spring of 2005 look upon the current Members of this Senate as statesmen who placed the institution of the United States Senate above party and politics?

Or will historians see us as politicians bending to the will of the Executive and to political exigency?

I, for one, am comfortable with the role I will play in this upcoming historic moment.

I hope all my colleagues feel the same.

Mr. President, on behalf of Senator BYRD, I ask unanimous consent to have printed in the RECORD a speech against the nuclear option delivered earlier this week by Senator BYRD to the Center for American Progress.

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

UPHOLDING THE TRADITION OF FREEDOM OF SPEECH—APRIL 25, 2005

''That 150 lawyers should do business together (in the U.S. Congress) ought not to be expected.'' Those are the words of Thomas Jefferson.

Now comes the so-called Nuclear Option, or Constitutional Option to prove him right. You know, I liked Jefferson, but I always thought he borrowed some of my best stuff for that declaration he wrote. This poisoned pill, euphemistically designated ''the nuclear option'', has been around a long time—since 1917, in fact, the year the cloture rule was adopted by the U.S. Senate. It required no genius of Brobdingnagian proportions to conjure up this witch's brew. All that it takes is (1) to have the chair wired; (2) to have a majority of 51 votes to back the chair's ruling; and (3) a determined ruthlessness to execute the power grab.

Over the 88 years since 1917, however, no White House and no party in control of the Senate has ever resorted to the use of this draconian weapon in order to achieve its goal. Until now. Why now? It is because a determined minority in the Senate has refused to confirm only 10 of over 200 nominees to federal judgeships submitted by President George Bush during this first term as President. Since his reelection, President Bush has resubmitted 7 of the 10 nominees who failed to be confirmed in his first term. Hence, a heavy-handed move is about to be made to change the rules by disregarding the standing rules of the Senate that have governed freedom of speech and debate in the Senate for over 200 years. The filibuster must go, they say.

Obstructive tactics in a legislative forum, although not always known as filibusters, are of ancient origin. Plutarch reported that, while Caesar was on sojourn in Spain, the election of Consuls was approaching. ''He applied to the Senate for permission to stand candidate,'' but Cato strongly opposed his request and ''attempted to prevent his success by gaining time; with which view he spun at the debate till it was too late to conclude upon anything that day.'' Hey, the filibuster has only been around 2,064 years, since circa 59 B.C.!

Filibusters were also a problem in the British Parliament. In 19th century England, even the members of the Cabinet accepted the tactics of obstruction as an appropriate weapon to defeat House of Commons' initiatives that were not acceptable to the government. In this country, experience with protracted debate began early. In the first session of the First Congress, for example, there was a lengthy discussion regarding the permanent site for the location of the Capitol. Fisher Ames, a member of the House from Massachusetts, complained that ''the minority . . . makes every exertion to . . . delay the business.''

Senator William Maclay of Pennsylvania complained that ''every endeavor was used to waste time, . . . '' Long speeches and other obstructionist tactics were more characteristic of the House than of the Senate in the early years.

There have been successful filibusters that have benefited the country. For example, in March 1911, Senator Owen of Oklahoma filibustered a measure granting statehood to New Mexico, arguing that Arizona should also be a state. President Taft opposed the inclusion of Arizona's statehood because a provision of Arizona's state constitution permitted the recall of judges. Arizona later attained statehood, at least in part because Senators took time to make the case the year before. Another example occurred in July 1937, when a Senate filibuster blocked FDR's Supreme Court-packing plan until public opinion turned against the plan.

Freedom of speech and debate is enshrined in Article I, Section 6, of the U.S. Constitution. The roots run deep. Before the British Parliament would proclaim William III and Mary as king and queen of England, they were required to swear allegiance to the British Declaration of Rights, which they did on February 13, 1689. They were then declared joint sovereigns by the House of Commons. The declaration was converted into the English Bill of Rights by statute on December 16, 1689, the 9th Article of which guarantees freedom of speech and debate in Parliament in words similar to those in our own Constitution, Article I, Section 6.

So now, for the first time in the 217 years since 1789, the tradition of freedom of speech and debate in the Senate is under a serious threat of extinction by the majority party through resort to the nuclear option.

Marty Gold, deservedly respected for his knowledge of the Senate rules and precedents, and opponents of free speech and debate claim that, during my tenure as Majority Leader in the United States Senate, I established precedents that now justify a proposal for a misguided attempt to end debate on a judicial nomination by a simple majority vote, rather than by a 3/5s vote of all Senators duly chosen and sworn as required by Paragraph 2 of Senate Rule XXII. Their claims are false. Utterly false!

Proponents of the so-called ''nuclear option'' cite several instances in which they inaccurately allege that I ''blazed a procedural path'' toward an inappropriate change in Senate rules. They are dead wrong. Dead wrong! They draw analogies where none exist and create cockeyed comparisons that fail to withstand even the slightest intellectual scrutiny. My detailed response to these false claims and allegations appears in the March 20, 2005, edition of the Congressional Record. But, simply put, no action of mine ever denied a minority of the Senate a right to full debate on the final disposition of a measure or matter pending before the Senate. Not in 1977, not in 1979, not in 1980, not in 1987—the dates cited by critics as grounds for the nuclear option. In none of the instances cited by those who threaten to invoke the nuclear option did my participation in any action deny the minority in the Senate, regardless of party, its right to debate the real matter at hand.

Now why can't reasonable Senators on both sides of the aisle act in the best interests of the Senate, the Constitution, and the country by working together to find a way to avoid this procedural Armageddon? President Gerald Ford always said that he believed in friendly compromise and called compromise ''the oil that makes governments go.''

When I was a mere lad in southern West Virginia, I once accidentally threw a wooden airplane I had crafted through the glass of a window in a neighbor's house. The neighbor's name was Mr. Arch Smith. He was angry, and I was scared. Into the house I went to plead with Mr. Smith not to tell my Dad. I

knew that a belt thrashing awaited me if he did. I promised to pay Mr. Smith .35 cents for the windowpane if he would stay mum about the accident. I would raise the .35 cents by running errands for a friendly lady next door. We struck a deal. We compromised. And my dad never learned of the incident until after I had paid my debt. That compromise saved me a licking, and paid for Mr. Smith's broken window. The sweet art of compromise solved our dispute.

Of course, the Senate itself is the result of a compromise which solved a dispute. The Senate answered the plea of the smaller states for equality and a forum where they could have equal representation and minority views could be heard. Because of that famous action, the Great Compromise of July 16, 1787, the Senate and the House balance each other, reflecting majority rule and minority rights like halves of the same apple in our Republic, and achieving a delicate balance—a finely tuned, exquisitely honed accommodation of tensions which has endured for over 200 years. To paraphrase the words of James Madison, the Republic has been structured to, ''guard against the cabals of a few . . .,'' as well as against the ''confusion of a multitude . . .''

The Constitution, under Article II, Section 2, requires a President to submit his selection of Federal judges, members of his own cabinet, and certain other high-ranking officials to the Senate for its ''advice and consent.'' The Framers allowed the Executive only to propose. It was left to the Senate to dispose. There is no stipulation in the Constitution as to how the Senate is to express its advice or give its consent. President Bush incorrectly maintains that each nominee for a federal judgeship is entitled to an up or down vote. The Constitution doesn't say that. It doesn't even say that there has to be a vote with respect to the giving of ''its consent.'' The Senate can refuse to confirm a nominee simply by saying nothing and doing nothing. In Section 2, Article II, it says, '' . . . and by and with the advice and consent of the Senate, [He] shall appoint ambassadors . . . Judges of the Supreme Court, and all other Officers of the United States. . . .''

Just as in Article I concerning the setting of Senate rules, Article II allows the Senate the freedom to determine how it will use its advice and consent powers. The choice of the Senate as the single entity to work with the President on the selection of life-tenured federal judges seems strongly to indicate the Framer's desire for scrutiny by the House of Congress uniquely designed for the protection of minority views. The Framers could have selected the majoritarian House of Representatives for such a duty. They did not. In fact, they totally excluded the House. They made a conscious decision to delegate the ''advice and consent'' function to the United States Senate.

But, suppose the President's party controls the Senate, and therefore controls the votes of a majority in the Senate? Where then, is the check on Presidential power? The filibuster is the minority's strongest tool in providing the Constitutional curb on raw Presidential power when it comes to nominations and the federal courts. Of course, the President's party could occupy 60 seats in the Senate, and that would be enough to break any filibuster except when amending the rules. But, 60 votes is a high threshold, and does provide an effective check on the abuse of power. Why would we ever want to eliminate this important check on Presidential power? Haven't we always had a healthy suspicion of too much power in the hands of a King or any President regardless of party affiliation? The filibuster is the final bulwark preventing a President from stacking the courts (as FDR tried to do in 1937) if his political party holds a majority in the Senate. Without the ability by a minority to defeat cloture by a supermajority vote, that slim wall holding back the waters of destruction of a fair and independent judiciary, ruptures. Other liberties enumerated in the bill of rights can then also be washed away by a President who stacks the courts to reflect a political agenda. Freedom of speech, freedom of religion, all could be gone, wiped out by a partisan court, beholden to one man: the President.

The threat of the so-called ''nuclear option'' puts us on a dangerous course. Yet, incredibly, today we stand right on the brink, maybe only days away, from destroying the checks and balances of our Constitution. What has happened to the quality of leadership in this country that would allow us to even consider provoking a Constitutional crisis of such major proportions? Where is the gentle art of compromise? Edmund Burke said, ''All government—indeed, every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter.'' As I have said earlier, the nuclear option has been around for years. It could have been employed at anytime. Yet, no leader of either party chose to go down that path because the consequences are so dire. Why have we arrived at such a dangerous impasse?

Reaction to recent decisions handed down by Federal Courts has fueled the drive toward this act of self destruction. Many citizens, religious people, angered by a feeling of years of exclusion from our political process, are deeply frustrated. I am in sympathy with such feelings. I do not agree with many of the decisions which have come from the courts concerning prayer in school, and prohibitions on the public display of religious items. For example, relating to freedom of religion, Article I states: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . .'' In my opinion, the courts have not given equal weight to both of these clauses but have stressed the first clause while not giving enough weight to the second clause ''or prohibiting the free exercise thereof;. . . .'' I have always believed that this country was founded by men and women of strong faith, and that their intent was not to suppress religion in the life of our nation, but to ensure that the government favored no one religion over another. I understand the extreme anger of many good people who decry the nature of our popular culture, with its overt emphasis on sex, violence, profanity, and materialism. They have every right to seek some sort of remedy. But these frustrations, as great as they are, must not be allowed to destroy crucial institutional mechanisms which protect minority rights, and curb the power of an overreaching President. Yet, that is exactly what is about to happen, with this very misdirected attack on the filibuster.

The outlook for compromise is dim. The debate has reached a fever pitch and political polarization is at levels I have never seen. Democrats have overreached. Republicans have overreacted. And the White House has poured salt in the wound by sending the same contentious nominations right back to the Senate as if there were not a country full of qualified and talented judges from which to choose. Our two great political parties are not having a national debate. We are simply shouting at each other. I have heard statements of late which cause me to shudder—such things as, ''Democrats hate America,'' or ''Democrats hate people of faith,'' or ''Republicans want to eliminate separation of Church and State.'' Thinking Americans would ordinarily shun such extreme and ridiculous rhetoric. Yet, vituperation and extremism continue to rage on all sides. There have even been overt attempts to physically threaten and intimidate Federal judges. When the nation becomes this divided, when the spin becomes this mean, the destruction of basic principles which have been our guide for more than two centuries looms straight ahead. Moreover, the trashing and trampling of comity leaves ugly scars sure to fester and linger. How can we recover from the venom spewed by this dangerous political ploy and get on with the people's business, especially if the nuclear trigger is actually pulled?

At such times as these, the character of the leaders of this country is sorely tested. Our best leaders search for ways to avert such crises, not ways to accelerate the plunge toward the brink. Overheated partisan rhetoric is always available, although these days it seems to come especially cheap, but the great majority of our people want a healthy two-party system and leaders who know how to work together, despite serious differences.

The current uproar serves only to underscore the mounting number of problems not being addressed by this government. Over forty five million persons in our country, some 15% of our population cannot afford health care insurance. Our infant mortality rate is the second highest of the major industrialized countries of the world. Our deficits are skyrocketing. Poverty in these United States is rising, with 34 million people or 12.4% of the population living below the poverty line. Our veterans lack adequate medical care after they have risked life and limb for all of us. Our education system produces 8th graders ranked 19th out of38 countries in the world in math, and 12th graders ranked 19th out of 21 countries in both math and science. Yet, we debate and seek solutions to none of these critical problems, and instead focus all energy on the frenzy over the selection of judges, and seek as an antidote to our frustration, the preposterous solution of permanently crippling freedom of speech and debate and the right of a minority to dissent in the United States Senate.

It is very important to remember that the Senate has formalized ways of considering changes to our rules. Changes require 67 votes to curtail a filibuster of rules changes. If this nuclear option is employed in the way most frequently discussed, i.e. a ruling from the chair that a supermajority requirement for cloture on a filibuster in respect to amending the rules is unconstitutional, if sustained by 51 votes, cloture will require only a simple majority vote with respect to federal judgeships. There is nothing, then, except good sense, which seems to be in very short supply, to prevent majority cloture of any filibuster on any measure or matter, whether on the legislative or the executive calendar. Think of that! Rules going back for over 200 years and beyond, with roots in the early British Parliament, can be swept away by a simple majority vote. Because of demagoguery, lack of leadership, raw ambition, hysteria, and a state of brutal political warfare that wants no truce and brooks no peacemakers, we may destroy the U.S. Senate, leaving in our wake a President able to select and intimidate the courts like a King, and a system of government finally and irretrievably lost in a last pathetic footnote to Ben Franklin's rejoinder for the ages, ''a Republic, if you can keep it.'' This is scary!

I suspect that at least part of what all of this dangerous sound and fury is about can be explained by the advanced ages of several Supreme Court Justices, and rumors of the Chief Justice's coming retirement due to ill health. The White House does not want a filibuster in the Senate to derail a future choice for the Supreme Court.

Let me step into the brink and propose something that might calm some waters. In the 105th Congress, Senator ARLEN SPECTER and I introduced S. Res. 146, a bill which would establish an advisory role for the Senate in the selection of Supreme Court Justices. Except for a very limited ''floating'' of names shortly before the President sends up a nomination for the Supreme Court, no one gets to weigh in on the choices until after they are made. As in so many instances in Washington, broad consultation is nonexistent. In the case of potential occupants for the Federal Bench, that is a recipe for instant polarization before hearings on nominees are even held. Everyone quickly takes sides, and the steam mounts like in an overheated pressure cooker until the lid is about to blow off.

Therein lies the source of some of the fighting over the make-up of the Courts—no prior consultation, so, in effect, no ''advice'' independent of the White House. Our bill aims to release some of that steam in this way. The Senate Judiciary Committee would establish a pool of possible Supreme Court nominees for the President to consider, based on suggestions from Federal and State judges, distinguished lawyers, law professors, and others with a similar level of insight into the suitability of individuals for appointment to the Supreme Court.

Such a pool would fulfill the Senate's ''advice'' function under Article II, Section 2. In other words, everyone could get their ''oar'' into the prospective judicial waters. The President would of course be free to ignore the pool if he chose to do so. But, the ''advice'' required by the Constitution would be formally available, and the President would know that the individuals in the pool had received a bipartisan nod from the Senate Committee required to do the vetting. Such a pool might even be expanded to include all nominees for our federal judiciary.

Perhaps letting the Senate in on the judicial ''take off'' as well as the landing can help in the future to heal some of the anger which dominates the discussion of the Federal Courts these days.

But for now, like many of you, I simply hope and pray that cooler heads will prevail, and compromise (that fading art) will prevent us from heading over the cliff. There are, at least some efforts in that direction, but time is very short. In just a few days we may see the unbelievable come to pass—one man, the President, able to select the third, unelected branch of government, including the court of last resort, the Supreme Court; the Senate of the United States relegated to a second House of Representatives with six year terms; free speech and unfettered debate rejected; and the Constitutional checks and balances in sad and sorry tatters. Shame! What a shame!

In closing, let us remember the words spoken by Vice President Aaron Burr in 1805 when he addressed the Senate for the last time:

This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

Ladies and gentlemen, the clock is running and the hour of fulfillment of Vice President Burr's prophesy is virtually at hand.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent we be extended an extra 15 minutes, as well.

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

JUDICIAL NOMINATIONS

Mr. HATCH. The Senator from Delaware a few minutes ago claimed we have never changed our procedures by majority vote. Four times the distinguished Senator from West Virginia led this body to do exactly that when he was acting as majority leader—in 1977, 1979, 1980, and 1987. Using a ruling from the Chair and a majority of all the Senate, a simple majority, we changed procedure relating to both legislation and nominations. The record has to be made clear.

All we are asking is the 214-year tradition of the Senate that judicial nominees not be filibustered be followed. That has been the tradition of the Senate up until President Bush became President. All we are asking is that every one of these qualified nominees who have reached the floor receive an up-or-down vote. That is all we are asking.

These are highly qualified nominees. The ABA has ruled they are qualified in every case. They all have a majority bipartisan vote in their favor. If our colleagues on the other side do not want to vote for them, they can vote against them. That will be their right. I would fight always to maintain that right. But give them a vote, vote up or down. That is what we have always done for 214 years before this President became President.

The actions of our colleagues on the other side amount to changing that 214-year traditional history of this Senate.

By the way, we never called this the nuclear option. It was called the nuclear option by the Democrats. We called it the constitutional option because the Constitution says the President has the right to appoint and nominate these people for judicial positions. We have the right to advise and—it is sometimes left off in this body—consent, which means a vote up and down.

That is what I think our colleagues ignore. This is a dangerous thing. I call it the constitutional option, or I call it the Byrd option because our distinguished friend, the Senator from West Virginia, is the one who used this four times.

If politics is a medicine, an effective prescription gives an accurate diagnosis. I take a step back and offer a diagnosis of our current struggle over how to conduct the judicial confirmation process. I hope this will bring a few pieces together, connect some dots, and provide a little perspective.

The first principle is every judicial nomination reaching the Senate deserves an up-or-down vote.

This principle has constitutional roots, historical precedent, and citizen support. I begin with the Constitution because that is where we should always begin. The Constitution is the supreme law of the land. Along with the Declaration of Independence, it is one of the foundational organic laws of the United States. It is the charter that each of us, as Senators, swears an oath before God to preserve, protect, and defend.

That Constitution separates the three branches of Government, assigning legislation to us in the legislative branch, and assigning appointments to the President in the executive branch. We have heard that the Constitutional Convention considered other arrangements for appointing judges. That may be, but the Constitutional Convention rejected those arrangements. Rejected ideas do not govern us. The Constitution does. And the Constitution makes the President, in Alexander Hamilton's words, the ''principal agent'' in appointments, while the Senate is a check on that power.

Giving judicial nominations reaching the floor an up-or-down vote, that is, exercising our role of advice and consent through voting on nominations, helps us resist the temptation of turning our check on the President's power into a force that can destroy the President's power and upset the Constitution's balance.

Historically, we have followed this standard of everybody who reaches the floor getting an up-or-down vote. When Republicans ran the Senate under President Clinton, we gave each of his judicial nominations reaching the floor a final confirmation decision, an up-or-down vote. We took cloture votes, that is, votes to end debate, on four of the hundreds of nominees reaching us here. All four were confirmed. As a matter of fact, we confirmed 377 judges nominated by President Clinton, almost the same number as the all-time confirmation champion, and that was Ronald Reagan, who got 382. But Ronald Reagan had 6 years of a Republican Senate to help him. President Clinton only had 2 years of a Democrat Senate to help him. Yet, with the aid of the Republicans on the Judiciary Committee and in this body, he got 377 approved.

In fact, even on the most controversial appeals court nominations by President Clinton, the Republican leadership used cloture votes to prevent filibusters and ensure up-or-down votes, exactly the opposite of how cloture votes are being used during President Bush's Presidency.

This principle that every judicial nomination reaching the Senate floor deserves an up-or-down vote not only has constitutional roots and historical precedent, it also has citizen support. I saw in the Washington Post yesterday a poll framed in partisan terms, asking whether Senate rules should be changed ''to make it easier for the Republicans to confirm Bush's judicial nominees.''

With all due respect, this question could easily have been written in the Democrats' new public relations war room. I am actually surprised that such a biased question did not get even more than 66-percent support.

A more balanced, neutral, fair poll was released yesterday, asking whether

Senate procedures should make sure that the full Senate votes up or down on every judicial nomination of any President. The results, not surprisingly, were exactly the opposite of the biased poll, with 64 percent of Americans, including 59 percent of moderates and almost half of all liberals, embracing this commonsense, fair, and traditional standard.

The second aspect of this diagnosis is that the judicial nominees being denied this traditional up-or-down vote are highly qualified men and women, with majority, bipartisan support.

Last week, I addressed how opponents of President Bush's nominees play games with words such as ''extremist.'' Just as they want to talk about a judicial appointment process the Constitution did not establish, these critics want to talk about everything but what these nominees would do on the bench. We know, from abundant testimony by those who know these nominees best, that no matter how provocative their speeches off the bench or strongly held beliefs in their hearts and minds, these nominees are or would be fair, impartial, and evenhanded on the bench.

Yet they are called extremists. All 10 of them—there are only 7 remaining—but all 10 of them had qualified ratings, and most well qualified, the highest rating of the American Bar Association. By the way, that was considered the ''gold standard'' during the Clinton years by our friends on the other side.

Now this is the real standard.

It is hard to believe we are actually arguing about whether we should vote on judicial nominations and whether highly qualified nominees, with majority support—bipartisan, majority support—should be confirmed. Yet the third part of this diagnosis is that Senate Democrats are trying to change our tradition of giving judicial nominations reaching the Senate floor an up-or-down vote. Senators, of course, are free to vote against them for any reason. We must, of course, have a full and vigorous debate about these nominees and their qualifications.

The critics, however, do not want to have that debate. Democrats in this body and the leftwing interest groups that, to a certain extent, seem to control them, want only to seize what they cannot win through the fair, traditional system. Beginning in the 108th Congress, for the first time in American history, they are now using the filibuster not to debate but to defeat majority-supported judicial nominations.

They are trying to rig the confirmation process, to pry us away from our tradition that respected the separation of powers, and force us into a brave, new world which turns the judicial appointment process inside out. They want to turn our check on the President's appointment power into a force that hijacks that power altogether. That would be serious and constitutionally suspect if a Senate majority did it. It is even more serious when, as we see today, a minority of Senators—all partisan Senators—tries to capture the process.

For 2 years now, we have heard claims that these filibusters are nothing new, that they have been part and parcel of how the Senate has long done its confirmation business. While some questions in this debate may be subjective and complex, this is not one of them. The current filibusters target bipartisan, majority-supported judicial nominations, and they defeat them by preventing confirmation votes. Either that happened before the 108th Congress or it did not.

Let us look at what our Democratic colleagues have claimed. On March 11, 2003, the distinguished Senator from Vermont displayed here on the Senate floor a chart titled: ''Republican Filibusters of Nominees.'' He said his list proved that Republicans have ''succeeded in blocking many nominees by cloture votes.'' Anyone can look it up for him or herself. The whole chart is right there on page S3442 of the CONGRESSIONAL RECORD.

It turns out only 6 of the 19 names on the chart were judicial nominations, that the Senate actually confirmed 5 of those 6, and the other one did not have majority support. And there was a real question whether that was a filibuster raised, not in the least sense by the person who conducted the debate on the Republican side, Senator Robert Griffin, who had an impeccably honest—and still does—an impeccably honest reputation. He said there was never a desire to filibuster Justice Fortas. He said they wanted 2 more days of debate to make their case. But, he said, they had enough votes to defeat him up and down. Now, he was here on the Senate floor. He knew it. He led the fight. And the votes were bipartisan, almost equal. It turns out, again, that only 6 of the 19 names on the chart were judicial nominations, that the Senate actually confirmed 5 of them, and the only one they did not was Justice Fortas, because Lyndon Johnson pulled him, not wanting to be embarrassed.

Far from justifying today's filibusters, the chart of the distinguished Senator from Vermont proved no precedent exists at all.

On November 12, 2003, the Senator from Vermont tried again, this time with a list of what he claimed were Clinton appeals court nominees supposedly blocked by Republicans. Once again, the list included nominations the Senate confirmed—every one of them. How can a confirmed nomination be called a blocked nomination? It cannot. Not a single nomination on Senator LEAHY's list is similar to the nominations being filibustered today.

That same day, November 12, 2003, the distinguished Senator from Illinois, Mr. DURBIN, named 5 judicial nominations which he said had been filibustered. Once again, not one of them is a precedent for filibusters happening today. You would think no one with a straight face would claim that ending debate and confirming nominations is somehow precedent for not ending debate and refusing to confirm nominations.

On April 15, 2005, the distinguished assistant minority leader, Senator DURBIN, expanded his previous list, now offering us 12 examples of what he said were judicial nominations requiring at least 60 votes for cloture to end a filibuster. I addressed this in more detail last week. Not one—not one—of those 12 of Senator DURBIN's supposed precedents is any precedent at all.

The first nomination on his list occurred in 1881, 36 years before we even had a cloture rule in the Senate. In fact, if we truly did what he apparently wants us to do, and treated his listed examples as a confirmation guide, we would vigorously debate judicial nominations, invoke cloture if we needed to, and then vote on the confirmations. That is what happened.

This game continued as recently as 2 months ago. On Monday, April 25, on CNN's ''Crossfire'' program, the leader of a prominent leftwing group claimed that more than 30 nominations—here is the list—had been filibustered. I have this list right here in my right hand. It is titled: ''Filibusters of Nominations.'' It lists 13 judicial nominations out of the 30, and not one of them is at all like the filibusters being conducted today—not one. We did not even take a cloture vote on two of them. We invoked cloture on eight of them. We confirmed 12 of the 13. And the one we did not, did not have majority support, the Fortas nomination, but had bipartisan opposition.

Accepting such fraudulent arguments requires believing that ending debate on judicial nominations is the same as not ending debate, that confirming judicial nominations is the same as not confirming them, and that judicial nominations without majority support are the same as those with majority support. As you can see, the liberal propaganda machine has been working overtime.

In addition to these bizarre claims I described, they worked to turn what was once common sense and accepted fairness into something that sounds sinister and unseemly. They manufacture nasty phrases such as ''court packing'' and ominous warnings about ''one-party rule.'' Now, we are told, preventing up-or-down votes on even majority-supported judicial nominations is the only way to prevent our entire constitutional order from imploding. The sky is falling, and we are all about to slide into the abyss.

The purveyors of this fantasy would have us look to President Franklin Delano Roosevelt who, they tell us, wanted to pack the Supreme Court. The Senate rejected his legislative proposal to expand the Court so he could appoint more Justices. By taking this stand, the storytellers say, the Senate kept one-party rule from packing the Court.

Well, as Paul Harvey might say: Here is the rest of the story.

The Senate, even though dominated by President Roosevelt's own party, did not support this legislative plan. And it turns out President Roosevelt did not need any legislative innovations to pack the Supreme Court. He packed it all right, doing it the old-fashioned way, by appointing eight out of nine Justices in 6 years. Mind you, during the 75th to the 77th Congress, Democrats outnumbered Republicans by an average of 70 to 20. Now, that is one-party rule.

In those years, from 1937 to 1943, our cloture rule applied only to bills. This meant that ending debate on other things, such as nominations, required unanimous consent. A single Senator in that tiny, beleaguered minority could conduct a filibuster of President Roosevelt's nominations and thwart the real court packing that was in full swing.

Now, if the filibuster were the only thing preventing one-party rule from packing the courts, and the filibuster were so easily used, surely there must be in history filibusters of President Roosevelt's Supreme Court nominations. If the warnings, frantic pleas, and hysterical fundraising appeals we hear today make any sense at all, the filibuster would certainly have been used in FDR's time.

I hate to burst anyone's bubble, but there were no filibusters, not even by a single Senator, not against a single nominee. In fact, FDR's 8 Supreme Court nominees were confirmed in an average of 13 days, and 6 of the 8 were confirmed without even a rollcall vote.

So if this is to protect the minority, why has it not ever happened before President Bush became President? Even when we look at the very examples and stories the other side uses, we see no support for using the filibuster against majority-supported judicial nominations.

Last week, here on the Senate floor, the distinguished Senator from Illinois repeated a selective version of this FDR story and asked what would happen today in a Senate dominated by the President's party. He asked:

> Will they rise in the tradition of Franklin Roosevelt's Senate?

Well, I hope we do. I hope the Senate does exactly what Franklin Roosevelt's Senate did, by debating and voting on the President's judicial nominations. Franklin Roosevelt's Senate did not use the filibuster, even when the minority was much smaller and the filibuster much easier to use, and this Senate should not do so, either.

Finally, the fourth piece to this diagnosis of our current situation is that Senate Democrats have threatened to shut down the Senate if the majority moves us back to the tradition—the 214-year tradition—of debating and voting on judicial nominations.

To avoid what most Americans believe Senators come to Washington to do—debate and vote—we are now threatened with a party policy of open obstruction, a nuclear option of shutting down the Senate, at least to anything but what they agree to. I said a few minutes ago that the Constitution's separation of powers assigns legislative business to Congress and executive business, including appointments, to the President. Some Senators on the other side of the aisle are saying if they cannot hijack what is not theirs, they will destroy what is theirs. If they cannot abandon Senate tradition and use the filibuster to defeat majority-supported judicial nominations, they will undercut and disable the legislative process. And they call us radical.

The Constitution gives the power of nomination and appointment to the President. The Senate provides a check on that power. I believe we must preserve the system of separated powers and checks and balances and resist those who would radically alter that system, turning the Senate's check on the President's power into a force that can overwhelm the President's power.

Every judicial nomination reaching the Senate floor deserves an up-or-down vote. I argued that during the Clinton years, and I prevailed as chairman of the Judiciary Committee. That principle has constitutional roots, historical precedent, and citizen support. President Bush has sent two highly qualified nominees that we know have bipartisan majority support. They deserve to be treated decently and, after a full and vigorous debate, given an up-or-down vote.

Our colleagues on the other side are trying to change our tradition. For the first time in more than two centuries, they want to use filibusters to block confirmation votes on judicial nominations here on the Senate floor. This radical innovation is not needed to prevent one-party rule from packing the courts. Republicans resisted using the filibuster under Roosevelt and Democrats should resist using it today.

Finally, all Americans should be most concerned with the threat of some of our colleagues on the other side. Because they are unable to seize control of a judicial appointment process that does not belong to the Senate, Democrats say they will shut down the legislative process that does belong to the Senate. This cannot stand. With all due respect, they need to get both their principles and their priorities in order.

Our former majority leader Bob Dole has a thoughtful column in today's New York Times also addressing Senate tradition and the prospect of returning to that tradition. No one loves this institution more than Senator Dole, and I think I am in that category, too.

I ask unanimous consent that his column be printed in the RECORD.

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

[From the New York Times, Apr. 27, 2005]

UP, DOWN OR OUT

(By Senator Bob Dole)

In the coming weeks, we may witness a vote in the United States Senate that will define the 109th Congress for the ages. This vote will not be about war and peace, the economy or the threat from terrorism. It will focus instead on procedure: whether the Senate should amend its own rules to ensure that nominees to the federal bench can be confirmed by a simple majority vote.

I have publicly urged caution in this matter. Amending the Senate rules over the objection of a substantial minority should be the option of last resort. I still hold out hope that the two Senate leaders will find a way to ensure that senators have the opportunity to fulfill their constitutional duty to offer ''advice and consent'' on the president's judicial nominees while protecting minority rights. Time has not yet run out.

But let's be honest: By creating a new threshold for the confirmation of judicial nominees, the Democratic minority has abandoned the tradition of mutual self-restraint that has long allowed the Senate to function as an institution.

This tradition has a bipartisan pedigree. When I was the Senate Republican leader, President Bill Clinton nominated two judges to the federal bench—H. Lee Sarokin and Rosemary Barkett—whose records, especially in criminal law, were particularly troubling to me and my Republican colleagues. Despite my misgivings, both received an up-or-down vote on the Senate floor and were confirmed. In fact, joined by 32 other Republicans, I voted to end debate on the nomination of Judge Sarokin. Then, in the very next roll call, I exercised my constitutional duty to offer ''advice and consent'' by voting against his nomination.

When I was a leader in the Senate, a judicial filibuster was not part of my procedural playbook. Asking a senator to filibuster a judicial nomination was considered an abrogation of some 200 years of Senate tradition.

To be fair, the Democrats have previously refrained from resorting to the filibuster even when confronted with controversial judicial nominees like Robert Bork and Clarence Thomas. Although these men were treated poorly, they were at least given the courtesy of an up-or-down vote on the Senate floor. At the time, filibustering their nominations was not considered a legitimate option by my Democratic colleagues—if it had been, Justice Thomas might not be on the Supreme Court today, since his nomination was approved with only 52 votes, eight short of the 60 votes needed to close debate.

That's why the current obstruction effort of the Democratic leadership is so extraordinary. President Bush has the lowest appellate-court confirmation rate of any modern president. Each of the 10 filibuster victims has been rated ''qualified'' or ''well qualified'' by the American Bar Association. Each has the support of a majority in the Senate. And each would now be serving on the federal bench if his or her nomination were subject to the traditional majority-vote standard.

This 60-vote standard for judicial nominees has the effect of arrogating power from the president to the Senate. Future presidents must now ask themselves whether their judicial nominees can secure the supermajority needed to break a potential filibuster. Political considerations will now become even more central to the judicial selection process. Is this what the framers intended?

If the majority leader, Bill Frist, is unable to persuade the Democratic leadership to end its obstruction, he may move to change the Senate rules through majority vote. By

doing so, he will be acting in accordance with Article I of the Constitution (which gives Congress the power to set its own rules) and consistently with the tradition of altering these rules by establishing new precedents. Senator Frist was right this past weekend when he observed there is nothing ''radical'' about a procedural technique that gives senators the opportunity to vote on a nominee.

Although the Democrats don't like to admit it, in the past they have voted to end delaying tactics previously allowed under Senate rules or precedents. In fact, one of today's leading opponents of changing the Senate's rules, Senator Robert Byrd, was once a proponent of doing so, and on several occasions altered Senate rules through majoritarian means. I have great respect for Senator Byrd, but Senate Republicans are simply exploring the procedural road map that he himself helped create.

In the coming days, I hope changing the Senate's rules won't be necessary, but Senator Frist will be fully justified in doing so if he believes he has exhausted every effort at compromise. Of course, there is an easier solution to the impasse: Democrats can stop playing their obstruction game and let President Bush's judicial nominees receive what they are entitled to: an up-or-down vote on the floor of the world's greatest deliberative body.

Mr. HATCH. As our current majority leader Bill Frist put it a few days ago: I never thought it was a radical thing to ask Senators to vote. That is what we have traditionally done on judicial nominations that reach the floor, and that traditional standard should apply across the board no matter which party controls the White House and no matter which party controls the Senate. We should bind both parties, Republicans and Democrats, to do what is right.

That is the diagnosis, and I hope we see an effective cure soon so we can get back to doing the people's business.

I started off by saying one of the problems here is that every one of these Presidential nominees who reaches the floor should have an up-or-down vote, especially since they are listed as qualified by the American Bar Association, most of them well qualified, the highest rating you can have. They all have majority bipartisan support. We should not change 214 years of Senate tradition because some in this body don't like President Bush's nominees.

People such as Priscilla Owen—she broke through the glass ceiling for women in this country and became a major partner in a major law firm. Her last election to the Texas Supreme Court was over 75 percent. She had every editorial board in the State of Texas supporting her; 15 former State bar presidents supported her, most of whom were Democrats. Yet they have called her an extremist.

Janice Rogers Brown, a sharecropper's daughter, came up the hard way, put herself through college and law school as a single mother, worked in California State government in a variety of positions, wound up on the California Supreme Court where she wrote, at least in the last number of years, the majority of the majority opinions. She got reelected by 84 percent of the California voters, more votes than any other person running for the Supreme Court that year, including her colleagues. Yet she is called an extremist because she is a conservative African American.

It is very dangerous stuff to say this will create nuclear war because we want to continue 214 years of Senate tradition. That is dangerous stuff. It is the wrong stuff. We ought to give these people a simple, straightforward up-or-down vote.

I notice the distinguished Senator from North Carolina is waiting. I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from North Carolina.

Mr. DURBIN. Madam President, if the Senator will yield briefly for a unanimous consent request, I ask unanimous consent that when the Senator from North Carolina has completed her remarks, I be recognized.

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

The Senator from North Carolina.

Mrs. DOLE. Madam President, today I want to express my strong concern over the judicial nominations process. It is clear this process has completely broken down. Unfortunately, the rhetoric surrounding this important issue has become increasingly bitter over the past several weeks. Sharp words have been exchanged. The intentions of my fellow Republicans have been unfairly characterized and my colleagues on the other side of the aisle have even gone so far as to threaten to shut down the Government if the Senate were to exercise its constitutional right to set its own procedural rules. That is nuclear.

It is time to put aside the rhetoric for a moment and look at the facts. It is a fact that my Democratic colleagues have taken the unprecedented step of blocking not 1, not 2, but 10 nominees of President Bush to the Federal circuit courts of appeal. As a result, President Bush has the lowest appeals court confirmation rate for any first-term President since Franklin Roosevelt. It is a fact that each of these filibustered nominees has the support of a majority of Senators and each has received a rating of qualified or well qualified by the American Bar Association. It is a fact that today for the first time in our Nation's history, a President's nominees to the Federal bench are being required to receive a 60-vote supermajority rather than the traditional majority, the up-or-down vote, that has been the standard for 214 years. That is nuclear.

It is a fact that the ongoing filibuster of the President's nominees has prevented the Senate from fulfilling its constitutional duty to provide advice and consent to the appointment of men and women chosen to sit on our Nation's highest courts.

The former minority leader from South Dakota once lamented he found it simply baffling that a Senator would vote against even voting on a judicial nomination. I completely agree and note that every single one of President Clinton's judicial nominees who reached the Senate floor received an up-or-down vote. And contrary to what my friends across the aisle are so fond of saying, this includes the Paez and Berzon nominations to the Ninth Circuit.

By imposing a supermajority requirement for judicial nominees, the Democrats are disrupting the careful balance struck in the Constitution itself between Congress and the executive branch and allowing political considerations to play an even larger role in the confirmation process. They should heed the words of prominent Democratic legal advisor Professor Michael Gerhardt who, in another context, has written that a supermajority requirement for confirming judges would be ''problematic because it creates a presumption against confirmation, shifts the balance of power to the Senate, and enhances the power of special interests.''

For the last several weeks, instead of engaging in the hard work of compromise, some of my colleagues on the other side of the aisle have chosen to travel down the political road. We have seen pro-filibuster press conferences, other political events, and even an obstruction rally with the extreme liberal group MoveOn.Org. Liberal special interest groups are now spending millions of dollars across the country on television ads in support of judicial filibusters. One cannot help but reach the conclusion that these organizations, having failed to defeat President Bush at the ballot box in November, are now trying to advance their own liberal agenda through the only avenue left open to them—the Federal courts.

The judicial filibuster is their way of establishing a liberal litmus test. If you are not a liberal activist, you cannot serve on a Federal circuit court of appeals, or at least that is what the new standard appears to be.

Until now every judicial nominee with support from a majority of Senators was confirmed. The majority vote standard was used consistently throughout the 18th, 19th, and the 20th century for every President's nominees, Democrat or Republican, even Whig, until George W. Bush's judicial nominations were subjected to a 60-vote standard.

Let me emphasize one additional point. My friends across the aisle are well aware that no Republican—not one—is seeking to eliminate the ability of Senators to filibuster on legislative matters. We all recognize that the legislative filibuster has served an important function in our system of checks and balances. It is ironic, though, that nine of my Senate colleagues who are now working so hard to block President Bush's judicial nominees once advocated the elimination of the legislative filibuster. So who is playing politics?

I commend Majority Leader FRIST for his patience in trying to bring both sides together to develop a reasonable compromise on this difficult issue. Certainly no other majority leader has been faced with such unprecedented tactics in blocking the Senate's ability to fulfill its constitutional duty to provide advice and consent. I know Senator FRIST will continue to do what he feels is right for this body and for our country.

If he decides he is confronted with no other choice but to proceed with the constitutional option, I will fully support him. This approach is consistent with Senate precedent and has been employed in the past by some of the best parliamentary minds in this Chamber.

Our goal is to restore the practice, the tradition of 214 years, a simple majority vote for a President's nominees to the Federal bench.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

## TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3) to authorize funds for Federal aid highways, highway safety programs, and transit programs, and for other purposes.

Pending:

Inhofe amendment No. 567, to provide a complete substitute.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, this is the third day we have been on a bill we have been working on for 2½ years. It is the same bill essentially that was passed last year by a margin of 76 to 21. We are anxious to get people to come down to the floor for amendments. I don't know of anyone coming down at this time. But I encourage all Members on both sides of the aisle to come down and utilize this time so we can get the amendments behind us.

I understand the Senator from Illinois has some comments he wishes to make. I yield to him some of our time at this time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the chairman of the committee. Let me say I share his sense of urgency about the underlying bill. This is a bipartisan bill, a bill Democrats and Republicans want to see passed, a bill to finance the building of roads and bridges and airports, to finance mass transit in what is critical infrastructure for America's economy. I do not have an amendment to the bill, but if I did, I would offer it because I think those who have them should bring them to the floor so we can move and get it done before we take a recess next week. I urge my colleagues on the Democratic side to follow the admonition of the chairman.

What brings me to the floor was a statement made earlier by the Senator from Utah which made reference to me. Senator ORRIN HATCH and I are friends. We disagree on a lot of things.

We vote differently on a lot of issues and we debate furiously, but we get along fine. I think that is what life should be like and what the legislative process should be like. He made a reference earlier to this whole question of the nuclear option, to which I would like to return for a few moments.

First, what is the nuclear option? People who don't follow the Senate on a regular basis have to wonder are they using nuclear weapons on the floor of the Senate? What could it be? ''Nuclear Option'' was a phrase created by Republican Senator TRENT LOTT to describe a procedure that might be used to change the rules of the Senate. The reason Senator LOTT called it the nuclear option was because it is devastating in its impact to the tradition and rules of the Senate.

I will put it into context. The Senate was created to give the minority in the Senate, as well as in the United States, a voice. There are two Senators from every State, large and small. Two Senators from the smallest State have the same vote on the floor of the Senate as Senators from larger States, such as California, New York, Illinois, and Texas. That is the nature of the Senate. The rules of the Senate back that up. The rules of the Senate from the beginning said if any Senator stood up and objected, started a filibuster, the Senate would come to a stop. You think to yourself, how can you run a Senate if any Senator can stop the train? Well, it forces you, if you are going to move something forward in the Senate, to reach across the aisle to your colleagues, to compromise, to find bipartisanship, so that things move through in a regular way and in a bipartisan way. That is the nature of the filibuster.

Over the years, it has changed. You saw the movie ''Mr. Smith Goes to Washington,'' when Jimmy Stewart stood at his desk, with his idealism and his youth, arguing for his cause until he collapsed on the floor. He was exercising a filibuster because he believed in it so intensely. We have said over the years that you can do that to any nominee, bill, or law on the floor of the Senate; but if a large number of Senators, an extraordinary number of Senators, say it is time for the filibuster to end, it would end. The vote today is 60 votes. So if I am perplexed by an amendment offered by one of my colleagues, and I stand up to debate it and decide I am going to hold the floor of the Senate as long as my voice and body can hold out, I can do that, until such point as 60 colleagues, Democrats and Republicans, come together and say: Enough, we want to move to a vote. That is what it is all about.

So what has happened is the Republicans now control the House, Senate, and the White House. What they have said is they want to change the rules. They want to change the rules in the middle of the game because they don't like the fact that Democratic Senators have used the filibuster to stop 10 judicial nominees President Bush has sent to Congress, sent to the Senate.

Now, for the record, the President sent 215 nominees; 205 were approved and only 10 were not. Over 95 percent of the President's judicial nominees have gone through. We have the lowest vacancy rate on the Federal bench in modern memory. So we don't have outrageous vacancies that need to be filled quickly. We decided—those of us who voted for the filibusters—that these 10 nominees went way too far; their political views were inconsistent with the mainstream of America. They were not consistent with the feelings and values of families across the country on issues as diverse as the role of the Federal Government in protecting health and safety, which is an issue nominee Janice Rogers Brown takes a position on that is hard to believe. She has taken a position on a case—a famous case called the Lockner case—which would basically take away the power of the Federal Government to regulate areas of health and safety when it comes to consumers and the environment. It is a radical position.

And then another nominee, William Myers—my concern about him and the concern of many Senators is the fact that he has taken a radical position when it comes to our Nation's treasury and heritage, our natural and public lands. He has taken a position where he backs certain lobby groups, but there is one that we think is inconsistent with mainstream thinking in America. So there is an objection.

Other nominees have taken what we consider to be far-out positions that don't reflect the mainstream of America and we have objected, which is our right. Now the President says: Enough, I am tired of losing any nominee to the Senate. Don't we have 55 Republicans? Should we not get what we want?

He is not the first President who has felt that way. Thomas Jefferson felt that way. Thomas Jefferson, in the beginning of his second term, came to the Senate and said: I am sick and tired of the judges who have been appointed to the Supreme Court. I want to start impeaching them.

You know what Jefferson's party said? No, Mr. President, you are wrong. The Constitution is more important than your Presidential power. They said no to Thomas Jefferson.

Franklin Roosevelt did the same thing at the beginning of his second term. He was unhappy that his New Deal legislation was being rejected. He

came to the Senate and said: Let's change this and make sure we can put more Justices on the Supreme Court and get the votes we want.

His Democratic Party in the Senate said: No, Mr. President, we love you and we are glad you were elected, and we support your New Deal, but you have gone too far. Presidential power is not more important than the Constitution. They said no to him.

So now comes President Bush and Vice President CHENEY, and they have said: We don't like the fact that we only have 95 percent of our nominees approved; we want them all. We want to change the rules of the Senate—in fact, we will break those rules to change them so that President Bush can get every single nominee. Unfortunately, very few on that side of the aisle from the President's party are willing to stand up and say to this President, as Senators have said to President Jefferson and President Roosevelt: You are going too far. What you are doing here, sadly, is going to abuse the Constitution to build the power of the White House.

The Senator from Utah, Mr. HATCH, came in earlier and made a statement. He said every nominee should have an up-or-down vote. On its face, that sounds reasonable. We understand the rules of the Senate allow the filibuster and an extraordinary majority for nominees. What Senator HATCH failed to mention was that when he was chairman of the Judiciary Committee during the Clinton administration—those 8 years—over 60 Presidential nominees for the bench who were sent up by President Clinton to his committee were buried in committee without so much as a hearing. They didn't even have a chance to stand up and defend themselves, explain their point of view. Senator HATCH said, no. Over 60 Presidential nominees for President Clinton were stopped by Senator HATCH on the Judiciary Committee. I know; I served on the committee. I watched it happen. I heard Senator HATCH say every nominee should have an up-or-down vote. He is suffering from political amnesia. He has forgotten when he was in charge, 60 nominees never even had a hearing, let alone an up-or-down vote.

So we come to this point, a point where I think the issues are very clear. The Republicans are prepared, with the help of Vice President CHENEY—who announced over the weekend he supports them—to break the rules of the Senate, which are in a book that is seldom drawn out of our desks. The rules of the Senate say it takes 67 votes to change the rules of the Senate. That is a big number, 67 out of 100. The Republicans know they don't have 67 votes to change the filibuster rule, so they have decided to do it differently. They are going to wait until Vice President CHENEY is in the chair, and they are going to make a point of order that we should just have a simple majority vote on judicial nominees. And Vice President CHENEY is going to rule—he already said he would—and that is that. That is the end of the story.

So they are breaking the rules of the Senate to change the rules of the Senate, to eliminate a tradition and rule that has been around for 200 years. They are changing the rules in the middle of the game. The net result of that is this: The Senate will lose power when it comes to checks and balances. The President will have more power. It will mean that the President—this President, unlike President Jefferson and President Roosevelt—will trump the Constitution and will basically say: I am going to take more power away from the Senate. And his party will go along with that, even though President Jefferson and President Roosevelt had members of their own party stand up and say: Mr. President, you have gone too far.

The net result—the one that troubles me the most—is that we are talking about lifetime appointments to the Federal bench. If you take people who are so far out of the mainstream and stick them on a Federal bench for life, let me tell you, we don't have a clue what that is going to mean. But it is certainly worrisome that they could rule and change laws that we value as Americans—laws that, frankly, cross both political borders and Democrats and Republicans have supported. When you put somebody on the bench with that much power for a lifetime, then you have to worry about them.

So we have tried to come to some conclusion. Senator REID of Nevada, our Democratic leader, came to the floor to describe in general terms what he has been doing. For weeks, he has been negotiating with Senator FRIST and speaking to other Republican Senators about avoiding this constitutional confrontation, avoiding a constitutional crisis, avoiding this effort to change the rules in the middle of the game. He has made an offer—a good-faith offer—to bring some of these judges forward, to talk about rule changes that are in the best interests of this institution; and, frankly, Senator FRIST said yesterday: No, we are not talking about it anymore. It is over.

That is unfortunate.

It is important that we continue a dialog. The good thing about the filibuster is that it brings us together in order to move a nominee or a bill. Republicans have to reach across the aisle to Democrats and Democrats have to reach across to Republicans. That is the way it should be in this Chamber. It should not be a line down the middle and a wall that cannot be breached. That is exactly what we face if the Republicans go forward with the nuclear option.

When I return to Illinois, they say: Senator, can we come together to pass this highway bill Senator INHOFE is bringing to the floor? We will and it will be a good, bipartisan bill. We have been waiting, but let's pass this bill on a bipartisan basis. They say: Senator, can't Democrats and Republicans work together to do something about health insurance? You don't even talk about it on the Senate floor. I think we can. I know that business interests, as well as labor interests, want us to bring up this issue and resolve it. We should do it on a bipartisan basis. They say: Senator, can't you sit down and find a Republican who wants to put more money into our schools for No Child Left Behind, so that we can have better schools, better teachers, better students?

Of course, we should move toward bipartisanship. But the nuclear option, sadly, is going to divide us, split us. Make no mistake, if the nuclear option goes forward, this will be a different Senate and not very good in the process, I am afraid. A lot will happen that will be bad for us. Some have said on the floor, well, certainly at that point the Democrats are going to shut down the Senate and the Government. Trust me, that is not going to happen. We saw that tactic once. Remember the name Newt Gingrich and the Contract with America? He was so emboldened by Rush Limbaugh, he said if we shut down the Federal Government, nobody will notice. We noticed in a hurry and it hurt the Republican Party when they did it. We are not going to make that mistake. We believe that important functions of this Government must move forward. The defense of America, the support of our troops, the passage of critical appropriations bills, the passage of a highway bill—those issues are moving forward. But the ordinary day-to-day business of the Senate, otherwise, is going to be changed a lot.

If the Republicans are prepared to break the rules to change the rules, sadly the Senate Democrats will have to say we must play by the rest of the rules. That means more time on the floor, more debate, Senators spending more time at their desks, more time in session, more time in Washington. You hear the complaint that 5,000-page bills come before us that nobody reads. We will read them. Important amendments will be read. Debate will take place, and instead of the Chamber almost always being empty, it may be almost always full. Things will change.

I think there is a better way. Senator REID has suggested a better way—that cooler heads prevail, that those truly interested in not only the institution of the Senate but the value of the Constitution come forward. We can protect the filibuster. We can make certain that we do it in a sensible way. But we can only do it if we are in a dialog.

Senator FRIST's comments yesterday are worrisome. At this point, I ask unanimous consent to have printed in the RECORD an article from the Chicago Tribune. It is an editorial of April 25, which supports the Democrats and opposes the nuclear option.

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

[From Chicago Tribune, Apr. 25, 2005]

DEMOCRACY AND THE FILIBUSTER

The most surprising thing about the Senate battle over the filibuster is that a dusty 200-year-old procedure could generate such fresh controversy. Republicans say Democrats have abused it so badly to block judicial nominees that it should be removed from their arsenal. Democrats say it is an indispensable tool to prevent the president from turning the federal courts over to extremist judges.

But the debate is really just the latest argument about the central issue of our system of government: how much power the majority should have.

There is no question that Democrats have misused the leverage afforded by the filibuster. This device is supposed to ensure that the Senate gets a full hearing on any controversy before it votes. Facing a Republican president and a Republican majority of 55 senators, however, Democrats have deployed the threat of a filibuster not to delay votes but to prevent them.

Contrary to Republican claims, though, this tactic is not unprecedented, and it wasn't invented by the Democrats. Republicans tried to filibuster several judges named by President Clinton, even though they controlled the Senate at the time.

Democrats were right to complain then, as Sen. Patrick Leahy did in 1999: ''If we don't like somebody the president nominates, vote him or her down. But don't hold them in this anonymous unconscionable limbo, because in doing that, the minority of senators really shame all senators.'' Republicans are equally justified in objecting now.

But changing Senate rules to bar the use of filibusters against judicial nominees, as Republican leader Bill Frist of Tennessee has threatened to do, would be shortsighted and ultimately unhealthy. The filibuster, whatever its potential for misuse, is a vital safeguard against majority excesses. As such, it buttresses a constitutional framework ingeniously designed to keep the many from running roughshod over the few.

Although Americans have great faith in democracy, a Martian political scientist arriving here with no knowledge of our federal framework might think its purpose was not to empower the majority but to frustrate it. The Constitution contains a variety of mechanisms designed to make sure that public sentiment doesn't automatically get translated into policy.

The Bill of Rights, for instance, places certain subjects off-limits. The separation of powers, dividing authority among three different branches of government, serves as another check on the will of the people. A president can overrule the 535-member Congress and sustain a veto with as few as 34 senators. The Senate itself, of course, is at odds with pure democracy, because it allocates equal representation to each state, regardless of population.

The filibuster is merely a Senate rule, not a constitutional provision. But the reason it has survived for so long is that it fits well into the overall structure of our government.

Devices that obstruct the will of the majority can be an awful nuisance. But in the long run, the protections they offer against democratic excesses are worth the price.

Mr. DURBIN. Madam President, the Chicago Tribune, I can tell, is no liberal newspaper. They have a newspaper that takes conservative positions regularly, and they have decided that the nuclear option is the wrong way to go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I am anxious to yield the floor to the distinguished Senator from Indiana, who has an amendment to bring up at this time. But before doing that, I have sat and listened very carefully while Senator HATCH was talking about the constitutional option and the response from the Senator from Illinois. Sometimes you have to leave the individuals and hear what is being said outside this Chamber.

I have a couple editorials I am going to read at this time. The first is from yesterday's Investors Business Daily. Granted, that is generally a fairly conservative publication, and the next editorial I will read certainly is not one that would be identified as even moderate or conservative.

Investors Business Daily says:

Rules of order: The Democrats would have us believe filibustering is a time-honored constitutional and Senate tradition. It's not. And it wasn't that long ago that they felt quite differently.

A showdown now looms after Republicans on the Senate Judiciary Committee used their 10–8 majority to move the nominations of Janice Rogers Brown and Priscilla Owen for federal appeals court seats to the full Senate.

Democrats threaten to filibuster these picks, Majority Leader Bill Frist threatens to employ the unfortunately named ''nuclear option'' restoring the quaint notion that 51 votes constitutes a majority, and Vice President Dick Cheney says he's willing to be the tie-breaking vote to ban filibusters of judicial nominees.

Democrats are trying to portray GOP efforts to restore majority rule to the Senate as it relates to judicial nominations as an assault on the traditions of the Senate and the Constitution itself. As if the filibuster were James Madison's dying wish.

As a practical matter, the filibuster didn't even exist until the 1830s, when it was used to block legislation and not judicial picks. It was used by Democrats to defend slavery and oppose the Civil Rights Act—hardly noble purposes.

In 1841, the filibuster was used by Sen. John Calhoun to defend slaveholding interests. In 1957, then-Democratic Sen. Strom Thurmond held the floor for 24 hours straight to block civil rights legislation. And in 1964, 18 Democrats and one Republican blocked the Civil Rights Act for 2½ months.

In 1916, Senator Robert La Follette, a Republican, used it to block legislation to let merchant ships arm themselves against German U-boats. This prompted the Senate in 1917, at the behest of President Wilson, a Democrat, to adopt the first cloture rule, rule XXII, requiring a two-thirds to end debate.

This was amended 60 years later by none other than Robert Byrd, D–W.Va., the Senate's constitutional guardian and conscience, who reduced it to a three-fifths requirement.

In sum: For the first 200 years of our republic, Senate ''tradition'' never required 60 votes to approve judges. Filibusters are neither an idea of the Founding Fathers nor a historical tradition of the Senate. Cloture rules are a 20th century phenomenon, with the current rule less than 30 years old. Systematic filibustering of a president's appellate-court nominees is totally unprecedented.

Democrats didn't always love the filibuster. In September 1999, in a debate over Clinton appellate-court nominees, Sen. Patrick Leahy of Vermont thundered on the Senate floor: ''Vote them up or down! That is what the Constitution speaks of in our advise-and-consent capacity.'' An up-or-down vote, he said then, was a ''constitutional responsibility.''

The year before, none other than Sen. Ted Kennedy of Massachusetts solemnly intoned: ''We owe it to Americans to give these (judicial) nominees a vote. If our Republican colleagues don't like them, vote against them, but give them a vote.''

In 1995, Sen. Tom Harkin of Iowa proposed a plan to end filibusters identical to one now proposed by Frist. The Harkin plan was supported by 19 Democrats, including Sens. Kennedy, Barbara Boxer of California, Joseph Lieberman of Connecticut, Russell Feingold of Wisconsin and John Kerry of Massachusetts.

Harkin proposed to establish a declining vote requirement for cloture so that by the fourth cloture vote, a simple majority of the Senate would suffice to end debate and allow a floor vote on the matter at hand.

In the Constitution, when the Framers intended more than simple majorities, they explicitly said so. For example, they require a two-thirds majority to convict in an impeachment trial, expel a member, override a presidential veto, approve a treaty or propose a constitutional amendment.

Senate Democrats once opposed the filibustering of judicial nominees; they now support and rail against a ''nuclear option'' they once proposed themselves. Republicans should expose this hypocrisy, stop worrying and learn to love the bomb.

I will not read the whole editorial from the L.A. Times, from yesterday. I will read the first two paragraphs, in deference to my good friend from Indiana.

They said:

These are confusing days in Washington. Born-again conservative Christians who strongly want to see President Bush's judicial nominees voted on are leading the charge against the Senate filibuster, and liberal Democrats are born-again believers in that reactionary, obstructionist legislative tactic. Practically every big-name liberal senator you can think of derided the filibuster a decade ago but now sees the error of his or her ways and will go to amusing lengths to try to convince you that the change of heart is explained by something deeper than the mere difference between being in the majority and being in the minority.

At the risk of seeming dull or unfashionable for not getting our own intellectual makeover, we still think judicial candidates nominated by a president deserve an up-or-down vote in the Senate. We hardly see eye to eye with the far right on social issues, and we oppose some of these judicial nominees, but we urge Republican leaders to press ahead with their threat to nuke the filibuster. The so-called nuclear option entails a finding by a straight majority that filibusters are inappropriate in judicial confirmation battles.

I ask unanimous consent that this entire editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. INHOFE. Madam President, I will say this: It is unprecedented, that for 200 years there has never been a circuit court nominee by any President who had the majority support in the Senate to be filibustered. It never has happened until now.

EXHIBIT 1

[From the LA Times, April 26, 2005]

NUKE THE FILIBUSTER

These are confusing days in Washington. Born-again conservative Christians who strongly want to see President Bush's judicial nominees voted on are leading the charge against the Senate filibuster, and liberal Democrats are born-again believers in that reactionary, obstructionist legislative tactic. Practically every big-name liberal senator you can think of derided the filibuster a decade ago but now sees the error of his or her ways and will go to amusing lengths to try to convince you that the change of heart is explained by something deeper than the mere difference between being in the majority and being in the minority.

At the risk of seeming dull or unfashionable for not getting our own intellectual makeover, we still think judicial candidates nominated by a president deserve an up-or-down vote in the Senate. We hardly see eye to eye with the far right on social issues, and we oppose some of these judicial nominees, but we urge Republican leaders to press ahead with their threat to nuke the filibuster. The so-called nuclear option entails a finding by a straight majority that filibusters are inappropriate in judicial confirmation battles.

But the Senate shouldn't stop with filibusters over judges. It should strive to nuke the filibuster for all legislative purposes.

The filibuster debate is a stark reminder of the unprincipled and results-oriented nature of politics, as senators readily switch sides for tactical advantage. Politicians' lack of consistency on fundamental matters—the debate over the proper balance of power between Washington and the states would be another case in point—is far more corrosive to the health of American democracy and the rule of law than any number of Bush-appointed judges could ever be. For one thing, it validates public wariness about politicians professing deep convictions.

Liberal interest groups determined to keep Bush nominees off the bench are in such a frenzy that they would have you believe that the Senate filibuster lies at the heart of all American freedoms, its lineage traceable to the Constitution, if not the Magna Carta. The filibuster, a parliamentary tactic allowing 41 senators to block a vote by extending debate on a measure indefinitely, is indeed venerable—it can be traced back two centuries. But it is merely the product of the Senate's own rule-making, altered over time; the measure was not part of the founding fathers' checks and balances to prevent a tyranny of the majority. The Senate's structure itself was part of that calculus.

The filibuster is a reactionary instrument that goes too far in empowering a minority of senators. It's no accident that most filibusters have hindered progressive crusades in Washington, be it on civil rights or campaign finance reform. California's Democratic Sen. Barbara Boxer, one of those recent converts to the filibuster, embarrassed herself by hailing Sen. Robert Byrd (D-W.Va.) as her inspiration at a pro-filibuster rally. At least Byrd is being consistent in his support—he filibustered the 1964 Civil Rights Act.

A showdown is looking increasingly likely, though it isn't clear that all Republicans want this fight. Some of them realize they will again be in the minority someday and that the filibuster is a handy brake on the federal government's activism. If their caution prevails, or if Republicans take on the filibuster only in the narrow context of confirmation battles, we will happily weigh in again in the future, still on the anti-filibuster team.

Mr. INHOFE. Madam President, I inquire of the Senator from Indiana, is he going to be offering an amendment?

Mr. BAYH. Madam President, I am.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Madam President, what is the pending business?

The PRESIDING OFFICER. The highway bill is the pending business.

AMENDMENT NO. 568 TO AMENDMENT NO. 567

Mr. BAYH. Madam President, I have an amendment at the desk, No. 568, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH] proposes an amendment numbered 568.

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

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

The amendment is as follows:

(Purpose: To amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries)

At the appropriate place, insert the following:

**TITLE _____—OVERSEAS SUBSIDIES**

**SECTION ___01. SHORT TITLE.**

This title may be cited as the ''Stopping Overseas Subsidies Act of 2005''.

**SEC. ___02. APPLICATION OF COUNTERVAILING DUTIES TO NONMARKET ECONOMY COUNTRIES.**

Section 701(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1671(a)(1)) is amended by inserting ''(including a nonmarket economy country)'' after ''country'' each place it appears.

**SEC. ___03. EFFECTIVE DATE.**

The amendments made by section ___02 apply to petitions filed under section 702 of the Tariff Act of 1930 on or after the date of the enactment of this title.

Mr. BAYH. Madam President, I thank my colleague from Oklahoma for his courtesy.

The highway bill we are currently debating is important, vitally important to building a strong economy for our Nation. It will create jobs today and raise productivity tomorrow, strengthening the American people in the global economic competition we face and, in so doing, offer better prosperity and security for our children.

This is only a small part of a bigger picture. It is only the beginning of what must be done if we are to ensure American prosperity and national security and a future for our children of which we can be proud.

The American people need a debate—a debate that starts today—about how to create that prosperity in a global economy, about what we must do and to what we must commit ourselves, and also about what we have a right to expect from others. It is a debate that will take time—time today, time this week, time repeatedly this year and for the foreseeable future. It is a debate that will define our generation and affect the American people for generations to come. It is a struggle from which our current leaders have all too often been missing, incoherent, naive, and shortsighted, and that must change.

As my colleagues know, I feel so strongly about this subject that I recently placed a hold—the first time I have done such a thing—on the prospective nomination of Ron Portman to be our next trade negotiator. I want to emphasize this action is not personal on my behalf. I met with Mr. Portman. He is a fine man. I have every reason to believe he is eminently qualified for the position for which he has been nominated. But our obligation in this Senate is not merely to confirm him in his new job but, in addition, to confirm that American workers and businesses can labor in a system where, through hard work, ingenuity, and sacrifice, they have a fair chance in the global ''economyplace'' to succeed. That, too often, is not the case, and the indifference and the inaction that has led to this must change.

Our amendment enjoys broad bipartisan support. I am proud to say Senators COLLINS, GRAHAM, and others support this undertaking. They know it is essential. We have bicameral support. Representatives ENGLISH, DAVIS, and many others support this amendment. They too know that something must be done.

Our approach enjoys support by both business and labor—the National Manufacturers Association, and many representatives of organized labor—because they have waited too long for justice, and the time for justice has arrived.

We have the broad support we enjoy because of a building consensus in our country. Even in a divided society, even in this divided institution, action is needed and can no longer be delayed or denied.

What is that consensus, Madam President? It is the American people must devote themselves to succeeding in a global competition, that we must provide for those who are adversely affected by that global competition, and that American workers and businesses have a right to expect that our competitors in this competition will play by the same set of rules as do we.

America must commit itself, we must commit ourselves—it is our obligation—to doing those things that are necessary to succeed in the global marketplace. Nothing else will do. We cannot wall up our country. We cannot shut out those with whom we would compete. We saw the consequences of that in Eastern Europe under communism. So when the walls come down, as they invariably do, they could produce nothing that the rest of the world could consume.

It reminds me, in some ways, of the siren song of protectionism of the Greek king who once sought to turn back the tide and stood on the beach commanding it not to come in, only to drown in the process. We must not follow that path. But to avoid following

that path, we must have a strategy for success in the global marketplace that involves a robust commitment to research and development in the new goods, the new services, the new technologies of the future that will command good wages in the global marketplace, particularly in the area of energy independence.

We have an opportunity, as a society, to create hundreds of thousands of good-paying jobs, to address our imbalance of payments, to strengthen our finances, our economy, our environment, and our Nation's security in the process. That commitment has been missing for too long.

It is penny-wise and pound-foolish when we cut back on our investment in research and development. It demonstrates a lack of national will when we do not commit ourselves to increased energy independence. That must change.

What also must change is an increased commitment to an education for every American child, particularly the less-fortunate third, so they can be economically relevant in the global marketplace of today and tomorrow with the skills and the talents and the abilities to be globally competitive.

For too many of our less fortunate children, that still is simply not the case. So we have to redouble our efforts in K–12 education, and we need to open up the doors of access to college opportunity for every American child who is willing to work hard, play right, and do right themselves to get there.

The growing gap between the haves and have nots in America today increasingly is defined by those who have a college education and those who do not. Over the last 20 years, those who dropped out of high school or got a high school diploma that did not mean very much because the grades were the result of social promotion rather than actual achievement have seen their standards of living decline precipitously. Those in our country who received a college degree have seen their standards of living increase marginally. Those who have gotten an advanced degree have seen a dramatic increase in their prosperity and standard of living. So if we want to be globally competitive, we need to invest in the talents and the skills of our children and ensure that every child can have a college opportunity. That is a debate for another day. More needs to be done. More must be done if we are going to win the battle of global economic competition.

We also must do our part by committing ourselves to a course of fiscal sanity. The current budget imbalances simply are not sustainable, and they exacerbate the trade imbalance and the borrowing we must undertake from abroad. When it comes to our own budget deficits and imbalance, we only have ourselves to blame. We have to summon the national will to restore our finances, to ensure that we have a strong financial, fiscal situation in this country, to ensure that our children will inherit from us something better than our unpaid bills that have to be paid with interest to foreign countries and increasingly foreign banks. That is not right. We need to correct that situation. We need to redouble our efforts to increase our national savings through incentives for Americans to save more in the private sector so that we will increasingly be able to finance our demands at home.

We need to look through the prism of innovation in all that we do to ensure that we can be more rapid, more nimble, in terms of bringing new goods and services to market, and when we do that we need to ensure there is robust protection for our intellectual property rights abroad. All too often, that is not the case. We cannot allow a situation to develop where, when we do our part through research and development, through education, through fiscal sanity, through increasing our own domestic savings, through becoming more competitive and innovative, the fruits of that labor of that American genius are stolen by those abroad through violating our intellectual property rights. That cannot be allowed to continue further.

In addition to having a positive strategy for economic success in a global marketplace, we also have a moral responsibility to those who may be dislocated through no fault of their own as a result of that global economic competition. We must reach out to those Americans who are displaced and ensure that they have an opportunity to get back on the ladder of success, that every American has the prospect of being upwardly mobile in the global marketplace and that we do not just say to them, well, if they grew up 30 or 40 years ago and did not get the education they need, if they happen to be employed in the wrong industry that is suffering dislocations, that is too bad for them; they are in the scrap heap of history; they are on the wrong side of history; tough luck. That is social Darwinism, and we cannot take that path either.

For those of us who will benefit from the fruits of the global marketplace, consumers and industries that are globally competitive and enjoy comparative advantage, we have to take some of that success, some of those benefits, and put it into training, retraining, job placement, pension and health care portability, so that every American has a chance to be upwardly mobile and successful in the global marketplace.

There is also a growing consensus that even when we have done our part, even when we have adopted a strategy to be successful, even when we have defined our comparative advantage, when we provided for those who will be dislocated through no fault of their own, even when we have done all of that, others must do their part, too. We cannot stand idly by and watch the ingenuity, hard work, and sacrifice of the American people undone by the premeditated cheating—and that is what it is—of other countries because of their own narrow self-interests.

American workers and businesses too often are getting the shaft today, and that is not right. It is not right when those of us in the Senate stand idly by. It is not right when those in the administration turn a blind eye to this. That must change. We must enforce the rules of open global competition, and that is what our amendment will do. That is our obligation to our fellow citizens and our children.

The cheating—and as I have said, that is what it is—comes in many forms, such as the theft of intellectual property. I am told that more than 80 percent of the business software in China today is pirated. Barriers to U.S. exports, some in the form of tariffs, some not tariff barriers, such as our beef exports to Japan today—more on that in a moment—through currency manipulation, which we voted on in this Senate not long ago, giving a built-in 25- to 30-percent advantage to countries that do that—in this case, China—not because our workers are not as smart, not because they do not work as hard, not because the products are not as competitive, are simply because of financial engineering. Tens of thousands of Americans, when they get up in the morning, before they get dressed and go to work, start off with that kind of disadvantage through no fault of their own. How can we possibly look them in the face and tell them they are getting an even shake in the global marketplace? How can we possibly call that free trade? It is not. We know it is not. And it has to change.

Illegal subsidies is another form of cheating. Free rent, free power, loans never intended to be repaid—that is not free trade. It is the opposite of free trade. It is economic engineering by other countries to the detriment of American workers and businesses, and that has to stop. It is well known.

In its recent report to the Congress, the congressionally mandated and bipartisan U.S.-China Economic and Security Review Commission stated:

> There was a general consensus in the testimony that China remains in violation of its WTO obligations in a number of important areas.

In a hearing before the Ways and Means Committee 2 weeks ago, a representative of the U.S. Chamber of Commerce highlighted a number of concerns:

> . . . China's post-WTO accession use of industrial policy—

Not free trade, industrial policy—

> including the use of targeted lending, subsidies, mandated technology standards rather than voluntary, industry-led international standards, discriminatory procurement policies, and potentially, antitrust policy—to structure the development of strategic sectors is of mounting concern.

Industrial policy, not free trade. That is what we seek to change, a global competitive marketplace where the

laws of comparative advantage will rule, where citizens of every country will have a right to work hard, think smart, be nimble, bring goods and services to the marketplace, and let the best man and woman win. Too often that is not the case today. It is the case on the part of our workers but not on the part of their competitors, and that is what has to stop. That is what this amendment will do.

Our Government is well aware of this but too often chooses to turn a blind eye. The time for the Senate turning a blind eye has to stop. I think about the case of Batesville Tool and Die in Indiana and the fact that their competitor, in this case from China, sells their product in the United States of America for one-half of a penny above the cost of the raw materials, leaving nothing for labor, nothing for transportation, nothing for marketing. There has to be an illegal subsidy there. It is the laws of physics and the laws of economics. Currently there is nothing in our law that allows us to do anything about it. If the laws of economics are going to make sense, our law better insist that we have a right to end this kind of industrial policy and cheating. That is what our amendment will change.

I think about the National Association of Manufacturers, an organization that embraces free trade, and a pair of pliers they held up when we announced our amendment a few months ago, a pair of pliers sold at the cost of raw materials—the same thing, leaving nothing for anything else. Obviously an illegal subsidy violating the rules of the WTO is in place there, and that has to change.

I think about a foundry I visited in northeast Indiana where they stopped production so that I could address the workers several months ago. A foundry is a dirty business. These guys had soot on their faces and grime on their clothes, and they gathered around to hear me speak. I looked at them, and I in good conscience could no longer look them in the face, knowing the kind of burdens they labor under, the unlevel playing field, the kind of cheating that takes place, knowing they are willing to work hard for a living, and that too often that can be undone by those who are not willing to do the same or are willing to cheat to have their way. That is what has to stop, and that is what this amendment will change.

The time has come to take a stand. Our prosperity is at stake. The global marketplace, the global trading system, cannot work. When our global competitors have a comparative advantage, we buy their goods, but then when we have a comparative advantage, when American workers can produce something quicker, smarter, and cheaper than anybody else, they still do not get to sell their products abroad. They are still defeated at home because of cheating. It just will not work, and that is what this amendment will help to change. Our national sovereignty is at stake, our very sovereignty as a nation.

I do not know how many of my colleagues or the American people noticed several weeks ago that the President of the United States got on the phone and he called his colleague, the Prime Minister of Japan, and he said: You have been keeping our beef exports out of your country for too long. We are pretty good at producing beef in the United States, and you are using the excuse—and it is an excuse now—of the mad cow scare a couple of years ago as an informal trading barrier to keep our products out. You know what, we buy a lot from you. You ought to bring this nontariff barrier down. It is only the right thing to do.

So they had this exchange, and then shortly thereafter, whether by accident or not, the Prime Minister happened to say, well, maybe the time has come for Japan to start diversifying its financial holdings out of dollar-denominated assets, and for the next several hours the value of our currency, the value of our money, began to go into a free fall until some bureaucrat down in the bowels of the Finance Ministry came out and said the Prime Minister did not really know what he was talking about, it is not true.

Well, that is one thing. But a couple of weeks before that, there was a rumor going through Seoul, the same kind of thing—maybe the South Koreans would start diversifying out of dollar-denominated assets. That started a run on our currency, too.

It is not a sign of strength, it is not a sign of independence, it is not a sign of security when something as fundamental as the value of our money can be undermined by a slip of the tongue or a premeditated statement or a rumor sweeping a foreign capital. That is not the sign of a great nation; it is the sign of dependency, of weakness. It is something that can no longer be allowed to continue if we are going to have the kind of security for our children that we want them to have and that they deserve.

Make no mistake, our Nation's security is at stake. A strong military and the current financial imbalances we are running cannot be sustained indefinitely.

There was a book several years ago by Paul Kennedy called ''The Rise and Fall of Great Powers.'' It pointed out that the undoing of great nations had all too often been the result of their economic and financial weakness.

The percentage of GDP we are currently spending on national security and military expenditures substantially outstrips that of our economic competitors, freeing them to invest a substantially greater percentage of their wealth in productive assets.

As the only global superpower and the principal leader in the war against terror, we cannot afford to cut back on our investment in national security. At the very least, we can insist that those who benefit from our efforts in the fight against terror, who benefit from our efforts to provide for global security, play by the same set of economic rules so that we do not undercut the very prosperity that allows us to fight the war on terror and provide for global economic security. The two have to go hand in hand. For the last several years there has been a decoupling that cannot go on indefinitely. If we do not correct this situation, we not only undermine our prosperity and our financial strength, we undermine our very sovereignty and our Nation's security. The debate about leveling the field and enforcing the rules on global trade is very much, in the long run, a debate about national security as well.

Finally, let me sum up by saying two things. First, I know a lot of people want to talk about China. We had a debate on that and a vote with regard to currency manipulation a couple of weeks ago. Our relationship with China is one of the most important relationships over the next 50 to 100 years. They are a great nation with a great culture and a bright future. Our relationship with them will be at times complex and difficult. It is only going to work if the relationship is mutually beneficial in a number of ways, and in the economic arena as well.

The nation of China has its challenges and we want to see them successfully meet those challenges. But we have challenges, too, and they must be committed, equally committed to seeing us meet our challenges if this relationship is going to work as it must. It is simply not right that to ease the absorption of surplus workers in agriculture in China, we are asked artificially to throw out of work and put out of business American workers and businesses in our heartland. That is fundamentally not just. Stability and growth in China are important, and we should help them in that regard but not at the cost of our own. It is time that we insisted we achieve both.

Let me conclude by saying I am optimistic about our future. With the right kind of leadership there is little that the American people cannot accomplish. But as the old saying goes: If you don't know where you are going, well, any road will lead you there. We must have a strategy for success and prosperity. If we do, I am convinced we can get the job done because we have done it before.

If I had been addressing this Senate 100 years ago, more than half of our workers would have been employed in agriculture—more than half. Today it is about 3 or 4 percent. As we made the transition from an agricultural economy to a manufacturing-based economy, the United States of America did not dry up and blow away. There were difficulties but we met the challenge. We reinvented our economy and increased our prosperity and our standing in the world as a result.

If I had been addressing this Senate 50 years ago, more than 30 percent of

the American workers would have been employed in manufacturing. Today it is about 12 percent. Again, as the global economy began to change, as our domestic economy began to change, we did not dry up and blow away. There were difficulties. There were challenges. But we have been growing the service sector of the economy and the innovative and other parts of the economy.

So as we fight to save every kind of manufacturing job where we can be competitive in advanced manufacturing and other sections of the manufacturing sector, we have grown other parts of the American economy as well. We can continue to do that but only if we are willing to stand up for American interests and competitiveness and not allow the genius of our people to be stolen and undermined by the premeditated cheating and self-interest of other nations to which we turn a blind eye, or don't have the stomach to stand up to. That has to stop and that is what our amendment will do.

It will enable the American people to preserve our prosperity—when we are right, when we are competitive, when we have an advantage—and will enable us to go on and grow parts of our economy and grow good jobs at good wages where we have that advantage and allow our consumers to buy products from countries where they have the advantage. It will do right by our children. It will do justice to our workers. It will strengthen our national security, our sovereignty, our finances, and our prosperity. It is the right thing to do, and that is why I propose this amendment and that is why I ask for my colleagues' support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the amendment of the distinguished Senator, it is my understanding, is one that has been in consideration in the Finance Committee. There is a freestanding bill called ''Stopping Overseas Subsidies Act of 2005.'' Is that correct?

Mr. BAYH. That is correct.

Mr. INHOFE. Madam President, the chairman of the committee has advised me that they have been working on this bill for quite some time. As chairman of the Environment and Public Works Committee, and author of the highway bill, I suggest there are titles of the bill that are not within the jurisdiction of my committee. One is the Finance Committee title. The title is not yet here, so we do not have that to consider at this time.

I think it would be more appropriate later on, after we receive the title, to debate that in the normal process of legislation.

Mr. GRASSLEY. Mr. President, I rise in strong opposition to this amendment.

First, let me say I am profoundly disappointed by the way this issue has been handled over the past several weeks.

My staff has been working hard with some of the proponents of this legislation to fully understand the pros and cons of the legislation.

In fact, a meeting was held with the proponents just prior to a press release being issued saying that a hold was being placed on a nominee unless a vote were taken on the bill.

I thought we were making good progress. Needless to say, I was very surprised to learn of that development. No one asked me about it.

Let's be clear, I share concerns about China's economic policies and the impact of those policies on international trade and the U.S. economy.

At this point, however, I'm not convinced that the Bayh amendment is the best possible policy response we can provide to China's economic policies.

The amendment would substantively change United States trade law, and it is imperative that the repercussions be fully understood before we move ahead with the proposed change.

That's why the committee process should not be circumvented. The Finance Committee has jurisdiction over issues of international trade, and its expertise should be brought to bear on any trade issue before its consideration by the full Senate.

When that process is not respected, we run the risk of adopting ill-thought out policy which in the end could undermine the very intent of legislation that is rushed in as an amendment, as Senator BAYH proposes we do in this case.

For starters, I understand that the bill may not even be necessary, as it's possible this change could be implemented administratively rather than legislatively.

We should explore with Administration officials the feasibility of implementing an administrative change, what that would entail and how that might best be accomplished.

The proposed legislation doesn't give the Commerce Department any flexibility to develop appropriate regulations and procedures to implement this provision.

Such a significant change from established practice should at least incorporate sufficient flexibility so that it can be implemented properly. Otherwise, proponents run the risk of undermining their very goal.

Why wouldn't proponents want to ensure that such a significant change in the operation of our trade laws is implemented properly?

Again, that's why the Finance Committee should have the opportunity to address the details.

There are other repercussions that should be examined. How does the proposed legislation relate to China's accession to the WTO for example?

Is it consistent with the terms of our bilateral agreement on China's WTO accession?

Those questions should be answered before we move ahead on this legislation.

Another very serious issue is the relationship between this legislation and existing U.S. trade law.

It's quite possible that by adopting this bill we could undermine the application of U.S. antidumping law, and I doubt any of my colleagues would advocate that result.

It is even possible that this amendment could force us to relinquish application of the nonmarket antidumping methodology in dumping cases.

That question needs to be addressed thoroughly before we move ahead on this legislation. Proponents may offer blanket assertions to the contrary, but that is not sufficient, in my view.

We should not run the risk of undermining our trade laws by pushing this amendment onto a bill today.

I hope Senator BAYH will reconsider his decision and withdraw the amendment.

If not, I hope my colleagues will join with me in opposing his amendment until we can fully appreciate its repercussions.

Mr. President, I yield the floor.

Mr. INHOFE. I will be glad to respond to any questions the Senator has, after I get one thing taken care of here.

Madam President, I ask unanimous consent that at 1:30 p.m. the Senate proceed to executive session for the consideration of Calendar No. 39, the nomination of J. Michael Seabright, to be U.S. district judge for the Southern District of Hawaii; 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 the 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.

Mr. INHOFE. Madam President, as we said over and over again, I have a list of about eight amendments people have said they want to come down and offer. This is the third day now we have been inviting them to come down. So far only Senator THUNE has brought his amendment in. We did adopt that amendment. I encourage others to come down.

I think this could very well be considered by most people the most significant vote on a bill we will be considering on the floor this entire year. We want to make sure, while we have the time, that we give adequate consideration and time for the amendments that different Members may have. I invite them to come down at any time during this process. With that, I yield the floor.

Mr. BAYH. Did my colleague have a question?

Mr. INHOFE. It is my understanding the junior Senator from Missouri would like to have the floor for consideration of an amendment. But I will yield the floor at this time.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 582 TO AMENDMENT NO. 567

Mr. TALENT. Madam President, I have an amendment to send to the desk. I ask unanimous consent the Bayh amendment be set aside so I can do that, offer the amendment; and then, at the end of the 3 or 4 minutes I am going to use to offer the amendment, that we would go back to the Bayh amendment. That would be my unanimous consent request.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. TALENT] proposes an amendment numbered 582 to amendment No. 567.

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

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

The amendment is as follows:

(Purpose: To direct the Secretary of Transportation to conduct a program to promote the safe and efficient operation of first responder vehicles)

At the appropriate place, insert the following:

**SEC. ___. FIRST RESPONDER VEHICLE SAFETY PROGRAM.**

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator, National Highway Traffic Safety Administration, shall—

(1) develop and implement a comprehensive program to promote compliance with State and local laws intended to increase the safe and efficient operation of first responder vehicles;

(2) compile a list of best practices by State and local governments to promote compliance with the laws described in paragraph (1);

(3) analyze State and local laws intended to increase the safe and efficient operation of first responder vehicles; and

(4) develop model legislation to increase the safe and efficient operation of first responder vehicles.

(b) PARTNERSHIPS.—The Secretary may enter into partnerships with qualified organizations to carry out this section.

(c) PUBLIC OUTREACH.—The Secretary shall use a variety of public outreach strategies to carry out this section, including public service announcements, publication of informational materials, and posting information on the Internet.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2006 to carry out the provisions of this section.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Madam President, I thank my friend from Oklahoma and my friend from Indiana for allowing me to get this amendment pending. I am very hopeful we will eventually get it accepted. I am working with the chairman and ranking members of both the full committee and subcommittee to get that done.

The purpose of the amendment is to address the problem of the increasing number of accidents occurring in which either parked first responder vehicles are rear-ended by other vehicles or the first responder is struck after leaving the vehicle.

In first responders—such an antiseptic term—we are talking about our police officers, our ambulance workers and drivers, our firefighters who are dealing with the issue of a car that is parked on the side of the road, maybe because the police officer pulled the car aside, or because the car has been abandoned, or it is on fire. It is all too often the case in this country that our first responders who are working on those situations are injured or killed by a passing vehicle.

I will share the story of a Missouri law enforcement officer who tragically lost his life this way. I know there have been many more such as him around the country. Michael Newton was a State trooper for the Missouri highway patrol. He stopped a vehicle on Interstate 70 in Lafayette County, MO, for a traffic violation on May 22, 2003. He and the other driver were sitting in the patrol car when they were struck from behind by a pickup carrying a flatbed trailer. Trooper Newton died at the scene. The driver he had stopped suffered serious burns. Trooper Newton was only 25 years old. He left a wife, two young sons, many loving relatives, and a community that deeply mourned his loss and was very grateful for his service to the State of Missouri.

In 2003, 193 other people lost their lives in crashes involving emergency vehicles, including 141 lives lost in crashes involving police vehicles, 29 lives lost in those involving ambulances, and 24 lives lost in crashes involving firetrucks.

According to the National Law Enforcement Officers Memorial Fund, vehicle-related incidents are the No. 1 cause of police officer injuries and the No. 2 cause of police officer deaths. In 2004, 73 out of 153 police officer deaths were vehicle related. Not all of those involved parked cars, but most of them did.

I was very surprised to see those statistics and deeply concerned that we have not informed people and raised their awareness about this problem. That is what this amendment is designed to do. My Pass With Care amendment requires the Secretary to start a nationwide publicity campaign through public service announcements, developing a Web site, providing informational materials, to increase public awareness of this crucial safety issue.

Our first responders, our police, our firefighters, our ambulance workers dedicate their lives to helping protect the rest of us. They save so many lives through their heroic efforts. If more people realize they can help protect our first responders by quickly and safely pulling over when they hear an emergency siren or being more careful when they see a first responder vehicle parked on the road or the shoulder of the road, that will reduce the risks for our law enforcement, health workers, and firefighters.

The amendment requires the Secretary, in consultation with the National Highway Safety Administration, to develop and implement a program to promote compliance with State Pass With Care laws and ''move over'' laws. Those laws govern how motorists pass and yield to first responders' vehicles.

The Secretary, under my amendment, would compile a list of best practices to promote compliance with such laws, would conduct an analysis of the various State and local laws that deal with the safety of first responder vehicles, and from that analysis develop model legislation that States can adopt should they choose to do so.

Unfortunately, only 27 States currently have Pass With Care laws or ''move over'' laws. The amendment would help give guidance to the remaining States on drafting laws that would help save lives. The Secretary would be authorized to enter into partnerships with safety organizations and engage with public outreach to help improve first responder safety.

This is not an amendment that would be coercive on the States. I tried to be sensitive to that in drafting it. It is what we can do as an alternative to mandating the States in this area to help provide a clearinghouse of information for them to help develop model legislation and also in appropriate ways to develop an increased public awareness of this problem.

If people become more aware of this as the bill goes through and as a result of an awareness campaign the Secretary would conduct, that in itself would probably reduce the number of deaths.

I was surprised to hear of the number of first responders who are imperiled. If we can help them by raising awareness, I think we ought to do it. I am pleased to introduce the amendment on behalf of our first responders at risk on our roads and highways. They should not be at risk. I urge the Senate to pass the amendment to help strengthen these laws, and ensure the safety of our first responders.

I certainly am willing to work with the managers of the bill to help deal with any concerns they may have regarding the wording of the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

## NOMINATION OF J. MICHAEL SEABRIGHT TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii.

The PRESIDING OFFICER. Under the previous order, there are 30 minutes, equally divided, for debate on the nomination.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I am pleased and hnored to speak in support of J. Michael Seabright of Honolulu, Hawaii, who has been nominated by the President to serve as a Federal district court judge for the District of Hawaii.

Mr. Seabright graduated magna cum laude from his undergraduate alma mater of Tulane University, before going on to attend The National Law Center at George Washington University, where he received his juris doctor and graduated with high honors as a member of the Order of the Coif.

At George Washington, he further distinguished himself by serving as the editor of the George Washington Journal of International Law & Economics.

I have had the pleasure of knowing Mr. Seabright since he arrived in Hawaii 20 years ago, having watched him as he successfully became a member of the Hawaii State Bar Association, and became involved in our community.

Now Mr. Seabright stands out as a leader in the legal side of law enforcement, where he developed the District of Hawaii plan for implementing ''Operation Triggerlock-Hawaii,'' a Federal-local effort aimed at the prosecution of violent armed career criminals in Federal court.

His broad experience in prosecution, from violent crimes to government corruption, have provided him a balanced perspective of the criminal justice system that will continue to serve him well as he prepares for this most recent development in his career of public service.

Mr. Seabright's work for Hawaii goes beyond his professional commitments as an assistant U.S. attorney, however. He has served on the Hawaii Supreme Court's disciplinary board since 1995 and holds the chairmanship of its rules committee, which is charged with the drafting proposed rules for the Hawaii Rules of Professional Conduct.

He was also a member of the Hawaii State Board of Bar Examiners, and has been an adjunct professor at the University of Hawaii William S. Richardson School of Law.

This extraordinary record of achievement has now culminated with his nomination to the Federal bench, and amply supports the favorable reports he has received from the Hawaii State Bar Association, the American Bar Association, and the Federal Bureau of Investigation.

I am confident that his record will prove equally impressive to the full Senate, and I trust that he will become the 206th of Mr. Bush's judicial nominees to be confirmed to the Federal bench. I hope my colleagues will join me in voting in favor of Mr. Seabright.

The PRESIDING OFFICER. The Senator from Hawaii, Mr. AKAKA, is recognized.

Mr. AKAKA. Mr. President, it is with great pleasure that I join Senator INOUYE in support of the nomination of Mr. J. Michael Seabright for the U.S. District Court for the District of Hawaii. The Hawaii State Bar Association has found Mr. Seabright to be highly qualified for the position of U.S. District Court Judge in Hawaii. This is of significant importance to me, as I value the opinion of Hawaii's legal community in evaluating those nominated to serve as judges.

Mr. Seabright has practiced law in the State of Hawaii for over 20 years, in a number of capacities, including both private practice and public service. Mr. Seabright has been employed by the U.S. Attorney's Office for the District of Hawaii for the past 15 years, and he has headed the white-collar and organized crime section since 2002.

I am very pleased that this position, after being vacant for so many years, will now be filled by an individual as qualified as J. Michael Seabright. For the past few years, I have heard from jurists and a number of attorneys in Hawaii about the need to fill this judicial vacancy. I am encouraged to see that with the consideration of this nominee the Senate will continue its tradition of fulfilling its advice and consent role under the Constitution.

I urge my colleagues to vote in favor of Mr. Seabright's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it has taken some time, but the Senate Republican leadership will finally allow the Senate to consider the nomination of Michael Seabright to be a United States District Court Judge for Hawaii. I commend the distinguished Senators from Hawaii for their effort in identifying this consensus nominee. When Mr. Seabright is confirmed by an overwhelming, bipartisan vote of the Senate, he will be the 206th nominee of this President confirmed to a lifetime appointment to our Federal courts.

This is only the second judicial nomination Senate Republicans have been willing to consider all year. There has been no filibuster of judicial nominees this year. Instead, it is the Senate Republican leadership that, through its deliberate inaction, is keeping judgeships unnecessarily vacant for months. With this nomination and with the nomination of Judge Crotty, I was the one asking for months for the nomination to be considered, debated, voted, and confirmed. For the last several weeks, I have been calling upon the Republican readership to proceed to the confirmation of Michael Seabright to the District Court of Hawaii.

All Democrats on the Judiciary Committee had been prepared to vote favorably on this nomination for some time. We were prepared to report the nomination last year, but it was not listed by the then-chairman on a committee agenda. I thank Chairman SPECTER for including Mr. Seabright at our meeting on March 17. The nomination was unanimously reported and has been on the Senate Executive Calendar for more than a month. It is Senate Republicans who resisted a vote on this judicial nominee, not Democrats. In their fashion, they did so without any explanation akin to the anonymous ''holds'' that doomed more than 60 of President Clinton's judicial nominees not so long ago.

Once confirmed, Mr. Seabright will be the 206th of 216 nominees brought before the full Senate for a vote to be confirmed. That means that 829 of the 875 authorized judgeships in the Federal judiciary, or 95 percent, will be filled. It is regrettable that Republican delay has now pushed the Senate behind even the pace set by the Republican majority in 1999, when President Clinton was in the White House. That year, the Senate Republican leadership did not allow the Senate to consider any circuit court nominees for the entire session and only 17 district court nominees were confirmed. The Republican Senate has fallen behind that pace.

Of the 47 judicial vacancies now existing, President Bush has not even sent nominees for 29 of those vacancies, more than half. I have been encouraging the Bush administration to work with Senators to identify qualified and consensus judicial nominees and do so, again, today. The Democratic leader and I sent the President a letter in this regard on April 5, but we have received no response.

It is now the last week in April. We are almost one-third through the year and so far the President has sent only one new nominee for a Federal court vacancy all year—only one. Instead of sending back divisive nominees, would it not be better for the country, the courts, the American people, the Senate, and the administration if the White House would work with us to identify, and for the President to nominate, more consensus nominees such as Michael Seabright who can be confirmed quickly with strong, bipartisan votes?

I commend the Senators from Hawaii for their efforts to work cooperatively to fill judicial vacancies. I only wish Republicans had treated President Clinton's nominees to vacancies in Hawaii with similar courtesy. Had they, there would not have been the vacancies on the Ninth Circuit and on the District Court. The work of the Senators from Hawaii is indicative of the type of bipartisan efforts Senate Democrats have made with this President

and remain willing to make. We can work together to fill judicial vacancies with qualified, consensus nominees. The vast majority of the more than 200 judges confirmed during the last 3½ years were confirmed with bipartisan support.

The truth is that in President Bush's first term, the 204 judges confirmed were more than were confirmed in either of President Clinton two terms, more than during the term of this President's father, and more than in Ronald Reagan's first term when he was being assisted by a Republican majority in the Senate. By last December, we had reduced judicial vacancies from the 110 vacancies I inherited in the summer of 2001 to the lowest level, lowest rate and lowest number in decades, since Ronald Reagan was in office.

The Hawaii judgeship at issue here has been vacant for more than 4 years, since December of 2000 when Judge Alan Kay took senior status. President Clinton made a nomination to that seat in advance of the vacancy, but the Republicans in control of the Senate refused to act on it. They preserved the vacancy for a Republican President.

In 2002, President Bush nominated James Rohlfing to the vacancy. That nomination failed, however, because in the view of his home State Senators and the American Bar Association, he was not qualified for the position. It took the White House more than 2 additional years to agree. Finally, in May 2004 that nomination was withdrawn by President Bush.

The administration finally got it right after consultation with the Hawaii Senators. The President sent Michael Seabright's name to the Senate last September. An outstanding attorney who has experience in private practice as well as a sterling reputation as an Assistant United States Attorney, Mr. Seabright merited consideration and swift confirmation. Despite his reputation as a law-and-order Republican, Republicans would not move on Mr. Seabright's nomination last Congress. The President took his time renominating Mr. Seabright and even then it took repeated requests to get his nomination included on the agenda of the committee. When he was considered on March 17, he was reported with unanimous support. Senate Democrats have long supported and requested action on this nomination.

I have been urging this President and Senate Republicans for years to work with all Senators and engage in genuine, bipartisan consultation. That process leads to the nomination, confirmation, and appointment of consensus nominees with reputations for fairness. The Seabright nomination, the bipartisan support of his home State Senators, and the committee's action by a unanimous bipartisan vote is a perfect example of what I have been urging.

I have noted that there are currently 29 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies. It is as if the President and his most partisan supporters want to create a crisis.

Over the last weeks, we have heard some extremists call for mass impeachments of judges, court-stripping, and punishing judges by reducing court budgets. Now we are seeing an effort at religious McCarthyism by which Republican partisans inject religion into these matters. Rather than promote crisis and confrontation, I urge the President to disavow the divisive campaign and, instead, do what most others have and work with us to identify outstanding consensus nominees. It ill serves the country, the courts and, most importantly, the American people for this administration and the Senate Republican leadership to continue down the road to conflict.

The Seabright nomination shows how unnecessary that conflict really is. Let us join together to debate and confirm consensus nominees to these important lifetime posts on the Federal judiciary.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the constitutional limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks.

It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people?

The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly-owned subsidiary of his political party. Today, Republicans are threatening to take away one of the few remaining checks on the power of the Executive branch by their use of what has become knows as the nuclear option. This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned. Eliminating the filibuster by the nuclear option would destroy the Constitution's design of the Senate as an effective check on the Executive. The elimination of the filibuster would reduce any incentive for a President to consult with home State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule but to an unchecked executive.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and work together to fill judicial vacancies with consensus nominees. The nuclear option is unnecessary. What is needed is a return to consultation and for the White House to recognize and respect the role of the Senate appointments process.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at an independent and strong federal judiciary and, ultimately, at their rights and freedoms.

Mr. President, I commend the two Senators from Hawaii, Mr. INOUYE and Mr. AKAKA, for their support and their work with the White House in getting this nominee to the floor. I commend the White House for working with them.

This nominee was confirmed unanimously in the Senate Judiciary Committee, Republicans and Democrats joined alike. I urge on our side of the aisle that all Senators vote for him.

I have been advised by the distinguished members of the Republican side of the aisle that they are willing to yield back their time. So I ask that all time on either side on this nominee be yielded back so we can go to a vote.

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

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Delaware (Mr. BIDEN), are necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—98

| | | |
|---|---|---|
| Akaka | Bunning | Cochran |
| Alexander | Burns | Coleman |
| Allard | Burr | Collins |
| Allen | Byrd | Conrad |
| Bayh | Cantwell | Cornyn |
| Bennett | Carper | Corzine |
| Bingaman | Chafee | Craig |
| Bond | Chambliss | Crapo |
| Boxer | Clinton | Dayton |
| Brownback | Coburn | DeMint |

| | | |
|---|---|---|
| DeWine | Kennedy | Reid |
| Dodd | Kerry | Roberts |
| Dole | Kohl | Rockefeller |
| Domenici | Kyl | Salazar |
| Dorgan | Landrieu | Santorum |
| Durbin | Lautenberg | Sarbanes |
| Ensign | Leahy | Schumer |
| Enzi | Levin | Sessions |
| Feingold | Lieberman | Shelby |
| Feinstein | Lincoln | Smith |
| Frist | Lott | Snowe |
| Graham | Lugar | Specter |
| Grassley | Martinez | Stabenow |
| Gregg | McCain | Stevens |
| Hagel | McConnell | Sununu |
| Harkin | Mikulski | Talent |
| Hatch | Murkowski | Thomas |
| Hutchison | Murray | Thune |
| Inhofe | Nelson (FL) | Vitter |
| Inouye | Nelson (NE) | Voinovich |
| Isakson | Obama | Warner |
| Jeffords | Pryor | Wyden |
| Johnson | Reed | |

NOT VOTING—2

| | |
|---|---|
| Baucus | Biden |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—Continued

Mr. INHOFE. Mr. President, I ask unanimous consent that we set aside the pending Bayh amendment for the purpose of adopting an agreed-to amendment, the Talent amendment, and go immediately back to the Bayh amendment.

Mr. BAYH. With that understanding, I do not object.

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

AMENDMENT NO. 582

The PRESIDING OFFICER. Is there further debate on the Talent amendment?

If not, the question is on agreeing to amendment No. 582.

The amendment (No. 582) was agreed to.

Mr. INHOFE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 568

The PRESIDING OFFICER. Under the previous order, the Bayh amendment will be the pending amendment.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to show my strong support for the Bayh amendment on countervailing duties, and I ask unanimous consent to be added as a cosponsor.

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

Ms. STABENOW. I commend my friend and colleague from Indiana for his vision on the issue of what we need to do to create a level playing field for our businesses and workers. This is an important amendment.

I have spoken forcefully about our need to address the unfair trade practices of those with whom we trade. A necessary step in this process is to change those U.S. laws that hinder our industries from operating on a level playing field. That is what this amendment addresses. Our businesses, our workers have an expectation that we will provide a level playing field for them, and we need to deliver on that. This amendment is a good step in that direction.

Unfair trade practices are hurting our U.S. manufacturers and costing jobs. In my State of Michigan, I regret to say, we now have the highest unemployment rate in the country. At the time when our Nation's countervailing duty laws were approved in 1979, the Department of Commerce decided it was impracticable to apply those laws to nonmarket economies such as China due to the difficulty of determining what defines a government subsidy within the context of a state-controlled economy.

However, since that time, many nonmarket economies have undertaken significant economic reforms that have liberalized the state control over their economies. Unfortunately, however, some of these nations, such as China, refuse to comply with standard international trading rules and practices and use subsidies and other economic incentives to give their producers an unfair competitive advantage. This has a direct impact on job loss in Michigan, as well as in other States.

As we all know—and it has been documented—these subsidies range from currency manipulation, to providing below interest rate loans to less than creditworthy companies, to providing preferential access to raw materials and other input. I should mention that I was very proud to be a part of the effort to get a very strong vote a few weeks ago; 67 Members on both sides of the aisle joined to send a message both to the White House and to China that we expect China to stop manipulating their currency, which means it costs more for us to sell to them than for them to sell to us. It is part of what we need to do to level the playing field. I hope that because we have joined together in the vote we had on a very strong bipartisan basis, we will see the same kind of vote on this Bayh amendment.

I will give you a few examples of how this hurts Michigan manufacturers and workers directly. Counterfeit automotive products are a very big problem in Michigan. Not only does it kill American jobs, but it has the potential to kill Americans as cheap, shoddy automotive products replace legitimate ones of higher quality. The American automotive parts components industry loses an estimated $12 billion in sales on a global basis to counterfeiting. This must stop. We don't even keep statistics on the potential loss of life.

The United States is losing manufacturing jobs as a direct result of China's policies. China's policies have cost our economy 1.5 million jobs in the last 15 years and 51,000 jobs alone in Michigan. These job losses are hurting all of our manufacturers, from apple juice, to auto parts, to clothing, to furniture.

At this stage, U.S. industries have no direct recourse to combat subsidies used by nonmarket economies. They must rely upon the Federal Government to negotiate a settlement, or on the dispute settlement processes of international organizations, such as the WTO.

Why do we put such a strain on our own businesses? The remedies available currently might eventually lead to relief, but it takes years to see relief. We are losing jobs every day. There are headlines every day in Michigan about job loss. We have to have a sense of urgency here in the Senate and in the Congress and in the White House.

The Bayh amendment would change the situation to ensure that nonmarket economies are subject to the same countervailing duty laws as all other trading nations.

At a recent Finance Committee hearing on his nomination, Congressman PORTMAN said he thinks ''we . . . need an additional focus on China. After a top-to-bottom review, I would plan to shift some resources, including some people to that effort.''

I certainly encourage him to do that. I also want to indicate at this time that Congressman PORTMAN indicated support for a focus on creating an international trade prosecutor, or some people in his office who would focus on the role of prosecutor more broadly on those other countries that are violating rules. Senator BAYH has been a champion of that effort, and I am very proud he has joined with me and Senator GRAHAM in South Carolina in introducing specific legislation that relates to creating an international trade prosecutor as well. All of these pieces are important. We have taken one step to sending a message to China and to the administration that we expect them to address the issue of currency manipulation.

Now, this amendment is a very important piece in leveling the playing field for our businesses and our workers. I also urge that we incorporate an international trade prosecutor who will be our American voice for business and for workers on the broad issue of continuing to make sure the rules are fair. I think these pieces together create hope for the people we represent, whom we, in fact, would stand up for and stand up for American jobs.

While I have the floor, I want to speak briefly about something else that also relates to American jobs. In addition to this important amendment, we will be focusing on the broader issue of a strong SAFETEA Transportation bill. I am hopeful that we are going to get this done as quickly as possible. I am pleased that we have begun the process of debating this critical issue.

The snow finally has melted in Michigan—at least for the moment—and we are in the beginning of a new construction season. During the budget debate, I was pleased to join with Senator TALENT to lead an effort on an amendment to help the Senate produce a well-funded Transportation bill. I know Senator GRASSLEY and Senator BAUCUS are working hard to help strengthen this bill that is in front of us.

As my colleagues know, this bill isn't just about improving roads and transit systems and buses, but it is about creating jobs. Again, it is absolutely critical that we do everything possible to create American jobs and do it as quickly as possible. The Transportation bill is one of the fastest ways that we can bring good-paying jobs back to our States.

The Department of Transportation estimates that every $1 billion of highway spending creates 47,500 new, good-paying jobs, and it generates more than $2 billion in economic activity.

Mr. President, we need this bill now. If there are efforts to extend it, we need to have it be a short extension beyond May 31. My preference is to get this done before the end of May because we are going to lose another construction season if we do not. We in Michigan have projects ready to go the minute this bill is signed. It is absolutely critical that we get this done as soon as possible.

Over the last 4 years, Michigan has lost jobs. This bill, as I said, would create good-paying jobs that would help thousands of our families in Michigan. We are not talking about minimum wage jobs, we are talking about well-paying jobs, good-paying jobs that help families pay their mortgages and save for retirement and put their children through school.

Last year's bipartisan Senate bill that passed overwhelmingly would have created over 99,000 jobs in Michigan alone. It is my hope that the Senate will pass another strong bill. I understand that the House and the White House did not support the effort that we passed. Even though it was an important bipartisan effort and it showed in the Senate the best about governing, in my opinion, and people worked very hard on both sides of the aisle, it is very unfortunate that this was not supported by the House or the White House. Now we have a bill back in front of us and we need to make it the best we can possibly make it so that we are creating jobs and meeting the needs of our communities. We cannot fix the problems that we have in our States in terms of infrastructure and traffic congestion and issues of jobs and so on without the very best bill possible.

I am very hopeful—and I will do everything within my power, working with colleagues on both sides of the aisle—to get the fairest, best bill that we can for the people we represent and to get that as quickly as we possibly can.

Mr. President, I urge my colleagues to support the Bayh amendment and to move on to put together the final bill in the best way possible for both those States such as mine, which are donor States, as well as for the other States around the country, so that we can create the jobs that are needed as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Indiana.

Mr. BAYH. Mr. President, I thank my friend and colleague, the Senator from Michigan, for her generous words, but for her leadership as well on both of these important issues. She understands very well the Transportation bill will create jobs for our construction workers in the short run and will improve our productivity in the long run but that it is just part of a bigger piece of improving America's economic competitiveness, and a big part of that, in Michigan and Indiana and the other 48 States, is when workers want to work hard, be smart, play by the rules, do the right thing, they need to be rewarded for those efforts and not have their hard-working sacrifices unfairly taken from them by global competitors who do not play by the rules, who cheat, and are not willing to make the tough decisions our businesses and workers are asked to make.

I thank her for her leadership and for her kind words and look forward to working with her on these and other issues.

Ms. STABENOW. Mr. President, I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, right now the pending business is the Bayh amendment. I stress again that both Senator JEFFORDS and I are inviting anyone to come down with amendments they have. Senator BAYH has graciously agreed to set his aside for the consideration of any other amendments, and then we would go back to his amendment. So I would not want any Members who are watching the proceedings to believe they cannot get their amendment in. We do encourage them to bring their amendments down. I would hate to have all of these stacked up at the last minute. Now is the time to get consideration for amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today, our third day of debate on the highway bill.

As we have stated before, this is vital legislation that will have an impact on every American.

I join Senator INHOFE in calling on my colleagues to come to the floor to offer amendments. With that said, I would like to address some of the important provisions in this bill.

I would like to spend a minute talking about bridges and our need to make sure that adequate funding exists to maintain these structures.

As many of my colleagues know, I have a passion for bridges and specifically covered bridges.

While covered bridges are no longer critical parts of our Nation's infrastructure, they provide an important link to our collective past and are feats of engineering and longevity.

The National Covered Bridge Preservation Program, which I authored in 1998, has been a great success, albeit a slightly underfunded success.

From the Thetford Center Covered Bridge to the Weathersfield Falls Covered Bridge, I have taken great pride in being able to work to rehabilitate these bridges in Vermont.

Given my passion for the topic, many members may think that Vermont has the Nation's largest number of these bridges.

In fact, Pennsylvania has 220 covered bridges, Ohio has 144 covered bridges, and Vermont has only 99 covered bridges.

Even California has 12 covered bridges and Missouri has 5.

It is my great regret that I do not believe Oklahoma has any of these fine structures.

While I may seem like a broken record talking about bridges, it is critical that we pass a bill that adequately funds bridge maintenance and repair.

While I do not have the national statistics at my fingertips, those of you that travel around our Nation's Capital can readily attest to the fact that the bridges in this city are choke points for commuters and commerce.

The DC Department of Transportation estimates that about $300 million is needed to repair 11 major bridges.

If we do not provide at least some of these funds, our economy will suffer.

Senator LEAHY and I have been working for years to provide funds to rehabilitate the Missisquoi Bay Bridge in Vermont.

This bridge links New York and Vermont and serves as an international corridor to Canada.

In 1998, Vermont's congressional delegation secured funds in the highway bill to begin the project, and unfortunately we are still at it.

I can hardly imagine how long it would take to upgrade the George

Washington or Chesapeake Bay Bridges.

It is my hope that the Congress will send the President a bill with a robust bridge program.

Our Nation's bridges, whether historic or not, are in a state of disrepair and this bill is an important step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Vermont brings up a very sensitive subject to me, and that is one of bridges. It seems to me we do have one covered bridge in Oklahoma. I am going to have to check on that to make sure they get a share of this, whatever it is.

We do have a serious problem. The FHWA ranks various States and the conditions of their bridges, roads, and highways. Oklahoma is ranked dead last in the condition of its bridges, and it is a very serious matter. It is also a very serious problem in terms of the number of deaths we have.

One of the considerations that was involved in putting together a formula—and I state again how much work goes into a formula approach. I have said several times that it would be very easy to do it the other way where we just come up with a bunch of projects and satisfy 60 Senators and pass a bill and go home. That is not what we tried to do. One of the considerations we have is the risk in the various States, the number of mortalities.

Once again, at this point it is important to stress why we need to have a bill. We are now on our sixth extension, and extensions do not work. There is not a State of all 50 States that is not very anxiously awaiting this bill because with extensions there can be no planning. If we do not get this done, we will not have any chance to improve our donor States.

Oklahoma is a donor State. We have many donor States, and that is probably the most sensitive single issue in the formulas, is how the donor States are treated. But if we do not get this done, there is not going to be any change. We are right now at 90.5 percent. If we had passed the bill we had last year, which was a little more robust than this bill, by the end of that 6-year period, every State would have achieved at least a 95-percent return. That is the return of money they have paid into the trust fund.

As it is right now, in a lower amount, this would raise it a modest amount but not that much further above 90.5 percent. It would be an improvement, though.

If we do not have a bill and are operating under extensions, there will not be any new safety core programs to help the States respond to the thousands of deaths each year on the highways. In that respect, I think you have to acknowledge that this bill is a matter of life and death. There will be many more deaths if we do not have a good highway bill.

If we don't have a highway bill, there will not be any streamlining of the environmental reviews. Critical projects will still be subjected to avoidable delays that can be avoided with the passage of this bill.

Along that line, I think with all the provisions of this bill that was 2½ years in the making, there are a lot of provisions that my good friend from Vermont accepted that he would have preferred not to accept. There are many provisions I accepted that I would have preferred not to accept. But this was a give and take in a spirit of bipartisan cooperation, and I think that is something people are starving for right now. That is what they have in this bill.

If we do not have a bill, there is not going to be an increase in the ability to use innovative financing, giving us a chance to do something differently than we have been doing it before. Where innovative partnership types of financing have taken place, it has extracted a lot of money from the private sector that is willing to get in there and participate in the TIFIA provisions of this bill, allowing them to do that very thing.

There are a lot of members on our committee who were concerned about the Safe Routes to Schools Program. That is in here. Again, if we are operating under an extension, if we do have an extension, if we do not have the bill, we will not have that. It could be we will have young people killed and injured on the way to school without this bill.

Without this bill, with just another extension, States would continue to have uncertainty in planning and delay in projects. I hope this doesn't need much elaboration. It is only logical. If you know in advance what is going to happen over the next 5 years or so, you can start planning. You can plan your resources, plan your labor, plan the amount of construction that is going to go on in each State so each State will get far more for each dollar spent than they would get on just an extension.

If we just get an extension, we are not going to have any new border program. I think the border States, many of them, should be the first ones down here to encourage that this bill be passed, particularly those who are affected by NAFTA traffic. We have a special provision in here that takes care of borders as well as corridors. In the absence of this, with just an extension, we are not going to have any of these provisions.

Without the bill, we are going to have delay in the establishment of the national commission to score how to fund transportation in the future. We have been doing it the same way for many years. There are better ways of doing it. This bill establishes this commission to study what innovative suggestions might come from the States, ways we can do a better job of financing and getting private participation and get a lot more efficiency into the system.

When you look at what we are faced with today, we have an unusually high price of gasoline. As a result of that, people are not driving as much. If we had a gas tax that was geared to a percentage basis, it would not make any difference. In fact, we would probably increase revenues. But that is not the way it is. It is just a number of cents per gallon, so if there are fewer gallons bought, then there is less money that goes into it.

If we do not have a bill, if we just go on an extension, there will not be any opportunity to address the chokepoints at intermodal connectors. People think this is just a highway bill. They think back in the early days, back when Eisenhower, in World War II, was a major, he realized the inefficiencies we had in this country in transportation when he was trying to move troops and move military equipment around the country. When he became President, he drew upon that experience and established, for that reason, this National Highway System.

This goes all the way back to the Eisenhower administration, but this goes further than it went at that time. Now we have chokepoints. A lot of people are not aware that my State of Oklahoma actually has a port. We have the port of Catoosa, about 10 miles from my home in Tulsa. But there are chokepoints in any transportation system. You can have a channel, air transportation, rail transportation; it has to marry up and be consistent with the movement on the roads. This bill does that. That is why we call it intermodal.

Last, the firewall protection of the highway trust fund would not be continued, thereby making the trust fund vulnerable to raids in order to pay for other programs. In every State, all 50 States, we have experienced problems of people seeing an opportunity to steal money out of the trust fund and raid it, and they do it. They have certainly done it in my State of Oklahoma—not just the highway trust fund but other trust funds, too. I know there are many States that have their own individual highway trust fund where money is coming out of it. This is something we can protect at the national level by having firewalls. The firewalls are intact in this bill.

There are a lot of reasons we have to do this other than just having a highway bill and getting more construction. We have had the opportunity to talk about the complexities of a formula and all the things that are in a formula. I believe it is worthwhile repeating some of them.

Formulas are not just, Are you a large State or are you a small State? They take into consideration many things. There are the interstate maintenance programs that are a part of the formula, as are the interstate lanes, the number of miles to be maintained, your National Highway System miles—

that is part of the formula—the Surface Transportation Program, the total lane miles, the Highway Bridge Replacement and Rehabilitation Program, the Congestion Mitigation and Air Quality Improvement Program, which is very important. It has taken a lot of time in committee to come up with something on which we could agree.

We have low-income States. Oklahoma is a low-income State. We have low-population States, such as Wyoming and Montana. We have low-population-density States. We have high-fatality-rate States. Everything I mentioned is part of the formula we are working on. We have guaranteed minimum growth States, where growth is very slow, but there is a factor that provides for a floor. We have guaranteed minimum rate of return donor States.

All are part of the consideration of a very complex, very difficult formula that is the proper way to do it. Again, we have said several times in the last 3 days, it would have been a lot easier for Senator BOND and Senator BAUCUS and Senator JEFFORDS and myself to have put together a bill that did not have a formula; it just would do projects. But we elected not to do that in order to get the most miles for our money and to be the most fair with all 50 States.

Our forefathers were great when they talked about putting together this system where you have the House and the Senate. One is on population, the other is geographic areas. It is our responsibility to be sure that each of these States is treated properly, is treated fairly. This bill has done that.

The Senator from Indiana, Mr. BAYH, has the pending amendment on the floor. As I stated before, he has agreed to set his amendment aside as soon as there are any coming down. We have a list of about seven or eight amendments that different Members wish to offer. This is the time to offer them.

As Senator JEFFORDS said, come on down. We want you to come down and offer it. You have much more time to spend on your amendments. You can explain them. We have all day today, and we need to have these amendments on the floor and considered. I know what is going to happen if we do not. We are going to get down toward the end of it. Who knows, there may be cloture invoked where you are almost out of time and everyone is going to be yelling and screaming and crying they didn't have adequate time to consider their amendments. So let me get on record right now and say you have adequate time. We invite you to come down and present your amendments for consideration. As I said, Senator BAYH has agreed to set his amendment aside should you come down and want an amendment considered. Come on down. We are open for business.

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

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

Mr. INHOFE. Mr. President, it has been agreed that anyone who wants to seek the floor can seek the floor, and we will be returned to the amendment under consideration, which is the Bayh amendment. We move to temporarily set the Bayh amendment aside for the purpose of the Senator's statement.

Mr. THOMAS. I thank the chairman.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I come to the Senate to urge we move forward with our highway bill. We have worked on this for a very long time. I was on the committee 6 years ago when we passed the original bill. We have not passed it the last couple of years but have simply extended it. I hope we can move forward.

There are a number of issues before the Senate that have immediate impact. One of them is this highway bill, as well as the Energy bill.

There are other conversations going on, disputes about a number of issues, but overall we are here to do some work. This is something that is most important. Six extensions is six too many. We need a highway bill.

One of the problems is all of our highway departments, as they work on highways, use contractors. Therefore, they need to make contracts ahead of time. They have to know what funds are available. So it is even more important for this particular activity to know what the funding is going to be over time than it is in any other agency of the Government.

Our State DOTs cannot make long-term plans unless they have some idea of what the funding is going to be. So projects are delayed in Wyoming, as I am sure they are in other States. One of our problems, of course, is we have a short construction season. So it is particularly important we be able to plan ahead and know when the construction is going to happen.

Federal funds account for nearly 70 percent of Wyoming's Department of Transportation highway construction budget. Even though we are relatively low in population, we have a large State and, therefore, lots of highways, and so on.

The long-term reauthorization of the bill, of course, will create jobs. Contractors have to have the assurance necessary to commit themselves to equipment and hiring people. It has been said that $1 billion invested in Federal highways equals 47,500 jobs. We are talking about, in this bill, $280, $290 billion over time, so think of the number of jobs that are involved. Of course, it also creates jobs in related industries, such as those for engineers and those involved with stone, concrete, and fuel, and so on.

So there are so many reasons we should move forward with this bill. It deals with transportation, jobs, standard of living, quality of life. All these things are touched in this bill. Yet we seem to be awfully slow in moving it.

I am hopeful that as much time as has been spent on this bill in the committees, in the House, and so on, that we will be able to move forward and not have a whole series of amendments that seek to change everything. We have already been through that. We passed a bill in the Senate last year that was substantially higher. But because of the administration, because of the ability to raise funds, it has to be lower. So it is there for a reason.

This idea that somehow we can change it again, I am sorry, but there is some realism in terms of funding, regardless of what the program is. These programs, of course, are to come from gas taxes and the highway system. So I think it is very important.

I happen to be chairman of the Parks Subcommittee. This bill is very important for park roads. They currently receive about $165 million per year. This bill will change that. So it will be about $1.4 billion over 5 years. Of course, the highways are an essential element, particularly in the large parks we have in the West. They do not have the State things, and so on. So it is very important.

I am not going to take a lot of time, but I wanted to try to emphasize how important this bill is to most of us, and how important it is to get this bill done, and also how much effort has gone into the bill to bring it to this point, and to discourage anyone from trying to make too many changes in this bill because it has already been reviewed. It has already been bargained. Concessions have already been made.

So we are ready to move forward. Quite frankly, it seems to me like that is what we ought to be doing. So I urge everyone to give some thought to this bill. If they have ideas, let's talk about them, but let's get this job done. Let's get it out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I concur with the remarks of the Senator from Wyoming. I also represent a Northern State with a very short construction season. We were severely impacted last year by the inability to reach an agreement with the House and with the President. But in fairness to all of us in the Senate, we were not the holdup in that matter.

As I said on numerous occasions to the distinguished chairman of the committee, Senator INHOFE, and to the ranking member, Senator JEFFORDS, we had a bipartisan agreement in the Senate that was best for Minnesota and I think for virtually every other State. I have not heard anybody say they have too much Federal highway or transit money and don't know what to do with it. But, unfortunately, we ran

into the intransigence of the administration a year ago, and with the insistence of the President, the concurrence of the House, and were unable to get what the chairman of the Senate Finance Committee, Senator GRASSLEY, said was a fiscally sound and balanced—in terms of the highway trust fund revenues—measure in the Senate.

So while I concur with the Senator from Wyoming, I might also point out, as it relates to this particular legislation, the Democratic leader, Senator REID, last week wrote to the Senate Republican leadership and urged that this measure be brought up this week. I commend Senator FRIST and Senator MCCONNELL for deciding to proceed on this very important matter for the people of this country rather than some of the shenanigans that others were urging upon them. So we are proceeding on a measured basis, but not with any resistance or opposition by anybody on this side of the aisle.

We voted overwhelmingly to proceed on the motion to proceed earlier in the week. It is unfortunate timing that our long-planned Senate recess for next week will truncate the process. But I share the Senator's view that this bill needs to be enacted as expeditiously as possible. I hope the conference committee will be able to proceed as quickly as possible thereafter, while recognizing the Senate bill has been, and continues to be, vastly superior to the House version in terms of additional funding. Those are matters worth arguing about and, hopefully, prevailing on because Minnesota needs the money even as much as we need the bill to be completed.

Mr. President, if there is no immediate business related to this measure—I spoke earlier with the bill's manager—I ask unanimous consent that I have up to 10 minutes to speak as in morning business. Is this a propitious time to do so?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. DAYTON are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, some people are not aware that when you have something as massive as a highway bill, it is not just the committee I chair, the Environment and Public Works Committee, but other committees are involved, including the Finance Committee, the Banking Committee, and the Commerce Committee. As of right now, we don't have the titles that come from those three committees, but we will have one right now.

AMENDMENT NO. 573 TO AMENDMENT NO. 567

Mr. INHOFE. Mr. President, on behalf of Senator SHELBY, I send an amendment to the desk, the Federal Public Transportation Act of 2005, and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Mr. SHELBY and Mr. SARBANES, proposes an amendment numbered 573.

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

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

(The amendment is printed in the RECORD of April 26, 2005 under ''Text of Amendments.'')

Mr. INHOFE. Mr. President, let me reemphasize to my friend from Indiana, as soon as this amendment is disposed of, we will return to the regular order, which is the pending Bayh amendment.

This amendment, which was crafted on a bipartisan basis in the Senate Banking Committee, provides $51.6 billion to address growing public transportation needs across the country.

It provides for record growth for public transportation and for the first time recognizes the growing needs in rural communities across the country, including my State and the State of the Presiding Officer, Oklahoma, which has a rural population of greater than 57 percent. In fact, in the final year of this bill, the rural transportation program is doubled over its TEA–21 levels.

Additionally, it creates a new formula within the urbanized area formula called the ''Rural Low Density'' formula. Rural transit is as challenging to provide as the distances between employment centers and health care centers are great.

This amendment also creates a formula to recognize ''growing States''—those locations which are forecast to grow more quickly than the average over the course of the next 15 years. This change will allow those States, which includes Oklahoma, to be proactive with regard to their transportation needs.

Finally, this amendment makes several modifications to enhance the role of the private sector in public transportation. By creating opportunities for competition, public transportation services can be provided more efficiently.

I am happy to have had the opportunity to work with Senator SHELBY on the development of this amendment. I look forward to working with him on final passage and a successful conference report.

I ask unanimous consent that the amendment be agreed to, that the language be considered as original text as part of the substitute for the purpose of further amendment.

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

The amendment (No. 573) was agreed to.

Mr. INHOFE. Mr. President, I thank Senators SHELBY and SARBANES because we cannot really entertain amendments that affect these titles until we have them done. We are anxious to get the other two titles on the bill.

I will repeat our plea for people to come over with their amendments because the Senator from Indiana has agreed that he would set his amendment aside when people come down, with the understanding we would return to his amendment upon completion of those amendments.

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

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

Mr. INHOFE. Mr. President, let me repeat one more time, we are going to be open for business, as we were today, tomorrow. We will invite people to come down.

I want to get on the record right now, very often we go through this exercise and when we get close to the end of the consideration of the bill, when cloture has been filed, everyone comes running and screaming, saying they want to offer an amendment. Now is the time to do it. Members can bring them down anytime tomorrow. I certainly invite any Member to come down and offer the amendment tomorrow.

## MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent we now go into a period of morning business, where each Senator may speak for up to 10 minutes.

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

## NATIONAL SMALL BUSINESS WEEK

Mr. KERRY. Mr. President, this week, the Nation celebrates National Small Business Week. It is a time when all of us join together, without any partisanship at all, to celebrate the hard work of millions of American entrepreneurs. At the Small Business Administration Expo last night at the Smithsonian, we recognized countless Americans who have had the courage to put everything they have on the line in order to turn an idea into a business. We celebrated the business people of the year from all of the 50 States in the country.

Today, these Americans, I think all of us recognize, are much more than small business owners. They are employers, community leaders, and they

are the people who give life to the American dream. Our small business owners not only remind us of the opportunities that America provides to those who are willing to work for it, but they remind us how much opportunity small business itself provides to all Americans. They drive our economy, compromising over 99 percent of all firms and over half of our GDP.

Two-thirds of all new American jobs are created by small businesses, and a majority of Americans depend on their small business employer for health insurance. Our small businesses are responsible for countless inventions and innovations that have elevated the standards of living in our country and for people around the world.

The entrepreneurial spirit I am talking about is alive and well in our country, though it faces a number of particular challenges: rising health care costs, imports, a reduction in the numbers of people going into innovative jobs and pursuing careers in the sciences and in research and development. Nevertheless, three out of four adults in America have considered starting a small business. With the advent of the Internet, those numbers are rapidly going up.

I know my colleagues are familiar with the Small Business Administration in a lot of different ways. We all understand how it is charged with defending small business interests in the country. It helps small businesses tackle issues ranging from initial development issues and startup issues and access to capital to Federal contracting and trade assistance. Those efforts are working relatively well. Businesses such as Staples, Intel, Nike, America Online, Eskimo Joe's, Callaway Golf, FedEx, Hewlett-Packard, Jenny Craig, Ben and Jerry's, Winnebago, Sun Microsystems, Outback Steakhouse—you don't think of them as small businesses in need of Federal assistance. But the fact is every one of those businesses, and many more that have become household names in America, got their initial startup with Federal assistance, with venture capital or loans from the SBA, which they could not have gotten otherwise and couldn't get from traditional sources. Their owners have proven that sometimes outstanding business ideas deserve a chance, even when traditional lenders or venture capitalists won't take that chance.

So we can ask the question, how many of these businesses may not have made it without help from the SBA? How many jobs would have been lost? How much tax revenue would have been lost to communities and the country? The benefits of small business expansion are numerous: a stronger economy, higher paying jobs, better prospects for women and minorities, innovation, cutting-edge products, increased opportunities for countless Americans.

What is unique about the SBA investments is they pay for themselves and they pay for the SBA budget many times over with the tax revenues to the country. So supporting our small business is a win-win proposition for Americans. We can afford it. The people want it. Our economy needs it.

That is why it is very hard to understand why this administration does not provide the full measure of support to the SBA and to those businesses. The SBA budget has been cut by over one-third since 2001—the largest reduction of any Federal agency, despite the fact that it is one of the few Federal agencies that completely pays for itself. Those cuts would have been far greater if Congress had not intervened. I am pleased to say, on a bipartisan basis with Senators on both sides of the aisle, we joined together to intervene. The chairwoman of the Small Business and Entrepreneurship Committee, Senator SNOWE, and I have worked with Members of both sides in order to provide the funding that was necessary and to prevent further cuts from taking place. Time and again we have received unanimous support in the Senate to rebuff proposed administration cuts that would have gone further. That is because supporting small businesses is not a partisan issue, and it never should be. We should not have to fight so hard to provide support for something that so obviously benefits all of us.

The administration loves to claim the pro-business mantle, but if they were candid with the American people, they would clarify that most of that support, as we see in the Energy bill or the tax bill, means big business, not small business.

If you look at the tax cuts, the administration claims the tax cuts primarily benefit small businesses, but in reality, only the biggest small businesses get the majority of those cuts. More than half of small business owners received less than $500 in tax cuts, and almost a quarter of those businesses got no tax cuts at all.

If you look at energy policy, you can see that while American families and small businesses have struggled with gas prices, oil companies earned record profits in the fourth quarter of 2004. Exxon-Mobil was up 218 percent. Conoco-Phillips was up 145 percent. Shell was up 51 percent. ChevronTexaco was up 39 percent. BP was up 35 percent.

Show me the small business in America, except the rare small business, that saw that kind of growth in the fourth quarter of last year.

You can also look at this disparity at what is happening with respect to Federal contracts right now. Congress set the goal of the Federal government awarding at least 23 percent of its contracting dollars to small businesses. So what did the administration do? They allowed $2 billion worth of contracts to be reported as going to small businesses when, in fact, they went to some of the largest businesses in the country. The money went to Raytheon, in my State, Northrop Grumman, General Dynamics, and Hewlett-Packard. Even the State of Texas was treated as a small business.

An administration concerned with small business ought to be outraged by these facts, and it ought to do something about it. This administration has facilitated the distortion of that Federal agency contracting goal of 23 percent and, in fact, allowed a process to go forward that has undermined our ability to help the small businesses that need it.

In addition, the administration has refused requests for an audit. They have not taken substantive steps to reform the contracting process. They have not prosecuted anyone for misrepresenting their organization as a small business. And now the administration is supporting efforts to make it easier for the Energy Department to shift money away from small businesses.

A bipartisan Senate has repeatedly stood up to the administration and called them to account for being too willing to ignore the challenges that face small businesses. It is time to again join forces to assure that this new challenge to small businesses, which is the diversion of federal contracts and the distortion of the standards that apply to what is a small business and what is a large business, ought to be appropriately adjusted.

Small businesses are also particularly hard hit by health care. Most small business owners want to do right by their employees. They try hard to do that, but too many of them just cannot afford to offer health care anymore. Premiums are rising faster than inflation or wages, with double-digit increases in each in the last 4 years.

Since 2000, the premiums for family coverage have gone up 59 percent compared with inflation increases of nearly 10 percent and wage growth of over 12 percent. Some small businesses have reported premium increases of as much as 70 percent in one year. As a result, 5 percent fewer small businesses offered health benefits to their workers in 2004 than in 2001. By contrast, 99 percent of the businesses with 200 or more employees offer their workers health insurance. Of 45 million uninsured Americans, almost two-thirds are small business owners, their employees and their families.

So I think all of us understand that in a nation founded on equity and equality of opportunity, it is important for us to address the question of health care costs. We need a plan that gives small business access to the range of plan choices and consumer product protections that are offered through the Federal Employees Health Benefits Program. And we need to give these small businesses affordable options through refundable tax credits and Federal reinsurance plans that will reduce premiums for everyone.

Small businesses and entrepreneurs are America's single greatest economic resource. There is not a big business in

America that did not begin in someone's garage, someone's attic, someone's basement, where people did not work out of a car for a period of time in an effort to try to grow that business. Time and again small businesses, not large corporations, have pulled our economy out of trouble by creating the jobs and the products of the future.

For many entrepreneurs, the SBA is their only chance to earn their fair share of the American dream. As we celebrate small businesses and entrepreneurship this week, we all have a responsibility to defend that dream. We need to ensure that the SBA is adequately funded. We need to ensure legislation never shortchanges small businesses, and we need to provide a real plan for small business health care. The doors of opportunity must be open to everyone.

## ALBERT EISELE'S ARTICLES ON IRAQ

Mr. DAYTON. Mr. President, when I went to work in the Washington office of then-Senator Walter Mondale from Minnesota as a young, beginning legislative assistant in 1975, Al Eisele was a Washington correspondent for the St. Paul Dispatch and Pioneer Press, Duluth Herald and News-Tribune, and other Knight-Ridder newspapers. In 1976, after Senator Mondale was elected as Jimmy Carter's Vice President, he named Mr. Eisele as his press secretary and senior adviser, a position that Mr. Eisele held for the next 4 years.

''He previously covered me as a Washington correspondent for Minnesota newspapers during my 11 years in the Senate, so I obviously know him well,'' Senator Mondale later explained. ''He was one of the most well-respected and knowledgeable reporters in Washington, with a reputation for even-handedness, incisive reporting, and personal integrity, which is why I asked him to join my staff.''

After the Carter-Mondale administration, Mr. Eisele helped found the Center for National Policy in Washington; was a fellow at the Institute of Politics at Harvard; served as an assistant to Mr. William C. Norris, the founder and chief executive officer of Control Data Corporation in Minnesota; and started his own literary agency and international consulting firm, Cornerstone Associates.

For the past 10½ years, this native Minnesotan has been instrumental in the success of The Hill, a nonpartisan, nonideological newspaper covering Congress, that he helped found. Indeed, the April 27, 2005, issue of The Hill includes the 500th column Mr. Eisele has written since the newspaper's inaugural issue of September 21, 1994. In addition, he has acted as a mentor for more than 50 young journalists whom he helped train and who now work for many major newspapers, magazines, and broadcast organizations.

Last month, Mr. Eisele traveled to Iraq to get, as he wrote, ''a firsthand look at what the American military is up against in this greatest projection of American power since Vietnam.''

With his customary dedication, he did not just visit Iraq; rather, he traveled throughout the country for 10 days and interviewed everyone, from generals to privates, high-ranking Iraqi officials to ordinary citizens, visiting Members of Congress, fellow journalists covering the war, and private contractors involved in rebuilding Iraq's infrastructure.

His subsequent articles and columns in The Hill provided many compelling accounts of personal realities there, as well as very valuable insights.

Mr. President, I ask unanimous consent that those articles be printed in the RECORD.

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

### SENATORS ENCOURAGED BY PROGRESS IN IRAQ

BAGHDAD, Mar. 23, 2005.—Senate Minority Leader Harry Reid (D–Nev.) led a bipartisan Senate delegation to Baghdad Tuesday and left little doubt that the Senate will soon approve an $81 billion supplemental appropriation passed by the House last week, most of which will go to pay for rebuilding Iraq's war-torn economy and countering insurgent violence.

Reid and his six colleagues held a news conference at the end of a whirlwind one-day visit during which they met with top U.S. military and diplomatic officials in Iraq and leaders of the three internal factions competing for control of the government being established in the wake of the January elections.

Reid, who was making his first trip to Iraq, said the Senate will take up the supplemental appropriations bill when it returns after the Easter recess, and indicated there is little real opposition to it. He stressed the need for continued U.S. support for reconstruction efforts, along with training Iraqi security forces to replace U.S. military personnel and help bolster the Iraqi economy and political structure.

''Everyone understands that reconstruction is an important part of the U.S. mission here,'' he declared.

Reid and his colleagues, who included four Democrats and two Republicans, all indicated they are encouraged by signs of progress in carrying out the three-pronged U.S. strategy of support for bolstering Iraq's security forces, economy and political system.

''One of the people we met with today called Iraq 'an infant democracy,' and we can't leave this infant alone,'' said Minority Whip Dick Durbin (D–Ill.). ''I believe what we are seeing here is good.''

Sen. Robert Bennett (R–Utah) compared this visit with an earlier visit he made last year. ''I find a quiet optimism instead of a cautious optimism,'' he said. He added, ''I think that the elections and the strengthening of the Iraqi security forces have given us hope that the seed of democracy has been planted here. There's still a lot to do and we still have a lot to worry about, but the signs are more optimistic now than before.''

Even Sen. Barbara Boxer (D–Calif.), who has been a leading critic of the Bush administration's Iraq policy, seemed upbeat about the future of the new Iraq government.

Declaring that the success of Iraq's future stability ''greatly depends on the training of Iraqi security forces,'' she said, ''we got a very, very upbeat report'' from the top U.S. military officials, including Gen. George Casey Jr., who commands the multinational coalition forces, and Lt. Gen. David Petraeus, commander of the NATO training mission here.

She added that it's essential that the new government, which will be put together in the coming months, include all elements of Iraqi society, especially women. ''I think it's fair to say that all of us today gave that message'' to the leaders of the three main ethnic factions in Iraq, the majority Shiites, the minority Sunnis and the Kurds.

However, Boxer also indicated after the group's meeting with the man who is expected to be Iraq's next prime minister, Ibriham al-Jaafari, that he is not as upbeat about the quality of the Iraqi police and security forces.

''My sense was that he was certainly in no rush to hand over security to his new police force,'' she said.

Other members of the Senate delegation included Patty Murray (D–Wash.), Lamar Alexander (R–Tenn.) and freshman Ken Salazar (D–Colo.).

Salazar, who was making his first visit to Iraq, said, ''This trip has enforced the enormity of the challenge in Iraq and the need to help the Iraqi people.''

### ''TRANSLATORS ARE A SPECIAL TARGET''

BAGHDAD, Mar. 25, 2005.—After 38 years in the United States, Paul Oraha is back in his native Baghdad and working only a short distance from the neighborhood where he grew up. But he's not about to look up any old friends who might still be around.

''We are a target now,'' said Oraha, who works as a translator for the U.S. Embassy and U.S.-led Multinational Coalition. ''Translators are a special target because many Iraqis feel we are traitors because we're working for Americans against Iraq.

Oraha, 65, left Baghdad with his family in 1966 for Detroit, where his father, a Mercedes Benz parts supplier, found work in the auto industry. While his personal history is different, Oraha's situation is the same as thousands of other Iraqis whose lives are at risk because they work for, or cooperate with, the Multinational Coalition.

Many Iraqi civilians, as well as military and security personnel, government officials and civic leaders have been killed or wounded by Iraqi insurgents and foreign Islamic extremists since the March, 2003 invasion that ousted Saddam Hussein.

Oraha, who later moved from Detroit to San Diego and served in the U.S. Navy, returned to Iraq in July, 2004, now works and lives in the heavily guarded international enclave in the middle of Baghdad known as the Green Zone. A nearby bridge that commemorates the bloody 1958 coup in which Saddam's Baathist Party took power links the Karada neighborhood across the Tigris River where he grew up.

And even though there are constant reminders of the terrorist threat—several mortar rounds hit the bridge on Monday night but did not injure anyone—Oraha feels the security situation is improving.

''This area used to get hit almost every day, but now it's almost every other week,'' he said while smoking a cigarette and drinking coffee one recent morning outside the Rasheed Hotel where and he and many other Americans and foreigners live. ''Security is the biggest problem here, but I think we're making tremendous progress because the attacks have slowed down.

Oraha said he thinks most Iraqis ''want us to be here and stay here. They're very appreciative that we got rid of Saddam and they look forward to having a better life. But they're very concerned about the security

situation. They feel if it improves, they will have an opportunity to rebuild their country and enjoy the benefits of democracy.''

However, Oraha cautioned that many Iraqis are concerned that the U.S. will not take the drastic steps they feel are needed to discourage future terrorist activity.

''They think the U.S. is not going to be tough enough in dealing with the terrorists, that they're too concerned about the human rights of terrorists who are blowing up people. They feel they will take that as a sign of weakness and operate with impunity.

He added, ''As an American, I believe in the Constitution and its guarantees of the rights of those accused of crimes. But I agree with Iraqis that we have to be tougher with terrorists. Many Iraqis think some of these people should be executed and the world should know about it.''

However, Oraha predicts that the new government that soon will be elected ''is going to get tougher on terrorists because they're going to have to answer to the Iraqi people, who are tired of terrorism.''

IMPROVISED EXPLOSIVES BECOMING MORE DEADLY IN IRAQ

MOSUL, IRAQ, Mar. 28, 2005.—They're one of the worst nightmares for American military personnel or anyone traveling with them on the dangerous roads of Iraq, even if you're surrounded by tons of armor plate and moving at high speed.

They're called IED's, military speak for Improvised Explosive Devices, and they're the devil's own invention.

These fearsome homemade weapons are responsible for many of the more than 1,700 deaths and 15,000 plus casualties suffered by U.S. and coalition forces since the invasion of Iraq two years ago this month. And they're getting more deadly and numerous.

''They've gone up exponentially in number and they're getting more powerful all the time,'' said Lt. Col. Michael Kurilla, whose 24th Infantry Regiment's First Battalion patrols the western half of this northern Iraq city that has the highest number of attacks by insurgents of any city in Iraq.

Col. Kurilla was among some 50 Army officers who briefed Gen. John Abizaid, commander of U.S. forces in the Gulf region, and Sen. Jack Reed (D–R.I.) on the military situation in Ninevah province on Easter Sunday at a coalition base near this city of two million, the third largest in Iraq.

Afterwards, the tall, handsome West Point graduate from Elk River, Minn., explained the challenge these devilish devices present to his 800-man unit.

When his battalion arrived in Iraq last October from Fort Lewis, Wash., it didn't find a single IED while patrolling the streets of Mosul. But in November, it found three, followed by 15 in December, 50 in January, and 134 in February. One of his soldiers was killed when one of his unit's heavily armored Stryker vehicles was destroyed, and many more have been injured.

''We're still getting plenty of detonations, it's almost constant,'' said Col. Kurilla, whose battalion has already earned 182 Purple Heart medals, given to those injured in combat.

Sgt. Loren Kirk, a member of the 25th Infantry Division's First Brigade Stryker combat team, described the constant danger posed by the IEDs.

''We go all over Mosul and everybody gets hit, even in the nice neighborhoods,'' he said. ''We can go a week without getting hit. It just depends on where we are. We drive side-by-side with cars on the street. They tend to give us a wide berth, and because of VBEDS [Vehicle-based Explosive Devices], we try to keep them at least 50 yards away.''

Kirk added, ''It's all timing. We could roll down the road and drive by an IED and a minute later, a vehicle behind us will get hit.''

Kirk, 37, took his unit's commander through the city's crowded streets to the briefing from its base about 15 minutes away. ''Our mission is to get him where he needs to go, safely, escort troops or check on soldiers at a checkpoint.''

The heavily armed 36,000-pound, eight-wheel vehicles were first introduced to Iraq in 2003 as a replacement for the 1980s era Abrams tanks and the less well-armored Hummers, which many units are still using while they wait for Strykers to be delivered.

Every one of the Strykers in Kirk's battalion has been hit by an IED at least twice, according to Specialist Seth Christie, who rides in a partially exposed position atop Kirk's Stryker.

So what's it like to take a hit from an IED?''

It scares the s--- out of you,'' said Christie, 24, who was slightly injured when his vehicle was hit by an IED in January and he was knocked back into the vehicle. ''You feel it in your chest, you feel it in your teeth. Your lungs fill with smoke and everything goes black.''

Christie's buddy, Specialist Donald Armino, also 24, agrees that IEDs are more numerous and powerful than a few months ago. ''They're getting a lot bigger and a lot more sophisticated,'' he said, often concealing them more cleverly and magnifying their power by tying a half dozen or more 120-mm mortar shells together and setting them off by remote control, or using shaped charges that can penetrate six inches of steel.

An even more vivid description of the destructive power of IEDs was provided by four young Marine reservists from Chicago who were relaxing at the coalition's main base near the Baghdad airport while preparing to return home last weekend.

''What's it like?'' said Cpl. Johnny Lebron, 31, whose unit driving armored Hummers found and disarmed 19 IEDs and was hit by 21 during six-and-a-half months in the northern province of Babil, a part of the Sunni triangle dubbed ''the triangle of death.''

''Well, it really rattles your cage. It's an experience you can't describe. For four or five seconds, time seems to stand still.''

Sgt. Timothy Jensen, 26, added, ''The explosion hits and then everything goes black and the breath is sucked out of your lungs. You feel like you're dead, floating in timeless space. The first thing you worry about is the Marine next to you. Once I know my Marines are good to go, we act on our objective.''

But Sgt. Jensen conceded that it's hard to find those who place and detonate the IEDs. ''You're really not going to be able to get on them because they use remote devices from a distance, and they're really hard to find.''

Unlike the Marines, the soldiers in Mosul who are equipped with the heavily armed Strykers are thankful they have them.

''The Stryker is a fantastic vehicle, much better than an up-armored Hummer,'' said Sgt. Kirk. ''We're really lucky to have them. I've got a lot of faith in this vehicle.''

U.S. FORCES THWART MAJOR ESCAPE IN SOUTHERN IRAQ

CAMP BUCCA, IRAQ, Mar. 25, 2005.—U.S. military police Friday thwarted a massive escape attempt by suspected insurgents and terrorists from this southern Iraq Army base that houses more than 6,000 detainees when they uncovered a 600-foot tunnel the detainees had dug under their compound.

''We were very close to a very bad thing,'' Major Gen. William Brandenburg said Friday after troops under his command discovered the tunnel that prisoners had painstakingly dug with the help of makeshift tools.

Within hours of the discovery on the first tunnel, a second tunnel of about 300 feet was detected under an adjoining compound in the camp, which holds 6,049 detainees.

The discoveries came just hours before Brandenburg, who commands Multinational Force detainee operations in Iraq, toured the camp with Gen. George Casey Jr., the top Army general in Iraq and commander of the Multinational Coalition, who was making his first visit to this remote desert camp in southwestern Iraq near the Kuwaiti border.

Brandenburg said the prisoners, who include Iraqis and suspected terrorists from other Arab countries, probably were waiting for the dense fog that often rolls in at night from the nearby Persian Gulf before attempting their escape.''

We get fog after midnight in which you can't see 100 feet,'' he said. ''I think they were waiting on poor visibility and I think there was a good chance they would have gotten out of the camp.''

Brandenburg, whose command also includes the better known but smaller Abu Ghraib camp near Baghdad, said soldiers in charge of Camp Bucca suspected that an escape attempt might be in the offing because they had found a small tunnel in another part of the camp about five days ago, and had been told by detainees that other tunnels were being dug.

Brandenburg also said that in recent days there were ''people outside the camp who we're not used to seeing,'' which was another indication that ''something was going on.''

Brandenburg, who was spending the night at the nearby Basrah airport while waiting for Gen. Casey to arrive from Baghdad Friday morning, said he was awoken at 1:30 a.m. by an officer from Camp Bucca who said, ''Sir, you won't believe what we've found.''

When Brandenburg and Casey arrived at Camp Bucca, they were shown the tunnel's exit point, which was outside the chain link fence and concertina wire that surrounds the camp's eight compounds, each of which contains more than 600 prisoners, and several smaller compounds.

The prisoners had used a cut-away five-gallon gas can attached to a 60-foot-long rope to haul the sandy soil out of the tunnel. They apparently used makeshift tools to dig and reinforce the tunnel, and covered the entry point inside the compound with a false floor made from wooden slats from their beds, which in turn they concealed under two feet of dirt.

The detainees disposed of the dirt they had dug from the tunnel by flushing it down their latrines, which gave camp officials another clue that something was amiss when workers emptying the latrines complained that the filters on their trucks were getting jammed.

Col. James Brown, the commander of the 18th Military Police Brigade that is in charge of Camp Bucca and Abu Ghraib, said two detainees tried to escape 10 days ago but were caught. He said the latest escape attempt was clearly planned to allow more than 100 prisoners to flee the camp.

Brown said it is reasonable to assume that other tunnels will be discovered in other parts of the camp.

Col. Brown said he made his troops view the movie, ''The Great Escape,'' starring Steve McQueen, about a group of American prisoners in a World War II German POW camp, so they would think like people who were bent on escaping from his facility.''

It's a great movie,'' he said. ''The trouble is we tend to view life through the lens of who we are and not who somebody else is. There are a lot of good lessons for us there.''

During Casey's tour of the camp, thousands of the prisoners watched silently and sullenly as he and his entourage walked past them, and as he climbed a watchtower for a panoramic view.

As Casey walked past the compound where the second tunnel was discovered, a soldier drove a large backhoe into the camp and began digging up the tunnel.

Camp officials also showed Casey a large collection of makeshift weapons taken from the detainees, including knives, slingshots, and even a fake flak jacket made from Muslim prayer shawls that resembled the real thing.

''I am never amazed at what I see,'' Brandenburg said of the ingenious technique used by the detainees in their escape attempt.

At the end of his tour, Casey presented a special medal to the young woman soldier, Specialist Lisa Wesson of Asheville, N.C., who discovered the larger tunnel during a routine investigation.

Camp Bucca is almost twice the size of Abu Ghraib, which was the scene of last year's prisoner abuse scandal that has prompted widespread changes in the handling of detainees. There are 3,243 detainees at Abu Ghraib, and another 114 after a camp near Baghdad International Airport, where Saddam Hussein and members of his deposed government are being held pending trials for crimes against humanity.

EMBED CAVALLARO SEES WAR FROM THE INSIDE

Baghdad, Mar. 31, 2005.—After four trips to report on the war in Iraq, no one understands the pluses and minuses of being embedded with the U.S. military better than Gina Cavallaro.

On the one hand, the former congressional aide and staff writer for the Army Times knows it would be impossible to do her job without relying on the military for logistical support and protection in the dangerous combat zones she routinely visits.

At the same time, she knows that the bonds she forms with soldiers and Marines make it more difficult to be an objective reporter, especially when one of them is killed or wounded.

So it's not surprising that the 45-year-old Hillary Swank look-alike was still trying to come to grips last week with the death of a 20-year-old soldier who had become her ''buddy'' and ''little brother.'' Spc. Francisco Martinez, a forward observer in a field artillery unit, was killed by a sniper the day before while she was standing a few feet away.

''I haven't processed much of it yet,'' she said, struggling with her emotions as she prepared to return to Washington after nine weeks in Iraq.

''It's very difficult to write about. When we go out on a patrol, I feel that I need to get on the ground with the soldiers, and I have done that dozens of times, knowing it was dangerous. But I always know I'm here voluntarily, and the last thing I wanted to see was a soldier getting killed.''

But Martinez, who was with a Second Infantry Division brigade combat team that was transferred from Korea last September, wasn't just another soldier.

''There's always one gregarious soldier who hangs out with reporters,'' she said. ''He was my buddy, my shadow, my escort. He was like a little brother. He stuck by me to make sure I was safe. He was so young and so outgoing, and so proud of what he was doing.''

She added, ''I only knew him for a couple of days, but we had a lot in common. We both grew up in Puerto Rico, and when you are with someone in a combat environment, it doesn't take long to get to know them.'' The two often conversed in Spanish and talked about life in their native Puerto Rico.

Cavallaro had spent eight days with Martinez's unit in Ramadi, a hotbed of insurgent resistance 75 miles west of Baghdad in an area the soldiers call the ''Wild West.'' While she was there, an IED (Improvised Explosive Device) killed four soldiers in an armored Humvee. ''It was huge, a big bomb,'' she said. ''They are using more and more of them, and they are also more snipers. I have to admit, I felt in danger out there. I felt I was also a target.''

It was a routine patrol on a Sunday afternoon as Alpha Company searched a dangerous neighborhood for a sniper who had killed three soldiers and wounded several more. Cavallero was taking a photograph when she heard a shot, very close by.

''I was probably six feet in front of him,'' she said. ''I turned around and was horrified to see him lying on the ground.''

Martinez was wearing body armor, but the bullet seemed to go under it, on the right side of his back. He was bleeding heavily and told her he couldn't feel his legs.

Medics quickly put Martinez in an armored Humvee and took him to an aid station only minutes away. Cavallera rode with him, holding his hand and pleading with him in Spanish to keep breathing and not fall asleep.

The medics told her Martinez probably would make it and she watched as a medical evacuation helicopter took him to a field hospital. But a few hours later, she learned that he had died.

''It was a little bit more of an exclamation point to this trip than I wanted,'' she said. ''It just hurts when you lose a friend. It really hurts.

For Cavallero, who visited Iraq twice in 2003 and once in 2004, it was a brutal reminder of how much more dangerous Iraq has become for both soldiers and embedded journalists.

''Absolutely, it's become more dangerous,'' she said. ''When I first came here, the IED's hadn't started and the insurgency didn't exist in any substantial way. I may be out of line saying this, but I agree with the military that only a small percentage of people are disrupting things here, but they're doing a pretty good job of it. There's never not a combat patrol. Whenever you go on patrol, it's always a combat situation.''

Cavallaro, who writes for a predominantly military readership, has mixed feelings about journalists being embedded with troops.

''I don't know,'' she said when asked if it affects how she and other journalists report on the military. ''I just think it makes it more difficult. I find the media is afraid to get around on its own in Iraq, and rightly so. They're relying more on the military to get them where they want to go, and as a result, the military is getting smarter about getting its own story told. It almost seems like a little bit of quid pro quo.''

She added, ''I don't necessarily consider that a bad thing. The military will get you around but it always wants to show you its new sewage plant.''

Cavallaro was a reporter for the San Juan Star when she got a job as press secretary to then-Del. Carlos Romero Barcelo (D–P.R.), but decided her heart was still in reporting and answered an ad in the Army Times.

She says she still hears complaints from soldiers about negative coverage of the war. ''The most frequent question I get is, 'Do people back home care about us? Do they know we're still here?'''

Asked for her view of how the war is going, Cavallaro says she's ''not in a position to judge, but I do see the concept of Iraqi security forces being the key to what happens here.''

However, she added that ''there are some really impressive Iraqi army troops and some really shoddy ones. But I've seen some American soldiers who get it. They're taking the Iraqis by the hand and showing them what the right looks like.''

If there's one aspect of war reporting that Cavallaro is critical of, it's television. ''I don't know why it is, but most soldiers tend to get their news from TV. Images are so strong. They are projected in chow halls all over Iraq, but it takes a dedicated effort for a soldier to look up news on the Internet.

And when Cavallaro returns to her newspaper's Springfield, Va., office, what will she be thinking about her last assignment?

''How much I hate leaving those soldiers behind,'' she said. ''You can't be here and be embedded with soldiers and not care about them, no matter how hard core you are. It would take a really cynical person not to see them as individuals.

''I've seen reporters who are clearly antimilitary, and I don't begrudge them that. It's their right. But in my writing and reporting here, I consider my readership—what would be of interest to the soldiers' families and relatives? I get a lot of emails from readers who want me to go hug their kids.''

When she returns home, Cavallaro will continue to concentrate on the lives of the men and women in uniform she has left behind. ''I see myself as chronicling their time here—their triumphs, their tragedies, their quality of life. I find the military as a fascinating theme for a writer. The stakes and risks are high, but it's incredibly rewarding.''

A SECOND TRIANGLE IS BUILT IN IRAQ

BAGHDAD.—Much of the violence that has plagued Iraq in the two years since U.S. forces toppled Saddam Hussein has been planned and carried out by insurgents and terrorists based in the Sunni triangle north and west of this city of seven million people.

But another triangle, which had its origins in a chance meeting in Washington last June, appears to be paying off for the Bush administration's effort to create a fledgling democracy in Iraq, after Sunday's election of a prominent Sunni Arab as speaker of the newly elected national assembly. The meeting between the two men who were preparing to take over as America's top military and diplomatic officials in Baghdad set in motion a three-pronged strategy involving the U.S.-led coalition forces, the American Embassy and the Iraqi government.

The men are Gen. George Casey Jr., the Army vice chief of staff who had just been named commander of the multinational forces in Iraq, and John Negroponte, who was about to trade his job as U.S. ambassador to the United Nations for that of U.S. ambassador to Iraq.

Casey spoke about the meeting late last month. He was returning to Iraq after a short vacation that ended with him briefing President Bush and Secretary of Defense Donald Rumsfeld at the White House. Casey flew back to Iraq aboard a 12-passenger C–37, the military version of the business jet favored by corporate CEOs and celebrities.

''Right after I found out I was going to Iraq, John was in town and we agreed to get together,'' Casey said. ''He stayed over on a Saturday, and we met in the morning at the Pentagon.''

The purpose of their meeting was to develop a plan to build on the Jan. 20 national assembly elections that would restore a measure of stability, allow the Iraqis to create a post-Saddam democratic government and begin to rebuild their devastated economy and infrastructure. They agreed to focus on the elections as the organizing point for their plan.

When Casey arrived June 28 at Camp Victory, the sprawling coalition headquarters

base outside of Baghdad, the first thing he and Negroponte did was put together a ''red team'' composed of top aides from Casey's staff, the U.S. Embassy, the State Department and the Central Intelligence Agency and its British counterpart.

''We felt we had to have a firm understanding of the enemy and the war we were fighting,'' Casey said. ''I had our staff working on a plan that focused on the same basic questions, the nature of the enemy and its capabilities and intentions. After about 30 days, we both came up with a product and we merged them together and they pretty much reinforced each other.''

The end result, Casey explained, was a plan that consisted of four elements.

First, it was decided that ''the greatest threat, apart from the insurgents and foreign fighters, was people hoping for a return to Sunni dominance'' of the Shiite majority and Kurdish minority. But it was clear that threat couldn't be eliminated by military force alone.

''You don't win a counterinsurgency [war] by military means,'' Casey said. ''You win by integrating the political, economic and military to produce a common outlook, by cutting off the insurgents from popular support.

A second element was to build up the Iraqi security forces, which called for creating 27 Iraqi Army battalions. The first phase of that plan, ''a huge training and equipping operation that is still going on,'' Casey said, was completed last month, and the next phase, creating the Iraqis' own command structure, is under way.

''We felt we had to bring the insurgency to a level that could be contained by Iraqi security forces while we helped them build a sufficient capacity to deal with it. But it was clear that Iraqi security forces were not ready to do that.''

The third part of the plan was aimed at rebuilding Iraq's ruined economy.

''On the economic side, we inherited a hugely complicated and bureaucratic—I don't want to use the word 'mess,' but I guess I will. There were so many different [U.S.] agencies that had their fingers in it, we felt we had to get ourselves organized to deliver on the $18 billion aid package'' approved by Congress. ''I'm not being critical of these guys, but they put the package together in Baghdad without consulting the people in the field.''

The Casey-Negroponte plan increased the 230-plus economic aid and reconstruction projects that existed in June, 2004 to more than 2,000 last month, and Casey predicts projects to spend all $18 billion will be in place by this fall.

The fourth part of the plan was a two-part communications strategy. ''One was to drive a wedge between the insurgents and the population, to demonstrate that the insurgents and terrorists have nothing good to offer for Iraq,'' Casey said. ''The other part was to try to change the image of the population toward the Coalition.

''People always want to know, are we winning the hearts and minds of the Iraqi people, and I say, 'No, that's not what we're here to do.' The people of Iraq will never welcome an occupying force. What we need is their consent.''

Casey added, ''All four of these lines of operation are working together in an integral way between us, the embassy and the Iraqi government. That triangle—we actually have a triangle in our plan—has the Iraqi government at the top, us at one corner and the embassy at the other.

But while Casey said he is encouraged by early progress in carrying out the ''triangle strategy,'' he cautioned that success is far from certain. Casey, who earlier commanded the 1st Division in Kosovo, said he asked his predecessor, Lt. Gen. Ricardo Sanchez, to compare the two countries.

''He said Iraq is 10 times harder.''

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FOR RHODE ISLAND'S REED, CODELS ARE SOLITARY AFFAIRS

KUWAIT CITY, Apr. 6, 2005.—During the Easter Week recess, when three other congressional delegations, consisting of 21 senators and House members, were visiting Iraq, the codel led by Sen. Jack Reed (D–R.I.), was conspicuous for several reasons.

First, Reed, a West Point graduate and former company commander in the 82nd Airborne, was the only member of Congress in his codel.

Second, instead of traveling with a battalion of aides like those with the other codels, he was accompanied only by his legislative assistant for military and foreign affairs, Elizabeth King; Lt. Col. Vic Samuel, an Army legislative liaison officer; and John Mulligan, the Washington bureau chief of the Providence Journal.

Third, instead of flying into Baghdad for a few hours of official briefings and then flying to Jordan or Kuwait at day's end, Reed spent the better part of four days hopscotching across Iraq, often aboard Blackhawk helicopters manned by National Guard units from Rhode Island; meeting with troops in some of the most dangerous parts of Iraq; and questioning top U.S. military and diplomatic officials, and Iraqi security forces as well.

Fourth, Reed—unlike Senate Minority Leader Harry Reid (D–Nev.)—wasn't making his first visit to this war-torn country, where some 150,000 American troops and 24,000 troops from 23 other member nations of the U.S.-led multinational coalition are battling Muslim insurgents and terrorists while trying to help create a new government and rebuild Iraq's shattered infrastructure.

And finally, none of the other congressional visitors can claim to have attended the U.S. Military Academy with Gen. John Abizaid, the overall commander of U.S. forces in the Persian Gulf region, or served in the Army with Maj. Gen. William Brandenburg, who oversees detainee operations in Iraq, including the infamous Abu Ghraib prison.

This was the fifth visit to Iraq for Reid, a 55-year-old Harvard lawyer and former instructor at West Point. All but the first, in 2002, have been solo affairs. And it may have been that one that convinced Reed to shun multimember codels.

He was traveling with a half-dozen other senators to Afghanistan, Iraq and Pakistan and nearing the end of the long, exhausting trip when the other members decided they didn't want to get up early the next morning to visit an Army special forces unit near the Pakistan border.

But Reed insisted they go, he recalled during an early-morning interview here before returning to the United States on Monday. ''I got a little annoyed because these troops were expecting us to come.''

Reed said he feels he can learn more about the actual progress, or lack of it, by traveling alone.''

You can see a lot of places you couldn't necessarily go with others'' because of security needs, he said as he wolfed down a breakfast of baked beans, scrambled eggs, fried potatoes and olives. ''It helps me to be able to do it on my own. You can't substitute firsthand experience.''

He added, ''I like to characterize myself as someone who comes out here on a fairly frequent basis to look at what's happening on the ground and then reach judgments about what we can do to succeed.''

Reed always makes it a point to visit troops from his native state. There are about 400 in Iraq, and he visited many of them, including Army troops in Baghdad, Marines in Fallujah, the helicopter crews and a field artillery unit in Mosul, and soldiers at a remote desert base in Kuwait.

Reed, a member of the Armed Services Committee, makes no apologies for being a critic of the administration's policy in Iraq, and to a lesser extent, Afghanistan.

''My job is to be critical about what's going on and what needs to be improved,'' he said, adding, ''I think my criticism has been accurate, certainly in the operations in the region, in that we didn't organize ourselves for the appropriate occupation and stabilization'' after Saddam Hussein was toppled, which happened two years ago this month.

''It took a long time to get the needed equipment in here for our troops. We made some serious errors in terms of de-Baathification efforts, rather than trying to incorporate the Sunnis, and disbanding the Iraq Army. There's a litany of problems.''

And although Reed has high praise for the military effort here, he added, ''You have to understand that this is not over yet, militarily. And the notion that everything's fine disregards the resilience of this insurgency and the deep-seated political, historical and social forces that are at work.

''I think one of the greatest errors and misjudgments would be at this point, so to speak, to get out, because the area has one or two months of relative quiet—this is a long-term effort, and, in a way, the hardest part, even now, is to revamp an economic and political structure that doesn't have that many democratic tendencies.''

Reed said Iraq has been ''brought right back to almost where we began two years ago. And now we have the obligation to reinforce military success with political and economic progress, and the question is, do we have the resources and the capability to do that?''

Reed also said he feels that civilian agencies haven't done enough to rebuild Iraq's battered infrastructure by providing ''the soft power that you need to stabilize the country.''

''This is a major effort,'' he declared. ''We've got to get it right. There are things that we're doing very well and again I'd say that if we don't, if we take our eye off the ball, we could find ourselves right back where we were six months or a year ago. This place has the annoying habit of every time you turn the corner, there's another corner. We might be turning the corner, but watch out.''

BATTERED FALLUJAH KEY TO IRAQ

FALLUJAH, IRAQ, Apr. 7, 2005.—This devastated former insurgent stronghold west of Baghdad, where some of the worst violence—and one of the grisliest scenes—of the two-year war in Iraq took place, is shaping up as the key to the success or failure of the Bush administration's historic effort to reinvent Iraq.

That was evident last week as James Jeffrey, deputy chief of mission of the U.S. Embassy in Baghdad, came here to confer with the commander of the 23,000 Marines who still patrol this dangerous region and to meet with some two dozen local police and government officials, Arab sheiks and Sunni clerics.

''This is the future of Iraq,'' Lt. Gen. John Sattler, commander of the 1st Marine Expeditionary Force that drove Iraqi insurgents and foreign Muslim fighters out of the city in an epic 11-day battle last November, told the local leaders as Jeffrey stood by.

The salty-tongued Sattler, who was reassigned to Camp Pendleton, Calif., at the end of March, portrayed Fallujah as a crucial test of the U.S.-led multinational coalition's

ability to provide security, assure political stability and rebuild Iraq's shattered urban centers.

''If you can make Fallujah work, it becomes a status symbol and the whole Arab world will be looking at what they have done for Fallujah,'' he said.

Sattler and Jeffrey also made it clear that the prospects of reducing and eventually ending the commitment of some 175,000 U.S. and coalition troops in Iraq will be greatly enhanced if Iraqi security forces can be trained and equipped in sufficient numbers.

At the same time, they said, hundreds of millions of dollars must be spent in Fallujah on economic reconstruction by creating jobs and restoring basic services, including water, sanitation facilities and electricity.

''We're at the very beginning stages now,'' Sattler said. He and about a dozen other senior Marine officers gave Jeffrey an update on the military situation in their region and, in turn, heard Jeffrey describe the political situation and economic reconstruction effort before they met with the local leaders.

The meetings in Fallujah came almost exactly a year after the world was subjected to the ghastly scenes of the charred remains of several American contractors whose bodies were hung from a Fallujah bridge. The scene was the prelude to the bloody battle in November that drove insurgents from their fortified and well-armed base in Fallujah.

Jeffrey is running the U.S. Embassy until the arrival of Zalmay Khalilzad, the current ambassador in Afghanistan whom President Bush nominated Tuesday to replace John Negroponte as ambassador to Iraq. Jeffrey gave the Marines an update on the overall military, political and economic situation in Iraq.

He said coalition forces have made ''tremendous progress'' toward defeating the insurgent and al Qaeda elements in most areas of Iraq, although the violence directed against coalition forces and Iraqis who are cooperating with the coalition ''is still very worrisome.''

And he said that 100 50-man units of Iraqi Army and security forces, including local police, are in place, of which about 50 are ready to be deployed nationwide. ''That's a huge difference and huge investment,'' he said, with between $5 billion and $6 billion already spent and about an additional $10 billion committed by the end of this year.

But it's not the money, he said, ''it's the mentoring and training that are important.''

On the political front, he said the successful outcome of the Jan. 30 elections has provided important momentum, but he expressed concern about the vacuum that exists until the newly elected national assembly and its leaders are chosen.

The problem, he said, is that ''the old government is not willing to take action, and the new government doesn't exist yet. We're a bit frustrated, but that's democracy.''

Finally, on the economic reconstruction front, Jeffrey said $100 million has already been spent on Fallujah, with another $100 million in the pipeline.

''Let's face it: We're winning,'' he said. ''It needs to be said that we are winning. This is a very, very, very difficult thing we're undertaking, but we're winning and we need to continue pouring resources into Fallujah.''

Sattler acknowledged the difficulty of finding the right local officials and working with them. ''There's dust on everyone here,'' he said. ''So you have to go down until you find somebody without blood on his hands. That's the person you have to deal with.''

But one Agency for International Development official said more and more local leaders are willing to cooperate in the rebuilding effort.

''We're beginning to see them at the table now, and they're beginning to ask questions. We're shifting from one level to another. We're dealing with the Iraqi mind and not the U.S. mind. We're trying to deliver the goods, but it's going to be a long process. It's water running into one more house. It's electricity going into one more house.''

Sattler pointed out that more than 2,000 government workers showed up for work in Fallujah the day before and ''15,000 people came into town yesterday. There were less than a thousand in December.''

A few days later, Sattler repeated his message while hosting Gen. John Abizaid, commander of all U.S. forces in the Persian Gulf region, and Sen. Jack Reed (D–R.I.).

''A year ago, we had an insurgency that operated with impunity inside Fallujah,'' Sattler said. But now there's a growing partnership between U.S. troops and Iraqi security forces that he said bodes well for the future.

Sattler said, ''We get a lot of visitors here, but you haven't visited Iraq if you haven't visited Fallujah.''

## REGULATION OF 527 ORGANIZATIONS

Mr. DAYTON. Mr. President, earlier today, as a member of the Senate Rules Committee, I participated in a markup of legislation that purports to regulate the so-called 527 organizations. What started out as campaign finance reform legislation in the view of many, both Democrats and Republicans, in this body, unfortunately, turned, through the amendment procedure and the markup, into a very different kind of legislation.

I commend Senator LOTT, chairman of the Rules Committee. He was eminently fair throughout and gave each one of us an opportunity to present our amendments to be fully considered and voted upon. But one amendment that was introduced at the very outset, that was voted favorably upon by all members of the majority caucus as well as I believe one or two Democrats, but not nearly enough to carry the legislation, drastically shifted the bill to one that opens vast new opportunities for political action committees, special interests, to increase their contributions and for Members of Congress, Members of the Senate to direct those moneys to other political campaigns.

Specifically, the amendment that was adopted increased the contributions allowed to political action committees from $5,000 to $7,500. That is a 50-percent increase.

The amendment increased the amount of money that political action committees could contribute to national political parties from $15,000 to $25,000. That is a 67-percent increase. And it eliminated the restrictions on trade associations soliciting member companies for those contributions without prior approval of those companies as well as limitations on the number of times each year they could be solicited.

Most egregious, the amendment that was adopted allows Members of Congress to transfer unlimited amounts of money from their leadership political action committees to national parties and to the political committees that are established and maintained by a national political party which includes such enterprises as the Democratic and Republican senatorial campaign committees, congressional campaign committees, and other subdivisions and political committees of the national parties that are used to directly attack Members of Congress for their reelections or to assist challengers or to assist incumbents.

It opened the door widely, broadly, in allowing Members of Congress to use their positions of power and influence to solicit these contributions from special interests on a year-round, round-the-clock basis and then turn those moneys over in unlimited amounts to all of these other political activities.

So at the same time this legislation purported to restrict the ability of individuals to make these kinds of large expenditures on behalf of political causes and candidates, it threw the door wide open for special interest groups to do exactly what they said they were prohibiting. It is a terrible step in the wrong direction. It is evidence, again, of why allowing incumbents to be involved in so-called election law regarding their own self-interest is akin to giving a blowtorch to a pyromaniac. They simply cannot resist the abuses that are available to them.

I urge my colleagues to look at this legislation cautiously as it proceeds to the Senate floor. It is a step in the wrong direction. I regret the action taken today.

## HONORING OUR ARMED FORCES

### SERGEANT JOHN W. MILLER

Mr. GRASSLEY. Mr. President, I wish to recognize today the passing of a fellow Iowan who has fallen in service to this country. Sergeant John W. Miller, of the Iowa Army National Guard Company, A, 224th Engineer Battalion, was killed by a sniper on April 12 in Ar Ramadi, Iraq, while providing security for a road-clearing operation. He was 21 years old and is survived by a father, Dennis, two brothers, James and Nathan, and a sister, Jessica, who live in the Burlington, IA area.

John Miller attended West Burlington High School and received his high school diploma from Des Moines Area Community College. He joined the Iowa Army National Guard in March of 2002 and was mobilized to go to Iraq in October of 2004. He was posthumously awarded the Bronze Star, Purple Heart, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, National Defense Service Medal, Army Good Conduct Medal, Army Service Ribbon, Army Reserve Component Achievement Medal and the Armed Forces Reserve Medal with ''M'' device for Mobilization. He was also promoted to sergeant posthumously.

I offer my condolences to John's family and friends. Sergeant Miller's battalion leader wrote that John ''will

never be forgotten.'' I ask all of my colleagues and fellow Americans to join me in fulfilling that promise of remembrance. We must remember John and his comrades who have fallen, their lives, and their sacrifices; for a Nation that forgets her heroes will lose her direction, her strength, and her spirit.

## NURSE ANESTHESIA PROGRAM

Mr. AKAKA. Mr. President, so often we talk about collaboration between the Departments of Veterans Affairs and Defense. Today, we have a terrific example of such sharing. I specifically want to call attention to an innovative training program for nurse anesthetists. In an attempt to maximize scarce resources, VA and the U.S. Army have pulled together their resources to help prepare VA for fields in anesthesia.

Out of this joint VA/DOD effort has transpired one of the top Certified Registered Nurse Anesthetist programs in the country. The program offered at the U.S. Army Medical Department Center and School at Fort Sam Houston, TX, has been said by its students to provide top of the line Army training in the field of nurse anesthesia. This type of training can be carried over to VA and will promote a seamless transition for those servicemembers that need continued treatment upon return from active duty.

In addition to the clinical training, during the second phase of the program, the students also receive invaluable lessons that simply cannot be taught in just any training facility. By sitting side by side with Army and Air Force classmates, the students are able to gain a greater appreciation and understanding for the different branches of the armed services and the culture of the military. Knowing that they are being cared for by someone who understands their background and by someone who speaks their language, veterans are provided with a level of comfort that can only be beneficial as they receive health care treatment.

This VA/DOD nurse anesthesia training program only provides a glimpse of the strides VA is making and hopefully will continue to make in training and educating current and future health care workers—despite budget constraints. I applaud VA for its leadership to the health care community and for its collaborative efforts to ensure quality health care. As ranking member of the Committee on Veterans Affairs, I will continue to fight for veterans and make sure that they receive the health care that they deserve.

## CHINESE TARIFFS

Mr. DOMENICI. Mr. President, on April 6, 2005, I voted against a motion to table amendment, No. 309, otherwise known as the Schumer amendment, to the fiscal year 2006–2007 Foreign Affairs authorization bill. Upon careful consideration of this issue I have come to the conclusion that this amendment will be ineffective at best and harmful at worst. As it is currently written, the Schumer amendment will impose a tariff on all Chinese imports. Sponsors of the amendment claim this measure is necessary in order to compel the Chinese Government to revalue its currency.

I am a supporter of free trade. I also believe that the benefits of free trade must be weighed against any harm that could be done to vital American interests. Understandably, there is considerable angst over the expanding trade deficit between the United States and China. Still, this body should not be hasty to repeat a mistake of the 106th Congress when it acted to support a similar amendment to the 2000 China trade bill.

Similar to what the Schumer amendment proposes, provisions in the China trade bill allowed the Federal Government to impose a de facto tariff in the form of dumping penalties against foreign companies. The collected penalties were distributed to the companies that filed complaints in the U.S. It should be noted that the WTO defines ''dumping'' as a situation where goods are sold below price normally charged in home market. By contrast, and to the consternation of our trade partners, domestic American companies have thought of dumping as goods being sold below price normally charged in the U.S. market. Over the past 4½ years since the bill was enacted, American companies have collected over $1 billion in penalties from suits filed in the United States.

While that might not seem like such a bad thing, other governments have been busy filing complaints with the World Trade Organization. They are now determined to impose 15 percent tariffs against American exporters as punishment for the American ''dumping'' penalties. The costs of these tariffs will be borne by all sorts of American manufacturers and exporters. These tariffs will also punish American workers by making their work products uncompetitive in the global market.

I raise this parallel because it reveals to us the dangers of not seeking resolution through an agreed-to and effective framework provided by the WTO. The strength of the American economy has always been based on the openness of our markets. Unilaterally imposing tariffs on Chinese imports will act as an unfair tax on American exporters and that is a price we cannot afford to pay.

## FREEDOM TO TRAVEL TO CUBA ACT OF 2005

Mr. ENZI. Mr. President, on Monday, April 25, I introduced a bill, S. 894, with Senator DORGAN that will make a small change in Cuba policy. It deals only with travel provisions to Cuba.

I have been watching Cuba since the 1960s. I went to college at George Washington University and was there at the time of the Cuban missile crisis. I have had the opportunity to watch what has happened with Cuba through the years and I am reminded of something my dad used to say: If you keep on doing what you have always been doing, you are going to wind up getting what you already got.

That is kind of been the situation with Cuba. We have been trying the same thing for 40 years—over 40 years—and it has not worked. So I am suggesting a change to get a few more people in there to increase conversation for people that understand the way the United States works and the way Cuba works and how they ought to drift more rapidly towards where we are.

Castro's cruelty to his own people has tempted us to tighten the already strong restrictions on the relations between our two countries, and we did. We need to be successful in bringing about a better way of life for the Cuban people.

When we stop Cuban-Americans from bringing financial assistance to their families in Cuba, and end the people to people exchanges, and stop the sale of agricultural and medicinal products to Cuba, we are not hurting the Cuban Government, we are hurting the Cuban people. We are diminishing their faith and trust in the United States and reducing the strength of the ties that bind the people of our two countries.

If we allow more and freer travel to Cuba, if we increase trade and dialogue, we take away Castro's ability to blame the hardships of the Cuban people on the United States. In a very real sense, the better we try to make things for the Cuban people, the more we will reduce the level and the tone of the rhetoric used against us by Fidel Castro.

As I mentioned before, it seems foolish to do the same thing over and over again and expect different results. That is what we are doing in Cuba. We are continuing to exert pressure from our side and, as we do, we are giving Castro a scapegoat to blame for the poor living conditions in his country in the process. It is time for a different policy, one that goes further than embargoes and replaces a restrictive and confusing travel policy with a new one that will more effectively help us to achieve our goals in that country.

The Freedom to Travel to Cuba Act is very straightforward. It states that the President shall not prohibit, either directly or indirectly, travel to or from Cuba by United States citizens or transactions incident to such travel.

In 1958 the Supreme Court affirmed our constitutional right to travel, but the U.S. Government then prohibited Americans from spending money in Cuba. We simply said, OK, you have a right to travel, but try traveling without spending a dime.

One of the reasons I became involved in this issue is because a Cuban-American from Jackson, WY, had been in Cuba visiting his family, doing his one

visit a year. As he left and was on the plane coming back to Wyoming, one of his parents died. He could not go back there for a year. Under the recent changes, he now would be unable to go back for 3 years. This is not a good situation for any family.

I must ask my colleagues why we are continuing to support a policy that was basically implemented 40 years ago. Why are we supporting a policy that has had little effect on the government we oppose? Why don't we improve our policy so that it will improve conditions for the Cuban people and their image of the United States?

The bill we are introducing makes real change in our policy toward Cuba that will lead to real change for the people of Cuba. What better way to let the Cuban people know of our concern for their plight than for them to hear it from their friends, and extended family from the United States. Or let them hear it from the American people who will go there. The people of this country are our best ambassadors and we should let them show the people of Cuba what we as a Nation are all about. One thing we should not do is to play into Castro's hands by continuing to enact stricter and more stringent regulations and create a situation where the United States is easy to blame for the problems in Cuba.

Unilateral sanctions will not improve human rights for Cuban citizens. The rest of the world isn't doing what we are doing. They are being supplied by the rest of the world for everything that they need. Open dialogue and exchange of ideas and commerce can move a country toward democracy.

What better way to share the rewards of democracy than through people to people exchanges. Unilateral sanctions stop not just the flow of goods, but the flow of ideas. Ideas of freedom and democracy are the keys to positive change in any nation.

Some may ask why we want to increase dialogue right now, why open the door to Cuba when Castro behaves so poorly. No one is denying that the actions of Castro and his government are deplorable, as is his refusal to provide basic human rights to his people. But if you truly believe that Castro is dictator with no good intentions, how can you say we should wait for him to behave before we engage. He controls all the media in Cuba. The entire message that is coming out unless we have people interacting is his message. Keeping the door closed and hollering at Castro on the other side does nothing. Let's do something, let's open the door and talk to the Cuban people.

I encourage all of my colleagues to take a look at S. 894 and join me in this effort.

## COMMEMORATING HOLOCAUST REMEMBRANCE DAY

Mr. BROWNBACK. Mr. President, in light of the upcoming Holocaust Remembrance Day, I want to pay tribute to the men, women, and children who suffered and were murdered at the hands of the Nazis in the death camps across Europe. In 1951, the Israeli Knesset designated an official day on the Hebrew calendar, called Yom ha-Shoah, to commemorate the Shoah or Holocaust. This important day falls on May 5th.

''Shoah'' is the Hebrew word meaning ''catastrophe,'' which speaks to the tragic destruction of nearly the entirety of European Jewry during World War II. Perhaps no other place has been so linked to the Shoah than Auschwitz, the liberation of which was solemnly marked earlier this year.

Auschwitz now symbolizes the horror suffered by millions in an expansive network of camps and sub-camps that stretched throughout much of Europe. Millions of people were deported to these camps throughout the war. Many were summarily executed. Others were worked to death. Some were subjected to sadistic medical experimentation.

The death camp at Auschwitz was at the heart of the ''final solution,'' the slaughter of innocents for no other reason than that they were Jews. In addition, Poles, Roma and other minorities were transported to Auschwitz and elsewhere for elimination. To put this staggering human suffering into some scale, the equivalent of roughly half the current population of my home State of Kansas was murdered at Auschwitz alone.

I have had the privilege of visiting Yad Vashem in Jerusalem to honor the memory of the victims of Shoah. The legacy of the Holocaust encompasses the memory of those that perished as well as those who survived. The testimonies of those who survived Auschwitz and other death camps attest to the capacity of evil. At the same time, the lives of the survivors underscore the resilience of the human spirit and the fact that good can and must prevail over evil.

Six decades after the smoldering flames of the Shoah were extinguished, we are still confronted with reality that the embers of anti-Semitism could today be fanned into a consuming fire. As chairman of the Commission on Security and Cooperation in Europe, I am committed to confronting and combating manifestations of anti-Semitism and related violence at home and abroad. I look forward to the upcoming OSCE conference in Cordoba, Spain, as it will assess what measures countries are or are not taking to confront anti-Semitism. As a member of the Senate, I have and will continue to support the vital educational work of the United States Holocaust Memorial Museum and other institutions.

While the world professed shock at the scope of the atrocities and cruelty of the Holocaust, it has not prevented genocides elsewhere, Bosnia, Rwanda, and now Darfur. We I can best honor the memory of those killed during the Holocaust and the survivors by giving real meaning to ''never again.''

# ADDITIONAL STATEMENTS

## TRIBUTE TO DAN TANG—SBA SMALL BUSINESS OWNER OF THE YEAR

• Mr. ALLARD. Mr. President, I rise today to pay tribute to Mr. Dan Tang, who has been named by the Small Business Administration the Small Business Owner of the Year.

Dan was born in China in 1962 and was raised in Canton, China. At 19 years of age, Dan was forced to escape China. After eleven months in a refugee camp, he finally received a visa to travel to the United States. His dream of becoming an American citizen began in California. He worked hard, saved his money and found his way to Colorado.

After moving to Aurora, CO, he met up with some friends who owned a local Chinese restaurant. He accepted a job offer to be the dish washer and began working his way up in the business. He went from washing dishes, then bussing tables and eventually was promoted to become a cook. Always working long days and saving his money, Dan was eventually able to open his own restaurant in 1990. The opening of the Heaven Dragon was an enormous achievement for him and his family.

Today the Heaven Dragon is one of the best known family owned restaurants in the Denver metro area. His reputation is so well known that on a recent visit to Denver, President Bush requested his speciality, Peking Duck.

Dan Tang is a true American success story. He is a role model for hard-working small business owners across the country who are creating their own American dream.•

## TRIBUTE TO CONSTABLE BILL BAILEY

• Mrs. HUTCHISON. Mr. President, there is something in the Texas soil that produces colorful characters. From Judge Roy Bean, the law west of the Pecos, to Admiral Chester Nimitz, to racecar driver Richard Petty, Texas has raised up men and women whose achievements and personal flair have made our world not only a better place, but more interesting.

One of Texas' most popular people is Harris County constable Bill Bailey. Constable Bailey heads up a big operation, with 77 employees and a $4.3 million annual budget. He has been a constable for 21 years, whose leadership was recognized when he was named president of the Texas Association of Counties.

This is a big achievement for anyone.

But Bill Bailey is not just anyone. Born Milton Odom Stanley, he was always a gregarious attention-seeking youth. Before he graduated from high school, he landed his first job on a radio station in Temple. He called himself ''The Lone Wolf.''

When he graduated from high school in 1957, his career began to take off. He

was hired by a station first in Round Rock, then in El Paso, where he enrolled at Texas Western College. Radio was so good, he dropped out of college and took a job with a chain. He ended up in Des Moines, IA, broadcasting as Lee Western. During his job there, he had his first child, who was born over Texas soil even though the birth took place in a Des Moines hospital. Bill Bailey's mom sent him some dirt from his hometown which he wrapped in sterile cloth and placed under the delivery table. That is an authentic Texan.

On New Year's Day, 1960, he tuned in to listen to the University of Texas play in the Cotton Bowl.

''They cranked up 'The Eyes of Texas,' and I just cried,'' Bill said. ''I came home to Texas without a job.''

Later, he walked into Houston radio station KTHT to apply for a position. The station had recently hired a man from St. Louis by the name of Bill Bailey and had invested heavily in a promotion using the song, ''Won't you come home Bill Bailey, Won't you come home?'' The problem was, the new man decided after two weeks to do just that and went back home to St. Louis.

The station was desperate to recoup the cost of the advertising, so the deal presented to young Milton Odom Stanley was to become Bill Bailey. He kept the name ever since.

Two years later, Bill Bailey was hired by KIKK, known as KIKKer Country in Houston, not long before the Urban Cowboy nationwide country music craze. By 1979, Bill Bailey was honored as the number one country music broadcaster in a major market, and Billboard magazine named him Program Director of the Year.

At the top of his profession, Bill Bailey noted that radio personalities were beginning to coarsen their acts to get higher ratings. This went against the grain, because he knew young girls and grandmothers would listen to his show. Since he was opposed to using off-color humor, Bill Bailey began looking for a way to switch careers.

The opportunity came when a vacancy opened for constable in Harris County Precinct 8. By this time, Bill had a law enforcement commission as a reserve officer in the Galena Park Police Department. In this respect, he was following in the footsteps of his great, great, great grandfather, Williamson County Sheriff Milton Tucker, who captured the legendary outlaw Sam Bass in 1878 the day after Bass had been mortally wounded by Texas Rangers in Round Rock.

After winning a run-off election, he worked hard to make his office more professional and improved every aspect of its operations. Bill started many initiatives in his office, not least of which is guarding the homes of astronauts while they are in space.

Another measure was to provide powered impact wrenches with all his patrol cars so deputies can rapidly change tires for stranded motorists.

''I've gotten more mail from citizens who have had flats fixed than all the other cops-and-robbers stuff we do,'' he said.

I have known Bill for years. We rode horses together on the Salt Grass Trail and in the Houston Rodeo. He is a fine and good man.

Bill Bailey's other activities include serving part-time as an announcer at the Texas Prison Rodeo for 15 years, and calling the calf scramble and grand entry salute at the Houston Livestock Show and Rodeo. He has been active in that charity for 43 years.

It is no surprise that a man this talented has had so many names: Milton Stanley, ''Poogie'', his nickname as he grew up in Galena Park, ''Lone Wolf'', Lee Western, Buffalo Bill Bailey and, finally, plain old Bill Bailey.

Constable Bill Bailey may have had many names, but he has always been a devoted family man, a believing Christian and a colorful credit to our State. Please join me in congratulating him as the City of Pasadena and the Pasadena Rotary Club host Bill Bailey Day on April 29, 2005.●

## GEORGE KALLAS

● Ms. MURKOWSKI. Mr. President, my State of Alaska is small in population but huge in territory, warmth and generosity. In a State with a population of somewhat over 655,000 people, whose largest community, the municipality of Anchorage, has a population of about 275,000, the good deeds of people stand out.

The high level of civic engagement exhibited by the people of Alaska is impressive. Many Alaskans begin their morning with Rotary, take lunch at the Chamber of Commerce, the World Affairs Council or Commonwealth North, and spend their evenings supporting one of our many cultural, charitable and civic organizations.

Alaskans, whether life long residents of the State as I am, or people transplanted to The Great Land, like George Kallas, play an active role in the life of our communities. The difference between a sourdough and a cheechako, a newcomer, is not measured in longevity of residence. It is measured in contributions to the community.

Last Saturday, I joined with Alaskans in celebrating the life of George Kallas who passed away at the age of 81 on April 19, 2005. George Kallas came to Alaska in 1971. He was a native of Kansas City and will be buried there. A U.S. Army veteran of World War II, he was a member of American Legion Post 28.

George's business, the Beef and Sea Restaurant, on the Old Seward Highway was a favored dining spot of Alaskans and visitors alike. Located close to the heart of Alaska's oil and gas industry, it offered a touch of Alaska hospitality and a taste of Alaska crab to thousands who came to develop the Prudhoe Bay oilfield and the Trans Alaska Pipeline System. George participated in the growth of Anchorage from small town to cosmopolitan metropolis. He operated the restaurant until 1999 when he retired.

At Christmas George opened the restaurant to feed all of those who cared to come free of charge. At least 1,500 people, probably more, took advantage of this wonderful Christmas present.

He was not merely a successful small businessperson, but a leader of the small business community. George was proudest of his leadership role in the Alaska Coalition of Small Business which advocated for the interests of small business on issues from local to national importance. He was also an active member of the Holy Transfiguration Greek Orthodox Church.

George was what we in Alaska refer to as a ''super voter,'' someone who never missed the opportunity to vote. Even in his final months as a resident of the extended care facility at Providence Hospital, he insisted that he be brought to the polls to perform his duty as a citizen of Alaska and the United States.

I will miss George Kallas. Alaska will miss George Kallas.●

## TRIBUTE TO BOB LIGOURI

● Mr. HARKIN. Mr. President, 7 years ago, Senator JIM JEFFORDS recruited me to join him as a volunteer for a literacy program in Washington, DC, called Everybody Wins! The program is simple—spend one lunch hour a week at an elementary school reading with a child. This is the ultimate power lunch.

It didn't take long and I was hooked. It is the most important and rewarding hour of my week. I also thought this was a program we needed in Iowa.

Three years ago, under the leadership of Bob Ligouri, Everybody Wins! Iowa was launched. The Iowa program started as a small pilot program in three central Iowa elementary schools involving 15 students and 15 adults. From those humble beginnings, Everybody Wins! Iowa has grown to over 200 volunteers in 12 central Iowa schools.

Starting a brand new non-profit organization is not easy. There were volunteers to recruit, schools to identify, a board to create, paperwork to file and money to raise. Bob Ligouri built a solid foundation for Everybody Wins! Iowa. He adapted the national program to better fit our State and put the organization on the right track for future growth.

Everybody Wins! Iowa was fortunate to have the opportunity to work with Bob. He has long experience working with children as a coach of various athletic teams. He also led Special Olympics here in Iowa for 10 years building it into an organization with 10,000 volunteers and athletes.

Bob Ligouri served as the executive director and later, as president of the board of directors for Everybody Wins! Iowa for over 3 years. He planted the seeds, nurtured them and watched

them blossom into a strong literacy and mentoring organization.

As Bob Ligouri moves on to dedicate more time to a new business venture, I express my sincere gratitude for the outstanding job he has done for Everybody Wins! Iowa. His dedication and leadership was critical to the Iowa program and he will be missed.●

## COMMENDING PATRICIA POLAND

● Mrs. CLINTON. Mr. President, I am pleased today to recognize the outstanding service of Patricia ''Judy'' Poland, who retires in May after 30 years of dedicated efforts on behalf of the U.S. Army. For three decades, Miss Poland has worked at the Army's Recruiting Battalion in Albany, NY. She retires as the Battalion's Chief of Advertising and Public Affairs.

Miss Poland began her Government service in 1973 and has spent her entire career in the field of public affairs. It is fitting to note, therefore, that she entered Federal service at the same time that the Army began its daring initiative to become an All-Volunteer Force. Miss Poland's career spanned the full gamut of recruiting slogans, each of which reflected the changing temperament of the Nation, from ''Today's Army Wants to Join You,'' through ''Be All You Can Be'' to the current ''Army of One.'' She leaves an All-Volunteer Army sustained by successful recruitment.

Judy Poland's efforts in Albany, NY, contributed greatly to the Army's success. Recognized for her leadership, for most of her service she has headed her department, she has held the unconditional trust of several thousand recruiters, and her institutional knowledge has eased the way for more than a dozen battalion commanders.

From her early service pounding a manual typewriter under leaking steampipes in a basement, she has not only seen the Army change and grow into a service on the cutting edge of technology but she has facilitated that growth.

As Judy Poland leaves Government service to pursue goals and hobbies postponed for 30 years, I offer not only congratulations on her accomplishments but heartfelt thanks for her selfless service to our great Nation. I send to her my best wishes for continued success.●

## TOM RUSSO AND THE SCHOLAR-RESCUE PROGRAM

● Mr. LEAHY. Mr. President, today I wish to make a short statement on the work of Tom Russo. Mr. Russo is a vice chairman of Lehman Brothers, making his time some of the most valuable time in the world. But, it is precisely what Mr. Russo does with this time that I would like to speak about here today—in particular his work with the Institute of International Education—IIE—and the scholar-rescue program.

Mr. Russo has played a leadership role in working with IIE to establish a program that helps to bring scholars, whose lives are in danger in their home countries, to the United States. Once in the United States, the scholars are matched with host universities according to their academic specialty and the needs of the university. In many ways, this program is a win-win. The scholars, and in some cases their families, are removed from harm's way. Universities in the U.S. get top-rate scholars to teach and conduct research, while IIE helps to defray some of the costs to these institutions.

Of course, everyone would prefer that these scholars were able to remain in their home countries shaping the intellectual culture there, especially the scholars themselves. But, these are cases where there is no other option. It is either leave or be killed. And we have a moral responsibility to help these scholars escape and continue their work, in hopes of one day returning and advancing the knowledge base in their home nations.

One only has to look at the newspaper to see that there is virtually unlimited demand for this program. Let me read a few sentences from an article in last Wednesday's Washington Post, entitled ''Attacks Across Iraq kill 12, Wound Over 60''. The article reads: ''Elsewhere in the capital, masked men shot and killed a professor, Fuad Ibrahim Mohamed Bayati, as he left home for the University of Baghdad, police said.''

Tom Russo and his colleagues, including Henry Jarecki, a board member of IIE, and Alan Goodman, the president of IIE, have worked tirelessly to build this program. I know this because on several different occasions I have met with Henry, Alan, or Tom about the scholar-rescue program. It is abundantly clear from our conversations that they are deeply involved with the program and are passionate about the good work that it is doing around the world. While the scholar-rescue program cannot prevent every tragedy, I can attest it is making a difference. I also know that, instead of resting on their laurels, Mr. Russo, Dr. Jarecki, Dr. Goodman, and others are laboring day and night to expand the program to come to the aid of more scholars and their families.

I appreciate all Mr. Russo is doing and wanted to bring his work to the attention of the Senate. I encourage all of my colleagues to read about Tom Russo and the scholar-rescue program. I ask that an article from the New York Sun on Mr. Russo be printed in the RECORD.

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

[From the New York Sun, Apr. 11, 2005]

LEHMAN'S RUSSO: ''CREATE A CULTURE OF DOING THE RIGHT THING''

(By Pranay Gupte)

Thomas Russo, vice chairman of Lehman Brothers Incorporated and the 155-year-old investment bank's chief legal officer, had started this day with a meeting at 7:30 a.m. By the time he came to lunch, he'd had three more meetings, and taken several overseas and domestic calls in his additional role as head of Lehman's corporate advisory division, with responsibility for compliance, internal audit, government relations, and the documentation group.

There was also some work in connection with Lehman's new products committee and also the operating exposures committee, both of which he chairs. There were a couple of matters related to the Institute of International Education, which administers the State Department's Fulbright Program, and whose executive committee he heads.

And yes, there was a one-hour workout at a gym before his workday started.

Were there enough hours in the clock for him, the reporter—whose own deadline driven schedule had spawned portliness, in contrast to his guest's dapper trimness—asked Mr. Russo,

''In everything I do, I always ask myself, 'Am I doing the best that I can?' '' Mr. Russo said. ''If you feel good about what you do, then you can be at peace with yourself.''

He's handsomely compensated for what he does. Lehman gave him $3 million last year, making him the highest-paid corporate legal counsel in America after General Electric's chief lawyer, Benjamin Heineman Jr., who drew $4.3 million, according to a survey by Corporate Legal Times.

Mr. Russo certainly earns his salary and bonuses, especially these days when Wall Street is under increased scrutiny by regulatory institutions on account of assorted scandals concerning corporate behavior. As Lehman's chief legal officer, its Mr. Russo's responsibility to ensure strict compliance with the law—particularly the 2002 Sarbanes-Oxley Act on accounting and governance—on the part of the firm's 20,300 employees.

Indeed, Mr. Russo was a key player in bringing about the record $1.4 billion settlement by 10 Wall Street companies in April 2003. Lehman, which paid $80 million in fines—Citigroup paid $400 million—was among those accused by the Securities and Exchange Commission and New York State Attorney General Eliot Spitzer of conflicts of interest while aiming to increase their investment-banking business.

''The whole episode was bad for the industry, it was bad for business,'' Mr. Russo said. ''It could be cited as an example of us being our own worst enemy. While some have accused regulators for being excessively zealous, for the most part the industry brought this upon itself.''

What about the continuing tensions and torque of his work, the reporter asked. How does he go about ensuring compliance with the law in such a large organization as Lehman?

''The only way to regain investors' trust is to create a culture of doing the right thing,'' Mr. Russo said. ''I always say to my colleagues, 'If it feels wrong, just don't do it.' You cannot compromise your integrity. Everyone in financial services always needs to keep in mind that, first and foremost, customers must be served to the best of our ability. I cannot emphasize enough the importance of doing the right thing.''

Mr. Russo's emphasis on ''doing the right thing,'' and his probity, has acquired an almost mythic dimension in the financial services industry. Some 84 million Americans have invested more than $14 trillion in the equities markets in the United States; more than 3.2 billion shares are typically traded on the New York Stock Exchange and Nasdaq every day.

That emphasis on morality is transmitted by Mr. Russo not only to his associates at Lehman (which he joined in January 1993). It's a message that he conveys to hundreds of

other professionals, students, and young people with whom he comes into contact each year through institutions such as the IIE, the Economic Club of New York, the Foreign Policy Association, the Fellows of the Phi Beta Kappa Society, and U.S. Council for International Business.

He's not a proselytizer, nor is his style preachy. The soft-spoken Mr. Russo learned the art of subtlety from his late father, Lucio, a Staten Island lawyer who was also a member of the state Assembly for 22 years. He also learned forthrightness and resourcefulness from his late mother, Tina, who encouraged him to get summer jobs on the floor of the American Stock Exchange; it was his mother who elicited his continuing involvement with the March of Dimes, where he's vice chairman. (His parents died in a car accident last year.)

''I figured out early in life that success is a matter of focus and energy,'' Mr. Russo said. ''If you find something that you like to do, then you've got to do it with all your passion.''

It's an attitude that helped him ace undergraduate studies at Fordham University, and Cornell University, where he earned an MBA as well as a law degree. Mr. Russo was also elected to the honor societies Phi Beta Kappa and Phi Kappa Phi. It's an attitude that helped him distinguish himself as a young lawyer at the SEC, which he joined after Cornell.

It's an attitude that helped him become partner and member of the management committee of the prestigious law firm Cadwalader, Wickersham & Taft. And it's an attitude that most certainly helped land him the job of the first director of the Commodity Futures Trading Commission's Division of Trading and Markets. (Mr. Russo is also the author of two books on federal securities and commodities laws, and frequently writes for trade and mainstream publications on commodities, securities, banking, and financial market regulation.)

His career has fetched him numerous honors. The National Law Journal listed him as one of the ''100 Most Influential Lawyers in America.'' Not long ago, Mr. Russo was an inaugural inductee into the Futures Industry Association Hall of Fame. These honors are to be savored, of course, but Mr. Russo isn't one to brag about them. During lunch, in fact, he credited his colleagues and parents, and averred: ''I've been enormously lucky in my life.''

There's one aspect of his luck that Mr. Russo chooses to highlight—his wife, Marcy, who helps run a Jewish educational foundation; and his children: twin daughters Alexa and Morgan, 15, and son Tyler, 9.

The reporter obtained a sense of how much Mr. Russo's family shares his dedication to education and cultural bridge-building—which he said were essential not only for sustaining America's economic might but also for engendering enhanced awareness overseas of the homespun values of tolerance, friendship, and hospitality that serve as underpinnings of American society.

On the evening after the lunch with Mr. Russo, he'd invited several young Fulbright scholars from Iraq, India, China, Syria, and other countries to his Fifth Avenue apartment for a reception. The view of Central Park was stunning; the food was scrumptious. But the highlight of the evening was clearly violin renditions of Bach by Alexa and Morgan, accompanied on the piano by their fellow student from the Dalton School, Gennifer Tsoi.

They often give such performances, Mr. Russo said, they visit senior citizens' homes and hospices to give comfort and spread good will through their music. The reporter thought: Like father, like daughters.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House, Mr. NUSSLE, Mr. RYUN of Kansas.

The message also announced that the House disagree to the amendments of the Senate to the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. REGULA, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. BONILLA, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. MOLLOHAN, Mr. VISCLOSKY, Mrs. LOWEY and Mr. EDWARDS.

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 28. An act to amend the High-Performance Computing Act of 1991.

H.R. 749. An act to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services.

H.R. 1158. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''.

H.R. 1524. An act to designate the facility of the United States Postal Service located at 124333 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrent of the Senate:

H. Con. Res. 41. Concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

H. Con. Res. 96. Concurrent resolution recognizing the significance of African American women in the United States scientific community.

The message further announced that pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), and the order of the House of January 4, 2005, the Speaker appoints the following member on the part of the House of Representatives to the Ticket to Work and Work Incentives Advisory Panel: Mr. J. Russell Doumas of Columbia, Missouri to a 4-year term.

The message also announced that pursuant to 40 U.S.C. 188a, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the United States Capitol Preservation Commission: Mr. LEWIS of California.

The message further announced that pursuant to 40 U.S.C. 188a, and the order of the House of January 4, 2005, the Minority Leader appoints the following Member of the House of Representatives to the United States Capitol Preservation Commission: Ms. KAPTUR of Ohio.

## MEASURES REFERRED

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

H.R. 28. An act to amend the High-Performance Computing Act of 1991; to the Committee on Commerce, Science, and Transportation.

H.R. 749. An act to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1158. An act to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; to the Committee on Energy and Natural Resources.

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the ''Mayor Tony Armstrong Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1524. An act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the ''Ed Eilert Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 96. Concurrent resolution recognizing the significance of African American women in the United States scientific community; to the Committee on the Judiciary.

## 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–1947. A communication from the General Counsel of the Department of Defense, transmitting, a report of proposed legislation relative to the National Defense Authorization Bill for Fiscal Year 2006; to the Committee on Armed Services.

EC–1948. A communication from the Principal Deputy, Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report entitled ''Aviation Career Incentive Pay and Aviation Continuation Pay Programs for Fiscal Year 2004''; to the Committee on Armed Services.

EC–1949. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled ''2004 Wiretap Report''; to the Committee on the Judiciary.

EC–1950. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of the Department's intent to obligate funds for purposes of Nonproliferation and Disarmament Fund activities and funds to cover Nonproliferation and Disarmament Fund Fiscal Year 2005 Administration and Operation costs; to the Committee on Foreign Relations.

EC–1951. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Salary Offset'' (RIN1510–AA70) received on April 26, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1952. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers'' (RIN0580–AA87) received on April 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1953. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled ''West Indian Fruit Fly; Regulated Articles'' (APHIS Docket No. 04–127–1) received on April 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1954. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of rule entitled ''Asian Longhorned Beetle; Removal of Regulated Areas'' (APHIS Docket No. 05–011–1) received on April 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1955. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Cocoa Beach Patrick AFB, FL and Class E4 Airspace Cocoa Beach Patrick AFB, FL'' ((RIN2120–AA66) (2005–0084)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1956. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Newton, KS'' ((RIN2120–AA66) (2005–0081)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1957. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Palmer, MA; Direct Final Rule; Request for Comments'' ((RIN2120–AA66) (2005–0087)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1958. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF34–8C1 Series and CF34–8C5 Series Turbofan Engines'' ((RIN2120–AA64) (2005–0188)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1959. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 and 200PF Series Airplanes'' ((RIN2120–AA64) (2005–0189)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1960. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace Model BAe 146 and Model Avro 146–FJ Series Airplanes'' ((RIN2120–AA64) (2005–0181)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1961. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64) (2005–0182)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1962. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF6–80A1/A3 and CF6–80C2A Series Turbofan Engines, Installed on Airbus Industrie A300–600 and A310 Series Airplanes'' ((RIN2120–AA64) (2005–0183)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1963. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64) (2005–0184)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1964. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Fairchild Aircraft, Inc., SA226 and SA227 Airplanes'' ((RIN2120–AA64) (2005–0185)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1965. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, and 300 Series Airplanes; and Model 747SR and 747SP Series Airplanes'' ((RIN2120–AA64) (2005–0186)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1966. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9–10, 20, 30, 40, and 50 Series Airplanes; and Model DC 9–81 and DC 9–82 Airplanes'' ((RIN2120–AA64) (2005–0187)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1967. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce Limited, Bristol Engine Division Model Viper Mk.601–22 Turbojet Engine'' ((RIN2120–AA64) (2005–0176)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1968. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 and 300 Series Airplanes'' ((RIN2120–AA64) (2005–0177)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1969. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF6–45A, –50A , –50C, and –50E Series Turbofan Engines'' ((RIN2120–AA64) (2005–0178)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1970. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, –100B, 100B SUD, –200B, 300, 747SP, and 747SR Series Airplanes'' ((RIN2120–AA64) (2005–0179)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1971. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200, 300, and 300F Series Airplanes'' ((RIN2120–AA64) (2005–0180)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1972. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (46); AMDT No. 3116 [2–18/4–7]'' ((RIN2120–AA65) (2005–0008)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1973. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (49); AMDT. No. 3117 [3–11/4–7]'' ((RIN2120–AA65) (2005–0009)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1974. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (94); AMDT. No. 3118 [3–18/4–7]'' ((RIN2120–AA65) (2005–0010)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1975. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Nevada, MO; Confirmation of Effective Date'' ((RIN2120–AA66) (2005–0086)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1976. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Parsons, KS; Direct Final Rule; Request for Comments'' ((RIN2120–AA66) (2005–0083)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1977. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Rolla, MO; Confirmation of Effective Date'' ((RIN2120–AA66) (2005–0082)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation .

EC–1978. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Ozark, MO; Confirmation of Effective Date'' ((RIN2120–AA66) (2005–0085)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1979. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Boonville, MO'' ((RIN2120–AA66) (2005–0088)) received on April 26, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1980. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Delaware Water Gap National Recreation Area, Pennsylvania and New Jersey; U.S. Route 209 Commercial Vehicle Fees'' (RIN1024–AD14) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1981. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Snowmobile Use, Yellowstone and Grand Teton National Parks'' (RIN1024–AD29) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1982. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Apostle Islands National Lakeshore; Designation of Snowmobile and Off-Road Motor Vehicle Areas, and Use of Portable Ice Augers or Power Engines'' (RIN1024–AD26) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1983. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''National Park System Units in Alaska'' (RIN1024–AD13) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1984. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Rocky Mountain National Park Snowmobile Routes'' (RIN1024–AD15) received on April 26, 2005; to the Committee on Energy and Natural Resources.

EC–1985. A communication from the Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Chickasaw National Recreation Area, Personal Watercraft Use'' (RIN1024–AC98) received on April 26, 2005; to the Committee on Energy and Natural Resources.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Maria Cino, of Virginia, to be Deputy Secretary of Transportation.

*Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation.

*Joseph H. Boardman, of New York, to be Administrator of the Federal Railroad Administration.

*Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2005.

*Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2005.

*William Cobey, of North Carolina, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment respond to requests to appear and testify before any duly constituted committee of the Senate.

## 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. CONRAD:

S. 911. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEAHY, Mr. KERRY, Mr. JEFFORDS, Mrs. BOXER, Mr. DAYTON, Mr. SCHUMER, and Mr. DURBIN):

S. 912. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

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

S. 913. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the ''Southwest Bridge Research Center''; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself, Mr. SMITH, Mr. LOTT, and Mr. DURBIN):

S. 914. A bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research; to the Committee on Health, Education, Labor, and Pensions.

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

S. 915. A bill to provide for the duty-free entry of certain tramway cars and associated spare parts for use by the city of Portland, Oregon; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 916. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 917. A bill to amend title 38, United States Code, to make permanent the pilot program for direct housing loans for Native American veterans; to the Committee on Veterans' Affairs.

By Mr. OBAMA (for himself, Mr. TALENT, and Mr. DURBIN):

S. 918. A bill to provide for Flexible Fuel Vehicle (FFV) refueling capability at new and existing refueling station facilities to promote energy security and reduction of greenhouse gas emissions; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. CRAIG, Mr. DAYTON, Mr. VITTER, Mr. THUNE, Mr. JOHNSON, Mr. BAUCUS, and Mr. COLEMAN):

S. 919. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN:

S. 920. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on Rules and Administration.

By Mrs. MURRAY (for herself, Mr. DURBIN, Mr. KENNEDY, and Mrs. CLINTON):

S. 921. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mr. LIEBERMAN):

S. 922. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, and Mr. OBAMA):

S. 923. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, Mr. SARBANES, and Mr. BAUCUS):

S. 924. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, and Mr. BAUCUS):

S. 925. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. VITTER, and Mr. ENZI):

S. 926. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep; to the Committee on Finance.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SARBANES, Mr. JOHNSON, Ms. LANDRIEU, and Mr. KENNEDY):

S. 927. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program; to the Committee on Finance.

By Mrs. LINCOLN:

S. 928. A bill to amend the Internal Revenue Code of 1986 to provide for the immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. CHAMBLISS, Mr. INHOFE, Mr. COBURN, Mr. TALENT, Mr. CORNYN, and Mr. ISAKSON):

S. 929. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

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

S. 930. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURNS:

S. 931. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DURBIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. HARKIN, Mr. DODD, Mr. LAUTENBERG, Mr. CORZINE, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, and Mr. DAYTON):

S. 932. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; 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. DURBIN (for himself, Mr. INOUYE, and Mr. STEVENS):

S. Res. 126. A resolution honoring Fred T. Korematsu for his loyalty and patriotism to the United States and expressing condolences to his family, friends, and supporters on his death; considered and agreed to.

By Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Ms. LANDRIEU, Mr. SUNUNU, Mr. ALEXANDER, Mr. DEMINT, Mrs. DOLE, Mr. VITTER, Mr. BURR, and Mr. ALLARD):

S. Res. 127. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 7

At the request of Mr. KYL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 7, a bill to increase American jobs and economic growth by making permanent the individual income tax rate reductions, the reduction in the capital gains and dividend tax rates, and the repeal of the estate, gift, and generation-skipping transfer taxes.

S. 114

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 114, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 271

At the request of Mr. SCHUMER, his name was withdrawn as a cosponsor of S. 271, a bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

S. 300

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 313

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 397

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 418

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 428

At the request of Mr. TALENT, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 428, a bill to provide $30,000,000,000 in new transportation infrastructure funding in addition to TEA–21 levels through bonding to empower States and local governments to complete significant long-term capital improvement projects for highways, public transportation systems, and rail systems, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 484

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. BIDEN) 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. 642

At the request of Mr. FRIST, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 677

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 677, a bill to amend title VII

of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 756

At the request of Mr. BENNETT, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 782

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 782, a bill to amend title 37, United States Code, to authorize travel and transportation for family members of members of the Armed Forces hospitalized in the United States in connection with non-serious illnesses or injuries incurred or aggravated in a contingency operation, and for other purposes.

S. 785

At the request of Mr. LOTT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 785, a bill to amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction.

S. 802

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

S. 803

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 803, a bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage.

S. 850

At the request of Mr. FRIST, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 850, a bill to establish the Global Health Corps, and for other purposes.

S. 894

At the request of Mr. ENZI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. RES. 117

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 117, a resolution designating the week of May 9, 2005, as ''National Hepatits B Awareness Week.''

S. RES. 121

At the request of Mr. COLEMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Res. 121, a resolution supporting May 2005 as ''National Better Hearing and Speech Month'' and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

AMENDMENT NO. 573

At the request of Mr. SHELBY, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Rhode Island (Mr. REED) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 573 proposed to H.R. 3, a bill Reserved.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 911. A bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Improving Access to Nurse-Midwifery Care Act of 2005. For too many years, certified nurse midwives, CNMs, have not received adequate reimbursement under the Medicare program, despite evidence that shows the quality of care and outcomes for services provided by CNMs are comparable to obstetricians and gynecologists. My legislation takes important steps to improve reimbursement for these important healthcare providers.

There are approximately three million disabled women on Medicare who are of childbearing age; however, if they choose to utilize a CNM for ''well women'' services, the CNM is only reimbursed at 65 percent of the physician fee schedule. In practical terms, the typical well-woman visit costs, on average, $50. But Medicare currently reimburses CNMs in rural areas only $14 for this visit, which could include a pap smear, mammogram, and other precancer screenings. CNMs administer the same tests and incur the same costs as physicians but receive only 65 percent of the physician fee schedule for these services. This reduced payment is unfair and does not adequately reflect the services CNMs provide to beneficiaries. At this incredibly low rate of reimbursement, the Medicare Payment Advisory Committee, MedPAC, agrees that a CNM simply cannot afford to provide services to Medicare patients and has supported increasing reimbursement for CNMs.

My legislation would make several changes to improve the ability of CNMs and certified midwives, CMs, to effectively serve the Medicare-eligible population. First, and most importantly, my bill recognizes the need to increase Medicare reimbursement for CNMs by raising the reimbursement level from 65 percent to 100 percent of the physician fee schedule. CNMs provide the same care as physicians; therefore, it is only fair to reimburse CNMs at the same level.

In addition, the Improving Access to Nurse-Midwifery Care Act would guarantee payment for graduate medical education and includes technical corrections that will clarify the reassignment of billing rights for CNMs who are employed by others. Finally, my bill would establish recognition for a certified midwife, CM, to provide services under Medicare. Despite the fact that CNMs and CMs provide the same services, Medicare has yet to recognize CMs as eligible providers. My bill would change this.

This bill will enhance access to ''well woman'' care for thousands of women in underserved communities and make several needed changes to improve access to midwives. I urge my colleagues to support this legislation.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEAHY, Mr. KERRY, Mr. JEFFORDS, Mrs. BOXER, Mr. DAYTON, Mr. SCHUMER, and Mr. DURBIN):

S. 912. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I am introducing important legislation to affirm Federal jurisdiction over the waters of the United States. I am pleased to have three members of the Environment and Public Works Committee—the Senator from Vermont, Mr. JEFFORDS, the Senator from New Jersey, Mr. LAUTENBERG, the Senator from California, Mrs. BOXER—as original cosponsors of this bill. I also thank Senators DAYTON, KERRY, SCHUMER, and DURBIN for joining me in introducing this important legislation.

In the U.S. Supreme Court's January 2001 decision, Solid Waste Agency of Northern Cook County versus the Army Corps of Engineers, a 5 to 4 majority limited the authority of Federal agencies to use the so-called migratory bird rule as the basis for asserting Clean Water Act jurisdiction over non-

navigable, intrastate, isolated wetlands, streams, ponds, and other bodies of water.

This decision, known as the SWANCC decision, means that the Environmental Protection Agency and Army Corps of Engineers can no longer enforce Federal Clean Water Act protection mechanisms to protect a waterway solely on the basis that it is used as habitat for migratory birds.

In its discussion of the case, the Court went beyond the issue of the migratory bird rule and questioned whether Congress intended the Clean Water Act to provide protection for isolated ponds, streams, wetlands and other waters, as it had been interpreted to provide for most of the last 30 years. While not the legal holding of the case, the Court's discussion has resulted in a wide variety of interpretations by EPA and Corps officials that jeopardize protection for wetlands, and other waters. The wetlands at risk include prairie potholes and bogs, familiar to many in Wisconsin, and many other types of wetlands.

In effect, the Court's decision removed much of the Clean Water Act protection for between 30 percent to 60 percent of the Nation's wetlands. An estimated 60 percent of the wetlands in my home State of Wisconsin lost Federal protection. Wisconsin is not alone. The National Association of State Wetland Managers has been collecting data from States across the country. For example, Nebraska estimates that it will lose protection for more than 40 percent of its wetlands. Indiana estimates it will lose 31 percent of total wetland acreage and 74 percent of the total number of wetlands. Delaware estimates the loss of protection for 33 percent or more of its freshwater wetlands.

These wetlands absorb floodwaters, prevent pollution from reaching our rivers and streams, and provide crucial habitat for most of the Nation's ducks and other waterfowl, as well as hundreds of other bird, fish, shellfish and amphibian species. Loss of these waters would have a devastating effect on our environment.

In addition, by narrowing the water and wetland areas subject to federal regulation, the decision also shifts more of the economic burden for regulating wetlands to state and local governments. My home State of Wisconsin has passed legislation to assume the regulation of isolated waters, but many other States have not. This patchwork of regulation means that the standards for protection of wetlands nationwide are unclear and confusing, jeopardizing the migratory birds and other wildlife that depend on these wetlands.

Since 2001, the confusion over the interpretation of the SWANCC decision has grown. On January 15, 2003, the EPA and Army Corps of Engineers published in the Federal Register an Advanced Notice of Proposed Rulemaking raising questions about the jurisdiction of the Clean Water Act. Simultaneously, they released a guidance memo to their field staff regarding Clean Water Act jurisdiction.

The agencies claim these actions are necessary because of the SWANCC case. But both the guidance memo and the proposed rulemaking go far beyond the holding in SWANCC. The guidance took effect right away and has had an immediate impact. It tells the Corps and EPA staff to stop asserting jurisdiction over isolated waters without first obtaining permission from headquarters. Based on this guidance, waters that the EPA and Corps judge to be outside the Clean Water Act can be filled, dredged, and polluted without a permit or any other long-standing Clean Water Act safeguard.

The rulemaking announced the Administration's intention to consider even broader changes to Clean Water Act coverage for our waters. Specifically, the agencies are questioning whether there is any basis for asserting Clean Water Act jurisdiction over additional waters, like intermittent streams. The possibility for a redefinition of our waters is troubling because there is only one definition of the term ''water'' in the Clean Water Act. The wetlands program, the point source program which stops the dumping of pollution, and the non-point program governing polluted runoff all depend on this definition. Even though the Administration rescinded this proposed rulemaking in December 2003, the policy guidance remains in effect.

If we don't protect a category of waters from being filled under the wetlands program, we also fail to protect them from having trash or raw sewage dumped in them, or having other activities that violate the Clean Water Act conducted in them as well.

Congress needs to re-establish the common understanding of the Clean Water Act's jurisdiction to protect all waters of the U.S.—the understanding that Congress held when the Act was adopted in 1972—as reflected in the law, legislative history, and longstanding regulations, practice, and judicial interpretations prior to the SWANCC decision.

The proposed legislation is very simple. It does three things. First, it adopts a statutory definition of ''waters of the United States'' based on a longstanding definition of waters in the EPA and Corps of Engineers' regulations. Second, it deletes the term ''navigable'' from the Act to clarify that Congress's primary concern in 1972 was to protect the nation's waters from pollution, rather than just sustain the navigability of waterways, and to reinforce that original intent. Finally, it includes a set of findings that explain the factual basis for Congress to assert its constitutional authority over waters and wetlands on all relevant constitutional grounds, including the Commerce Clause, the Property Clause, the Treaty Clause, and Necessary and Proper Clause.

In conclusion, I am very pleased to have the support of so many environmental and conservation groups, as well as organizations that represent those who regulate and manage our country's wetlands, such as: the Natural Resources Defense Council, Earthjustice, the National Wildlife Federation, Sierra Club, American Rivers, the National Audubon Society, U.S. Public Interest Research Group, Defenders of Wildlife, the Ocean Conservancy, Trout Unlimited, the Izaac Walton League, and the Association of State Floodplain Managers. They know, as I do, that we need to re-affirm the Federal Government's role in protecting our water. This legislation is a first step in doing just that.

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

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

S. 912

*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 ''Clean Water Authority Restoration Act of 2005''.

**SEC. 2. PURPOSES.**

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act.

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

**SEC. 3. FINDINGS.**

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) In enacting amendments to the Federal Water Pollution Control Act in 1972 and through subsequent amendment, including the Clean Water Act of 1977 (91 Stat. 1566) and the Water Quality Act of 1987 (101 Stat. 7), Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters, along with other waters of the United States, is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into interstate and intrastate waters is

an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and periodically-flowing streams comprise the majority of all stream channels in the United States and serve critical biological and hydrological functions that affect entire watersheds, including reducing the introduction of pollutants to large streams and rivers, and especially affecting the life cycles of aquatic organisms and the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of the waters of the United States, including intrastate waters, is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including wetlands, provide protection from flooding, and draining or filling wetlands and channelizing or filling streams, including intrastate wetlands and streams, can cause or exacerbate flooding, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on wetlands and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography and other graphic arts, and those activities and associated travel generate billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

**SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.**

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (23) as paragraphs (7) through (22), respectively; and

(3) by adding at the end the following:

''(23) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.''.

**SEC. 5. CONFORMING AMENDMENTS.**

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking ''navigable waters of the United States'' each place it appears and inserting ''waters of the United States'';

(2) in section 304(l)(1) by striking ''NAVIGABLE WATERS'' in the heading and inserting ''WATERS OF THE UNITED STATES''; and

(3) by striking ''navigable waters'' each place it appears and inserting ''waters of the United States''.

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

S. 913. A bill to amend title 49, United States Code, to establish a university transportation center to be known as the ''Southwest Bridge Research Center''; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation creating the Bridge Research Center at New Mexico State University. I would also like to thank my good friend Senator BINGAMAN for cosponsoring this important bill.

New Mexico State University (NMSU) is uniquely qualified to be the home of the Bridge Research Center. For over three decades NMSU has applied its considerable talents to solving technological problems related to bridge systems. It makes sense that we capitalize on NMSU's history and expertise in this field by establishing the bridge research center.

The Bridge Research Center will develop smart bridge evaluation techniques using advanced sensors and instrumentation. Additionally, the NMSU Bridge Center will improve bridge design methodologies, create new inspection techniques for bridges, and find better ways to conduct nondestructive evaluation and testing. Finally, the Bridge Center will conduct research into high performance materials to address durability and retrofit needs.

I have no doubt that NMSU will apply its extensive capability to develop theoretical concepts into practical solutions for bridge problems all across our country.

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

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

S. 913

*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 ''Southwest Bridge Research Center Establishment Act of 2005''.

**SEC. 2. BRIDGE RESEARCH CENTER.**

Section 5505 of title 49, United States Code, is amended by adding at the end the following:

''(k) SOUTHWEST BRIDGE RESEARCH CENTER.—

''(1) IN GENERAL.—In addition to the university transportation centers receiving grants under subsections (a) and (b), the Secretary shall provide grants to New Mexico State University, in collaboration with the Oklahoma Transportation Center, to establish and operate a university transportation center to be known as the 'Southwest Bridge Research Center' (referred to in this subsection as the 'Center').

''(2) PURPOSE.—The purpose of the Center shall be to contribute at a national level to a systems approach to improving the overall performance of bridges, with an emphasis on—

''(A) increasing the number of highly skilled individuals entering the field of transportation;

''(B) improving the monitoring of structural health over the life of bridges;

''(C) developing innovative technologies for bridge testing and assessment;

''(D) developing technologies and procedures for ensuring bridge safety, reliability, and security; and

''(E) providing training in the methods for bridge inspection and evaluation.

''(3) OBJECTIVES.—The Center shall carry out—

''(A) basic and applied research, the products of which shall be judged by peers or other experts in the field to advance the body of knowledge in transportation;

''(B) an education program that includes multidisciplinary course work and participation in research; and

''(C) Aa ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented.

''(4) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this subsection, the institution specified in paragraph (1) shall enter into an agreement with the Secretary to ensure that, for each fiscal year after establishment of the Center, the institution will fund research activities relating to transportation in an amount that is at least equal to the average annual amount of funds expended for the activities for the 2 fiscal years preceding the fiscal year in which the grant is received.

''(5) COST SHARING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of any activity carried out using funds from a grant provided under this subsection shall be 50 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out using funds from a grant provided under this subsection may include funds provided to the recipient under any of sections 503, 504(b), and 505 of title 23.

''(C) ONGOING PROGRAMS.—After establishment of the Center, the institution specified in paragraph (1) shall obligate for each fiscal year not less than $200,000 in regularly budgeted institutional funds to support ongoing transportation research and education programs.

''(6) PROGRAM COORDINATION.—

''(A) COORDINATION.—The Secretary shall—

''(i) coordinate the research, education, training, and technology transfer activities carried out by the Center;

''(ii) disseminate the results of that research; and

''(iii) establish and operate a clearinghouse for information derived from that research.

''(B) ANNUAL REVIEW AND EVALUATION.—At least annually, and in accordance with the plan developed under section 508 of title 23,

the Secretary shall review and evaluate each program carried out by the Center using funds from a grant provided under this subsection.

''(7) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this subsection shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

''(8) AMOUNT OF GRANT.—For each of fiscal years 2005 through 2010, the Secretary shall provide a grant in the amount of $3,000,000 to the institution specified in paragraph (1) to carry out this subsection.

''(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 2005 through 2010.''.

Mr. BINGAMAN. Mr. President, I am pleased to join with my colleague Senator DOMENICI today to introduce legislation that I believe will go a long way in helping to improve the safety and durability of the Nation's highway bridges. It is with great pleasure we are today introducing the New Mexico State University Bridge Research Center Establishment Act of 2005.

The purpose of our bill is to authorize the Secretary of Transportation to establish a new University Transportation Center focused on the safety of highway bridges. The new center will lead the Nation in the research and development of technologies for bridge testing and monitoring, procedures for ensuring bridge safety and security, and training in methods of bridge inspection. New Mexico State University is one of the Nation's leaders in bridge research and I believe worthy of being designated as one of the Nation's university transportation centers.

Our highway network is a central component of our economy and fundamental to our freedom and quality of life. America's mobility is the engine of our free market system. Transportation via cars, buses, and trucks plays a central role in our basic quality of life. Much of the food we eat, the clothes we wear, the materials for our homes and offices, comes to us over the 4 million miles of our road network.

One critical element of our highway network is the highway bridges that span streams, rivers, and canyons of our cities and rural areas. Bridges also help traffic flow smoothly by carrying one road over another.

Most highway bridges are easy to overlook. Notable exceptions are New England's covered bridges, the new Zakim Charles River Bridge in Boston, San Francisco's Golden Gate Bridge, and the spectacular Rio Grande Gorge Bridge near Taos, NM. The fact is, according to the Federal Highway Administration, we have about 590,000 highway bridges in this country that are more than 20-feet long. The total bridge-deck area of these 590,000 bridges is an amazing 120 square miles, or slightly smaller in area than the entire city limits of Albuquerque, NM, roughly twice the size of the entire District of Columbia, or five times the area of New York's Manhattan Island. The State of Texas leads the Nation with almost 49,000 bridges, about ten percent of the total. Ohio is second with about 28,000 highway bridges.

A little known and disturbing fact about these 590,000 highway bridges is that nearly 78,000, or 13 percent, are considered to be structurally deficient according to the most recent statistics from the FHWA. The percent of structurally deficient bridges varies widely among the 50 states. For example, this chart shows the top ten states with the highest percentage of deficient bridges.

| State | Number of bridges | Number of structurally deficient bridges | Percent of structurally deficient bridges (percent) |
|---|---|---|---|
| Oklahoma | 23,312 | 7,307 | 31.3 |
| Rhode Island | 749 | 193 | 25.8 |
| Pennsylvania | 22,253 | 5,464 | 24.6 |
| Missouri | 23,791 | 5,028 | 21.1 |
| Iowa | 24,902 | 5,259 | 21.1 |
| Mississippi | 16,838 | 3,379 | 20.1 |
| Vermont | 2,690 | 484 | 18.0 |
| South Dakota | 5,961 | 1,072 | 18.0 |
| North Dakota | 4,507 | 803 | 17.8 |
| Nebraska | 15,455 | 2,550 | 16.5 |
| Michigan | 10,818 | 1,764 | 16.3 |

The source is the FHWA National Bridge Inventory System, December 2004

Florida and Arizona have the lowest percentages of structurally deficient bridges at less than 3 percent each.

Structurally deficient bridges are a particular concern in rural areas of our country. According to FHWA's 2002 edition of its Conditions and Performance Report to Congress, 16 percent or rural bridges are structurally deficient compared to only 10 percent of urban bridges. The report estimates the average costs required to maintain the existing 590,000 highway bridges is $7.3 billion per year.

Another surprising fact about our Nation's highway bridges is their age. Almost one-third of all highway bridges are more than 50 years old, and over 10,000 bridges are at least 100 years old. About 4,200 of these century-old bridges are currently rated as structurally deficient.

I do believe the number of deficient bridges in this country should be a concern to all Senators. Ensuring that States and local communities have the funds they need to help correct these deficient bridges will be one of my priorities when Congress reauthorizes TEA–21. However, because there may not be sufficient Federal and State funding to address all of the deficient bridges, it will be important to identify the bridges that are most in need of replacement or rehabilitation.

To ensure the most efficient use of limited resources, Congress should also address the need for new technologies to help States monitor the condition of the Nation's 590,000 highway bridges and determine priorities for repair or replacement. Such monitoring technologies, or ''smart bridges,'' should be quick, efficient, and not damage the bridge in any way. I am very pleased that New Mexico State University is one of the Nation's pioneers in the development of non-destructive methods of determining the physical condition of highway bridges. Such smart bridges can record and transmit information on their current structural condition as well as on the traffic crossing them. Sensors embedded in the concrete monitor the stresses on the bridge as the weather changes or under the weight of vehicles and show how the materials change with age. The information can then be used by engineers to help design more durable and economical bridges. Eventually NMSU's methods could be used to help design better buildings.

In 1998, NMSU installed 67 fiber-optic sensors on an existing steel bridge on Interstate 10 in Las Cruces and converted it into a ''smart bridge.'' This award-winning project was the first application of fiber-optic sensors to highway bridges. In 2000, sensors were incorporated directly in a concrete bridge during construction to monitor the curing of the concrete; the bridge crosses the Rio Puerco on Interstate 40, west of Albuquerque. A third smart bridge, on I10 over University Avenue in Las Cruces, opened in July 2004.

In February 2003 I had an opportunity to tour the facilities at NMSU and to see firsthand the fine facilities and work being conducted on bridge technology. NMSU has an actual 40-foot ''bridge'' in a laboratory on campus to allow studies of instrumentation and data collection.

I will ask unanimous consent that two recent articles describing NMSU's accomplishments on smart bridge technology be printed in the RECORD at the end of my statement.

New Mexico State is also a leader in other areas of bridge inspection. The university has provided training for bridge inspectors for over 30 years. It has also developed expertise in using a virtual reality approach to document a bridge's physical condition.

This is just a glimpse at the high quality bridge research at New Mexico Sate University. The university is widely recognized as national leader in

all aspects of bridge research and technology. I believe it is fully appropriate for NMSU to be recognized as the university technology bridge research center.

The bill we are introducing today authorizes the Secretary of Transportation to establish and operate the New Mexico State University Bridge Research Center. I do believe NMSU has earned this honor. The bill mirrors the language for University Transportation Centers in the Senate-passed SAFETEA from the 108th Congress and provides $40 million in funding over 6 years from the Highway Trust Fund to operate the bridge technology center.

The Federal Highway Administration has long recognized the quality of the work at NMSU and has provided grants to support their outstanding work. In November 2004, NMSU's bridge center was awarded a $400,000 grant to install fiber-sensors in a new bridge over Interstate 10 in Doña Ana, NM. The sensors will relay information about the effects of stress on the bridge long before any signs of aging are visible. This is the fourth bridge in New Mexico to be equipped with the smart bridge technology. NMSU's Dr. Rola Idriss is the principal investigator of these projects.

NMSU's work is also being recognized internationally. Highway departments in Switzerland, Belgium, and Japan are experimenting with the smart bridge technology. In October 2004, NMSU's Dr. David Jauregui and Dr. Ken White were invited speakers for the International Conference on Bridge Inspection and Bridge Management in Beijing, China. Dr. White delivered the keynote address for the conference. NMSU is currently developing a memorandum of agreement with the Chinese bridge community to develop a bridge inspection and management training program.

Congress has also already recognized the fine work at NMSU. For example, at my request, Congress provided $600,000 in 2001 for bridge research at New Mexico State University, $250,000 in 2003, $500,000 in 2004 and $125,000 for the current fiscal year.

The specific purpose of NMSU's Bridge Research Center will be to contribute to improving the performance of the Nation's highway bridges. The center will emphasize five goals: 1. Increasing the number of skilled individuals entering the field of transportation; 2. Improving the monitoring of the structural health of highway bridges; 3. Developing innovative technologies for testing and assessment of bridges; 4. Developing technologies and procedures for ensuring bridge safety, reliability, and security; and 5. Providing training in the methods of bridge inspection and evaluation.

Building on NMSU's research work, the University Technology Center will develop a strong educational component, including degree opportunities in bridge engineering at both the undergraduate and graduate levels. In addition, the center will have a cooperative certificate program for training and professional development. Distance education technology and computer-based learning will allow programs to be offered at any of the universities.

The engineers at New Mexico State University have applied their vast talents, tools, and techniques to solving technological problems with highway bridges for over 30 years. The team is well established and maintains cutting-edge expertise. The members of the team are recognized and respected at the national and international levels through accomplishments in bridge testing, monitoring, and evaluation.

I ask all senators to support the designation of the New Mexico State University Bridge Research Center. I look forward to working this year with the Chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this bill into the full 6-year reauthorization of the transportation bill.

I now ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

[From the Albuquerque Journal, Mar. 1, 2004]

NMSU DESIGNS HIGH-TECH BEAMS TO MONITOR SOUNDNESS OF STRUCTURE

(By Andrew Webb)

What if a highway bridge could actually tell you it was wearing out? Or, how about a building that could warn its owners of unseen structural damage after an earthquake?

That's what researchers from New Mexico State University hope to produce by embedding high-tech optical sensors in concrete beams. The six 90-ton beams, each with 120 sensors, will support the westbound lanes of the Interstate 10 overpass at University Avenue in Las Cruces, expected to be completed in July.

When the bridge is complete, the sensors will give federal and state highway departments feedback about the performance of its design, the new high-performance concrete it is made of, and its structural soundness as it ages, says NMSU professor of civil engineering Rola Idriss.

''We'll get information on how the bridge carries its load throughout its entire life,'' said Idriss. She was in Albuquerque last week to help supervise the placement of the sensors and fiber-optic lines in molds at an Albuquerque construction materials business.

The bridge will be the first of its kind in the country, Idriss says. NMSU embedded similar sensors, which are manufactured by the Swiss flrm Smartec, in a much smaller Interstate 40 bridge over the Rio Puerco west of Albuquerque in 2000.

''That research was very promising, so we're taking what we learned on that bridge and putting it on a much larger Interstate bridge,'' says Jimmy Camp, a state bridge engineer with the New Mexico Department of Transportation, which helped fund the $500,000 sensor project along with the Federal Highway Administration.

The total cost of the Las Cruces project, which began last summer, is about $6.3 million.

As the expected lifespan of concrete bridges has gone from about 50 years in the Interstate system's early days to nearly 80, builders are seeking better data on bridge conditions, Camp says.

''We make a lot of assumptions with bridge theory,'' he says.

OPTIC MONITORS

The project entails stringing fiber-optic lines throughout the concrete, through which beams of light are shot. As the beam strains or stretches, the properties of the light change. Those changes are picked up by sensors and relayed to a data collection box near the bridge for eventual analysis by NMSU, which then will give the information to the highway department, Idriss said.

''Those changes can be calibrated to measure the strain,'' she said.

At present, inspection of bridges and other concrete structures is done primarily by visual analysis and electronic sensors on outside surfaces.

''Here, you're actually getting measurements from within,'' Idriss said, adding that the added costs would be insignificant in large projects.

She said she thinks the technology could be applied to other structures, such as buildings.

''It could become an industry standard,'' she said. ''Right now, it's still in its infancy.''

Highway departments in Switzerland, Belgium and Japan are experimenting with similar technology, she said. About 20 of the 560,000 major highway bridges in the U.S. have some sort of onboard sensors to detect changes, vibration and other factors, according to the Federal Highway Administration.

The beams were cast at Albuquerque-based Rinker Prestress, a division of Florida-based Rinker Materials, which employs 75 people at three New Mexico plants.

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[From the Associated Press, Oct. 4, 2004]

INTERSTATE 10 BRIDGE TO PROVIDE HOW BRIDGES AGE

LAS CRUCES, N.M.—Sensors monitoring stresses on an Interstate 10 bridge will give researchers information on how materials age.

New Mexico State University tested the technology earlier on a bridge over the Rio Puerco near Albuquerque. It installed the technology in late summer in the I–10 bridge in Las Cruces.

The idea is that the bridge will provide information for researchers on how to build bridges with high-performance concretes, which could save highway departments money in the future, said Wil Dooley, bridge engineer for the Federal Highway Administration's state division.

Inside the bridge's beams are fiber optic sensors that monitor how each component bends and changes in different weather and with varying weights of vehicles.

The sensors carry data from the bridge to a locker-size box near an off ramp, where NMSU scientists download the data each week to a portable computer.

''These newer concretes are more durable and they're going to last longer,'' Dooley said. ''All our calculations for how to build bridges are made on traditional concrete. Studying new concretes in the smart bridge will help us modify those equations and make new bridges that last longer and cost less to build.''

NMSU researchers embedded 120 optical sensors in each of six 90-ton concrete beams in the I–10 overpass. Beams of light are carried by fiber optic lines laced through the beams. As the beam strains or stretches, the properties of the light change.

New Mexico is an ideal location to test stresses on different types of concrete. Hot days and cold nights cause concrete to bend and flex, and that happens more in New Mexico than in many other states, Dooley said.

Rola Idriss, an NMSU civil engineering professor who is developing the smart bridge technology, said the researchers could download information from the sensors remotely, but the I–10 bridge is close to campus.

In the future, when the technology is put into bridges in rural areas, highway departments could monitor them remotely—even monitoring all the bridges in the state from one location, she said.

''This is a trend to the future,'' Idriss said. ''The bridge can give you real data about how things are aging. We can use that data to fix problems early and design better bridges with fewer problems in the future.''

Highway engineers intend to put the technology next into a bridge on U.S. 70 near White Sands National Monument.

That might be ideal for testing remote monitoring systems, Idriss said.

Dooley said the technology also could be used in large projects to sense corrosion and allow problems to be corrected before a catastrophic failure, Dooley said.

Adding sensors does not add much expense. The I–10 bridge cost $6.2 million; the sensors and monitoring equipment, along with the expense of studying the data, ran $500,000 more, with the money coming from the Federal Highway Administration and state Department of Transportation, Idriss said.

''We're basically proving out the technology for them,'' she said. ''The information we gather feeds right back to them. They tell us what they want and we research it.''

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By Mr. ALLARD (for himself, Mr. SMITH, Mr. LOTT, and Mr. DURBIN):

S. 914. A bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALLARD. Mr. President, April 27, 2005, marks an important day for health care, especially personnel involved in public health specialties, because it is the day that I introduced the Veterinary Workforce Expansion Act, VWEA. This bill will create a new competitive grant program in the Department of Health and Human Services for capital improvements to the Nation's veterinary medical colleges.

Many Americans do not realize that veterinarians are essential for early detection and response to unusual disease events that could be linked to newly emerging infectious diseases such as monkeypox, SARS, and West Nile Virus, just to name a few. The training and education that veterinarians receive prepares them to address the concerns of bioterrorism and emerging infectious diseases, most of which are transmitted from animals to man. In fact, 80 percent of biothreat agents of concern fall into this category. I believe veterinarians should be our first-responders when it comes to these threats. I know that they are uniquely qualified to address these issues because I have received this training myself. I received my DVM from Colorado State University and have kept my license current every year since I closed my clinic and ran for elected office.

Veterinarians are a unique national resource, as they are the only health professionals trained in multi-species comparative medicine. As a result of this training, the veterinary profession is able to provide an extraordinary link between agriculture and human medicine. The uses made of this link have been extensive, with multiple benefits to society.

Currently, approximately 20 percent, 15,000, of all veterinarians in the United States are I engaged in either private population-health practice with a significant food animal component or public practice in one of its various forms. The need for new graduates entering the field is imperative to preparing the country for the threats of agroterrorism and bioterrorism. If new graduates do not enter these fields, government, nongovernmental organizations, industry, and agribusiness will employ lesser qualified individuals to fill their needs.

There is a critical shortage of veterinarians working in public health areas. The Health Resources and Services Administration, U.S. Department of Agriculture, U.S. Public Health Service, veterinary academia, National Research Council, and the Bureau of Labor Statistics are unified in reporting that the shortage of veterinarians in the workforce will only continue to worsen. Combined with a rapidly growing population and increased human to animal interaction, there is an urgent need to adequately prepare the Nation's veterinary colleges so they may educate the workforce of the future.

The VWEA would allow credentialed schools of veterinary medicine to compete for Federal grant funding under the Department of Health and Human Services. These grants would be for capital costs associated with expanding the existing schools of veterinary medicine or their academic programs in the areas of public health practice. This new grant program will be authorized for 10 fiscal years. At that point, it is my hope and goal that the veterinary medical colleges will be adequately prepared to educate the veterinary workforce for the future.

For more than 100 years, veterinary medical colleges have effectively delivered a core educational program that has enabled veterinarians to adapt and respond to evolving societal needs. Being a veterinarian myself, I want to continue this tradition by expanding existing veterinary colleges. I hope that you will join me in my efforts to protect the Nation's public health by providing much-needed support for veterinary medical education.

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By Mr. REID (for himself and Mr. ENSIGN):

S. 916. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Orchard Detention Basin Flood Control Act for myself and Senator ENSIGN. This Act will release approximately 65 acres of land managed by the Bureau of Land Management in Clark County, NV; from the Sunrise Mountain Instant Study Area to allow the construction of an important flood control project.

The Orchard Detention Basin project is part of the Clark County Regional Flood Control District's Master Plan to protect the Las Vegas Valley from flooding. This comprehensive floodplain management program is designed to protect private and public lands from flood damage and to save lives in this rapidly growing metropolitan area. When completed, the Orchard Detention Basin project will protect approximately 1,800 acres of urban development from flooding and reduce the magnitude of flooding further downstream.

The boundary change executed by this legislation is needed because a portion of the detention basin project lies within the boundaries of the Sunrise Mountain Instant Study Area. An ''instant study area'' designation places development restrictions on public lands similar to those on wilderness study areas. This designation currently prevents the construction of this important flood control project, leaving the land and residents living downstream vulnerable to flood damage.

Even though the Las Vegas Valley is a desert, flash flooding is an all too common problem affecting the people in Las Vegas. Along with property damage and deaths related to flooding, Clark County residents experience inconvenience resulting from impassable roads during flooding events. Support services such as police, fire and ambulance can also be delayed, creating life-threatening incidents.

I look forward to working with the Energy Committee and my other distinguished friends to move this bill in a timely manner during the current session.

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

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

S. 916

*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 ''Orchard Detention Basin Flood Control Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) COUNTY.—The term ''County'' means Clark County, Nevada.

(2) MAP.—The term ''map'' means the map entitled ''Orchard Detention Basin'' and dated March 18, 2005.

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

**SEC. 3. RELEASE OF CERTAIN LAND IN THE SUNRISE MOUNTAIN INSTANT STUDY AREA.**

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 65 acres of land in the Sunrise Mountain Instant Study Area of the County that is—

(1) known as the ''Orchard Detention Basin''; and

(2) designated for release on the map.

(d) RIGHT-OF-WAY.—The Secretary shall grant to the County a right-of-way to the land described in subsection (c) for the construction and maintenance of the Orchard Detention Basin Project on the land.

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By Mr. AKAKA:

S. 917. A bill to amend title 38; United States Code, to make permanent the pilot program for direct housing loans for Native American veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I rise to offer legislation that would make the Native American Veteran Housing Loan Pilot Program permanent. In April 1992, I sponsored a bill that established the Native American Veteran Housing Loan Pilot Program. That bill later became Public Law 102–547 and authorized the Department of Veterans Affairs (VA) to establish a pilot program that would provide veterans with assistance in purchasing, constructing, and improving homes through 1997. This pilot program has been extended several times. In fact, last Session Congress extended this pilot program by three years.

Through January of this year, 443 loans were created under this program. It is time to make this program permanent.

The Native American home ownership rate is about half the rate of the general U.S. population. This issue partially stems from the fact that lenders generally require that buyers own the parcel of land on which their homes will be located. This is difficult for many in Indian Country, Alaska, and Hawaii because their homes are on trust lands. Most lenders decline these loan applications because Federal law prohibits a lender from taking possession of Native trust lands in the event of a default. Several Federal programs have been developed to provide home ownership opportunities to Native Americans. The Native American Veteran Housing Loan Program is one such program that has helped to make home ownership a reality for indigenous peoples, particularly Native Hawaiians.

Under this program, VA offers loan guaranties that protect lenders against loss up to the amount of the guaranty if the borrower fails to repay the loan. Previous to the Native American Veteran Housing Loan Program, Native American veterans who resided on these lands were unable to qualify for VA home-loan benefits. With the Native American Veteran Housing Loan Program, indigenous peoples residing on trust lands are now able to use this very important VA benefit.

The Native American Veteran Housing Loan Program is intended to serve veterans who are eligible for homes under the Hawaiian Homes Commission Act, and who reside on Pacific Islands lands that have been communally owned by cultural tradition and on Native American trust lands on the continental United States. This VA-administered program assists Native American veterans by providing them direct loans to build or purchase homes on such lands.

Before VA can make a loan on tribal trust land, the tribe must enter into a Memorandum of Understanding with VA to clarify some of the issues that could arise when administering the program. During fiscal year 2004, VA entered into two Memoranda of Understanding with tribal entities. In addition, VA is currently negotiating nine Memoranda of Understanding with Native American tribes. Trust lands that are eligible for this program include tribally and individually held trusts. Per a Memorandum of Understanding between VA and the Bureau of Indian Affairs (BIA), VA and BIA Regional Offices work to implement this loan program together. Additionally, VA personnel continue to conduct outreach with tribal representatives to solicit assistance in reaching out to tribal members who are veterans.

Per capita, Native Americans have the highest percentage of people serving in the United States Armed Forces. While they represent less that 1 percent of the population, they make up 1.6 percent of the Armed Forces. I want to reiterate that through January of 2005, 443 loans have been made to Native Americans under this program. This allows those who have served our nation so honorably and their families to be a part of the American Dream of home ownership. We need to make the Native American Veteran Housing Loan permanent this year.

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

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

S. 917

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

**SECTION 1. PERMANENT AUTHORITY FOR HOUSING LOANS FOR NATIVE AMERICAN VETERANS.**

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended to read as follows:

**''§ 3761. Authority for housing loans for Native American veterans**

''(a) The Secretary shall make direct housing loans to Native American veterans in accordance with the provisions of this subchapter.

''(b) The purpose of loans under this subchapter is to permit Native American veterans to purchase, construct, or improve dwellings on trust land.''.

(b) CONFORMING AMENDMENTS.—Section 3762 of such title is amended—

(1) in subsection (a), by inserting ''under this subchapter'' after ''Native American veteran'' in the matter preceding paragraph (1);

(2) in subsection (b)(1)(E), by striking ''in order to ensure'' and all that follows and inserting a period;

(3) in subsection (c)(1)(B), by striking ''shall be the amount'' and all that follows in the second sentence and inserting ''shall be such amount as the Secretary considers appropriate for the purpose of this subchapter.'';

(4) in subsection (d)(1), by striking the second sentence;

(5) in subsection (i)—

(A) in paragraph (1), by striking ''of the pilot program'' and all that follows and inserting ''of the availability of direct housing loans for Native American veterans under this subchapter.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''under the pilot program'' and all that follows and inserting ''under this subchapter'';

(ii) in subparagraph (E), by striking ''in participating in the pilot program'' and inserting ''in participating in the making of direct loans under this subchapter''; and

(6) by striking subsection (j).

(c) CLERICAL AMENDMENTS.—(1) The heading of subchapter V of chapter 37 of such title is amended to read as follows:

''SUBCHAPTER V—HOUSING LOANS FOR NATIVE AMERICAN VETERANS''.

(2) The table of contents for such chapter is amended—

(A) by striking the matter relating to the subchapter heading of subchapter V and inserting the following new item:

''SUBCHAPTER V—HOUSING LOANS FOR NATIVE AMERICAN VETERANS'';

and

(B) by striking the item relating to section 3761 and inserting the following new item:

''3761. Authority for housing loans for Native American veterans.''.

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By Mr. OBAMA (for himself, Mr. TALENT, and Mr. DURBIN):

S. 918. A bill to provide for Flexible Fuel Vehicle (FFV) refueling capability at new and existing refueling station facilities to promote energy security and reduction of greenhouse gas emissions; to the Committee on Finance.

Mr. OBAMA. Mr. President, we have all heard from folks back home about the high price of gasoline. When you pull into a gas station to fill up your tank, you're now paying some of the highest prices of all time.

And when you turn on the news, you see that our dependence on foreign oil keeps us tied to one of the most dangerous and unstable regions in the world. With oil at more than $50 per barrel, some argue that the best way to deal with high gasoline prices is to wait it out—to wait until the world market dynamics change.

I disagree with that mindset. For too long now, we've relied too heavily on foreign oil to fuel our energy needs in this country. This is not good for the United States—not for our economy, not for our national security, and not for our people.

The bill I am introducing today, along with my distinguished colleagues from Illinois and Missouri, is designed to do something about fuel prices and our reliance on foreign oil—something rooted in reality, something achievable in the short term, and something that actually works.

Last week, I visited a gasoline station in Springfield, IL, where along with regular gasoline, a new kind of fuel is offered for consumers—a fuel known as E–85. E–85 is a clean, alternative form of transportation fuel consisting of a blend of 85 percent ethanol and 15 percent gasoline. Ethanol is made from renewable, Midwestern corn, and it is 40–60 cents cheaper per gallon than standard gasoline. Last week, at this Springfield station, regular gasoline was listed at $2.06 and E–85 was selling for $1.69.

Not every car can run on E–85 fuel—but there are millions of cars that can. They're known as ''flexible-fuel vehicles,'' and the auto industry is turning out hundreds of thousands of them every year. And if any of you are wondering whether cars will run as well on E–85 as they would on regular gas, just ask the Indy 500, which recently announced that all of their cars will soon run on E–85 fuel.

The only problem we have now is that we're in short supply of E–85 stations. While there are more than 180,000 gas stations all over America, there are only about 400 E–85 stations. And although E–85 has many environmental benefits and is a higher performing fuel, the fuel economy of E–85 is slightly lower than that of regular gasoline. An additional incentive is needed to help ensure that the cost of this clean fuel remains competitive with that of regular gasoline.

That is why I'm introducing a bill to provide a tax credit of 50% for building an E–85 fuel station and a tax credit of 35 cents per gallon of E–85 fuel. This provision is similar to a provision that already has passed the Senate three times. I hope my colleagues will pass this provision again.

We've talked for too long about energy independence in this country, and I think this bill gives us an opportunity to actually get something done about it. I urge the support of my colleagues of this bill, and I thank the Chair.

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

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

S. 918

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

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''E–85 Fuel Utilization and Infrastructure Development Incentives Act of 2005''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.
Sec. 2. Purpose.
Sec. 3. Findings.
Sec. 4. Incentives for the installation of alternative fuel refueling stations.
Sec. 5. Incentives for the retail sale of alternative fuels as motor vehicle fuel.

**SEC. 2. PURPOSE.**

The purpose of this Act is to decrease the dependence of the United States on foreign oil by increasing the use of high ratio blends of gasoline with a minimum 85 percent domestically derived ethanol content (E–85) as an alternative fuel and providing greater access to this fuel for American motorists.

**SEC. 3. FINDINGS.**

Congress finds the following:

(1) The growing United States reliance on foreign produced petroleum and the recent escalation of crude oil prices demands that all prudent measures be undertaken to increase United States refining capacity, domestic oil production, and expanded utilization of alternative forms of transportation fuels and infrastructure.

(2) Recent studies confirm the environmental and overall energy security benefits of high ratio blends of gasoline with a minimum 85 percent domestically derived ethanol content (E–85), especially with regard to the reduction of greenhouse gas emissions from the national on-road passenger car vehicle fleet.

(3) The market penetration of E–85 capable Flexible Fuel Vehicles (FFVs) now exceeds 5,000,000 with an additional 1,000,000 or more FFVs expected to be added annually as automakers continue to respond positively to congressionally provided production incentives.

(4) It is further recognized that actual implementation of the use of E–85 fuel has been significantly underutilized due primarily to the lack of E–85 refueling infrastructure availability and promotion and that such utilization rate will continue to lag unless resources are provided to substantially accelerate national refueling infrastructure development.

(5) Additionally, incentives in the form of tax credits can serve to stimulate infrastructure development and E–85 fuel utilization.

**SEC. 4. INCENTIVES FOR THE INSTALLATION OF ALTERNATIVE FUEL REFUELING STATIONS.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

**''SEC. 30B. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.**

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount paid or incurred by the taxpayer during the taxable year for the installation of qualified alternative fuel vehicle refueling property.

''(b) LIMITATION.—

''(1) IN GENERAL.—The credit allowed under subsection (a)—

''(A) with respect to any retail alternative fuel vehicle refueling property, shall not exceed $30,000, and

''(B) with respect to any residential alternative fuel vehicle refueling property, shall not exceed $1,000.

''(2) PHASEOUT.—

''(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property placed in service after December 31, 2010, the limit otherwise applicable under paragraph (1) shall be reduced by—

''(i) 25 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2011, and

''(ii) 50 percent in the case of any alternative fuel vehicle refueling property placed in service in calendar year 2012.

''(c) YEAR CREDIT ALLOWED.—The credit allowed under subsection (a) shall be allowed in the taxable year in which the qualified alternative fuel vehicle refueling property is placed in service by the taxpayer.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'qualified alternative fuel vehicle refueling property' has the same meaning given for clean-fuel vehicle refueling property by section 179A(d), but only with respect to any fuel at least 85 percent of the volume of which consists of ethanol.

''(2) RESIDENTIAL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'residential alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer.

''(3) RETAIL ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—The term 'retail alternative fuel vehicle refueling property' means qualified alternative fuel vehicle refueling property which is installed on property (other than property described in paragraph (2)) used in a trade or business of the taxpayer.

''(e) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(1) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(2) the tentative minimum tax for the taxable year.

''(f) BASIS REDUCTION.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

''(g) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 179A with respect to any property with respect to which a credit is allowed under subsection (a).

''(h) REFUELING PROPERTY INSTALLED FOR TAX-EXEMPT ENTITIES.—In the case of qualified alternative fuel vehicle refueling property installed on property owned or used by an entity exempt from tax under this chapter, the person which installs such refueling property for the entity shall be treated as the taxpayer with respect to the refueling property for purposes of this section (and such refueling property shall be treated as retail alternative fuel vehicle refueling property) and the credit shall be allowed to such person, but only if the person clearly discloses to the entity in any installation contract the specific amount of the credit allowable under this section.

''(i) CARRYFORWARD ALLOWED.—

''(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e) for such taxable year

(referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

''(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).

''(j) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 179A(e) shall apply.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(l) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking ''and'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', and'', and by adding at the end the following new paragraph:

''(32) to the extent provided in section 30B(f).''.

(2) Section 55(c)(2) is amended by inserting ''30B(e),'' after ''30(b)(3),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

''Sec. 30B. Alternative fuel vehicle refueling property credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

**SEC. 5. INCENTIVES FOR THE RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40A the following new section:

**''SEC. 40B. CREDIT FOR RETAIL SALE OF ALTERNATIVE FUELS AS MOTOR VEHICLE FUEL.**

''(a) GENERAL RULE.—The alternative fuel retail sales credit for any taxable year is 35 cents for each gallon of alternative fuel sold at retail by the taxpayer during such year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ALTERNATIVE FUEL.—The term 'alternative fuel' means any fuel at least 85 percent of the volume of which consists of ethanol.

''(2) SOLD AT RETAIL.—

''(A) IN GENERAL.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

''(B) USE TREATED AS SALE.—If any person uses alternative fuel (including any use after importation) as a fuel to propel any qualified alternative fuel motor vehicle (as defined in this section) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

''(3) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

''(A) which is capable of operating on an alternative fuel,

''(B) the original use of which commences with the taxpayer,

''(C) which is acquired by the taxpayer for use or lease, but not for resale, and

''(D) which is made by a manufacturer.

''(c) ELECTION TO PASS CREDIT.—A person which sells alternative fuel at retail may elect to pass the credit allowable under this section to the purchaser of such fuel or, in the event the purchaser is a tax-exempt entity or otherwise declines to accept such credit, to the person which supplied such fuel, under rules established by the Secretary.

''(d) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(e) TERMINATION.—This section shall not apply to any fuel sold at retail after December 31, 2010.''.

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting '', plus'', and by adding at the end the following new paragraph:

''(20) the alternative fuel retail sales credit determined under section 40B(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

''Sec. 40B. Credit for retail sale of alternative fuels as motor vehicle fuel.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold at retail after the date of the enactment of this Act, in taxable years ending after such date.

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By Mr. BURNS (for himself, Mr. ROCKEFELLER, Mr. DORGAN, Mr. CRAIG, Mr. DAYTON, Mr. VITTER, Mr. THUNE, Mr. JOHNSON, Mr. BAUCUS, and Mr. COLEMAN):

S. 919. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, as the Senate begins the important task of debating the highway bill reauthorization, another critical infrastructure issue comes to mind: railroads. In Montana, we rely heavily on both passenger and freight rail for our transportation needs. However, Montana is served by only one major railroad, resulting in shippers being captive to little or no competition for price or service quality. That lack of competition hurts our competitiveness for agriculture and manufacturing. It drives up the cost of electricity, because of the increased costs for coal. Sometimes, it even costs us jobs in Montana.

To address the problems faced by many captive shippers, I am introducing today the Railroad Competition Act of 2005. I am joined by my colleagues, Senators ROCKEFELLER, DORGAN, CRAIG, DAYTON, VITTER, THUNE, JOHNSON, BAUCUS, and COLEMAN. This legislation will extend competition to many captive rail customers and correct problems in the Surface Transportation Board's implementation of railroad deregulation. Specifically, the legislation ensures that rail customers will receive rate quotes for movements between various points on a railroad's system; frees regional and short line railroads to provide access to additional major systems; provides captive rail customers who cannot afford to participate in expensive rate challenge proceedings access to arbitration; and directs the STB to adopt a more realistic and workable rate reasonableness standard.

In addition to a lack of competition in many markets, the rail industry in America is badly in need of investment into its infrastructure. To address the infrastructure problem, the legislation increases ten-fold the current Railroad Rehabilitation and Infrastructure Financing program. The legislation also expands who is eligible for the loans and loan guarantees, so that qualified shipping entities can also invest in rail infrastructure.

This is about jobs, plain and simple. Last year, when the intermodal hub in Shelby, Montana was closed, over 40 jobs were lost. The Port Authority in Shelby reached out to the railroads to persuade them to keep the hub open, but without competition, the single supplier chose to close. Those jobs are real losses in Shelby, a town of a little over 3,000 people. As high rail rates make U.S. products less competitive, imports flow in to fill the gap—and that costs us jobs. I understand that the rail industry employs a lot of people, and I am glad for those jobs. But we can not let lack of choice and competition in price and service cost us jobs in other areas.

Since passage of the Staggers Act in 1980, the railroad industry has experienced significant consolidation, from over 40 major railroads down to 7. Roughly 35 percent of the rail traffic in America is captive, driving up the cost of transportation and placing a heavy burden on shippers.

Captive shippers, like my farmers in Montana, have nowhere to go to seek relief. The Surface Transportation Board, the watchdogs over the rail system, is a complicated and expensive mess that hardly provides a fair forum for disputes. To bring a rate reasonableness case, challenging the unfair rates charged to captive shippers, a rail customer must first file huge fees—fees that will double in the coming weeks. Then, the customer must construct a hypothetical railroad and prove to the STB that rail transportation theoretically can be provided at a lower fee. That process can cost over $2 million per case, and take years to see through. At the end, even if the shipper wins, all he gets is a lower fee in the future. Too often, damages for past overcharging are not awarded. Meanwhile, the railroad sits idly by, under no obligation to justify its rates, and continues to collect the exorbitant fees that are under dispute. This system can not stand.

The Railroad Competition Act of 2005 directs the STB to address this nonsensical system, and develops a final offer arbitration option, allowing shippers to take their case to a neutral arbiter. These provisions are necessary, not to

punish railroads, but to develop a level playing field that keeps my small businesses and agriculture producers in business.

Railroads are an essential part of our nation's infrastructure, a vast system that includes our highways, railroads, electric transmission lines, pipelines, and digital infrastructure. In a rural state like Montana, we rely on the rails to cover long distances efficiently, so rail must remain a viable shipping option. We need to achieve affordability, while still allowing sustainability for the railroads. There is a necessary public interest in our shared infrastructure, and the Railroad Competition Act of 2005 is designed to address legitimate public concerns, in Montana and around the nation, about rail operations. I look forward to working with my colleagues to secure passage of this important legislation.

Mr. ROCKEFELLER. Mr. President, it is my pleasure today to join with my colleagues Senator BURNS, Senator DORGAN, Senator CRAIG, Senator DAYTON, Senator VITTER, Senator JOHNSON, Senator THUNE, Senator COLEMAN, and Senator BAUCUS to introduce the Railroad Competition Act of 2005. This legislation encourages the competition and consumer protection in the freight railroad market that Congress intended when it partially deregulated the industry in 1980 with the passage of the Staggers Act.

Introduction of legislation in this vein is a bit of a ritual for this Senator. West Virginia industries depend on efficient and dependable rail service at fair prices to move their products to market. This is a perfectly reasonable goal. However, for shippers without competitive rail access—referred to as captive shippers—it is a cruel and impossible dream. I have tried for years, with partners from both sides of the aisle and all parts of the country, to change the status quo, and improve the economic situation for rail shippers and retail shoppers. This is the seventh time since 1985 I have sponsored legislation to address this issue, and the fifth congress in a row in which I have worked closely with my good friends CONRAD BURNS and BYRON DORGAN to help shippers and their customers. And I won't give up until I actually succeed.

Predictably, the railroads will overreact to this bill with scathing accusations of what we are doing. In truth, we intend nothing more radical than helping shippers, consumers, and the railroads themselves, reap the benefits of the basic principles of capitalism—the ability of sophisticated actors to conduct arms-length negotiations for competition, service, and fair prices. Currently, Class I railroads overcharge and underserve captive shippers with impunity, and with an antitrust exemption preventing meaningful oversight by Congress. Customers have no power. This means higher prices for electricity, food, medicine, paper products; the chemicals to protect our water supply and crops, and the basic ingredients of the plastics in many of the goods we purchase. This is crucial to protecting commerce in the United States. So far, we have been thwarted, though we remain undeterred in our efforts and confident of the validity of our objectives.

In the 1970s, Congress observed a bloated freight rail network, unprofitable railroads, and service was anything but efficient and dependable. When the Staggers Act was passed in 1980, Congress gave a green light to deregulation of the railroad industry. But, as with the deregulation of every other industry that Congress has allowed, there were to be constraints on the ability of railroads to abuse shippers left captive to just one railroad. The Staggers Act left it to the Interstate Commerce Commission (ICC) to watch over a partially deregulated industry carrying out Staggers' dual goals: Improving the financial health and viability of the railroads; and improving and maintaining service for shippers. The ICC was responsible for ensuring fair treatment and reasonable rates for those shippers made captive by mergers or business decisions allowed under Staggers.

The success of Staggers has been completely one-sided. Captive rail shippers in my state of West Virginia have told me—since before I came to the United States Senate—that service was horrible and rates being charged were too high. That is still true today. When I was first running for the Senate, the country was served by about 40 ''Class I'' railroads. After Staggers the railroad industry ''rationalized'' its routes—meaning it dropped unprofitable lines and left more and more shippers captive to just one railroad.

A virtually unimpeded string of rail mergers during the last 25 years has only compounded the problem. The number of Class I railroads has dropped to seven. Four of these—CSX and Norfolk Southern in the East and Burlington Northern Santa Fe and the Union Pacific in the West—completely dominate the industry, accounting for about 90 percent of the freight rail traffic in the nation.

This is simple. Fewer market participants mean less competition, and less competition opens up the possibility of the abuse of local monopoly power. Under the misadministration of the Staggers Act, first by the ICC, and later by its successor agency the Surface Transportation Board (STB), abuse of captive shippers has not only gotten worse, but it has been unjustly bestowed a veneer of propriety by a series of unwise administrative decisions and at least one court case that gave grudging deference to an agency, the STB, that has failed to carry out the clear directions of Congress. The STB, to which shippers have looked for a solution, has become a facilitator of the problem.

The goals of the Railroad Competition Act are really quite mundane. My colleagues and I hope only to give life to a freight rail system originally envisioned by the drafters of the Staggers Act. We hope to send to the President a bill that will allow captive shippers the most basic right in business negotiations: They will be able to get the railroads that ship their products simply to quote a rate for the service.

My colleagues may be amazed to find out that the STB's current reading of the Staggers Act allows shippers no such right. Our legislation will simply require railroads to tell their customers the cost of moving a certain quantity of product from their manufacturing facility to their customer. Point A to Point B. Nothing in business is more basic, but it is a basic of business negotiations captive shippers do not currently enjoy. Additionally, our legislation also would do the following: clarifies that the STB shall promote competition among rail carriers, helping to maintain both reasonable freight rail rates and consistent and efficient rail service; creates a system of ''final offer'' arbitration for matters before the STB; authorizes the STB to remove so-called ''paper barriers'' that prevent short-line and regional railroads from providing improved service to shippers; requires STB to act in the public interest and removes required showing of railroads' anti-competitive conduct; caps filing fees for STB rate cases at the level of federal district courts (reducing filing fee from the current fee $65,000, which is to be doubled in 2005); calls for a Department of Transportation (DOT) study of rail competition; allows elected officials and state railroad regulators to petition the STB for declarations of ''areas of inadequate rail competition,'' with appropriate remedies; creates position of Rail Customer Advocate at U.S. Department of Agriculture (USDA); and expands infrastructure modernization loan guarantee program.

In closing I would suggest that, rather than the highly charged arguments we have engaged in over the years, my colleagues encourage the railroads to take shippers' concerns seriously, and that we all work to create a freight rail marketplace made up of companies hungry, in the best capitalist sense of that word, to do business. That is the goal of the Railroad Competition Act, and I look forward to its consideration by the full Senate.

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By Mr. CORNYN:

S. 920. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bill I am introducing today—to amend chapter 1 of title 3, United States Code, relating to Presidential succession—be printed in the RECORD. I also ask unanimous consent that the section by section analysis titled ''Presidential Succession Act of 2005'' and the letter sent to the chairmen of the RNC and DNC be printed in the RECORD.

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

S. 920

*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 ''Presidential Succession Act of 2005''.

**SEC. 2. PRESIDENTIAL SUCCESSION.**

(a) IN GENERAL.—Section 19(d) of title 3, United States Code, is amended—

(1) in paragraph (1), by inserting '', Secretary of Homeland Security, Ambassador to the United Nations, Ambassador to Great Britain, Ambassador to Russia, Ambassador to China, Ambassador to France'' after ''Secretary of Veterans Affairs'';

(2) in paragraph (2), by striking ''but not'' and all that follows through the period and inserting ''or until the disability of the President or Vice President is removed.'';

(3) in paragraph (3)—

(A) by striking ''be held to constitute'' and inserting ''not require''; and

(B) by adding at the end the following: ''Such individual shall not receive compensation from holding that office during the period that the individual acts as President under this section, and shall be compensated for that period as provided under subsection (c).''; and

(4) by adding at the end the following:

''(4) This subsection shall apply only to such officers that are—

''(A) eligible to the office of President under the Constitution;

''(B) appointed to an office listed under paragraph (1), by and with the advice and consent of the Senate, prior to the time the powers and duties of the President devolve to such officer under paragraph (1); and

''(C) not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.''.

(b) CONFORMING AMENDMENTS.—Section 19 of title 3, United States Code, is amended—

(1) in subsection (b), by striking ''as Acting President'' and inserting ''to act as President''; and

(2) in subsection (e)—

(A) in the first sentence, by striking ''(a), (b), and (d)'' and inserting ''(a) and (b)''; and

(B) by striking the second sentence.

**SEC. 3. SENSE OF CONGRESS REGARDING VOTES BY ELECTORS AFTER DEATH OR INCAPACITY OF NOMINEES.**

It is the sense of Congress that—

(1) during a Presidential election year, the nominees of each political party for the office of President and Vice President should jointly announce and designate on or before the final day of the convention (or related event) at which they are nominated the individuals for whom the electors of President and Vice President who are pledged to vote for such nominees should give their votes for such offices in the event that such nominees are deceased or permanently incapacitated prior to the date of the meeting of the electors of each State under section 7 of title 3, United States Code;

(2) in the event a nominee for President is deceased or permanently incapacitated prior to the date referred to in paragraph (1) (but the nominee for Vice President of the same political party is not deceased or permanently incapacitated), the electors of President who are pledged to vote for the nominee should give their votes to the nominee of the same political party for the office of Vice President, and the electors of Vice President who are pledged to vote for the nominee for Vice President should give their votes to the individual designated for such office by the nominees under paragraph (1);

(3) in the event a nominee for Vice President is deceased or permanently incapacitated prior to the date referred to in paragraph (1) (but the nominee for President of the same political party is not deceased or permanently incapacitated), the electors of Vice President who are pledged to vote for such nominee should give their votes to the individual designated for such office by the nominees under paragraph (1);

(4) in the event that both the nominee for President and the nominee for Vice President of the same political party are deceased or permanently incapacitated prior to the date referred to in paragraph (1), the electors of President and Vice President who are pledged to vote for such nominees should vote for the individuals designated for each such office by the nominees under paragraph (1); and

(5) political parties should establish rules and procedures consistent with the procedures described in the preceding paragraphs, including procedures to obtain written pledges from electors to vote in the manner described in such paragraphs.

**SEC. 4. SENSE OF CONGRESS ON THE CONTINUITY OF GOVERNMENT AND THE SMOOTH TRANSITION OF EXECUTIVE POWER.**

It is the sense of Congress that during the period preceding the end of a term of office in which a President will not be serving a succeeding term—

(1) that President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession;

(2) the Senate should consider conducting confirmation proceedings and votes on the nominations described under paragraph (1), to the extent determined appropriate by the Senate, between January 3 and January 20 before the Inauguration; and

(3) that President should consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration to ensure continuity of Government.

SECTION-BY-SECTION ANALYSIS

The Presidential Succession Act of 2005—introduced by U.S. Senator JOHN CORNYN (R–TX) and U.S, Representative BRAD SHERMAN (D–CA) on April 27, 2005—makes a number of significant improvements to the current Presidential Succession Act, in order to ensure the continuity of the Presidency in the event of a terrorist attack or other crisis. This legislation implements Article II, Section 1, Clause 6 of the U.S. Constitution, which provides that ''the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.''

This legislation is a more modest version of two bills introduced by Senator CORNYN and Representative SHERMAN in the last Congress to reform the Presidential Succession Act. Because many constitutional experts believe that members of Congress are constitutionally ineligible to serve in the line of succession, both S. 2073 and H.R. 2749 would have addressed a potential constitutional crisis by removing the House Speaker and Senate President pro tempore from the line of succession. By contrast, the 2005 version of the bill does not attempt to address that particular controversy, but instead leaves the Speaker and President pro tempore in the line of succession. It is hoped that Congress will enact the Presidential Succession Act of 2005 quickly, and that the more controversial but nevertheless critical constitutional issues arising out of current law can be addressed as well through separate legislation.

SECTION 1. SHORT TITLE.

SECTION 2. PRESIDENTIAL SUCCESSION ACT REFORMS.

Amending the line of succession. This provision adds the Secretary of Homeland Security to the line of succession. Under current law, the Secretary of Homeland Security does not fall within the line of succession. During the 108th Congress, the Senate approved legislation to place the Secretary of Homeland Security right behind the Attorney General in the line of succession, but that proposal ran into opposition in the House. This provision attempts to avoid that controversy by placing the Secretary of Homeland Security at the end of the current line of succession.

In addition, this provision addresses the difficulty that arises from the fact that all current members of the line of succession generally work and live in the greater Washington, D.C. area. Due to current law, a catastrophic incident in the D.C. area could theoretically eliminate the entire line of succession and leave the nation without anyone legally eligible to serve as President for an extended period of time. Accordingly, this provisions adds at the end of line of succession senior federal officials who do not generally work and live in the D.C. area specifically, the U.S. Ambassador to the United Nations and the U.S. Ambassadors to each of the four other permanent members of the U.N. Security Council (Great Britain, Russia, China, and France).

Reforming Cabinet succession. This provision eliminates the requirement that a cabinet secretary must resign in order to succeed to the Presidency. By doing so, this provision helps ensure that a cabinet secretary will not hesitate to take the reins, by ensuring that there will be a cabinet position to which the officer may return after any period of service as Acting President. This provision also helps cure a potential constitutional defect in current law; some constitutional scholars argue that only a current ''officer'' may act as President under Article II.

In addition, this provision addresses the so-called ''bumping off'' problem in current law. The current Presidential succession statute puts the Executive Branch in a precarious position vis-a-vis Congress, because it allows the House Speaker or Senate President pro tempore to assert their right under current law to take over the reins at any time from a cabinet officer who holds office as Acting President. This aspect of current law raises serious constitutional separation of powers problems, because it effectively places the Presidency at the mercy of Congressional leaders. In addition, current law raises a potential constitutional problem because Article II, Section 1, Clause 6 of the U.S. Constitution states that any officer who shall act as President ''shall act accordingly, until the Disability be removed, or a President shall be elected.'' This provision eliminates this ''bumping off'' problem in current law by eliminating the ability of the House Speaker or Senate President pro tempore to assert their right under current law to take over the reins from a cabinet officer holding office as Acting President.

Finally, this provision ensures that only individuals who are actually confirmed to the Cabinet-level office are eligible to serve in the line of succession. By doing so, this provision prevents lower-level officers who rise to the position of an acting Cabinet secretary from then acting as President.

Section 3. Presidential succession during the Presidential selection process. This provision states the sense of Congress that steps must be taken to ensure smooth Presidential succession in the event of a crisis during the Presidential selection process. The provision states that, prior to their political party's nominating conventions, candidates for President and Vice President should announce individuals who should be chosen by members of the Electoral College in the event that either the Presidential or Vice Presidential nominee is killed or permanently incapacitated prior to the Electoral College vote. The provision also advises the political parties to craft rules and procedures consistent with these principles.

Section 4. Presidential succession during the Presidential transition. This provision is modeled after S. Con. Res. 89 and H. Res. 775 from the last Congress. It states the sense of Congress that, in the event of the election of a new President, the outgoing Administration and incoming Administration should work together to ensure a smooth transition. Under current law, in the event of a terrorist attack on the inauguration or other crisis, a member of the prior Administration could theoretically rise to serve as Acting President, because new Cabinet officers may have not yet been nominated, confirmed, and appointed by that time. Accordingly, this provision calls for cooperation between outgoing and incoming Administrations to achieve smooth Presidential transitions. It recommends that the outgoing President nominate the individuals selected by the incoming President for offices that fall within the line of succession, it advises the Senate to act on those nominees to the extent it deems appropriate prior to the inaugural event on January 20, and finally, it recommends that the outgoing President appoint confirmed individuals to their posts on January 20 before the inaugural event.

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CONGRESS OF THE UNITED STATES,
*Washington, DC, April 27, 2005.*

Chairman KEN MEHLMAN,
*Republican National Committee,*
*Washington, DC.*

Chairman HOWARD DEAN,
*Democratic National Committee,*
*Washington, DC.*

DEAR CHAIRMAN MEHLMAN AND CHAIRMAN DEAN: This morning, we introduce the Presidential Succession Act of 2005, to update the existing Presidential Succession Act of 1947. The bill addresses some of the most pressing problems in the current law to ensure that, should tragedy strike, the nation will have a clear and legitimate president.

One of the primary areas of concern is the period between the nominating conventions and the casting of Electoral. votes. Should a presidential or vice-presidential nominee be unable to proceed as a nominee between these two events, general election voters and electors would face great uncertainty about their votes. We are concerned about the potential mischief and instability in our government that could arise in such event.

We have attached language from the Presidential Succession act of 2005 which calls on political parties to address this issue with appropriate party rules changes and public declarations. Specifically, these changes would call upon the presidential and vice-presidential nominees to jointly name successors should tragedy occur. If only the presidential nominee is unable to continue in an election, the vice presidential nominee would become the presidential nominee.

There is no reason for the political parties to await Congressional action. The vagaries of current party rules can be solved much sooner. We call on you to take action.

Should you have questions or need additional information, please do not hesitate to contact us.

Sincerely,

JOHN CORNYN,
*United States Senate.*
BRAD SHERMAN,
*United States House of Representatives.*

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By Mrs. MURRAY (for herself, Mr. DURBIN, Mr. KENNEDY, and Mrs. CLINTON):

S. 921. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I am pleased today to introduce a bill with Senators DURBIN, KENNEDY, and CLINTON that will help our Nation's high school students graduate with the knowledge necessary to succeed in post-secondary education and the skills needed to succeed in the workforce.

Unfortunately too many high school students today are not completing high school at all or with the skills necessary to enter post-secondary education or the workforce. The statistics are staggering. Every day, 3,000 teenagers drop out of high school. This year over 500,000 students will drop out of high school. Overall, less than 70 percent of high school students will graduate and less than 50 percent of high school students of color will graduate.

Of 100 9th graders, less than 70 percent will graduate on time, only 38 percent will directly enter college, only 26 percent will still be enrolled in their sophomore year, and only 18 percent will graduate from college. That number is even lower for minority students. Forty percent of students entering 4-year colleges and nearly 70 percent of students entering community colleges will take remedial classes in reading, writing or math, extending their years in and the cost of college.

Only one-third of the U.S. workforce has any post-secondary education but it is estimated that 60 percent of new jobs in the 21st century will require a post-secondary education. Business will spend billions of dollars on remediation for their employees in reading, writing and math.

We can do better and we must do better for our Nation's students, their families, and American business. Currently, high school students are graduating at meager rates and even if they are graduating from high school, they are not leaving high school with the skills and knowledge to enter the workforce or be successful in college. That is why I have written and am introducing the Pathways for All Students to Succeed Act or the PASS Act.

The PASS Act targets high school reform in three key areas: core academics, improving graduation rates, and assistance to low-performing schools to improve student achievement through innovative models. The PASS Act will help improve student achievement in core academics and reduce the need for remediation in college and the workplace through grants for schools to hire literacy and math coaches. Literacy and math coaches bring professional development back into schools and classrooms. Coaches help teachers identify which students are having reading or math problems, how to respond to such problems, and how to integrate literacy and math skills across curricula.

The PASS Act also targets dropouts and low graduation rates through grants for academic counselors and a meaningful graduation rate calculation. Time after time I have talked to students in their senior year who have said, ''I didn't know I needed four years of math to graduate and get into college.'' Part of the problem is that our counselors are completely overwhelmed. The current national average ratio of students to counselors is over 450 to 1. My bill would provide grants to bring that ratio down to 150 to 1. Academic counselors will also work with students and their families to create 6 year graduation and career plans that will help students identify what classes they need to graduate and achieve their post-secondary goals, whether those goals are training or college, and identify support services such as GEAR UP and TRIO that are available to the student.

The PASS Act also provides grants to schools for data collection, and specifically on graduation rates. Currently schools do not have a way to accurately calculate graduation rates. The Department of Education only requires schools to report the graduation rate based on 12th grade data and we all know that is not when students drop out. The PASS Act provides schools with funding to collect, disaggregate, and report accurate graduation rates so that schools can correctly diagnose and address problems facing specific student populations.

And lastly the PASS Act provides additional funding for schools labeled ''in need of improvement'' to implement proven, innovative reforms leading to gains in student achievement. I often talk to principals who tell me they know what they need to do to improve their schools; they just don't have the funds to make the necessary changes. Such reforms include smaller learning communities, adolescent literacy programs, whole school reforms, personalized learning environments, and programs that target transitions between middle and secondary school.

Congress must act now and act boldly to correct the shortfalls in our nation's high schools. We can and must do better. I hope my colleagues will join me in supporting this bill and addressing the needs of our high school students.

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

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

S. 921

*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 ''Pathways for All Students to Succeed Act''.

## TITLE I—READING AND MATHEMATICS SKILLS FOR SUCCESS

**SEC. 101. FINDINGS.**

Congress makes the following findings:

(1) While the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by the No Child Left Behind Act of 2001 (Public Law 107–110, 115 Stat. 1425), provides a strong framework for helping children in the early grades, our Nation still needs a comprehensive strategy to address the literacy problems and learning gaps of students in middle school and secondary school.

(2) Approximately 60 percent of students in the poorest communities fail to graduate from secondary school on time, in large part because of severe reading deficits that contribute to academic failure.

(3) Forty percent of students attending high minority enrollment secondary schools enroll in remedial reading coursework when entering higher education, in an effort to gain the skills their secondary education failed to provide.

(4) While 33 percent of all low-income students are enrolled in secondary schools, only 15 percent of the funding targeted to disadvantaged students goes to secondary schools.

(5) Data from the 1998 National Assessment of Educational Progress show that 32 percent of boys and 19 percent of girls in eighth grade cannot read at a basic level. These numbers do not change significantly in the secondary school years and are even more dramatic when students are identified by minority status.

(6) The 2002 National Assessment of Educational Progress writing scores indicate that while the percentage of fourth and eighth graders writing at or above a basic level increased between 1998 and 2002, the percentage of 12th graders writing at or above a basic level decreased. These numbers show that our concentrated efforts for elementary school students have improved their writing skills, but by neglecting the needs of secondary school students, we are squandering these gains.

(7) The United States cannot maintain its position as the world's strongest economy if we continue to ignore the literacy needs of adolescents in middle school and secondary school.

(8) The achievement gap between White and Asian students and Black and Hispanic students remains wide in the area of mathematics.

(9) The 2003 National Assessment of Education Progress shows that the achievement gap between the mathematics scores of eighth grade Black and Hispanic students and White students is the same in 2003 as in 1990.

(10) The 2003 National Assessment of Education Progress shows that eighth grade students eligible for a free or reduced-price school lunch did not meet the basic mathematics score, unlike non-eligible students.

(11) According to the latest results from international assessments, 15-year-olds from the United States performed below the international average in mathematics literacy and problem-solving, placing 27th out of 39 countries.

(12) Only 13 of the United States workforce has any post-secondary education, yet 60 percent of new jobs in the 21st century will require post-secondary education.

**SEC. 102. PURPOSES.**

The purposes of this title are—

(1) to provide assistance to State educational agencies and local educational agencies in establishing effective research-based reading, writing, and mathematics programs for students in middle schools and secondary schools, including students with disabilities and students with limited English proficiency;

(2) to provide adequate resources to schools to hire and to provide in-service training for not less than 1 literacy coach per 20 teachers who can assist middle school and secondary school teachers to incorporate research-based reading and writing instruction into the teachers' teaching of mathematics, science, history, civics, geography, literature, language arts, and other core academic subjects;

(3) to provide assistance to State educational agencies and local educational agencies—

(A) in strengthening reading and writing instruction in middle schools and secondary schools; and

(B) in procuring high-quality diagnostic reading and writing assessments and comprehensive research-based programs and instructional materials that will improve reading and writing performance among students in middle school and secondary school; and

(4) to provide adequate resources to schools to hire and to provide in-service training for not less than 1 mathematics coach per 20 teachers who can assist middle school and secondary school teachers to utilize research-based mathematics instruction to develop students' mathematical abilities and knowledge, and assist teachers in assessing student learning.

**SEC. 103. DEFINITIONS.**

In this title:

(1) IN GENERAL.—The terms ''local educational agency'', ''Secretary'', and ''State educational agency'' have the meaning given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency who is eligible to receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(3) LITERACY COACH.—The term ''literacy coach'' means a certified or licensed teacher with a demonstrated effectiveness in teaching reading and writing to students with specialized reading and writing needs, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support reading and writing improvement, who works on site at a school—

(A) to train teachers from across the curriculum to incorporate the teaching of reading and writing skills into their instruction of content;

(B) to train teachers to assess students' reading and writing skills and identify students requiring remediation; and

(C) to provide or assess remedial literacy instruction, including for—

(i) students in after school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(4) MATHEMATICS COACH.—The term ''mathematics coach'' means a certified or licensed teacher, with a demonstrated effectiveness in teaching mathematics to students with specialized needs in mathematics, a command of mathematical content knowledge, and the ability to work with classroom teachers to improve the teachers' instructional techniques to support mathematics improvement, who works on site at a school—

(A) to train teachers to better assess student learning in mathematics;

(B) to train teachers to assess students' mathematics skills and identify students requiring remediation; and

(C) to provide or assess remedial mathematics instruction, including for—

(i) students in after school and summer school programs;

(ii) students requiring additional instruction;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(5) MIDDLE SCHOOL.—The term ''middle school'' means a school that provides middle school education, as determined under State law.

(6) SECONDARY SCHOOL.—The term ''secondary school'' means a school that provides secondary education, as determined under State law.

(7) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

(a) LITERACY GRANTS.—For the purposes of carrying out subtitle A, there are authorized to be appropriated $1,000,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) MATHEMATICS GRANTS.—For the purposes of carrying out subtitle B, there are authorized to be appropriated $1,000,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

### Subtitle A—Literacy Skills Programs

**SEC. 111. LITERACY SKILLS PROGRAMS.**

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under section 104(a) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this subtitle, that will provide grants to State educational agencies, and grants or subgrants to eligible local educational agencies, to establish reading and writing programs to improve the overall reading and writing performance of students in middle school and secondary school.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this subtitle shall be awarded for a period of 6 years.

(b) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under section 104(a) for a fiscal year, the Secretary shall reserve—

(1) 3 percent of such amounts to fund national activities in support of the programs assisted under this subtitle, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) 2 percent of such amounts for the Bureau of Indian Affairs to carry out the services and activities described in section 112(c) for Indian children.

(c) GRANT FORMULAS.—

(1) FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.—If the amounts appropriated under section 104(a) for a fiscal year are equal to or greater than $500,000,000, then the Secretary shall award grants, from allotments under paragraph (3), to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish reading and writing programs to improve

overall reading and writing performance among students in middle school and secondary school.

(2) DIRECT GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—If the amounts appropriated under section 104(a) for a fiscal year are less than $500,000,000, then the Secretary shall award grants, on a competitive basis, directly to eligible local educational agencies to establish reading and writing programs to improve overall reading and writing performance among students in middle school and secondary school.

(B) PRIORITY.—The Secretary shall give priority in awarding grants under this paragraph to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(3) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From funds appropriated under section 104(a) and not reserved under subsection (b) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

(B) MINIMUM ALLOTMENT.—Notwithstanding subparagraph (A), no State educational agency shall receive an allotment under this paragraph for a fiscal year in an amount that is less than 0.25 percent of the funds allotted to all State educational agencies under subparagraph (A) for the fiscal year.

(4) REALLOTMENT.—If a State educational agency does not apply for a grant under this subtitle, the Secretary shall reallot the State educational agency's allotment to the remaining States.

(d) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this subtitle, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this subtitle in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include an assurance that—

(i) the State educational agency has established a reading and writing partnership that—

(I) coordinated the development of the application for a grant under this subtitle; and

(II) will assist in designing and administering the State educational agency's program under this subtitle; and

(ii) the State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this subtitle.

(C) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for literacy coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional reading and writing assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this subtitle—

(I) is based on reading and writing research;

(II) will effectively improve instructional practices for reading and writing for middle school and secondary school students; and

(III) is coordinated with professional development activities funded through other programs (including federally funded programs such as programs funded under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)).

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of reading and writing instruction.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on reading and writing research.

(viii) How the State educational agency will build on and promote coordination among reading and writing programs in the State to increase overall effectiveness in improving reading and writing instruction, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this subtitle.

(2) REVIEW OF APPLICATIONS.—The Secretary shall review applications from State educational agencies under this subsection as the applications are received.

(e) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this subtitle shall—

(1) establish a reading and writing partnership, which may be the same as the partnership established under section 1203(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(d)), that will provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based reading and writing programs for middle school and secondary school students;

(2) use 80 percent of the grant funds received under this subtitle for a fiscal year to award subgrants to eligible local educational agencies having applications approved under section 112(a); and

(3) use 20 percent of the grant funds received under this subtitle—

(A) to carry out State-level activities described in the application submitted under subsection (d);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and literacy coaches;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in section 112(c); and

(D) for administrative costs,

of which not more than 10 percent of the grant funds may be used for planning, administration, and reporting.

(f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subtitle shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this subtitle.

(g) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this subtitle shall use the grant funds to supplement not supplant State funding for activities authorized under this subtitle or for other educational activities.

(h) NEW SERVICES AND ACTIVITIES.—Grant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

**SEC. 112. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**

(a) APPLICATION.—

(1) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subtitle shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(2) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(A) Development or selection and implementation of research-based reading and writing assessments.

(B) Development or selection and implementation of research-based reading and writing programs, including programs for students with disabilities and students with limited English proficiency.

(C) Selection of instructional materials based on reading and writing research.

(D) High-quality professional development for literacy coaches and teachers based on reading and writing research.

(E) Evaluation strategies.

(F) Reporting.

(G) Providing access to research-based reading and writing materials.

(3) CONSORTIA.—An eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium, if each member of the consortium is an eligible local educational agency.

(b) AWARD BASIS.—

(1) MINIMUM SUBGRANT AMOUNT.—Each eligible local educational agency receiving a subgrant under this subtitle for a fiscal year shall receive a minimum subgrant amount that bears the same relation to the amount of funds made available to the State educational agency under section 111(e)(2) as the amount the eligible local educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year bears to the amount received by all eligible local educational agencies under such part for the preceding fiscal year.

(2) SUFFICIENT SIZE AND SCOPE.—Subgrants under this section shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subtitle.

(c) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to carry out, at the middle school and secondary school level, the following services and activities:

(1) Hiring literacy coaches, at a ratio of not less than 1 literacy coach for every 20 teachers, and providing professional development for literacy coaches—

(A) to work with classroom teachers to incorporate reading and writing instruction within all subject areas, during regular classroom periods, after school, and during summer school programs, for all students;

(B) to work with classroom teachers to identify students with reading and writing problems and, where appropriate, refer students to available programs for remediation and additional services;

(C) to work with classroom teachers to diagnose and remediate reading and writing difficulties of the lowest-performing students, by providing intensive, research-based instruction, including during after school and summer sessions, geared toward ensuring that the students can access and be successful in rigorous academic coursework; and

(D) to assess and organize student data on literacy and communicate that data to school administrators to inform school reform efforts.

(2) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure literacy skills are taught within the content area subjects.

(3) Providing reading and writing professional development for all teachers in middle school and secondary school that addresses both remedial and higher level literacy skills for students in the applicable curriculum.

(4) Providing professional development for teachers, administrators, and paraprofessionals serving middle schools and secondary schools to help the teachers, administrators, and paraprofessionals meet literacy needs.

(5) Procuring and implementing programs and instructional materials based on reading and writing research, including software and other education technology related to reading and writing instruction.

(6) Building on and promoting coordination among reading and writing programs in the eligible local educational agency to increase overall effectiveness in improving reading and writing instruction, including for students with disabilities and students with limited English proficiency.

(7) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant.

(d) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to supplement not supplant the eligible local educational agency funding for activities authorized under this subtitle or for other educational activities.

(e) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

(f) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subtitle shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

**Subtitle B—Mathematics Skills Programs**

**SEC. 121. MATHEMATICS SKILLS PROGRAMS.**

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under section 104(b) for a fiscal year, the Secretary shall establish a program, in accordance with the requirements of this subtitle, that will provide grants to State educational agencies, and grants and subgrants to eligible local educational agencies, to establish mathematics programs to improve the overall mathematics performance of students in middle school and secondary school.

(2) LENGTH OF GRANT.—A grant to a State educational agency under this subtitle shall be awarded for a period of 6 years.

(b) RESERVATION OF FUNDS BY THE SECRETARY.—From amounts appropriated under section 104(b) for a fiscal year, the Secretary shall reserve—

(1) 3 percent of such amounts to fund national activities in support of the programs assisted under this subtitle, such as research and dissemination of best practices, except that the Secretary may not use the reserved funds to award grants directly to local educational agencies; and

(2) 2 percent of such amounts for the Bureau of Indian Affairs to carry out the services and activities described in section 122(c) for Indian children.

(c) GRANT FORMULAS.—

(1) FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.—If the amounts appropriated under section 104(b) for a fiscal year are equal to or greater than $500,000,000, then the Secretary shall award grants, from allotments under paragraph (3), to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to establish mathematics programs to improve overall mathematics performance among students in middle school and secondary school.

(2) DIRECT GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—If the amounts appropriated under section 104(b) for a fiscal year are less than $500,000,000, then the Secretary shall award grants, on a competitive basis, directly to eligible local educational agencies to establish mathematics programs to improve overall mathematics performance among students in middle school and secondary school.

(B) PRIORITY.—The Secretary shall give priority in awarding grants under this paragraph to eligible local educational agencies that—

(i) are among the local educational agencies in the State with the lowest graduation rates, as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

(ii) have the highest number or percentage of students who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(3) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From funds appropriated under section 104(b) and not reserved under subsection (b) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

(B) MINIMUM ALLOTMENT.—Notwithstanding subparagraph (A), no State educational agency shall receive an allotment under this paragraph for a fiscal year in an amount that is less than 0.25 percent of the funds allotted to all State educational agencies under subparagraph (A) for the fiscal year.

(4) REALLOTMENT.—If a State educational agency does not apply for a grant under this subtitle, the Secretary shall reallot the State educational agency's allotment to the remaining States.

(d) APPLICATIONS.—

(1) IN GENERAL.—In order to receive a grant under this subtitle, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall meet the following conditions:

(A) A State educational agency shall not include the application for assistance under this subtitle in a consolidated application submitted under section 9302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7842).

(B) The State educational agency's application shall include an assurance that—

(i) the State educational agency has established a mathematics partnership that—

(I) coordinated the development of the application for a grant under this subtitle; and

(II) will assist in designing and administering the State educational agency's program under this subtitle; and

(ii) the State educational agency will participate, if requested, in any evaluation of the State educational agency's program under this subtitle.

(C) The State educational agency's application shall include a program plan that contains a description of the following:

(i) How the State educational agency will assist eligible local educational agencies in implementing subgrants, including providing ongoing professional development for mathematics coaches, teachers, paraprofessionals, and administrators.

(ii) How the State educational agency will help eligible local educational agencies identify high-quality screening, diagnostic, and classroom-based instructional mathematics assessments.

(iii) How the State educational agency will help eligible local educational agencies identify high-quality research-based mathematics materials and programs.

(iv) How the State educational agency will help eligible local educational agencies identify appropriate and effective materials, programs, and assessments for students with disabilities and students with limited English proficiency.

(v) How the State educational agency will ensure that professional development funded under this subtitle—

(I) is based on mathematics research;

(II) will effectively improve instructional practices for mathematics for middle school and secondary school students; and

(III) is coordinated with professional development activities funded through other programs.

(vi) How funded activities will help teachers and other instructional staff to implement research-based components of mathematics instruction.

(vii) The subgrant process the State educational agency will use to ensure that eligible local educational agencies receiving subgrants implement programs and practices based on mathematics research.

(viii) How the State educational agency will build on and promote coordination among mathematics programs in the State to increase overall effectiveness in improving mathematics instruction, including for students with disabilities and students with limited English proficiency.

(ix) How the State educational agency will regularly assess and evaluate the effectiveness of the eligible local educational agency activities funded under this subtitle.

(2) REVIEW OF APPLICATIONS.—The Secretary shall review applications from State educational agencies under this subsection as the applications are received.

(e) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this subtitle shall—

(1) establish a mathematics partnership that will provide guidance to eligible local educational agencies in selecting or developing and implementing appropriate, research-based mathematics programs for middle school and secondary school students;

(2) use 80 percent of the grant funds received under this subtitle for a fiscal year to approve high-quality applications for subgrants to eligible local educational agencies having applications approved under section 122(a); and

(3) use 20 percent of the grant funds received under this subtitle—

(A) to carry out State-level activities described in the application submitted under subsection (d);

(B) to provide—

(i) technical assistance to eligible local educational agencies; and

(ii) high-quality professional development to teachers and mathematics coaches;

(C) to oversee and evaluate subgrant services and activities undertaken by the eligible local educational agencies as described in section 122(c); and

(D) for administrative costs,

of which not more than 10 percent of the grant funds may be used for planning, administration, and reporting.

(f) NOTICE TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subtitle shall provide notice to all eligible local educational agencies in the State about the availability of subgrants under this subtitle.

(g) SUPPLEMENT NOT SUPPLANT.—Each State educational agency receiving a grant under this subtitle shall use the grant funds to supplement not supplant State funding for activities authorized under this subtitle or for other educational activities.

(h) NEW SERVICES AND ACTIVITIES.—Grant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

**SEC. 122. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**

(a) APPLICATION.—

(1) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this subtitle shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency.

(2) CONTENTS.—In addition to any information required by the State educational agency, each application under paragraph (1) shall demonstrate how the eligible local educational agency will carry out the following required activities:

(A) Development or selection and implementation of research-based mathematics assessments.

(B) Development or selection and implementation of research-based mathematics programs, including programs for students with disabilities and students with limited English proficiency.

(C) Selection of instructional materials based on mathematics research.

(D) High-quality professional development for mathematics coaches and teachers based on mathematics research.

(E) Evaluation strategies.

(F) Reporting.

(G) Providing access to research-based mathematics materials.

(3) CONSORTIA.—An eligible local educational agency may apply to the State educational agency for a subgrant as a member of a consortium if each member of the consortium is an eligible local educational agency.

(b) AWARD BASIS.—

(1) MINIMUM SUBGRANT AMOUNT.—Each eligible local educational agency receiving a subgrant under this subtitle for a fiscal year shall receive a minimum subgrant amount that bears the same relation to the amount of funds made available to the State educational agency under section 121(e)(2) as the amount the eligible local educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year bears to the amount received by all eligible local educational agencies under such part for the preceding fiscal year.

(2) SUFFICIENT SIZE AND SCOPE.—Subgrants under this section shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this subtitle.

(c) LOCAL USE OF FUNDS.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to carry out, at the middle school and secondary school level, the following services and activities:

(1) Hiring mathematics coaches, at a ratio of not less than 1 mathematics coach for every 20 teachers, and providing professional development for mathematics coaches—

(A) to work with classroom teachers to better assess student learning in mathematics;

(B) to work with classroom teachers to identify students with mathematics problems and, where appropriate, refer students to available programs for remediation and additional services;

(C) to work with classroom teachers to diagnose and remediate mathematics difficulties of the lowest-performing students, by providing intensive, research-based instruction, including during after school and summer sessions, geared toward ensuring that those students can access and be successful in rigorous academic coursework; and

(D) to assess and organize student data on mathematics and communicate that data to school administrators to inform school reform efforts.

(2) Reviewing, analyzing, developing, and, where possible, adapting curricula to make sure mathematics skills are taught within the content area subjects.

(3) Providing mathematics professional development for all teachers in middle school and secondary school that addresses both remedial and higher level mathematics skills for students in the applicable curriculum.

(4) Providing professional development for teachers, administrators, and paraprofessionals serving middle schools and secondary schools to help the teachers, administrators, and paraprofessionals meet mathematics needs.

(5) Procuring and implementing programs and instructional materials based on mathematics research, including software and other education technology related to mathematics instruction.

(6) Building on and promoting coordination among mathematics programs in the eligible local educational agency to increase overall effectiveness in improving mathematics instruction, including for students with disabilities and students with limited English proficiency.

(7) Evaluating the effectiveness of the instructional strategies, teacher professional development programs, and other interventions that are implemented under the subgrant.

(d) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this subtitle shall use the subgrant funds to supplement not supplant the eligible local educational agency funding for activities authorized under this subtitle or for other educational activities.

(e) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this subtitle may be used only to provide services and activities authorized under this subtitle that were not provided on the day before the date of enactment of this Act.

(f) EVALUATIONS.—Each eligible local educational agency receiving a grant under this subtitle shall participate, as requested by the State educational agency or the Secretary, in reviews and evaluations of the programs of the eligible local educational agency and the effectiveness of such programs, and shall provide such reports as are requested by the State educational agency and the Secretary.

## TITLE II—PATHWAYS TO SUCCESS

**SEC. 201. FINDINGS.**

Congress makes the following findings:

(1) In 2003, approximately 60 percent of students in the poorest communities failed to graduate from secondary school on time.

(2) All ninth grade students should have a plan that assesses the student's instructional needs and outlines the coursework the student must complete to graduate on time, properly prepared for college and career.

(3) Research shows that 1 of the most important factors behind student success in secondary school is a close connection with at least 1 adult who demonstrates concern for the student's advancement.

(4) Secondary school counselors can help students receive the instructional, tutorial, and social supports that contribute to academic success.

(5) Model programs around the Nation have demonstrated that effective academic and support plans for students, developed by counselors serving as academic coaches, in cooperation with students and parents, result in a higher percentage of students graduating from secondary school well prepared for college study.

**SEC. 202. DEFINITIONS.**

In this title:

(1) IN GENERAL.—The terms ''local educational agency'', ''poverty line'', ''secondary school'', ''Secretary'', and ''State educational agency'' have the meaning given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ACADEMIC COUNSELOR.—The term ''academic counselor'' means a highly qualified professional who has received professional development appropriate to perform the services described in section 205(c).

(3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency who has jurisdiction over not less than 1 secondary school receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(4) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**SEC. 203. PROGRAM AUTHORIZED.**

The Secretary is authorized to establish a program, in accordance with the requirements of this title, that—

(1) enables a secondary school that receives assistance under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), to hire a sufficient number of academic counselors, in a ratio of not less than 1 counselor to 150 students, to develop personal plans for each student at the school, including students with limited English proficiency;

(2) involves parents in the development and implementation of the personal plans; and

(3) provides academic counselors and staff at the schools receiving grants under this

title the opportunity to coordinate with other programs and services, including those supported by Federal funds, to ensure that students have access to the resources and services necessary to fulfill the students' personal plans.

**SEC. 204. GRANTS TO STATES.**

(a) GRANTS AUTHORIZED.—From amounts made available under section 206 and not reserved under subsection (i), the Secretary shall award grants, from allotments under subsection (b), to State educational agencies to enable the State educational agencies to provide subgrants to eligible local educational agencies to implement programs in secondary schools in accordance with this title.

(b) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—From funds appropriated under section 206 and not reserved under subsection (i) for a fiscal year, the Secretary shall make an allotment to each State educational agency having an application approved under subsection (d) in an amount that bears the same relation to the funds as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the amount received under such part by all States.

(2) MINIMUM ALLOTMENT.—Notwithstanding paragraph (1), no State educational agency shall receive an allotment under this subsection for a fiscal year in an amount that is less than 0.25 percent of the amount allotted to the State educational agencies under subsection (e)(1) for the fiscal year.

(3) RATABLE REDUCTIONS.—If the amount appropriated to carry out this title for any fiscal year is less than $2,000,000,000, then the Secretary shall ratably reduce the allotment made to each State educational agency under this subsection in proportion to the relative number of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)), in the State compared to such number for all States.

(c) LENGTH OF GRANTS.—A grant to a State educational agency under this title shall be awarded for a period of 6 years.

(d) APPLICATIONS.—In order to receive a grant under this title, a State educational agency shall submit an application to the Secretary in the form and according to the schedule established by the Secretary by regulation.

(e) STATE USE OF FUNDS.—Each State educational agency receiving a grant under this title shall use—

(1) 80 percent of the grant funds to award subgrants to eligible local educational agencies under section 205; and

(2) 20 percent of the grant funds to provide professional development to academic counselors and technical assistance to local educational agencies, and to pay for administrative costs, of which not more than 10 percent of such 20 percent may be used for planning, administration, and reporting.

(f) SUPPLEMENT NOT SUPPLANT.—Grant funds provided to State educational agencies under this title shall be used to supplement not supplant funding provided by the State for activities authorized under this title or for other educational activities.

(g) NEW SERVICES AND ACTIVITIES.—Grant funds provided under this title may be used only to provide services and activities authorized under this title that were not provided on the day before the date of enactment of this Act.

(h) REALLOTMENT.—If a State educational agency does not apply for funding under this title, the Secretary shall reallot the State educational agency's allotment to the remaining eligible State educational agencies.

(i) RESERVATIONS.—Of the funds appropriated under section 206 for each fiscal year, the Secretary shall reserve—

(1) 2 percent for the Bureau of Indian Affairs to carry out the authorized activities described in section 205(c); and

(2) 3 percent for national activities that support the programs assisted under this title, except that the Secretary shall not use such reserved funds to award grants directly to local educational agencies.

**SEC. 205. SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**

(a) SUBGRANTS AUTHORIZED.—From amounts made available under section 204(e)(1), a State educational agency shall award subgrants to eligible local educational agencies having applications approved under subsection (b) to enable the eligible local educational agencies to carry out the authorized activities described in subsection (c).

(b) APPLICATIONS.—

(1) IN GENERAL.—Each eligible local educational agency desiring a subgrant under this title shall submit an application to the State educational agency in the form and according to the schedule established by the State educational agency. Each such application shall describe how the eligible local educational agency will—

(A) hire a sufficient number of highly qualified academic counselors to develop personal plans for all students in such students' first year of secondary school, with a ratio of 1 academic counselor to not more than 150 students in each secondary school served under the subgrant;

(B) provide adequate resources to each such school to offer the supplemental and other support services that the implementation of students' personal plans require, and provide such supplemental services, where possible, through coordination with Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.), Gear Up programs under chapter 2 of such subpart (20 U.S.C. 1070a–21 et seq.), programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), 21st Century Community Learning Centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (in accordance with students' individualized education programs), and programs under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.);

(C) include parents in the development and implementation of students' personal plans; and

(D) provide staff at each such school with opportunities for appropriate professional development and coordination to help the staff support students in implementing the students' personal plans.

(2) CONSORTIA.—An eligible local educational agency may apply to the State educational agency for a subgrant as a consortium, if each member of the consortium is an eligible local educational agency.

(c) AUTHORIZED ACTIVITIES.—Each eligible local educational agency receiving a subgrant under this title shall use the subgrant funds to provide the following services:

(1) Hiring academic counselors (at a ratio of not less than 1 counselor per 150 students) to develop the 6-year personal plans for all students in such students' first year of secondary school and coordinate the services required to implement such personal plans. Such academic counselors shall—

(A) work with students and their families to develop an individual plan that will define such students' career and education goals, assure enrollment in the coursework necessary for on-time graduation and preparation for career development or postsecondary education, and identify the courses and supplemental services necessary to meet those goals;

(B) advocate for students, helping the students to access the services and supports necessary to achieve the goals laid out in the personal plan for the student;

(C) assure student access to services, both academic and nonacademic, needed to lower barriers to succeed as needed;

(D) assess student progress on a regular basis;

(E) work with school and eligible local educational agency administrators to promote reforms based on student needs and performance data;

(F) involve parents or caregivers, including those parents or caregivers who are limited English proficient, and teachers, in the development of students' personal plans to ensure the support and assistance of the parents, caregivers, and teachers in meeting the goals outlined in such personal plans; and

(G) communicate to students and their families the importance of implementing the 2 years of the personal plan following secondary school graduation, and work with institutions of higher education to help students transition successfully and fully implement the students' personal plans.

(2) Determining the academic needs of all students entering grade 9 and identifying barriers to success.

(3) Ensuring availability of the services necessary for the implementation of students' personal plans, including access to a college preparatory curriculum and advanced placement or international baccalaureate courses.

(4) Where appropriate, modifying the curriculum at a secondary school receiving subgrant funds under this title to address the instructional requirements of students' personal plans.

(5) Providing for the ongoing assessment of students for whom personal plans have been developed and modifying such personal plans as necessary.

(6) Coordinating the services offered with subgrant funds received under this title with other Federal, State, and local funds, including programs authorized under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), sections 402A and 404A of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 and 1070a–21), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (in accordance with students' individualized education programs), and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

(d) ELIGIBLE LOCAL EDUCATIONAL AGENCY PRIORITY.—In awarding subgrants to eligible local educational agencies, a State educational agency shall give priority to eligible local educational agencies with—

(1) the largest number or percentage of students in grades 6 through 12 reading below grade level; or

(2) the lowest graduation rates as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

(e) SCHOOL PRIORITY.—In awarding subgrant funds to secondary schools, an eligible local educational agency shall give priority to secondary schools that—

(1) have the highest percentages or numbers of students in grades 6 through 12 reading below grade level;

(2) have the highest percentages or numbers of children living below the poverty line according to census figures; or

(3) have the lowest graduation rates as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

(f) MINIMUM SUBGRANT AMOUNT.—Each eligible local educational agency receiving a subgrant under this title for a fiscal year shall receive a minimum subgrant amount that bears the same relation to the amount of funds made available to the State educational agency under section 204(e)(1) as the amount the eligible local educational agency received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year bears to the amount received by all eligible local educational agencies in the State under such part for the preceding fiscal year.

(g) SUFFICIENT SIZE AND SCOPE.—Subgrants under this section shall be of sufficient size and scope to enable eligible local educational agencies to fully implement activities assisted under this title.

(h) SUPPLEMENT NOT SUPPLANT.—Each eligible local educational agency receiving a subgrant under this section shall use the subgrant funds to supplement not supplant funding for activities authorized under this title or for other educational activities.

(i) NEW SERVICES AND ACTIVITIES.—Subgrant funds provided under this section may be used only to provide services and activities authorized under this section that were not provided on the day before the date of enactment of this Act.

**SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

For the purposes of carrying out this title, there are authorized to be appropriated $2,000,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

## TITLE III—FOSTERING SUCCESSFUL SECONDARY SCHOOLS

**SEC. 301. FINDINGS.**

Congress makes the following findings:

(1) Personalization of the school environment has been proven to be an essential factor in helping low-performing secondary school students succeed.

(2) Effective schools provide ongoing, high-quality professional development for teachers and administrators to improve instruction.

(3) Student success is dependent upon alignment of curriculum, instruction, and assessment.

(4) Successful schools adapt instruction to the unique interests and talents of each student.

(5) Successful schools have high expectations for all students and offer a rigorous curriculum for the entire student body.

(6) Ongoing assessment is the best way to measure how each student is learning and responding to the teacher's instructional methods.

(7) Effective secondary schools have access to, and utilize, data related to student performance prior to, and following, secondary school enrollment.

(8) Despite significant increases to the program, only about 7 percent of funding for title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) goes to secondary schools.

(9) Every year, 1,300,000 students do not graduate with their peers, which means every school day, our Nation loses 7,000 students.

(10) Nationally, of 100 ninth-graders, only 68 will graduate from high school on time, only 38 will directly enter college, only 26 will still be enrolled for the sophomore year, and only 18 will end up graduating from college. The numbers for minority students are even lower.

(11) Even secondary school graduates going on to college are struggling with basic literacy skills, with 40 percent of all 4-year college students taking a remedial course and 63 percent of all community college students assigned to at least 1 remedial course.

**SEC. 302. PURPOSES.**

It is the purpose of this title to implement research-based programs, practices, and models that will improve student achievement in low performing secondary schools.

**SEC. 303. DEFINITIONS.**

In this title:

(1) IN GENERAL.—The terms ''institution of higher education'', ''local educational agency'', ''secondary school'', ''Secretary'', and ''State educational agency'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that has jurisdiction over not less than 1 eligible secondary school.

(3) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means—

(A) an eligible local educational agency in partnership with a regional educational laboratory, an institution of higher education, or another nonprofit institution with significant experience in implementing and evaluating education reforms; or

(B) a consortium of eligible secondary schools or eligible local educational agencies, each of which is an eligible entity described in subparagraph (A).

(4) ELIGIBLE SECONDARY SCHOOL.—The term ''eligible secondary school'' means a secondary school identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)), as of the day preceding the date of enactment of the Pathways for All Students to Succeed Act.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**SEC. 304. PROGRAM AUTHORIZED; AUTHORIZATION OF APPROPRIATIONS.**

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to State educational agencies, from allotments under section 305(b), to enable the State educational agencies to award subgrants to eligible local educational agencies, from allocations under section 305(c)(2), to promote secondary school improvement and student achievement.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $500,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

**SEC. 305. RESERVATIONS, STATE ALLOTMENTS, AND LOCAL ALLOCATIONS.**

(a) RESERVATIONS.—From funds appropriated under section 304(b) for a fiscal year the Secretary shall reserve—

(1) 2 percent for schools funded or supported by the Bureau of Indian Affairs to carry out the purposes of this title for Indian children;

(2) 3 percent to carry out national activities in support of the purposes of this title; and

(3) 95 percent for allotment to the States in accordance with subsection (b).

(b) ALLOTMENT TO STATES.—

(1) IN GENERAL.—From funds reserved under subsection (a)(3) for a fiscal year, the Secretary shall make an allotment to each State educational agency in an amount that bears the same relationship to the funds as the number of schools in that State that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)), bears to the number of schools in all States that have been identified for school improvement under such section 1116(b).

(2) REALLOTMENT.—The portion of any State educational agency's allotment that is not used by the State educational agency shall be reallotted among the remaining State educational agencies on the same basis as the original allotments were made under paragraph (1).

(c) ALLOCATIONS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(1) RESERVATIONS.—Each State educational agency receiving a grant under this title shall reserve—

(A) not more than 10 percent of the grant funds—

(i) for State-level activities to provide high-quality professional development and technical assistance to local educational agencies receiving funds under this title and to other local educational agencies as appropriate, including the dissemination and implementation of research-based programs, practices, and models for secondary school improvement; and

(ii) to contract for the evaluation of all programs and activities in the State that are assisted under this title; and

(B) not less than 90 percent of the grant funds to award subgrants to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in section 306.

(2) LOCAL ALLOCATION.—From funds reserved under paragraph (1)(B), the State educational agency shall allocate to each eligible local educational agency in the State an amount that bears the same relation to such funds as the number of secondary schools that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)), that are served by the eligible local educational agency, bears to the number of such schools served by all eligible local educational agencies in the State.

**SEC. 306. LOCAL USES OF FUNDS.**

Each eligible local educational agency receiving a subgrant under this title shall use the subgrant funds for activities to improve secondary schools that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)), such as—

(1) developing and implementing research-based programs or models that have been shown to raise achievement among secondary school students, including smaller learning communities, adolescent literacy programs, block scheduling, whole school reforms, individualized learning plans, personalized learning environments, and strategies to target students making the transition from middle school to secondary school;

(2) promoting community investment in school quality by engaging parents, businesses, and community-based organizations in the development of reform plans for eligible secondary schools;

(3) researching, developing, and implementing a school district strategy to create smaller learning communities for secondary school students, both by creating smaller learning communities within existing secondary schools, and by developing new, smaller, and more personalized secondary schools;

(4) providing professional development for school staff in research-based practices, such as interactive instructional strategies and opportunities to connect learning with experience; and

(5) providing professional development and leadership training for principals and other school leaders in the best practices of instructional leadership and implementing school reforms to raise student achievement.

**SEC. 307. APPLICATIONS.**

(a) STATES.—Each State educational agency desiring a grant under this title shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require to ensure compliance with the requirements of this title.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each eligible local educational agency desiring a subgrant under this title shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency may require to ensure compliance with the requirements of this title. Each such application shall describe how the eligible local educational agency will form an eligible partnership to carry out the activities assisted under this title.

**SEC. 308. EVALUATIONS.**

In cooperation with the State educational agencies receiving funds under this title, the Secretary shall undertake or contract for a rigorous evaluation of the effectiveness and success of activities conducted under this title.

**TITLE IV—DATA CAPACITY**

**SEC. 401. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF ASSESSMENT AND ACCOUNTABILITY.**

(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (e) for a fiscal year, the Secretary may award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to develop or increase the capacity of data systems for assessment and accountability purposes, including the collection of graduation rates.

(b) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Each State educational agency that receives a grant under this section shall use the grant funds for the purpose of—

(1) increasing the capacity of, or creating, State databases to collect, disaggregate, and report information related to student achievement, enrollment, and graduation rates for assessment and accountability purposes; and

(2) reporting, on an annual basis, for the elementary schools and secondary schools within the State, on—

(A) the enrollment data from the beginning of the academic year;

(B) the enrollment data from the end of the academic year; and

(C) the twelfth grade graduation rates.

(d) DEFINITIONS.—In this section:

(1) GRADUATION RATE.—The term ''graduation rate'' means the percentage that—

(A) the total number of students who—

(i) graduate from a secondary school with a regular diploma (which shall not include the recognized equivalent of a secondary school diploma or an alternative degree) in an academic year; and

(ii) graduated on time by progressing 1 grade per academic year; represents of

(B) the total number of students who entered the secondary school in the entry level academic year applicable to the graduating students.

(2) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 2 succeeding fiscal years.

Mr. DURBIN. Mr. President, I am pleased to support the introduction today, along with my colleagues Senators CLINTON and KENNEDY, of Senator MURRAY's bill to improve America's high schools.

We have all heard a lot of talk these days about the need to improve America's high schools. Bill Gates makes the point that the academic caliber of our high school graduates is one of the greatest factors in our country's ability to innovate and to compete internationally in technological advancements. The CEO of Intel, Craig Barrett, tells the story of the how U.S. students are eclipsed in the international science competition his firm sponsors. University presidents I meet with talk about the strain that remedial education for incoming freshmen places on the school's faculty and budgets.

The President's budget this year includes his high school initiative, which proposes to redirect money to high schools. There's a big catch, though. The President says that to fund his high school initiative we need to eliminate one of our most effective education programs for high schools, technical schools and colleges—Perkins Vocational and Technical Education grants.

There is a better way. The Pathways for All Students to Success (PASS) Act provides the resources schools need to sharpen the focus on literacy and math—skills critical to success in the workforce or in post-secondary studies. High schools can employ literacy and math coaches to help support and supplement the teachers in traditional classrooms. The legislation also allows for additional academic counseling, to provide that targeted, individualized assistance that many students need to achieve proficiency in key academic areas.

The PASS Act also provides funding that allows schools not meeting national standards to implement proven, comprehensive school reform to help students learn. Finally, current data on high school graduation rates is incomplete, inconsistent and often inaccurate. That makes it harder for schools to know which populations of students are most in need of additional attention. This legislation provides funding for school systems to collect, disaggregate and report accurate graduation rates.

Now is the time to strengthen our high schools. Expectations in the workplace and on post-secondary campuses are higher than ever for high school graduates. The PASS Act supports students working toward high school graduation, enhancing their pathway to success.

By Mr. SANTORUM (for himself and Mr. LIEBERMAN):

S. 922. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I along with Senator LIEBERMAN am introducing the Savings and Working Families Act of 2005.

The need for this legislation comes at a time when Americans face an ongoing savings and assets crisis. One third of all Americans have no assets available for investment, and another fifth have only negligible assets. The United States household savings rate lags far behind that of other industrial nations, constraining national economic growth and keeping many Americans from entering the economic mainstream by buying a house, obtaining an adequate education, or starting a business.

Low-income Americans face a huge hurdle when trying to save. Individual Development Accounts, IDAs, provide them with a way to work toward building assets while instilling the practice of savings into their everyday lives. IDAs are one of the most promising tools that enable low-income and low-wealth American families to save, build assets, and enter the financial mainstream. Based on the idea that all Americans should have access, through the tax code or through direct expenditures, to the structures that subsidize homeownership and retirement savings of wealthier families, IDAs encourage savings efforts among the poor by offering them a one-to-one match for their own deposits. IDAs reward the monthly savings of working-poor families who are trying to buy their first home, pay for post-secondary education, or start a small business. These matched savings accounts are similar to 401(k) plans and other matched savings accounts, but can serve a broad range of purposes.

The Savings and Working Families Act of 2005 builds on existing IDA programs by creating tax credit incentives for an additional 900,000 accounts. Individuals between 18 and 60 who are not dependents or students and meet the income requirements would be eligible to establish and contribute to an IDA. For single filers, the income limit would be $20,000 in modified aggregate gross income, AGI. The corresponding thresholds for head-of-household and joint filers would be $30,000 and $40,000, respectively.

Participants could generally withdraw their contributions and matching funds for qualified purposes, which include certain higher education expenses, first-time home purchase expenditures, and small business capitalization.

Additionally, this bill would create a tax credit to defray the cost of establishing and running IDA programs, contributing matching funds to the appropriate accounts, and providing financial education to account holders. Program sponsors could be qualified institutions, qualified nonprofits, or

qualified Indian tribes, and would have to be an institution eligible under current law to serve as the custodian of IRAs. Sponsors could claim a tax credit that would have two components. The first would be a $50 credit per account to offset the ongoing costs of maintaining and administering each account and providing financial education to participants. Except for the first year that an account is open, the credit would be available only for accounts with a balance, at year's end, of more than $100. In addition, there would be a credit for the dollar-to-dollar matching amounts.

IDAs work to spur savings by low-income individuals. The American Dream Demonstration, ADD, a 14-site IDA program, has proven that low-income families, with proper incentives and support, can and do save for longer-term goals. In ADD, average monthly net deposits per participant were $19.07, with the average participant saving 50 percent of the monthly savings target and making deposits in 6 of 12 months. Participants accumulated an average of $700 per year including matching contributions. Importantly, deposits increased as the monthly target increased, indicating that low-income families' saving behavior, like that of wealthier individuals; is influenced by the incentives they receive.

Additionally, key to the success of IDAs is the economic education that participants receive. Information about repairing credit, reducing expenditures, applying for the Earned Income Tax Credit, avoiding predatory lenders, and accessing financial services helps IDA participants to reach savings goals and to integrate themselves into the mainstream economic system. The encouragement and connection to supportive services helps low-income individuals to keep early withdrawals to a minimum and overcome obstacles to saving. Banks and credit unions benefit from these new customer relations, and States benefit from decreased presence of check-cashing, pawnshop, and other predatory outlets.

But more than income enhancement, asset accumulation affects individuals' confidence about the future, willingness to defer gratification, avoidance of risky behavior, and investment in community. In families where assets are owned, children do better in school, voting participation increases, and family stability improves. Reliance on public assistance decreases as families use their assets to access higher education and better jobs, reduce their housing costs through ownership, and create their own job opportunities through entrepreneurship.

We must re-instill the value that Americans once put into saving and promote an ownership society. Saving must once again become a national virtue. At stake are not just the financial security and prosperity of Americans as individuals but America as a nation. This bill takes a step in reaching out to low-income Americans to meet this goal.

I urge my colleagues to support the Savings and Working Families Act of 2005.

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By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, and Mr. OBAMA):

S. 923. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the Temporary Assistance for Needy Families (TANF) Program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce the TANF Financial Education Promotion Act of 2005 in order to call attention to an important issue for low-income families financial literacy. I am proud to be reintroducing this bill during the month of April, which is Financial Literacy Month.

One of the goals of the Temporary Assistance for Needy Families (TANF) Program is to help low-income families transition from welfare to work. However, there is more to leaving poverty than just finding a job. Welfare recipients must learn the skills that will help them build savings and establish good credit so that they can stay off welfare. Currently, TANF does not offer financial education to low-income individuals, leaving welfare recipients at risk of dependence upon public assistance.

Furthermore, millions of low-income families, including families receiving TANF, are unbanked. These households tend to do their banking at check-cashing outlets that charge exorbitant fees for such services. A lack of basic consumer finance education, including lack of familiarity with how a checking or savings account works, has been cited as a major reason why millions of Americans do not set up such accounts.

Not only are low-income people more likely to be unbanked than other individuals, but they are also the most vulnerable to abusive lending practices and hostile credit arrangements. Those with the fewest financial resources end up paying the most to obtain financing. Financial education that addresses predatory lending will help prevent low-income families from becoming victims of unaffordable loan payments, equity stripping, and foreclosure.

Burdened by significant financial needs, welfare recipients need practical information on the fundamentals of saving, household budgeting, taxes, and credit. With this knowledge, individuals will be better equipped to move toward self-sufficiency and maintain financial independence.

The TANF Financial Education Promotion Act makes strides in financial literacy for welfare recipients by requiring states to use TANF funds to collaborate with community-based organizations, banks, and community colleges to create financial education programs for low-income families receiving welfare and for those transitioning from welfare to work.

I am not alone in advocating financial literacy for TANF recipients. Federal Reserve Chairman Alan Greenspan has said, ''Educational and training programs may be the most critical service offered by community-based organizations to enhance the ability of lower-income households to accumulate assets.''

I urge my colleagues to join me in helping the most vulnerable families in the United States get access to the tools they will need to successfully make the transition from welfare to work.

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

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

S. 923

*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 ''TANF Financial Education Promotion Act of 2005''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Most recipients of assistance under the Temporary Assistance for Needy Families (TANF) Program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Currently, personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Financial education speaks to the broader purpose of the TANF Program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

**SEC. 3. REQUIREMENT TO PROMOTE FINANCIAL EDUCATION UNDER TANF.**

(a) STATE PLAN.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Establish goals and take action to promote financial education, as defined in section 407(j), among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, and the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.''.

(b) INCLUSION OF FINANCIAL EDUCATION AS A WORK ACTIVITY.—Section 407 of the Social Security Act (42 U.S.C 607) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''or (12)'' and inserting ''(12), or (13)''; and

(B) in subparagraph (B), by striking ''or (12)'' each place it appears and inserting ''(12), or (13)'';

(2) in subsection (d)—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(13) financial education, as defined in subsection (j).''; and

(3) by adding at the end the following:

''(j) DEFINITION OF FINANCIAL EDUCATION.—In this part, the term 'financial education' means education that promotes an understanding of consumer, economic, and personal finance concepts, including the basic principles involved with earning, budgeting, spending, saving, investing, and taxation.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2005.

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By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, Mr. SARBANES, and Mr. BAUCUS):

S. 924. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I would like to speak today about an issue that I believe should be a lifelong goal for all Americans—financial literacy.

More specifically, I want to highlight the necessity of financial literacy for men and women who are close to retirement. Senior citizens are too often the victims of predatory mortgage and lending abuses and other financial scams. AARP surveys show that over half of telemarketing fraud victims are age 50 or older. In fact, financial exploitation is the largest single category of abuse against older persons. It is clear that the vulnerability of this population stems from a lack of financial knowledge, so it is more important than ever that this Congress take steps to increase the availability of financial education for midlife and senior citizens.

Not only does poor financial literacy leave older Americans vulnerable to financial fraud, but it also leads to poor retirement planning. In the next thirty years, the number of Americans over the age of 65 will double. For many of these Americans, Social Security alone will be insufficient to cover all their expenses, particularly as health care costs rise. Only about half of American workers are currently participating in any pension plan, leaving more than 75 million Americans without an employer-sponsored pension. Even worse is the fact that fifty million Americans have no retirement savings whatsoever. These statistics are frightening. As our population lives longer, we must focus on retirement education for mid-life and aging Americans as well as consumer education for seniors.

My legislation, the Education for Retirement Security Act will address the need for financial literacy among seniors by creating a $100 million competitive grant program that would provide resources to State and area agencies on aging, and nonprofit community based organizations, to provide financial education to mid-life and older Americans. The goal of this education is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial abuse and fraud, including telemarketing, mortgage, and pension fraud. The bill also creates a national technical assistance program that will designate at least one national grantee to provide financial education materials and training to local grantees.

I am proud to be reintroducing this legislation during the month of April, which is Financial Literacy Month.

We must offer those individuals who are close to or in retirement the tools they will need to make sound financial decisions and prepare appropriately for their retirement. The Education for Retirement Security Act will help older Americans learn how to avoid scams and invest well. With savvy financial planning and smart consumer skills, senior citizens will be more empowered to protect themselves and ultimately be better able to enjoy a more secure retirement.

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

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

S. 924

*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 ''Education for Retirement Security Act of 2005''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's ''retirement'' years.

(6) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(7) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than ½ of all telemarketing victims in the United States.

(8) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 21,084 victims in 2004, an increase of more than 11 times in number.

**SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.**

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

**SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.**

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

**SEC. 5. DEFINITIONS.**

In this Act:

(1) FINANCIAL EDUCATION.—The term ''financial education'' means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term ''mid-life individual'' means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term ''older individual'' means an individual aged 65 or older.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, $100,000,000 for each of the fiscal years 2006 through 2010.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than $200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

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By Mr. CORZINE (for himself, Mr. AKAKA, Ms. STABENOW, Mr. LAUTENBERG, and Mr. BAUCUS):

S. 925. A bill to promote youth financial education; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce the Youth Financial Education Act. I am pleased to introduce this bill during the month of April—Financial Literacy Month.

It is hard to underestimate the importance of financial literacy for our youth. As credit, banking, and financial systems in this country become more and more complex, it is time to make sure that our education system teaches our children the fundamental principles of earning, spending, saving and investing, so that they can be successful citizens. Federal Reserve Chairman Alan Greenspan said himself that ''Improving basic financial education at the elementary and secondary school levels is essential to providing a foundation for financial literacy that can help prevent younger people from making poor financial decisions.'' It is crucial not only for the well-being of our children, but for the future of our society as a whole that all citizens understand how to manage a checking account, use a credit card, and estimate their taxes.

According to the Jump$tart Coalition for Personal Financial Literacy's Survey of High School Seniors, which measures students' aptitude and ability to manage financial resources such as credit cards, insurance, retirement funds and savings accounts, only 52.3 percent of students answered the survey questions correctly. In less than a year, 54 percent of these students who go onto college will carry a credit card. These statistics make it evident that we must do more to arm our youth with the tools they need to make informed decisions about the fiscal realities they will face upon entering college or the workforce.

In 2004, only 7 states required students to complete a course that includes personal finance before graduating from high school. In my home State of New Jersey, New Egypt High School is the only school that requires a course financial education. Several years ago I had the pleasure of teaching a class of these students, and came away impressed with their knowledge and competency in financial matters.

While awareness of the importance of financial literacy is improving, it is still not being addressed appropriately in schools. Our schools must prepare our children to succeed in every way, including in their financial decisions.

I am pleased that I successfully added a provision to the No Child Left Behind Act giving elementary and secondary schools access to funds that will allow them to include financial education as part of their basic educational curriculum. Although this was an important step in the right direction, Congress can and should do more to address this Issue.

The legislation I am introducing today will provide grants to States to help them develop and implement financial education programs in elementary and secondary schools. These programs will offer professional development for teachers and prepare them to provide financial education. It would also establish a national clearinghouse for instructional materials and information regarding model financial education programs.

Earlier this year, the Senate debated the Bankruptcy Reform Bill that seeks to change the rules governing bankruptcy. While I agree that bankruptcy reform should provide an incentive for capable individuals to honor their financial obligations, this legislation will make it that much more difficult for people who have fallen into debt to declare bankruptcy. With these reforms imminent, it will be all the more critical to take a proactive approach to the problem of personal debt in this country and make sure that the next generation learns how to better manage their money.

I ask for my colleagues to join me in support of the Youth Financial Education Act, which will equip our nation's youth with skills to become responsible consumers and enjoy economic security as well as economic opportunity in their futures.

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

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

S. 925

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

**SECTION 1. PROMOTING YOUTH FINANCIAL LITERACY.**

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

**"PART D—PROMOTING YOUTH FINANCIAL LITERACY**

**"SEC. 4401. SHORT TITLE AND FINDINGS.**

''(a) SHORT TITLE.—This part may be cited as the 'Youth Financial Education Act'.

''(b) FINDINGS.—Congress finds the following:

''(1) In order to succeed in our dynamic American economy, young people must obtain the skills, knowledge, and experience necessary to manage their personal finances and obtain general financial literacy. All young adults should have the educational tools necessary to make informed financial decisions.

''(2) Despite the critical importance of financial literacy to young people, the average student who graduates from high school lacks basic skills in the management of personal financial affairs. A nationwide survey conducted in 2004 by the Jump$tart Coalition for Personal Financial Literacy examined the financial knowledge of 4,074 12th graders. On average, survey respondents answered only 52 percent of the questions correctly. This figure is up only slightly from the 50 percent average score in 2002.

''(3) An evaluation by the National Endowment for Financial Education High School Financial Planning Program undertaken jointly with the United States Department of Agriculture Cooperative State Research, Education, and Extension Service demonstrates that as little as 10 hours of classroom instruction can impart substantial knowledge and affect significant change in how teens handle their money.

''(4) State educational leaders have recognized the importance of providing a basic financial education to students in kindergarten through grade 12 by integrating financial education into State educational standards, but by 2004, only 7 States required students to complete a course that covered personal finance before graduating from high school.

''(5) Teacher training and professional development are critical to achieving youth financial literacy. Teachers should be given the tools they need to educate our Nation's youth on personal finance and economics.

''(6) Personal financial education helps prepare students for the workforce and for financial independence by developing their sense of individual responsibility, improving their life skills, and providing them with a

thorough understanding of consumer economics that will benefit them for their entire lives.

''(7) Financial education integrates instruction in valuable life skills with instruction in economics, including income and taxes, money management, investment and spending, and the importance of personal savings.

''(8) The consumers and investors of tomorrow are in our schools today. The teaching of personal finance should be encouraged at all levels of our Nation's educational system, from kindergarten through grade 12.

**''SEC. 4402. STATE GRANT PROGRAM.**

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to provide grants to State educational agencies to develop and integrate youth financial education programs for students in elementary schools and secondary schools.

''(b) STATE PLAN.—

''(1) APPROVED STATE PLAN REQUIRED.—To be eligible to receive a grant under this section, a State educational agency shall submit an application that includes a State plan, described in paragraph (2), that is approved by the Secretary.

''(2) STATE PLAN CONTENTS.—The State plan referred to in paragraph (1) shall include—

''(A) a description of how the State educational agency will use grant funds;

''(B) a description of how the programs supported by a grant will be coordinated with other relevant Federal, State, regional, and local programs; and

''(C) a description of how the State educational agency will evaluate program performance.

''(c) ALLOCATION OF FUNDS.—

''(1) ALLOCATION FACTORS.—Except as otherwise provided in paragraph (2), the Secretary shall allocate the amounts made available to carry out this section pursuant to subsection (a) to each State according to the relative populations in all the States of students in kindergarten through grade 12, as determined by the Secretary based on the most recent satisfactory data.

''(2) MINIMUM ALLOCATION.—Subject to the availability of appropriations and notwithstanding paragraph (1), a State that has submitted a plan under subsection (b) that is approved by the Secretary shall be allocated an amount that is not less than $500,000 for a fiscal year.

''(3) REALLOCATION.—In any fiscal year an allocation under this subsection—

''(A) for a State that has not submitted a plan under subsection (b); or

''(B) for a State whose plan submitted under subsection (b) has been disapproved by the Secretary;

shall be reallocated to States with approved plans under this section in accordance with paragraph (1).

''(d) USE OF GRANT FUNDS.—

''(1) REQUIRED USES.—A grant made to a State educational agency under this part shall be used—

''(A) to provide funds to local educational agencies and public schools to carry out financial education programs for students in kindergarten through grade 12 based on the concept of achieving financial literacy through the teaching of personal financial management skills and the basic principles involved with earning, spending, saving, and investing;

''(B) to carry out professional development programs to prepare teachers and administrators for financial education; and

''(C) to monitor and evaluate programs supported under subparagraphs (A) and (B).

''(2) LIMITATION ON ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under subsection (a) may use not more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out this section.

''(e) REPORT TO THE SECRETARY.—Each State educational agency receiving a grant under this section shall transmit a report to the Secretary with respect to each fiscal year for which a grant is received. The report shall describe the programs supported by the grant and the results of the State educational agency's monitoring and evaluation of such programs.

**''SEC. 4403. CLEARINGHOUSE.**

''(a) AUTHORITY.—Subject to the availability of appropriations, the Secretary shall make a grant to, or execute a contract with, an eligible entity with substantial experience in the field of financial education, such as the Jump$tart Coalition for Personal Financial Literacy, to establish, operate, and maintain a national clearinghouse (in this part referred to as the 'Clearinghouse') for instructional materials and information regarding model financial education programs and best practices.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a national nonprofit organization with a proven record of—

''(1) cataloging youth financial literacy materials; and

''(2) providing support services and materials to schools and other organizations that work to promote youth financial literacy.

''(c) APPLICATION.—An eligible entity desiring to establish, operate, and maintain the Clearinghouse shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

''(d) BASIS AND TERM.—The Secretary shall make the grant or contract authorized under subsection (a) on a competitive, merit basis for a term of 5 years.

''(e) USE OF FUNDS.—The Clearinghouse shall use the funds provided under a grant or contract made under subsection (a)—

''(1) to maintain a repository of instructional materials and related information regarding financial education programs for elementary schools and secondary schools, including kindergartens, for use by States, localities, and the general public;

''(2) to disseminate to States, localities, and the general public, through electronic and other means, instructional materials and related information regarding financial education programs for elementary schools and secondary schools, including kindergartens; and

''(3) to the extent that resources allow, to provide technical assistance to States, localities, and the general public on the design, establishment, and implementation of financial education programs for elementary schools and secondary schools, including kindergartens.

''(f) CONSULTATION.—The chief executive officer of the eligible entity selected to establish and operate the Clearinghouse shall consult with the Department of the Treasury and the Securities Exchange Commission with respect to its activities under subsection (e).

''(g) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops financial education programs and instructional materials for such programs shall submit to the Clearinghouse information on the programs and copies of the materials.

''(h) APPLICATION OF COPYRIGHT LAWS.—In carrying out this section the Clearinghouse shall comply with the provisions of title 17 of the United States Code.

**''SEC. 4404. EVALUATION AND REPORT.**

''(a) PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the performance of programs assisted under sections 4402 and 4403.

''(b) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under subsection (a), the Secretary shall evaluate programs assisted under sections 4402 and 4403—

''(1) to judge their performance and effectiveness;

''(2) to identify which of the programs represent the best practices of entities developing financial education programs for students in kindergarten through grade 12; and

''(3) to identify which of the programs may be replicated and used to provide technical assistance to States, localities, and the general public.

''(c) REPORT.—For each fiscal year for which there are appropriations under section 4407(a), the Secretary shall transmit a report to Congress describing the status of the implementation of this part. The report shall include the results of the evaluation required under subsection (b) and a description of the programs supported under section 4402.

**''SEC. 4405. DEFINITIONS.**

''In this part:

''(1) FINANCIAL EDUCATION.—The term 'financial education' means educational activities and experiences, planned and supervised by qualified teachers, that enable students to understand basic economic and consumer principles, acquire the skills and knowledge necessary to manage personal and household finances, and develop a range of competencies that will enable the students to become responsible consumers in today's complex economy.

''(2) QUALIFIED TEACHER.—The term 'qualified teacher' means a teacher who holds a valid teaching certification or is considered to be qualified by the State educational agency in the State in which the teacher works.

**''SEC. 4406. PROHIBITION.**

''Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

**''SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.**

''(a) AUTHORIZATION.—For the purposes of carrying out this part, there are authorized to be appropriated $100,000,000 for each of the fiscal years 2006 through 2010.

''(b) LIMITATION ON FUNDS FOR CLEARINGHOUSE.—The Secretary may use not less than 2 percent and not more than 5 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4403.

''(c) LIMITATION ON FUNDS FOR SECRETARY EVALUATION.—The Secretary may use not more than $200,000 from the amounts appropriated under subsection (a) for each fiscal year to carry out subsections (a) and (b) of section 4404.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Except as necessary to carry out subsections (a) and (b) of section 4404 using amounts described in subsection (c) of this section, the Secretary shall not use any portion of the amounts appropriated under subsection (a) for the costs of administering this part.''.

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By Mr. INHOFE (for himself, Mr. VITTER, and Mr. ENZI):

S. 926. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep; to the Committee on Finance.

Mr. INHOFE. Mr. President, today I proudly rise to introduce The Natural Gas Production Act of 2005.

One of the challenges facing our economy is increasing energy prices. Take, for example, natural gas that accounts for 22 percent of American energy consumption. According to the Energy Information Administration, over the next 20 years, U.S. natural gas consumption will increase by over 50 percent. At the same time, U.S. natural gas production will only grow by 14 percent. At a time when natural gas prices are already at an all time high, it is critical that we increase our supply by developing our domestic natural gas.

This legislation will provide an incentive to increase the supply of domestically produced natural gas, which in turn will help alleviate high natural gas prices.

The Natural Gas Production Act of 2005 will add natural gas produced from formations more than 15,000 feet deep (Deep Gas), to the list of qualifying fuels for the Section 29 non-conventional tax credit. Experts consider deep gas drilling at more than 15,000 feet to be a non-conventional source of energy production.

Studies show the resource potential below 15,000 feet for natural gas is great. The Department of Energy's Strategic Center for Natural Gas has estimated there to be 130 trillion cubic feet below 15,000 feet in the lower 48. In comparison, that is equal to the proven and potential reserves on the Alaskan North Slope.

While these vast reserves remain, very little production is occurring from depths greater than 15,000. Deep gas wells require a considerable amount of time and money. On average these wells cost more than $6.1 million, and for wells deeper than 20,000 feet costs can exceed $16 million. Add to that the minimum one-year and longer drilling time and you can clearly see that Federal drilling incentives are needed to help promote and speed production of this enormous potential resource.

To drill a deep well, a drilling rig will employ about 25 people directly. In 1979, 128 deep well completions in Oklahoma created 2,630 jobs. In addition to direct jobs, economists estimate that 60 to 75 indirect jobs will be created as well.

Due to changes in the regulatory governance of the industry and cyclical market conditions over the next two and one-half decades, deep drilling activity all across the country has declined substantially.

I am introducing this legislation, along with Senator VITTER, today to encourage more domestic production in an area of proven reserves that will increase our supply. I thank Senator VITTER for his work and I urge members to support us in this effort. I ask consent that the text of the bill be printed in the RECORD.

If you have any questions, please contact Mike Ference on my Staff at 224–1036.

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

S. 926

*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 ''Natural Gas Production Act of 2005''.

**SEC. 2. CREDIT FOR PRODUCING FUEL FROM NONCONVENTIONAL SOURCE TO APPLY TO GAS PRODUCED ONSHORE FROM FORMATIONS MORE THAN 15,000 FEET DEEP.**

(a) IN GENERAL.—Subparagraph (B) of section 29(c)(1) of the Internal Revenue Code of 1986 (defining qualified fuels) is amended by striking ''or'' at the end of clause (i), by striking ''and'' at the end of clause (ii) and inserting ''or'', and by inserting after clause (ii) the following new clause:

''(iii) an onshore well from a formation more than 15,000 feet deep, and''.

(b) ELIGIBLE WELLS.—Section 29 of such Code is amended by adding at the end the following new subsection:

''(h) ELIGIBLE DEEP GAS WELLS.—In the case of a well producing qualified fuel described in subsection (B)(iii)—

''(1) for purposes of subsection (f)(1)(A), such well shall be treated as drilled before January 1, 1993, if such well is drilled after the date of the enactment of this subsection, and

''(2) subsection (f)(2) shall not apply.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

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By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mr. SARBANES, Mr. JOHNSON, Ms. LANDRIEU, and Mr. KENNEDY):

S. 927. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today to introduce a very important piece of legislation, the Medicare Mental Health Modernization Act of 2005.

Our Nation's Medicare beneficiaries—our elderly and disabled population—have limited access to mental health services. Medicare restricts the types of mental health services available to beneficiaries and the types of providers who are allowed to offer such care. It also charges higher copayments for mental health services than it does for all other health care. In order to receive mental health care, seniors and the disabled must pay 50 percent of the cost of a visit to their mental health specialist, as opposed to the 20 percent that they pay for other services. Medicare also limits the number of days a beneficiary can receive mental health care in a hospital setting to 190 days over an individual's lifetime.

We must address this problem. The need is glaring. Almost 20 percent of Americans over age 65 have a serious mental disorder. They suffer from depression, Alzheimer's disease, dementia, anxiety, late-life schizophrenia and, all too often, substance abuse. These are serious illnesses that must be treated. Unfortunately, they are often unidentified by primary care physicians, or the appropriate services are simply out of reach. Americans age 65 and older have the highest rate of suicide of any other population in the United States. An alarming 70 percent of elderly suicide victims have visited their primary care doctor in the month prior to committing suicide.

Medicare is also the primary source of health insurance for millions of non-elderly disabled. More than 20 percent of these individuals suffer from mental illness and/or addiction. This very needy population faces the same discrimination in their mental health coverage.

As our population ages, the burden of mental illness on seniors, their families, and the health care system will only continue increase. Experts estimate that by the year 2030, 15 million people over 65 will have psychiatric disorders, with the number of individuals suffering from Alzheimer's disease doubling. If we do not reform the Medicare program to provide greater access to detection and treatment of mental illness, the cost of not treating these diseases will rapidly escalate. Without the appropriate outpatient mental health services, too many of our seniors are forced into nursing homes and hospitals. If We truly want to modernize Medicare and make it more efficient, we must provide access to these services. Not only will they likely reduce costs in the long term, but they will also increase Medicare beneficiaries' quality of life.

The Medicare Mental Health Modernization Act takes critical steps to address these issues. First, the bill reduces the 50 percent copayment for mental health services to 20 percent. The proposed 20 percent copayment is the same as the copayment for all other outpatient services in Medicare. Second, the bill would provide access to intensive residential services for those who are suffering from severe mental illness. This will give people with Alzheimer's disease and other serious mental illness the opportunity to be cared for in their homes or in community-based settings. Third, the bill expands the number of qualified mental health professionals eligible to provide services through the Medicare program. This includes licensed professional mental health counselors, clinical social workers, and marriage and family therapists. This expansion of qualified providers is critical to ensuring that seniors throughout the nation, particularly those in rural areas, are able to receive the services they need.

In closing, I urge all of my colleagues to step forward to support the Medicare Mental Health Modernization Act of 2005. It is time for the Medicare program to stop discriminating against seniors and the disabled who are suffering from mental illness.

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By Mrs. LINCOLN:

S. 928. A bill to amend the Internal Revenue Code of 1986 to provide for the

immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, four years ago, as projected budget surpluses reached over $5 trillion, Congress passed a tax cut bill that began the process of addressing the unfairness of the estate tax. Now in 2005, the surpluses have long since disappeared, and Congress has made no further progress on estate tax relief for America's family-owned farms and businesses—many of whom still pay this tax today.

Earlier this month, the House once again voted for a complete repeal of the estate tax. I myself have consistently supported complete repeal, I have voted in favor of full repeal on multiple occasions, and I will continue to support full repeal should that option be brought to the floor of the U.S. Senate for a vote in the future. Nevertheless, given the persistent state of our more than $400 billion annual deficits, it is increasingly doubtful such a bill could obtain the necessary votes in the Senate for passage right now.

I'm not alone in feeling that the votes just aren't there for full repeal. President of the U.S. Chamber, Tom Donahue, was quoted this week stating that the Chamber would likely support a good compromise coming out of the Senate. We all understand the state of affairs and I want to echo Mr. Donahue's sentiments. We must work together to bring relief to those that this tax affects most—family-owned farms and businesses.

It is the family-owned farms and businesses across Arkansas and all across this Nation that serve as the backbone of our rural communities. To put it simply, they are the economic engines of rural America. It is the family-owned businesses that provide jobs, wages, and health care for my constituents. It is the family-owned businesses that sponsor Little League, they pay local taxes, they are a part of the community. They live there. And that's why family-owned businesses aren't the ones that are shutting down and heading off-shore. When we force family businesses to spend valuable assets on estate planning and life insurance rather than on investing and expanding their businesses, we are putting them at a disadvantage to their publically-traded competitors. I, for one, intend to fight for these family businesses, fight for these communities, and fight for the jobs in rural America.

In the wake of the House vote and the real lack of votes here in the Senate to pass a complete repeal bill, talk of compromise has raised speculation of higher exemptions and/or lower tax rates as an alternative to complete repeal.

Quite frankly, I believe these compromise approaches are incomplete solutions to the problems faced by family-owned farms and businesses. Certainly, I understand that a higher exemption and lower rates will be considered as part of a compromise. But both are expensive and inefficient methods to specifically reach family-owned farms and businesses.

Given the restraints of our budget deficits today, I ask, how can we raise the exemption high enough, or lower the rates low enough, to provide necessary relief for family farms and businesses?

We could not get there in 2001 when projected surpluses reached $5 trillion. What makes us think we can solve this problem today with projected deficits totaling $2.6 trillion in the President's budget?

We took these approaches in 2001, and family-owned farms and businesses still face this tax today, so we should be leery of any compromise approach that considers only rates and exemptions. They were incomplete compromise solutions then—and they will be tomorrow.

In this environment, I feel we are seriously losing ground on coming to a fair and final resolution of this issue. In the meantime, the current state of the law places many family-owned businesses in an extremely uncertain and precarious position—a law that taxes family-owned businesses today, then repeals the tax in 2010, and then snaps back to pre–2001 law in 2011 is simply not responsible on our part. This amounts to nothing more than a nightmarish rollercoaster ride for the businesses we intended to help!

So, we need to set some priorities and go about the business of lifting this tax from these family-owned farms and businesses first.

On the subject of setting priorities, I would like to relay a statistic that may startle my colleagues a bit. The IRS Statistics of Income for 2003 show that only 7.4 percent of the estate tax is paid on ''farm assets, closely held stock, or other non-corporate business assets.'' These 7.4 percent should be our first priority in any compromise the estate tax. The remaining 92.6 percent of assets—such as widely-held stock, bonds, insurance proceeds, art, and real estate partnerships—should not drive or dictate our actions at the expense of America's family-owned farms and businesses.

This simple statistic helps lead us to a targeted solution which should cost less and immediately help those we intended to help in the first place. Today, I introduce the ''Estate Tax Repeal Acceleration for Family-Owned Businesses and Farms Act''—or ExTRA. Under ExTRA, an estate may voluntarily elect to exclude an unlimited portion of family business assets from the estate tax. The carryover basis rules will apply to these business assets and no estate tax will be paid on them. That is the same deal that repeal promises—but we do so immediately and permanently—and at a fraction of the cost.

My bill does not seek to change current law to repeal the estate tax. It would leave in place the scheduled increases in the unified credit, the decreases in rates, and the repeal of the estate tax in 2010. My bill would only seek to rectify the special circumstances of family-owned businesses and farms, in an attempt, not to inflame the issue further, but to resolve this issue now and forever for those this effort was originally intended to help.

The goal of the Lincoln bill is that no family-owned farm or business will ever pay the estate tax. Americans are driven to build their lives and their communities and they want to be able to pass that on to the next generation. What comes of the American dream if someone works hard all their life to build something to pass on to their family, their legacy, and it has to be sold for taxes.

If there is an idea that will protect the American dream and the family-owned business, we should not be reluctant to put it on the table. Today, I am introducing such an idea, and I firmly believe such an approach must be part of any compromise if one is reached. In fact, I will not support any compromise that does not take care of family businesses in Arkansas.

I urge my colleagues to take a look and study the Lincoln bill to immediately and permanently repeal the estate tax for family owned farms and businesses.

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

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

S. 928

*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 ''Estate Tax Repeal Acceleration (ExTRA) for Family-Owned Businesses and Farms Act''.

**SEC. 2. REPEAL OF ESTATE TAX ON FAMILY-OWNED BUSINESSES AND FARMS.**

(a) CARRYOVER BUSINESS INTEREST EXCLUSION.—Part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to taxable estate) is amended by inserting after section 2058 the following new section:

**''SEC. 2059. CARRYOVER BUSINESS INTERESTS.**

''(a) GENERAL RULES.—

''(1) ALLOWANCE OF DEDUCTION.—For purposes of the tax imposed by section 2001, in the case of an estate of a decedent to which this section applies, the value of the taxable estate shall be determined by deducting from the value of the gross estate the adjusted value of the carryover business interests of the decedent which are described in subsection (b)(2).

''(2) APPLICATION OF CARRYOVER BASIS RULES.—With respect to the adjusted value of the carryover business interests of the decedent which are described in subsection (b)(2), the rules of section 1023 shall apply.

''(b) ESTATES TO WHICH SECTION APPLIES.—

''(1) IN GENERAL.—This section shall apply to an estate if—

''(A) the decedent was (at the date of the decedent's death) a citizen or resident of the United States,

''(B) the executor elects the application of this section under rules similar to the rules of paragraphs (1) and (3) of section 2032A(d) and files the agreement referred to in subsection (e), and

''(C) during the 8-year period ending on the date of the decedent's death there have been periods aggregating 5 years or more during which—

''(i) the carryover business interests described in paragraph (2) were owned by the decedent or a member of the decedent's family, and

''(ii) there was material participation (within the meaning of section 2032A(e)(6)) by the decedent, a member of the decedent's family, or a qualified heir in the operation of the business to which such interests relate.

''(2) INCLUDIBLE CARRYOVER BUSINESS INTERESTS.—The carryover business interests described in this paragraph are the interests which—

''(A) are included in determining the value of the gross estate,

''(B) are acquired by any qualified heir from, or passed to any qualified heir from, the decedent (within the meaning of section 2032A(e)(9)), and

''(C) are subject to the election under paragraph (1)(B).

''(3) RULES REGARDING MATERIAL PARTICIPATION.—For purposes of paragraph (1)(C)(ii)—

''(A) in the case a surviving spouse, material participation by such spouse may be satisfied under rules similar to the rules under section 2032A(b)(5),

''(B) in the case of a carryover business interest in an entity carrying on multiple trades or businesses, material participation in each trade or business is satisfied by material participation in the entity or in 1 or more of the multiple trades or businesses, and

''(C) in the case of a lending and finance business (as defined in section 6166(b)(10)(B)(ii)), material participation is satisfied under the rules under subclause (I) or (II) of section 6166(b)(10)(B)(i).

''(c) ADJUSTED VALUE OF THE CARRYOVER BUSINESS INTERESTS.—For purposes of this section—

''(1) IN GENERAL.—The adjusted value of any carryover business interest is the value of such interest for purposes of this chapter (determined without regard to this section), as adjusted under paragraph (2).

''(2) ADJUSTMENT FOR PREVIOUS TRANSFERS.—The Secretary may increase the value of any carryover business interest by that portion of those assets transferred from such carryover business interest to the decedent's taxable estate within 3 years before the date of the decedent's death.

''(d) CARRYOVER BUSINESS INTEREST.—

''(1) IN GENERAL.—For purposes of this section, the term 'carryover business interest' means—

''(A) an interest as a proprietor in a trade or business carried on as a proprietorship, or

''(B) an interest in an entity carrying on a trade or business, if—

''(i) at least—

''(I) 50 percent of such entity is owned (directly or indirectly) by the decedent and members of the decedent's family,

''(II) 70 percent of such entity is so owned by members of 2 families, or

''(III) 90 percent of such entity is so owned by members of 3 families, and

''(ii) for purposes of subclause (II) or (III) of clause (i), at least 30 percent of such entity is so owned by the decedent and members of the decedent's family.

For purposes of the preceding sentence, a decedent shall be treated as engaged in a trade or business if any member of the decedent's family is engaged in such trade or business.

''(2) LENDING AND FINANCE BUSINESS.—For purposes of this section, any asset used in a lending and finance business (as defined in section 6166(b)(10)(B)(ii)) shall be treated as an asset which is used in carrying on a trade or business.

''(3) LIMITATION.—Such term shall not include—

''(A) any interest in a trade or business the principal place of business of which is not located in the United States,

''(B) any interest in an entity, if the stock or debt of such entity or a controlled group (as defined in section 267(f)(1)) of which such entity was a member was readily tradable on an established securities market or secondary market (as defined by the Secretary) at any time,

''(C) that portion of an interest in an entity transferred by gift to such interest within 3 years before the date of the decedent's death, and

''(D) that portion of an interest in an entity which is attributable to cash or marketable securities, or both, in any amount in excess of the reasonably anticipated business needs of such entity.

In any proceeding before the United States Tax Court involving a notice of deficiency based in whole or in part on the allegation that cash or marketable securities, or both, are accumulated in an amount in excess of the reasonably anticipated business needs of such entity, the burden of proof with respect to such allegation shall be on the Secretary to the extent such cash or marketable securities are less than 35 percent of the value of the interest in such entity.

''(4) RULES REGARDING OWNERSHIP.—

''(A) OWNERSHIP OF ENTITIES.—For purposes of paragraph (1)(B)—

''(i) CORPORATIONS.—Ownership of a corporation shall be determined by the holding of stock possessing the appropriate percentage of the total combined voting power of all classes of stock entitled to vote and the appropriate percentage of the total value of shares of all classes of stock.

''(ii) PARTNERSHIPS.—Ownership of a partnership shall be determined by the owning of the appropriate percentage of the capital interest in such partnership.

''(B) OWNERSHIP OF TIERED ENTITIES.—For purposes of this section, if by reason of holding an interest in a trade or business, a decedent, any member of the decedent's family, any qualified heir, or any member of any qualified heir's family is treated as holding an interest in any other trade or business—

''(i) such ownership interest in the other trade or business shall be disregarded in determining if the ownership interest in the first trade or business is a carryover business interest, and

''(ii) this section shall be applied separately in determining if such interest in any other trade or business is a carryover business interest.

''(C) INDIVIDUAL OWNERSHIP RULES.—For purposes of this section, an interest owned, directly or indirectly, by or for an entity described in paragraph (1)(B) shall be considered as being owned proportionately by or for the entity's shareholders, partners, or beneficiaries. A person shall be treated as a beneficiary of any trust only if such person has a present interest in such trust.

''(e) AGREEMENT.—The agreement referred to in this subsection is a written agreement signed by each person in being who has an interest (whether or not in possession) in any property designated in such agreement consenting to the application of this section with respect to such property.

''(f) OTHER DEFINITIONS AND APPLICABLE RULES.—For purposes of this section—

''(1) QUALIFIED HEIR.—The term 'qualified heir' means a United States citizen who is—

''(A) described in section 2032A(e)(1), or

''(B) an active employee of the trade or business to which the carryover business interest relates if such employee has been employed by such trade or business for a period of at least 10 years before the date of the decedent's death.

''(2) MEMBER OF THE FAMILY.—The term 'member of the family' has the meaning given to such term by section 2032A(e)(2).

''(3) APPLICABLE RULES.—Rules similar to the following rules shall apply:

''(A) Section 2032A(b)(4) (relating to decedents who are retired or disabled).

''(B) Section 2032A(e)(10) (relating to community property).

''(C) Section 2032A(e)(14) (relating to treatment of replacement property acquired in section 1031 or 1033 transactions).

''(D) Section 2032A(g) (relating to application to interests in partnerships, corporations, and trusts).

''(4) SAFE HARBOR FOR ACTIVE ENTITIES HELD BY ENTITY CARRYING ON A TRADE OR BUSINESS.—For purposes of this section, if—

''(A) an entity carrying on a trade or business owns 20 percent or more in value of the voting interests of another entity, or such other entity has 15 or fewer owners, and

''(B) 80 percent or more of the value of the assets of each such entity is attributable to assets used in an active business operation, then the requirements under subsections (b)(1)(C)(ii) and (d)(3)(D) shall be met with respect to an interest in such an entity.''.

(b) CARRYOVER BASIS RULES FOR CARRYOVER BUSINESS INTERESTS.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1022 the following new section:

**''SEC. 1023. TREATMENT OF CARRYOVER BUSINESS INTERESTS.**

''(a) IN GENERAL.—Except as otherwise provided in this section—

''(1) qualified property acquired from a decedent shall be treated for purposes of this subtitle as transferred by gift, and

''(2) the basis of the person acquiring qualified property from such a decedent shall be the lesser of—

''(A) the adjusted basis of the decedent, or

''(B) the fair market value of the property at the date of the decedent's death.

''(b) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means the carryover business interests of the decedent with respect to which an election is made under section 2059(b)(1)(B).

''(c) PROPERTY ACQUIRED FROM THE DECEDENT.—For purposes of this section, the following property shall be considered to have been acquired from the decedent:

''(1) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent.

''(2) Property transferred by the decedent during his lifetime—

''(A) to a qualified revocable trust (as defined in section 645(b)(1)), or

''(B) to any other trust with respect to which the decedent reserved the right to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

''(3) Any other property passing from the decedent by reason of death to the extent that such property passed without consideration.

''(d) COORDINATION WITH SECTION 691.—This section shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 691.

''(e) CERTAIN LIABILITIES DISREGARDED.—

''(1) IN GENERAL.—In determining whether gain is recognized on the acquisition of property—

''(A) from a decedent by a decedent's estate or any beneficiary other than a tax-exempt beneficiary, and

''(B) from the decedent's estate by any beneficiary other than a tax-exempt beneficiary, and in determining the adjusted basis of such property, liabilities in excess of basis shall be disregarded.

''(2) TAX-EXEMPT BENEFICIARY.—For purposes of paragraph (1), the term 'tax-exempt beneficiary' means—

''(A) the United States, any State or political subdivision thereof, any possession of the United States, any Indian tribal government (within the meaning of section 7871), or any agency or instrumentality of any of the foregoing,

''(B) an organization (other than a cooperative described in section 521) which is exempt from tax imposed by chapter 1,

''(C) any foreign person or entity (within the meaning of section 168(h)(2)), and

''(D) to the extent provided in regulations, any person to whom property is transferred for the principal purpose of tax avoidance.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 2058 the following new item:

''Sec. 2059. Carryover business exclusion.''.

(2) The table of sections for part II of subchapter O of chapter 1 of such Code is amended by inserting after the item relating to section 1022 the following new item:

''Sec. 1023. Treatment of carryover business interests.''.

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to estates of decedents dying, and gifts made—

(1) after the date of the enactment of this Act, and before January 1, 2010, and

(2) after December 31, 2010.

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By Mr. ALLEN (for himself, Mr. CHAMBLISS, Mr. INHOFE, Mr. COBURN, Mr. TALENT, Mr. CORNYN, and Mr. ISAKSON):

S. 929. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I rise in support of legislation that I reintroduced today with a number of my Senate colleagues—the Volunteer Pilot Organization Protection Act of 2005.

The spirit of volunteerism is indelibly rooted in our Nation's history. From when early settlers landed in Jamestown in 1607 to when our citizen soldiers took up arms against the British Crown in the Revolutionary War, volunteerism has always been a part of American culture.

But that unwavering spirit did not stop there, it has continued and thrived in many individuals and charitable organizations today. One such group of organizations that has selflessly given back so much to Virginians and Americans are charitable medical transportation systems operated by volunteer pilot organizations, VPOs.

The mission and purpose of public benefit and non-profit volunteer pilot organizations involved in patient transport is to ensure that no financially needy patient is denied access to distant specialized medical evaluation, diagnosis or treatment for lack of a means of long-distance medical air transportation. The principal goal is to remove the geographical and financial burdens that would deny access to specialized care.

Last year public benefit flying nonprofit volunteer pilot organizations provided long-distance, no-cost transportation for over 40,000 patients and their escorts in times of special need. Mr. President, this year, that figure will likely grow to roughly 54,000 people.

One such organization that has played an intricate part in this mission is Angel Flight. Angel Flight is a not-for-profit grassroots organization with a volunteer corps of more than 6,200 volunteer pilots/plane owners—divided into six regions across the United States—who fly under the banner of Angel Flight America. Angel Flight provides flights of hope and healing by transporting patients and their families in private planes, free of charge, to hospitals for medical treatment.

Following the terrorist attacks of September 11, 2001, the Department of Transportation and the FAA closed airports and grounded commercial air traffic, but the FAA allowed Angel Flight volunteers to fly. Angel Flight pilots flew firefighters, families of victims of the bombings, Red Cross personnel, medical and other supplies including the protective booties for the Search and Rescue dogs to New York and Washington, DC.

In my years of public service, I have always maintained that we must provide access to care to all Virginians and Americans. Medical care should be available to all individuals. Sadly, our Nation is facing a medical crisis. Medical malpractice insurance costs and Medicare physician reimbursement are forcing many of our doctors to stop seeing ''high-risk'' patients or Medicare beneficiaries and in some cases forcing our doctors to give up practice altogether and retire. As a result, patients have to travel great distances to receive the medical care that they need to live happy, healthy and productive lives. Unfortunately, a number of these patients do not have the financial means to travel long distances, thus, ultimately denying patients access to life-saving or quality of life improving specialized treatment.

We can say the same with patients who rely on volunteer pilot organizations such as Angel Flight or one of its subsidiary groups like Mercy Medical Airlift in my home Commonwealth of Virginia. Unfortunately, due to the public's apparent notion that organizations that use airplanes are financially well-off and have deep pockets, many of the volunteer pilot organizations are open to frivolous and junk lawsuits. This leads to an access to care issue.

Also, aviation insurance has skyrocketed up in price and non-owned aircraft liability insurance is no longer reasonably available to volunteer pilot organizations. Many insurance companies had always provided this type of insurance but post September 11, 2001, this insurance is scarcely found and if found, the costs have increased greatly, to the astronomical sums of $5 million a year. Because of the exorbitant costs of insurance, volunteer pilot organizations have a difficult time recruiting and retaining pilots and professional persons.

I would like to submit an editorial written by the Virginian Pilot. This editorial correctly identifies the obstacles that these volunteer pilot organizations have to go through. I would like that editorial inserted here.

That is why I decided to introduce the Volunteer Pilot Organization Protection Act. In 1997, Congress passed the Volunteer Protection Act, which handled much of the liability issue for volunteer endeavors in the country; however, this legislation did not adequately address aviation-related matters.

My bill amends the highly regarded Good Samaritan Act to provide necessary liability protections in the area of charitable medical air transportation and promote volunteer pilot organizations. More specifically, this legislation will protect volunteer pilot organizations, their boards and small paid staff and nonflying volunteers from liability should there be an accident. The VPOs are simply the ''matchmakers'' between the volunteer pilot willing to help a neighbor and the needy patient family. The pilot has full and sole responsibility for conducting the flight in a safe manner in accordance with Federal Aviation Regulations. In addition, this legislation will provide liability protection for the individual volunteer pilot over and above the liability insurance that they are required to carry.

Furthermore, the Volunteer Pilot Protection Act will provide liability protection for ''referring agencies'' who tell their patients that the charitable flight service is available. Referring hospitals and clinics are becoming unwilling to inform their patients that charitable medical air transportation help is available for fear of a liability against them should something happen in a subsequent volunteer pilot flight. Hence, organizations like the Shriners Hospital System and the American Cancer Society would be able to make known available volunteer pilot services to transport their patients to Shriners or other hospitals where they receive care.

I know a few people have concerns that this bill would provide blanket immunity to Volunteer Pilot Organizations but I want to stress that my bill requires insurance on the part of the pilot and if there is negligence on behalf of the pilot, the injured party does have legal recourse. This bill does not provide blanket immunity to VPOs, but has been carefully worded to allow

legal action to be brought against the insurance policy of the pilot in event of negligence.

By providing volunteer pilots with liability protection, insurance rates for these pilots will ultimately be reduced. Therefore, more pilots will be able to afford insurance and fly for the public good. With less-costly insurance available, I am confident that more pilots will generously give their time to fly for and help the medically needy.

This bill enjoys the support of a number of charitable organizations, including the Children's Organ Transplant Association, the National Organization for Rare Disorders, the Air Care Alliance, the Independent Charities of America, the Health and Medical Research Charities of America, the National Association of Hospital Hospitality Houses, and many others.

Not only does this legislation enjoy the support of numerous charitable organizations, it also enjoyed the support of the United States House of Representatives. On September 14, 2004, the House of Representatives passed the Volunteer Pilot Organization Protection Act of2004 by a vote of 385–12. Mr. President, this is a clear indication that this bill has broad bipartisan support in the House and I know the House will once again pass this commonsense legislation.

I am confident that this legislation will start a trend to help curb the large amounts of counterproductive lawsuits, lower insurance costs, and promote the spirit of volunteerism that has been rooted in the framework of our country's storied history. I, along with the volunteer pilots and organizations, and with the thousands of families who rely and may rely on the help of volunteer pilot organizations, urge the Senate to quickly and finally pass this legislation in the 109th Congress.

I would like to thank Congresswoman THELMA DRAKE, our newest member to the Virginia team, for taking over this legislation for former Congressman Ed Schrock and introducing the companion bill on the House side. In addition, I would also like to thank the original cosponsors of this legislation, Senators CHAMBLISS, INHOFE, COBURN, TALENT, CORNYN, and ISAKSON for their support as we work to pass this vitally necessary legislation.

[From the (Norfolk) Virginian-Pilot, Mar. 11, 2003]

SHIELD HELPFUL PILOTS FROM FRIVOLOUS LAWSUITS

In the realm of volunteers, few outshine the generous folks at Angel Flight.

This nonprofit organization flies patients for whom air transport would be otherwise unaffordable to medical facilities around the country. Private pilots spirit individuals to dialysis, chemotherapy sessions, organ transplants and other surgeries by donating their aircraft and their valuable time. The goal is a noble one: to ensure that no one in need is denied medical care for lack of long-distance transportation.

But in our lawsuit-happy society, even these warmhearted souls can't escape the possibility of landing in court. While a law known as the Volunteer Protection Act shields most people who give their time to worthy causes from frivolous suits, it doesn't cover volunteer pilots or flight organizers. Liability insurance costs for Angel Flight and similar nonprofits have skyrocketed from $1,000 to more than $25,000 annually.

This prohibitive price tag threatens the future of Angel Flight, which is funded solely through donations. A spokeswoman for Angel Flight Mid-Atlantic, headquartered in Virginia Beach, said the burden will ultimately fall on sick and needy patients. And with 600 volunteer pilots transporting an average of 100 medical cases a month, literally thousands of lives may be affected by this oversight in the law.

Fortunately, lawmakers are paying attention. U.S. Rep. Ed Schrock recently introduced bipartisan legislation to add volunteer-pilot organizations to the ranks of those covered by the Volunteer Protection Act. U.S. Sen. George Allen is expected to introduce a similar measure in the Senate. Congress should pass these bills, the sooner the better. Keeping Angel Flight aloft is literally a life-and-death matter.

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

S. 930. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, today I introduce Senate Bill 930, the Food and Drug Administration Safety Act of 2005. I am pleased that Senator DODD is co-sponsoring another piece of drug safety legislation with me. This legislation is part of a sustained effort to restore public confidence in the Federal Government's food and drug safety agency. Enactment of this bill will be another meaningful step toward greater accountability and transparency at the FDA. Importantly, this legislation provides the FDA with some much needed authorities to ensure the safety and efficacy of drugs for the long haul.

The Food and Drug Administration cannot always serve the American people and the interests of the drug industry at the same time. These two interests are often at odds with each other. When there is a conflict the American people should win out each and every time. The Vioxx situation is a classic example of this inherent conflict. American consumers demand and deserve assurances that the medicines in their cabinets are safe. The risks associated with a drug should be outweighed by its benefits, and this risk-benefit analysis should not be negotiated by the industry behind closed doors. Unfortunately, reforms at the FDA are necessary to place drug safety front and center once and for all.

When drugs go on the market, they are used by exponentially larger numbers of people than were involved in the pre-approval trials. What John Q. Public deserves and demands is for the FDA to embrace a renewed mission to pursue aggressively key safety questions that the industry would sometimes prefer to ignore. The FDA must protect the health of the public by considering not only the benefits but also the risks of drugs for the tens of millions of Americans who actually use new drugs already available in the marketplace. The FDA's post-market evaluation and research needs to be a separate but equal partner with pre-approval evaluation. Indeed FDA's post marketing surveillance function can no longer take a back seat within the agency.

I have been pressing for necessary reforms at the FDA—both administrative and legislative—and the focus of these reforms center on a reorganization of the FDA. The Food and Drug Administration Safety Act of 2005 will establish an independent Center within the FDA—the Center for Post-market Drug Evaluation and Research (CPDER). The new Center's primary mission, vision and values will focus on conducting risk assessment for approved drugs and biological products once they are on the market. The Director of the Center will report directly to the FDA Commissioner and will be responsible for monitoring and assessing the safety and efficacy of drugs and biological products.

Today's legislation is focused on the equal importance of pre-marketing evaluations by the Center for Drug Evaluation and Research (CDER)—the pre-market Center—and post-marketing evaluations by the newly established post-market Center. Consultation and coordination between pre-market and post-market Centers will be essential, but their relationship will place them on equal footing with the other. The present Office of Drug Safety will no longer be effectively under the thumb of the Office of New Drugs. We are hopeful that this reorganization of the FDA will go a long way toward eliminating the conflict of interest that shadows the FDA's post-market risk assessment presently.

Today's legislation will also: authorize the Director to require manufacturers to conduct post-market clinical or observational studies if there are questions about the safety or efficacy of a drug or biological product.

Authorize the Director to determine whether an approved drug or licensed biological product may present an unreasonable risk to the health of patients or the general public, given the known benefits.

Authorize the Director to take corrective action if a drug or biological product presents an unreasonable risk to patients or the general public—including the authority to make changes to the label or approved indication, place restrictions on product distribution, require physician and consumer education, and require the use of other risk management tools.

Allow the Director to withdraw approval of a drug or biological product if necessary to protect the public health.

Require submission of advertising prior to dissemination, and certain advertising disclosures related to risks and benefits to patients, if one or more

of the three following conditions is met: the Director has determined that the product may present an unreasonable risk to patients, the product is the subject of an outstanding post-market study requirement, or the product was approved within the last two years.

Establish strong enforcement mechanisms, including civil monetary penalties, for those who fail to comply.

Ensure that the Director benefits from all appropriate resources, including but not limited to consultation with the Center for Drug Evaluation and Research (CDER) or the Center for Biologics Evaluation and Research (CBER), and makes all decisions based on a risk-benefit analysis.

Ensure that all findings and decisions made by CPDER are transparent.

Require a report and recommendations to Congress on post-market surveillance of medical devices.

Authorize graduated appropriations totaling $500 million over five years to ensure that CPDER has the resources to accomplish its goals.

Today's legislation is another important step toward reforming the FDA. I urge my colleagues to join me in this effort by cosponsoring this important legislation.

Mr. DODD. Mr. President, I rise today to join Senator GRASSLEY in announcing the introduction of the Food and Drug Administration Safety Act of 2005 (FDASA). I would like to thank Senator GRASSLEY for his commitment to this issue and his willingness to work on this important legislation in a bipartisan manner. Senator GRASSLEY and I have spent the past several months crafting this legislation, which will create a new center within the FDA that will be responsible for ensuring that prescription drugs are safe once they are on the market.

Our hope is that the creation of this new center will restore confidence in the medicines that so many Americans rely on to safeguard their health and well-being. Patients should be able to rest-assured that the drugs they take to help them will not hurt them instead.

The American pharmaceutical industry is a true success story. Their incredible innovations over the last few decades have saved and improved millions of lives, and made prescription drugs an integral part of quality health care. I am proud to say that Connecticut is home to a number of leading pharmaceutical companies. There is very little question that the American drug industry is the world leader. This is due, in no small part, to the FDA. Throughout the world, the FDA seal of approval—the words ''FDA Approved''—has stood as the gold standard for safety and quality.

Unfortunately, events of the past year have put patients at risk and have seriously tarnished the FDA's image. Recent developments have cast into doubt the FDA's ability to ensure that the drugs that it approves are safe—especially once they are on the market. These concerns are bad for patients, bad for physicians, and bad for the drug industry.

Like many Americans, I have been deeply disturbed by the revelations of significant risk associated with widely used medications to treat pain and depression. These revelations raise real and legitimate questions about the safety of drugs that have already been approved. It would be one thing if these drugs were in a trial phase, but safety issues are being identified in drugs that are already on the market and widely used. Health risks significant enough to remove drugs from the market or significantly restrict their use are becoming clear only after millions of Americans have been exposed to real or potential harm.

It has been estimated that more than 100,000 Americans might have been seriously injured or killed by a popular pain medication, while millions of children have been prescribed antidepressants that could put them at risk. This recent spate of popular medicines being identified as unsafe underscores the need to take additional steps to monitor and protect safety after a drug has been approved.

The legislation that Senator GRASSLEY and I are introducing today will do three things to restore confidence in the words ''FDA Approved,'' and ensure that the FDA has all the tools that it needs to protect patients. First and foremost, it will establish within the FDA a new center—the Center for Postmarket Drug Evaluation and Research (CPDER)—which will report directly to the FDA Commissioner and be responsible for ensuring the safety and effectiveness of drugs and biological products once they are on the market.

I strongly believe that the creation of such a new, independent center is necessary. There have been disturbing reports that suggest that the FDA does not place enough emphasis on drug safety, and that concerns raised by those in the Office of Drug Safety (ODS) are sometimes ignored and even suppressed. An internal study conducted by the HHS Office of the Inspector General in 2002 revealed that approximately one-fifth of drug reviewers had been pressured to approve a drug despite concerns about safety, efficacy, or quality. In addition, more than one-third said they were ''not at all'' or only ''somewhat'' confident that final decisions of the Center for Drug Evaluation and Research (CDER) adequately assessed safety. The creation of a new center will raise the profile of drug safety within the agency.

Second, our bill will provide the Director of CPDER with significant new authorities, including: the authority to require drug companies to conduct postmarket studies of their products if there are questions about safety or effectiveness; the authority to take corrective actions, such as labeling changes, restricted distribution, and other risk management tools, if an unreasonable risk exists; the authority to review drug advertisements before they are disseminated, and to require certain disclosures about increased risk; and in extreme cases, the authority to pull the product off the market.

These new authorities will allow the FDA to act quickly to get answers when there are questions about the safety of a drug, and to act decisively to mitigate the risks when the evidence shows that a drug presents a safety issue. With these authorities, we will never again have a situation where a critical labeling change takes two years to complete, as was the case with Vioxx. When we are talking about drugs that are already on the market and in widespread use, any delay can put millions of patients in harm's way.

Third and lastly, this legislation will authorize the appropriation of $500 million over the next 5 years to provide the new center with the resources to carry out the provisions of this legislation.

I would like to thank several groups that have endorsed this bill, and that were instrumental in its drafting, including Consumer's Union, the Elizabeth Glaser Pediatric AIDS Foundation, the National Organization for Rare Disorders (NORD), the National Women's Health Network (NWHN), the U.S. Public Interest Research Group (PIRG), the Consumer Federation of America, and the Center for Medical Consumers.

I look forward to working with all of my colleagues, including Senator ENZI and Senator KENNEDY on the HELP Committee, to see this legislation enacted as soon as possible. By strengthening the ability of the FDA to ensure the safety of prescription drugs once they are on the market, this legislation will allow physicians to prescribe, and patients to use, prescription drugs without wondering if the medicines intended to help them will hurt them instead. It will help ensure that the term ''FDA-Approved'' will remain the gold standard for safety and quality.

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By Mr. BURNS:

S. 931. A bill to reduce temporarily the duty on certain articles of natural cork; to the Committee on Finance.

Mr. BURNS. Mr. President, today I am introducing legislation to address the difference between the import tariff placed on unfinished cork and refined cork. Unfinished cork has a higher import tariff than already-refined cork—this problem is in need of a resolution.

Unfinished cork is the principal element of a fishing pole's grip and must be imported as it is not available domestically. Many fishing rod companies reside in Montana, such as the R.L. Winston Rod Company of Twin Bridges. I am aware that fishing rod manufacturers, particularly fly-fishing rod manufacturers, are under pressure to increase the price of their equipment because of prohibitively high tariff on the import of unfinished cork.

While the tariff on already-finished cork is 6 percent, unfinished cork is subject to a 14 percent tariff. It just does not make good sense to charge a significantly higher levy on an unfinished product that is imported and then handcrafted by American workers.

This inconsistency must end by leveling the difference between the two tariffs. The reduction will enable American workers to continue manufacturing custom-made fishing rod grips, keep the price of all fishing poles down, and bring a measure of common sense to this portion of our tariff law. Once resolved, domestic businesses will be able to finish fly rods here, leading to an increasingly competitive place in the market for American goods. With this change Montana's small businesses will benefit as will our overall economy in the state.

I am pleased that some of my colleagues in the House have decided to assist in this effort. I truly appreciate the work of Representative SIMMONS of Connecticut, who is leading this legislation in the House. He has already signed on 17 co-sponsors to this legislation at last count. His assistance has been invaluable, and I look forward to working with him as this legislation moves forward.

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

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

S. 931

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

**SECTION 1. CERTAIN ARTICLES OF NATURAL CORK.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

| | | | | | | |
|---|---|---|---|---|---|---|
| '' | 9902.45.03 | Articles of natural cork (provided for in subheading 4503.90.60) .. | 6% | No change | No change | On or before 12/31/2008 ''. |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

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By Mr. KENNEDY (for himself, Mr. DURBIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. HARKIN, Mr. DODD, Mr. LAUTENBERG, Mr. CORZINE, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, and Mr. DAYTON):

S. 932. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, the ability of American families to live the American dream is becoming harder and harder. With each passing month, it's more difficult for families to earn a living—to pay the mortgage and the doctor bills, and send their sons and daughters to college.

In the Bush economy, families are worried about their job security, their income, and the cost of living. They're working longer and harder and finding it more and more difficult to balance their work and their family responsibilities.

Most Americans assume that paid sick days are a right. They're not. Half of all American workers are not guaranteed the right to time off when they're ill, without losing their pay, or even their job.

In 1993, Congress and the administration guaranteed unpaid leave for millions of working men and women to deal with serious medical problems.

It's time to build on this success, and ensure that millions of workers can also take time off when they need an annual check-up, when their children are sick with a cold, and when their ailing elderly parents need to be taken to the doctor.

Hard-working men and women deserve better. That's why Congresswoman DELAURO and I are introducing legislation to guarantee workers 7 days of paid sick leave a year to care for their own medical needs and those of their family members. This proposal covers workers at all businesses, except small businesses with fewer than 15 employees.

This is a family issue. When my son was diagnosed with cancer in his leg as a child, and had to undergo surgery, I was able to take the time I needed to be there for him. But year after year, countless employees have to choose between the job they need and the family they love. Families deserve the flexibility to care for each other when they get sick.

It's an economic issue. Paid sick days actually save businesses money through reduced turnover and increased productivity. A recent study by Cornell University examined the problem of employees coming to work despite medical problems. They found it costs business $180 billion annually in lost productivity.

It's also a public health issue. Too often, employees come to work sick and co-workers and many others can easily be infected. Recently, a court ruled that because of the lack of paid sick leave, a stomach virus in one worker infected 600 guests and 300 employees at the Reno Hilton Hotel in Nevada.

Paid sick days will help prevent the spread of illnesses like that. Taking time off to treat illnesses and injuries will save health costs in the long run. It will make an important difference for insurers, for hospitals, and for the health of millions of Americans.

It's long past time to provide paid sick days for workers. This bill is a first step to guarantee that every worker who needs sick leave has it and can afford to take it.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 126—HONORING FRED T. KOREMATSU FOR HIS LOYALTY AND PATRIOTISM TO THE UNITED STATES AND EXPRESSING CONDOLENCES TO HIS FAMILY, FRIENDS, AND SUPPORTERS ON HIS DEATH

Mr. DURBIN (for himself, Mr. INOUYE, and Mr. STEVENS) submitted the following resolution which was considered and agreed to:

S. RES. 126

Whereas on January 30, 1919, Fred Toyosaburo Korematsu was born in Oakland, California, to Japanese immigrants;

Whereas Fred Korematsu graduated from Oakland High School and tried on 2 occasions to enlist in the United States Army but was not accepted due to a physical disability;

Whereas on December 7, 1941, Japan attacked the United States military base at Pearl Harbor, Hawaii, forcing the United States to enter World War II against Japan, Germany, and Italy;

Whereas on February 19, 1942, President Franklin D. Roosevelt signed Executive Order number 9066 (42 Fed. Reg. 1563) as ''protection against espionage and against sabotage to national defense'', which authorized the designation of ''military areas . . . from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restriction the . . . Military Commander may impose in his discretion'';

Whereas the United States Army issued Civilian Exclusion Order Number 34, directing that after May 9, 1942, all persons of Japanese ancestry were to be removed from designated areas of the West Coast because they were considered to be a security threat;

Whereas in response to that Civilian Exclusion Order, Fred Korematsu's family reported to Tanforan, a former racetrack in the San Francisco area that was used as 1 of 15 temporary detention centers, before being sent to an internment camp in Topaz, Utah;

Whereas more than 120,000 Japanese Americans were similarly detained in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming, without any charges brought or due process accorded;

Whereas Fred Korematsu, then 22 years old and working as a shipyard welder in Oakland, California, refused to join his family in reporting to Tanforan, based on his belief that he was a loyal American and not a security threat;

Whereas on May 30, 1942, Fred Korematsu was arrested and jailed for remaining in a military area, tried in United States district court, found guilty of violating Civilian Exclusion Order Number 34, and sentenced to 5 years of probation;

Whereas Fred Korematsu unsuccessfully challenged that Civilian Exclusion Order as it applied to him, and appealed the decision of the district court to the United States

Court of Appeals for the 9th Circuit, where his conviction was sustained;

Whereas Fred Korematsu was subsequently confined with his family in the internment camp in Topaz for 2 years, and during that time, he appealed his conviction to the United States Supreme Court;

Whereas on December 18, 1944, the Supreme Court issued its decision in Korematsu v. United States, 323 U.S. 214, which upheld Fred Korematsu's conviction by a vote of 6-to-3, based on the finding of the Supreme Court that Fred Korematsu was not removed from his home ''because of hostility to him or his race'' but because the United States was at war with Japan and the United States military ''feared an invasion of our West Coast'';

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II;

Whereas, under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), an historian discovered numerous government documents indicating that, at the time Korematsu v. United States, 323 U.S. 214, was decided, the Federal Government suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas in light of this newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California;

Whereas on November 10, 1983, United States District Judge Marilyn Hall Patel overturned Fred Korematsu's conviction, concluding that senior government officials knew there was no factual basis for the claim of ''military necessity'' when they presented their case before the Supreme Court in 1944;

Whereas in that decision, Judge Patel stated that, while Korematsu v. United States ''remains on the pages of our legal and political history . . . [as] historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees'';

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts and circumstances surrounding the relocation and internment of Japanese Americans under Executive Order Number 9066 (42 Fed. Reg. 1563), concluded that ''today the decision in Korematsu lies overruled in the court of history'';

Whereas the Commission on Wartime Relocation and Internment of Civilians concluded that a ''grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed and detained by the United States during World War II'', and that those acts were ''motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership'';

Whereas the overturning of Fred Korematsu's conviction and the findings of Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) to request a Presidential apology and symbolic payment of compensation to persons of Japanese ancestry who lost liberty or property because of discriminatory action by the Federal Government;

Whereas on August 10, 1988, President Reagan signed that Act into law, stating, ''[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law'';

Whereas on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, ''In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.'';

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life, particularly speaking out against racial discrimination and violence targeting Arab, Muslim, South Asian, and Sikh Americans in the wake of the September 11, 2001, tragedy, and cautioning the Federal Government against repeating mistakes of the past by singling out individuals for heightened scrutiny on the basis of race, ethnicity, or religion;

Whereas on March 30, 2005, Fred Korematsu died at the age of 86 in Larkspur, California; and

Whereas Fred Korematsu was a role model for all Americans who love the United States and the promises contained in the Constitution, and his strength and perseverance serve as an inspiration for all people striving for equality and justice: Now, therefore, be it

*Resolved,* That the Senate—

(1) honors Fred T. Korematsu for his loyalty and patriotism to the United States, his work to advocate for the civil rights and civil liberties of all Americans, and his dedication to justice and equality; and

(2) expresses its deepest condolences to his family, friends, and supporters on his death.

## SENATE RESOLUTION 127—CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION, AND FOR OTHER PURPOSES

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Ms. LANDRIEU, Mr. SUNUNU, Mr. ALEXANDER, Mr. DEMINT, Mrs. DOLE, Mr. VITTER, Mr. BURR, and Mr. ALLARD) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than $1,500,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the sixth annual National Charter Schools Week, to be held May 1 through 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

*Resolved,* That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the sixth annual National Charter Schools Week; and

(3) it is the sense of the Senate that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 582. Mr. TALENT proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved.

SA 583. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 584. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 585. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 586. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 587. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 588. Mr. VOINOVICH (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 589. Mr. BINGAMAN (for himself, Mr. BENNETT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

SA 590. Mr. BINGAMAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 582.** Mr. TALENT proposed an amendment to amendment SA 567 proposed by Mr. INHOFE to the bill H.R. 3, Reserved; as followed:

At the appropriate place, insert the following:

**SEC. ___. FIRST RESPONDER VEHICLE SAFETY PROGRAM.**

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator, National Highway Traffic Safety Administration, shall—

(1) develop and implement a comprehensive program to promote compliance with State and local laws intended to increase the safe and efficient operation of first responder vehicles;

(2) compile a list of best practices by State and local governments to promote compliance with the laws described in paragraph (1);

(3) analyze State and local laws intended to increase the safe and efficient operation of first responder vehicles; and

(4) develop model legislation to increase the safe and efficient operation of first responder vehicles.

(b) PARTNERSHIPS.—The Secretary may enter into partnerships with qualified organizations to carry out this section.

(c) PUBLIC OUTREACH.—The Secretary shall use a variety of public outreach strategies to carry out this section, including public service announcements, publication of informational materials, and posting information on the Internet.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2006 to carry out the provisions of this section.

**SA 583.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

In section 178(c) of title 23, United States Code (as added by section 1824(a)), strike ''and transit''.

**SA 584.** Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of subtitle H of title I, add the following:

**SEC. ___. DESIGNATION OF HIGH PRIORITY CORRIDOR IN NEW YORK, VERMONT, NEW HAMPSHIRE, AND MAINE.**

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031; 112 Stat. 191; 115 Stat. 871) is amended by adding at the end the following:

''(46) The East-West Corridor, from Watertown, New York, continuing northeast through the States of New York, Vermont, New Hampshire, and Maine, and terminating in Calais, Maine.''.

**SA 585.** Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

At the end of section 1808, add the following:

(c) DESIGNATION OF ADDITION TO THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.—Section 14501(b) of title 40, United States Code, is amended by adding at the end the following:

''(3) DESIGNATION.—

''(A) IN GENERAL.—There is designated as an addition to the Appalachian development highway system the portion of United States Route 219 that—

**SA 586.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

Section 105(b)(1)(B) of title 23, United States Code (as amended by section 1104(a)) is amended by inserting after ''that decennial census,'' in the second place it appears the following: ''an indexed State motor fuel excise tax rate for gasoline that is greater than 150 percent of the Federal motor fuel excise tax rate for gasoline under section 4081 of the Internal Revenue Code of 1986,''.

**SA 587.** Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

Strike section 1701(b) and insert the following:

(b) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM ELIGIBILITY.—Section 149(b) of title 23, United States Code, is amended by striking paragraph (5) and inserting the following:

''(5) if the program or project improves traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, improve transportation systems management and operations, and implement, operate, and maintain intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of this paragraph.''.

**SA 588.** Mr. VOINOVICH (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

On page 551, strike lines 14 and 15 and insert the following:

''(B) coal combustion fly ash;

''(C) blast furnace slag aggregate; and

''(D) any other waste material or byprod-

**SA 589.** Mr. BINGAMAN (for himself, Mr. BENNETT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

On page 405, line 13, strike ''$1,607,547'' and insert ''$1,800,000''.

**SA 590.** Mr. BINGAMAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 3, Reserved; which was ordered to lie on the table; as follows:

On page 216, after the matter preceding line 1, insert the following:

**SEC. 1524. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.**

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

''(46) The corridor extending from the point on the border between the United States and Mexico at El Paso, Texas, where United States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.''.

## NOTICES OF HEARING/MEETINGS

ENERGY AND NATURAL RESOURCES COMMITTEE

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Wednesday, May 11, at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 895, a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

For further information please contact Nate Gentry at 202–224–2179 or David Marks at 202–228–6195.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, April 27, 2005 at 10:30 a.m. The purpose of this hearing will be to consider the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development and to be a member of the Board of Directors of the Commodity Credit Corporation.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, April 27, 2005, at 10 a.m. in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, April 27, 2005, at 10 a.m. for a hearing titled ''Chemical Attack on America: How Vulnerable Are We?''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 27, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Regulation of Indian Gaming.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Executive Nominations'' on Wednesday, April 27, 2005 at 9:30 a.m. in Dirksen Senate Office Building Room 226.

*Witness List:*

Panel I: Senators.

Panel II: Paul D. Clement, to be Solicitor General of the United States.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 27, 2005, at 9:30 a.m., to markup S. 271, a bill which reforms the regulatory and reporting structure of organizations registered under Section 527 of the Internal Revenue Code.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 27, 2005 at 9:30 a.m. to hold a hearing.

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

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, April 27, 2005 from 10 a.m.–12 p.m. in Dirksen G50 for the purpose of conducting a hearing.

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

## EXECUTIVE SESSION

### NOMINATION OF ROBERT J. PORTMAN TO BE UNITED STATES TRADE REPRESENTATIVE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 74.

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

The clerk will report.

The assistant legislative clerk read the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I understand we cannot get a time agreement on this nomination due to an objection on the other side. Therefore, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 74, the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

Bill Frist, Chuck Grassley, Sam Brownback, Kay Bailey Hutchison, David Vitter, Orrin Hatch, Elizabeth Dole, Lisa Murkowski, Bob Bennett, John Cornyn, Lamar Alexander, Johnny Isakson, C.S. Bond, Michael B. Enzi, Mike DeWine, John Ensign, Ted Stevens.

### NOMINATION OF STEPHEN L. JOHNSON TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 61.

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

The clerk will report.

The assistant legislative clerk read the nomination of Stephen L. Johnson, of Maryland, to be administrator of the Environmental Protection Agency.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, again I am told there is objection from the Democratic side to a time agreement on the nomination. Therefore, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 61, the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

Bill Frist, J.M. Inhofe, Sam Brownback, Kay Bailey Hutchison, David Vitter, Orrin Hatch, Elizabeth Dole, Lisa Murkowski, Bob Bennett, John Cornyn, Lamar Alexander, Johnny Isakson, C.S. Bond, Michael B. Enzi, Mike DeWine, John Ensign, Ted Stevens.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the live quorums with respect to both cloture votes be waived and the Senate resume legislative session.

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

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## VERMONT DAIRY FESTIVAL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that it be in order for the Agriculture Committee to be discharged from further consideration of S. Res. 118, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 118) recognizing June 2 through June 5, 2005, as the ''Vermont Dairy Festival,'' in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, I rise to discuss S. Res. 118, a resolution I submitted with Senator LEAHY to recognize the Enosburg Falls Vermont Dairy Festival in honor of Harold Howrigan.

Harold is a dairyman through and through.

He recently retired from the board of the St. Albans Co-op, a Vermont dairy cooperative, and he ably served as the board's president for 17 years.

Harold is a great guy—a real leader in Vermont's diary industry—and I've known him and his family for many years.

Dairy farming is a tough job, and only those who really love it are successful.

Congratulations, Harold, and I wish you the best in retirement.

Enosburg Falls and the Lions Club of Enosburg host and sponsor the Vermont Dairy Festival.

This year, the festival celebrates its 49th year.

They say it is the largest parade in Vermont, and I believe it is the largest.

Enosburg Falls is a small town; I know, I used to spend a lot of time there.

In fact, my family settled in Enosburg in 1792.

My family owned the local pharmacy on Main Street, in downtown Enosburg, for many years.

But during the festival, thousands of Vermonters show up to enjoy the parade and participate in the events.

It is a wonderful time.

Our resolution honors Harold's years of service.

And it recognizes the men and women who make the Vermont Dairy Festival the success that it is and will continue to be.

I am hopeful that the Senate will soon act on this resolution to appropriately celebrate Harold's career and Vermonts dairy farmers.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statement relating to the resolution be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas the town of Enosburg Falls, Vermont, will host the ''Vermont Dairy Festival'' from June 2 through June 5, 2005;

Whereas the men and women of the Enosburg Lions Club will sponsor the Vermont Dairy Festival, which celebrates its 49th year;

Whereas the Vermont Dairy Festival is a beloved expression of the civic pride and agricultural heritage of the people of Enosburg Falls and Franklin County, Vermont;

Whereas the people of Enosburg Falls and Franklin County have long-held traditions of family owned and operated dairy farms;

Whereas the St. Albans Cooperative Creamery, Inc., which was established in 1919, is a farmer-owned cooperative;

Whereas Harold Howrigan served on the Board of the St. Albans Cooperative for 24 years;

Whereas Mr. Howrigan was the President of the Board of the St. Albans Cooperative for 17 years;

Whereas Mr. Howrigan recently retired from his position as President of the Board of the St. Albans Cooperative; and

Whereas Mr. Howrigan led the St. Albans Cooperative to uphold the region's traditions and to meet future challenges: Now, therefore, be it

*Resolved*, That the Senate recognizes June 2 through June 5, 2005, as the ''Vermont Dairy Festival'', in honor of Harold Howrigan for his service to his community and the Vermont dairy industry.

## HONORING FRED T. KOREMATSU

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 126, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 126) honoring Fred T. Korematsu for his loyalty and patriotism to the United States and expressing condolences to his family, friends, and supporters on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating to this resolution be printed in the RECORD.

Mr. DURBIN. Mr. President, reserving the right to object, and I will not object, I would like to say a brief word or two about this resolution honoring the life of a great American who passed away recently. I am proud to be joined by Senators INOUYE and STEVENS on this resolution.

Three weeks ago, when I heard that Fred Korematsu died at the age of 86, I came to the Senate floor and paid my tribute. But because his place in our Nation's history is so important, I have come to the floor again to ask the entire Senate to recognize this man with this resolution.

In recent months, I have had several occasions to mention Fred Korematsu's name in committee and floor proceedings, because the story about the injustices he and thousands of others faced as a Japanese American during from World War II is one that we should never forget.

Today, as our Nation is engaged in a global war on terrorism and when we are confronting the issues of the balance between civil liberties and security, Fred Korematsu's name is a reminder that we need to learn from our history, as difficult and shameful as it may be.

In November 2003, Fred Korematsu filed a brief before the Supreme Court in a case involving the detentions at Guantanamo Bay. His brief contained a simple plea to the government: ''to avoid repeating the mistakes of the past, this court should make clear that the United States respects constitutional and human rights, even in times of war.''

As leaders in Washington, we are responsible for a wide range of legislative and policy decisions that will have impact on millions of lives of our fellow Americans. As we deliberate and debate these issues, I hope all my colleagues will continue to heed the wise words of this humble man.

Fred Korematsu died on March 30 at his daughter's home in Larkspur, CA, after a long illness. He leaves behind his wife, Kathryn, and their son and daughter. Our thoughts and prayers go out to their family and friends, and we honor his memory today with this resolution.

I ask my colleagues to support this resolution honoring a true American hero.

Fred Korematsu is a family name known to every student who has ever gone through law school. It was Mr. Korematsu who filed the law case protesting the internment of Japanese Americans during World War II. His family, like so many others, was discriminated against simply because of their heritage. We now realize it was a serious mistake and a great disservice to many loyal and patriotic Japanese Americans.

His recent passing was a reminder of this man's courage throughout his life, and I hope that this resolution, when it is sent to his family, will be a fitting tribute from the Senate for all the contributions they and his family have made to America.

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

Mr. INOUYE. Mr. President, I rise to speak in support of the Senate resolution honoring Fred Toyosaburo Korematsu for his loyalty and patriotism to the United States and expressing condolences to Fred's family, friends and supporters on his passing.

On March 30, 2005, our Nation lost a deeply compassionate man and a great American patriot. Fred profoundly influenced the course of American history and legal jurisprudence when he led a courageous legal challenge against the internment of Japanese Americans by the United States Government. Fred was born in Oakland, CA, in 1919. His parents were Japanese immigrants who ran a flower nursery while Fred attended Castlemont High School and later the Master School of Welding. Fred worked on the Oakland docks as a steel welder and was quickly promoted to a foreman position.

The war in Europe, however, changed his life. America began providing supplies to Great Britain in its war against Germany and Germany's allies, including the country of Japan. At home in California, when Fred entered restaurants, waiters refused to serve him because of his ancestry. Fred's union terminated his membership, and Fred lost his job. American by birth, Fred wished to prove his patriotism by joining the United States Coast Guard, but the recruiting officer refused his application. Fred eventually found work with a mobile trailer company, but after the bombing of Pearl Harbor in December 1941, his employer fired him.

Fred was 22 years old when President Roosevelt issued Executive Order 9066, authorizing military commanders on the West Coast to issue whatever orders necessary for national security. Curfews, exclusionary orders, and the internment of 120,000 Japanese Americans soon followed, and the Korematsu family was taken to the Tanforan racetrack in San Mateo. Fred, however, held a deep conviction that the constitutional rights of Japanese Americans were being violated by the internment order issued without any real evidence of disloyalty, without specific charges, and without trial, and so Fred chose to defy the order.

Fred assumed a non-Japanese identity and even had plastic surgery in an attempt to change his appearance. Nevertheless, the police stopped him in San Leandro and Fred was charged with violating the military's exclusion order. Fred was sent to Federal prison and later to live with his family in a

horse stall at the Tanforan racetrack. The Korematsus performed hard labor behind barbed wire and under the watch of armed guards. Other Japanese Americans in the internment camp avoided him, fearing for the safety of their own families. The Federal district court found Fred guilty of violating military exclusion orders, and sentenced him to 5 years of probation under military authority. Fred appealed that decision. Meanwhile, after a year and a half of laboring in the interment camp, Fred's skill as a welder enabled him to leave the camp, on the condition that he not return to California. He got a job as a welder in an iron works company in Salt Lake City, and eventually, made his way to Detroit.

Fred's appeal reached the Supreme Court in 1944. The Court upheld the lower court's ruling in a 6–3 vote, citing the simple reason that the internment of American citizens of Japanese ancestry was a military necessity in light of the war with Japan. Fred petitioned for a rehearing, but it was denied in February 1945.

Fred eventually met and married Kathryn and raised a family. Like many Japanese Americans, Fred tried to put his internment experiences behind him, but he was unable to pursue many job opportunities because his violation of the exclusion order left him with a criminal record. He once worked on an application to become a real estate broker, but when he came across the question that asked whether he had prior criminal convictions, he threw the application away. Although Fred worked as a draftsman, he did not apply to work at larger companies or government agencies, as they would not hire someone who had a prior conviction on record. Without a pension, Fred worked part time to make ends meet, even while in his eighties.

In the early 1980s, a volunteer legal team began to accumulate evidence that government officials had possessed significant information that Japanese Americans had not posed an actual threat to national security at the time of the interment, and the team approached Fred to file a coram nobis petition to review events that occurred 40 years earlier that denied Fred a fair hearing.

In late 1983, a Federal court in San Francisco overturned Fred's guilty conviction, stating that the Government's case at the time had been based on false and biased information.

The court's decision was a landmark and a critical turning point in history. The volunteer legal team that gravitated to Fred was driven by his courage, his unshakable sense of right and wrong, and his faith in the American Constitution. The court's 1983 holding in *Korematsu* v. *U.S.*, *coram nobis*, set in motion a chain of important events. Shortly following the success of that case, Congress ordered a commission report on the internment of Japanese Americans. Upon the commission's finding that internment orders were issued without proper basis, Congress in 1988 passed legislation for a Presidential apology and reparations to Japanese American internees.

Ten years later, in 1998, President Bill Clinton awarded Fred with the Presidential Medal of Freedom, the highest civilian honor in the United States. During that ceremony, the President stated, ''In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls—Plessy, Brown, Parks. To that distinguished list today we add the name of Fred Korematsu.''

To many, Fred was more than just a distinguished name. Fred shared his riveting and protracted story about justice with thousands of young Americans, and he has deeply touched and inspired a new generation of civil rights attorneys. Fred's zest for life, courage, patriotism, compassion, gentle humor, strong will, and delight in teaching others has endeared him to many. He graced our midst, and by example, encouraged all of us to never abandon our Nation's cherished constitutional principles and values.

Fred Korematsu was a devoted husband and father, a teacher, a trailblazer, a hero, and a great American.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas on January 30, 1919, Fred Toyosaburo Korematsu was born in Oakland, California, to Japanese immigrants;

Whereas Fred Korematsu graduated from Oakland High School and tried on 2 occasions to enlist in the United States Army but was not accepted due to a physical disability;

Whereas on December 7, 1941, Japan attacked the United States military base at Pearl Harbor, Hawaii, forcing the United States to enter World War II against Japan, Germany, and Italy;

Whereas on February 19, 1942, President Franklin D. Roosevelt signed Executive Order number 9066 (42 Fed. Reg. 1563) as ''protection against espionage and against sabotage to national defense'', which authorized the designation of ''military areas . . . from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restriction the . . . Military Commander may impose in his discretion'';

Whereas the United States Army issued Civilian Exclusion Order Number 34, directing that after May 9, 1942, all persons of Japanese ancestry were to be removed from designated areas of the West Coast because they were considered to be a security threat;

Whereas in response to that Civilian Exclusion Order, Fred Korematsu's family reported to Tanforan, a former racetrack in the San Francisco area that was used as 1 of 15 temporary detention centers, before being sent to an internment camp in Topaz, Utah;

Whereas more than 120,000 Japanese Americans were similarly detained in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming, without any charges brought or due process accorded;

Whereas Fred Korematsu, then 22 years old and working as a shipyard welder in Oakland, California, refused to join his family in reporting to Tanforan, based on his belief that he was a loyal American and not a security threat;

Whereas on May 30, 1942, Fred Korematsu was arrested and jailed for remaining in a military area, tried in United States district court, found guilty of violating Civilian Exclusion Order Number 34, and sentenced to 5 years of probation;

Whereas Fred Korematsu unsuccessfully challenged that Civilian Exclusion Order as it applied to him, and appealed the decision of the district court to the United States Court of Appeals for the 9th Circuit, where his conviction was sustained;

Whereas Fred Korematsu was subsequently confined with his family in the internment camp in Topaz for 2 years, and during that time, he appealed his conviction to the United States Supreme Court;

Whereas on December 18, 1944, the Supreme Court issued its decision in Korematsu v. United States, 323 U.S. 214, which upheld Fred Korematsu's conviction by a vote of 6-to-3, based on the finding of the Supreme Court that Fred Korematsu was not removed from his home ''because of hostility to him or his race'' but because the United States was at war with Japan and the United States military ''feared an invasion of our West Coast'';

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II;

Whereas, under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), an historian discovered numerous government documents indicating that, at the time Korematsu v. United States, 323 U.S. 214, was decided, the Federal Government suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas in light of this newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California;

Whereas on November 10, 1983, United States District Judge Marilyn Hall Patel overturned Fred Korematsu's conviction, concluding that senior government officials knew there was no factual basis for the claim of ''military necessity'' when they presented their case before the Supreme Court in 1944;

Whereas in that decision, Judge Patel stated that, while Korematsu v. United States ''remains on the pages of our legal and political history...[as] historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees'';

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts and circumstances surrounding the relocation and internment of Japanese Americans under Executive Order Number 9066 (42 Fed. Reg. 1563), concluded that ''today the decision in Korematsu lies overruled in the court of history'';

Whereas the Commission on Wartime Relocation and Internment of Civilians concluded that a ''grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed and detained by the United States during World War II'', and that those acts were ''motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership'';

Whereas the overturning of Fred Korematsu's conviction and the findings of Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) to request a Presidential apology and symbolic payment of compensation to persons of Japanese ancestry who lost liberty or property because of discriminatory action by the Federal Government;

Whereas on August 10, 1988, President Reagan signed that Act into law, stating, ''[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law'';

Whereas on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, ''In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.'';

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life, particularly speaking out against racial discrimination and violence targeting Arab, Muslim, South Asian, and Sikh Americans in the wake of the September 11, 2001, tragedy, and cautioning the Federal Government against repeating mistakes of the past by singling out individuals for heightened scrutiny on the basis of race, ethnicity, or religion;

Whereas on March 30, 2005, Fred Korematsu died at the age of 86 in Larkspur, California; and

Whereas Fred Korematsu was a role model for all Americans who love the United States and the promises contained in the Constitution, and his strength and perseverance serve as an inspiration for all people striving for equality and justice: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Fred T. Korematsu for his loyalty and patriotism to the United States, his work to advocate for the civil rights and civil liberties of all Americans, and his dedication to justice and equality; and

(2) expresses its deepest condolences to his family, friends, and supporters on his death.

## CONGRATULATING CHARTER SCHOOLS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 127, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 127) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, today I am joined by my colleagues Senators LIEBERMAN, FRIST, LANDRIEU, SUNUNU, ALEXANDER, DEMINT, DOLE, VITTER, BURR, in support of this resolution to designate the week of May 1 through May 7, 2005 as National Charter Schools Week. This year marks the 13th anniversary of the opening of the nation's first charter school in Minnesota. Since that time, charter schools have experienced tremendous growth as more and more parents discover for themselves why surveys show such high levels of parental satisfaction with charter schools. Today, there are almost 3,300 charter schools serving nearly 900,000 students in 40 States, the District of Columbia, and Puerto Rico, up from 3,000 schools serving 750,000 students just 1 year ago. Nearly 40 percent of these schools report having waiting lists, and there are enough students on these waiting lists to fill another 1,000 average-sized charter schools.

Charter schools serve a unique role in public education. They are designed to be free from many of the burdensome regulations and policies that govern traditional public schools. They are founded and run by principals, teachers and parents who share a common vision of education, a vision which guides each and every decision made at the schools, from hiring personnel to selecting curricula. Furthermore, charter schools are held strictly accountable for student performance—if they fail to educate their students well and meet the goals of their charters, they are closed. Most importantly, charter schools are raising student achievement. Research has shown that charter school students are more likely to be proficient in reading and math than students in neighboring traditional schools, and that the greatest achievement gains can be seen among African American, Hispanic, and low-income students. Research also shows that the longer charter schools have been in operation, the more they outdistance traditional scores in student performance.

Since each charter school represents the unique vision of its founders, these schools vary greatly, but all strive for excellence. There are countless examples of charter schools that are having an enormous impact on their students both academically and personally, and on the surrounding community.

For example, the Vaughn Next Century Learning Center in San Fernando, CA, serves students in grades K–12, 97 percent of whom qualify for free lunch, and 87 percent of whom speak limited English. Fifteen years ago, the Vaughn Street School was a haven for drug deals and violence, and students' test scores were the lowest in the San Fernando Valley. Since it converted to a charter school in 1993, Vaughn rose from the ninth percentile in language arts and the eleventh percentile in math to become a National Blue Ribbon School. Test scores have gone up 330 percent in the past 5 years alone. As a result of the autonomy granted by converting to charter status, Vaughn has been able to redirect considerable resources to programmatic efforts, including an extended school year and comprehensive afterschool program. The school has also expanded its offerings to the greater community, including a school-based clinic, family center, business co-op, and library.

Cincinnati's W.E.B. DuBois Academy, serving children in grades 1 through 8, recently became the only elementary school in the city and one of only 102 schools in Ohio to be recognized as a ''School of Promise.'' The recognition follows a period of remarkable improvement for the low-income school, which now boasts that 100 percent of its students passed State tests in six areas. The school has met the State's requirements for Adequate Yearly Progress, and is closing the achievement gap—and has generated a lengthy waiting list along the way. The W.E.B. DuBois Academy attributes its success to extended research-based instructional time, performance-based pay for teachers, strict discipline, and a rewards system that reinforces outstanding academic performance. Says founder Wilson H. Willard III, ''We've implemented a research-based system that addresses the constraints that compromise traditional education. In doing so, we've generated successful academic results for hundreds of our students. . . . defying convention has built success for the school, and most importantly, each student in it. In the end, that's what really matters.''

These are but a few of the promising schools in the charter movement, which includes a wide range of schools serving a variety of different learning needs and styles, often at a lower cost than traditional public schools. I am pleased that four such schools have launched in New Hampshire this year, ranging from the State's first school for deaf and hard of hearing students to academies focused on the arts, technology, and business. Several more schools will soon open their doors in the Granite State, offering additional options for parents and students, including those most at risk.

I expect that we will see charter schools continue to expand both in New Hampshire and nationally. Three years ago, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer their children to another public school. No Child Left Behind also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And, as parents exercise their right to school choice and ''vote with their feet'', the demand for charters schools will increase.

I commend the ever-growing number of people involved in the charter school movement, from parents and teachers to community leaders and members of the business community. Together, they have led the charge in education reform and are helping transform our system of public education. Districts with a large number of charter schools have reported that they are becoming more customer service-oriented, increasing interaction with parents, and creating new education programs, many of which are similar to those offered by charter schools. These improvements benefit all our students,

not just those who choose charter schools.

I encourage my colleagues to visit a charter school during National Charter Schools Week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the communities in which they reside.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 127

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 41 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas nearly 3,300 charter schools are now operating in 40 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving approximately 900,000 students;

Whereas over the last 10 years, Congress has provided more than $1,500,000,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas nearly 40 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,000 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the sixth annual National Charter Schools Week, to be held May 1 through 7, 2005, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

*Resolved*, That—

(1) the Senate acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) the Senate supports the sixth annual National Charter Schools Week; and

(3) it is the sense of the Senate that the President should issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 55, 56, 60, 64, 65, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF AGRICULTURE

Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture.

DEPARTMENT OF STATE

Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.

ENVIRONMENTAL PROTECTION AGENCY

Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

MISSISSIPPI RIVER COMMISSION

Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission.

Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

COAST GUARD

PN304 COAST GUARD nominations (2) beginning Curtis L. Sumrok, and ending Jed R. Boba, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN305 COAST GUARD nominations (292) beginning Michael T Cunningham, and ending David K Young, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN390 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (15) beginning Paul Andrew Kunicki, and ending Lindsey M Vandenberg, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2005.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR THURSDAY, APRIL 28, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, April 28. I further ask that following the prayer and the 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 proceed to a period for morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 3, the highway bill.

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

## PROGRAM

Mr. MCCONNELL. Tomorrow, following morning business, the Senate will resume consideration of the highway bill. We will continue the amending process, and the chairman and ranking member will work through amendments as they are offered throughout the day. Rollcall votes are expected in relation to those amendments. On behalf of the majority leader, I encourage Senators who wish to offer amendments to the bill to contact the bill managers as soon as possible.

In addition to the highway bill, we will also act on a budget reconciliation conference report, should it become available. The Senate may also act on any nominations available for floor consideration.

Just moments ago, I filed two cloture motions with respect to two Cabinet-level nominations. These votes will occur on Friday of this week, unless some other agreement is reached prior to that time. Therefore, Senators should expect a busy day tomorrow and Friday, with rollcall votes possible throughout as we complete our work prior to the recess.

## ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order, following the remarks of Senator CARPER and the remarks of the distinguished Democratic leader, who is on the floor.

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

The minority leader.

## RULE CHANGES

Mr. REID. Mr. President, today the American people have spoken, and they have spoken very firmly. It should be a day of celebration in the United States Capitol. A few hours ago, we saw responsible Republican leaders in the House of Representatives come together to do the right thing by abandoning the attempt to change the ethics rules. We will await the final outcome but I am told it has all been done, that they will have to go to the House floor and approve changing the rules back from where they are now to where they need to be—that is, the way they used to be. The American people are very perceptive. They can tell when something is going on that simply is not fair. What we had in the House of Representatives is one of the leaders, with the abuse of power that takes place so often around here, took himself out of the criticism that he was receiving from the Ethics Committee. He was reprimanded on three separate occasions within 1 year but he did not have to worry about any more censures or reprimands because they simply changed the rules.

That is where the American people came in. They know that the rules cannot be changed in the middle of the game. Today, the Republicans in the House heard that message.

As this Chamber wrestles with its own possible rule change in the next few weeks, I urge my Republican colleagues to pay attention to how the American people feel about what is being attempted. It does not matter how many times one comes to the Senate floor and says there has not been a filibuster on a judge ever before, it is simply not true, underlined and underscored.

I note the tone has been different, and I am happy about that. My distinguished friend, the Senator from Utah, came to the floor today and said there has not been a filibuster of a judge that has come to the floor. Well, that still is not true but it is better than what he said before. What he was saying, in the language we understand in Congress, is the Republicans in the Judiciary Committee turned down 69 judges that President Clinton wanted. They did not come to the floor. They did not come to the committee. Senator HATCH is right, they certainly did not get a floor vote.

Also, we keep hearing we have to have up-or-down votes on judicial nominations. I was somewhat amazed yesterday by what people from the other side of the aisle said, that we are going to allow filibusters on other nominations that come from the President. Now, let us see what logic there is here. On a lifetime appointment, that is a judge who becomes a district court judge or a circuit court judge, they can be appointed at age 35 and serve for the next 40 years, and we cannot use our advise and consent that we have as Senators? But if someone is going to serve for a few months or a few years, as other nominations, then we can talk as long as we want, our ability to speak is not taken away there?

If we look at this, there might be something more there than meets the eye. The American people are not interested in seeing us fight about the rules or pursuing partisan goals. That is why this body has to come together and worked out this issue. We need to take on issues the American people wrestle with every day. Whether it is in Chicago; Oklahoma City; Reno; Pittsburgh; Dover, DE, wherever it is, the people in those communities are interested in health care—as a subset, prescription drugs—and they certainly are interested in gas prices. As I have said on the floor the last few days, Nevada is paying $2.65 a gallon. If you have a small car it is $30.

Veterans—we need to take care of veterans, better than what I see in this budget. The American people want us to talk about this.

They want us to talk about education.

They also want us to see that the checks and balances created by our Founding Fathers are not trampled on, this provision of the Constitution. I hope we are not heading down that road with the nuclear option, which turns the Senate into a rubber stamp, which destroys the checks and balances. As I said in the past, I will do everything within my power to avoid that option and today gives me hope we can avoid that.

The American people did not like what they saw with the abuse of power in the House of Representatives. What did they do? They spoke out loudly. As a result, the Speaker and others in the House of Representatives said we are no longer going to protect one of our own, because it is an abuse of power, and we are going to go back to the rules the way they used to be. That is a victory for the American people. I hope we can accomplish the same here today.

As I said yesterday, it would be a great visual if Senator FRIST and I could walk down this aisle—he stands here, I stand here—and say we have got a deal for the American people.

There is so much work to do, we should not be fighting over these rules. If the Republicans insist on putting politics ahead of the American people, we are going to make sure the Senate works for the American people.

Mr. DURBIN. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to yield to my friend.

Mr. DURBIN. I would say I followed his remarks closely. If I understand what has just happened in the House of Representatives, or is about to happen, it is that they decided the changes in the ethics rules which were promulgated to protect perhaps one Member or two Members from close scrutiny, in terms of their conduct, are now going to be changed. I think, if I am not mistaken, this will be the second time in the last few months—in recent times, that the Republican leadership in the House of Representatives has changed the ethics rules and then, after public response, came back and restored the ethics rules.

Is this not similar to a situation we are facing on the Senate side, where there are at least some who are talking about the nuclear option, a term that Senator LOTT came up with, that would change the rules of the Senate in the middle of our session, rules that have been in place for almost 200 years?

Mr. REID. I would answer to my friend, not only is there a suggestion about changing the rules, but they are going to do it by breaking the rules. To change a rule here in the Senate takes a simple majority. But if somebody wants to speak in an extensive manner relating to that rule change, you have to break a filibuster. They are not willing to do that. They are going to use brute force and break the rules to change the rules. That is what they are talking about.

So even though what went on in the House of Representatives is bad, what is contemplated here is even worse than that.

Mr. DURBIN. I ask the Senator from Nevada if he will yield for an additional question through the Chair. I would like to ask the Senator, is it not true that the Democrats, in the minority in the House of Representatives, stood together and argued that the integrity of the House of Representatives was at stake because of these changes in ethics rules to favor one Republican leader, or perhaps two, and that by standing together and appealing to the Nation, that they were successful, and now the Republican leadership in the House of Representatives has announced they are going to restore the original ethics rules?

Mr. REID. I say in answer to my friend, I applaud, I commend the Speaker of the House of Representatives from the State of Illinois for realizing that what had gone on was wrong, and it is being changed as we speak. So the Speaker got the message loudly and clearly from the American people.

Mr. DURBIN. I would also ask the Senator from Nevada through the Chair, is it not also true that as we have started talking to the American people about the so-called nuclear option, the term that Senator TRENT LOTT came up with, as we have talked to the people about the nuclear option across the country, is it not true there has been an incredible reaction? I would say to the Senator from Nevada, many of us believed this was an arcane debate that most people wouldn't follow. But we are finding that overwhelmingly the people across America share the view of the Democrats on

this issue, that we should not change the rules in the middle of the game and eliminate the filibuster on judicial nominees, that we should not assault the basic principle of checks and balances also under the Constitution, and, finally, we should stand our ground to make sure that, on a bipartisan basis, we pick judges for lifetime appointments, judges who are in touch with the values and needs of simple Americans and their families?

Mr. REID. I say to my friend, the answer is yes. Yesterday, I got a copy of an editorial from a newspaper in Nevada, a newspaper out of Fallon, NV. In 1998, I got 21 percent of the vote in that county. I have said before, a homeless person could have gotten that many votes in Churchill County, but that is how many votes I got. So I got the editorial and it said, ''Stop Mr. Smith.''

As we know, there are some ads running that show the great movie with Jimmy Stewart as Mr. Smith coming to Washington to give a long speech as a Senator.

I said: I will read it. I read that editorial. It was so magnificent. I ask unanimous consent I be allowed to have that printed in the RECORD.

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

SHUT UP, MR. SMITH

(By Glen McAdoo)

NEVADA, April 25.—Remember when you were a kid and there was always at least one whiner on the block who had to win at all costs? If you were playing baseball and the whiners got three strikes they wanted to change the rules in the middle of the game so they could have at least four strikes. Furthermore they wanted to call the balls and strikes themselves. If, by miracle, they finally did strike out, becoming the third out, they wanted to change the rules so that their team got four outs. Remember those whiners? They would pout and cry or jump up and down and scream bloody murder until they got their way. Remember them?

Well, they are still around. They comprise the majority of the House and Senate leadership in Washington, D.C. They're not called whiners anymore, today we call them Republicans.

Remember the movie, ''Mr. Smith Goes to Washington'' starring James Stewart? Well, you won't find a Mr. Smith among these modern day whiners. And if they have their way, Mr. Smith will never again grace the hallowed halls in our Nation's Capitol. The Republicans want to do away with one of the great traditions in our Government—the filibuster. In an attempt to prevent the Democrats from stopping the appointment of Judges who echo the shallow thoughts of the most extreme far right, the Republicans are up to no good—again.

''Stay home Mr. Smith, there is no place for big mouths like you in the Capitol. Save your breath. Go home to the folks who sent you here. We are in charge now and we would rather you keep your big mouth shut. So what if you are right. Shut your lip. We know what is best for everyone and we don't need a do-gooder like you gumming up the works. What's that you say Mr. Smith? You say we are even angry with the Federal Judges we appointed. That's about half of them. Judges should decide cases based on the law and not public opinion, you say? Darn you, a little truth could spoil everything. See, that's why we want you to shut up and go home,'' so would say the Republicans to Mr. Smith.

Last week, Senator Harry Reid brought forth a million names of people who don't want the rules changed. These people believe the filibuster should stay as part of a time honored practice.

The filibuster may be the only way to stop overzealous lawmakers who insist on approving the worst of President Bush's misguided nominees to the Federal Bench. We must keep the filibuster, and use it when necessary, and if the petulant pouting pompous Republicans in the Senate don't like it they can take their ball and go home. So there!

How quickly they forget. The Republicans have used the filibuster many times. Have they forgotten Abe Fortas in 1968 or Clinton's nominee to the ninth circuit Richard Paez in 2000. All told the Republicans used the filibuster six times in attempts to block Clinton's Judicial nominees. What hypocrites.

In the House of Representatives things are just as bad. Republicans have now changed the rules to make it nearly impossible to have a public inquiry and possibly oust Tom DeLay (R-Texas) on ethics charges. According to Congressman Barney Frank, the Republican leadership has now removed from the ethics committee any Republican with the slightest bit of independence and replaced them with people who will acquiesce to the leadership's wishes. In the past, if the committee were deadlocked five to five a public investigation would go forward. With the rules change it is dead in the water, unless one of these mighty midgets of morality says yea and makes it six to five. These foul balls want four strikes and four outs.

The self proclaimed model for the moral right, Mr. DeLay, could turn out to be one of the slimiest characters we have ever seen in such a high office. We will probably never know for sure unless one of the spineless Republicans on the ethics panel gets some backbone and makes their private probe, public. That may happen, they are under a lot of pressure, but I wouldn't bet on it.

We don't need a bunch of rule changes in the House and Senate. What we need to do is replace a bunch of Republicans with Democrats.

Mr. REID. Mr. President, the first paragraph—and I am paraphrasing but not by very much—starts out by saying: You remember when you were growing up and you had this kid who was never happy? You couldn't win a game because he kept changing the rules in the middle of the game, and if you didn't allow the change, all he did was whine about it?

They went on for long, maybe six or seven paragraphs, saying: What is going on in Washington? Trying to change the rules in the middle of the game is un-American.

This is from Fallon, NV.

So the answer is yes, the American people are speaking. If you can get a newspaper in Fallon, NV, to write a harsh criticism of the Republican leadership we have in the Senate, they should listen because, believe me, I got 21 percent of the vote in that county.

Mr. DURBIN. If the Senator would further yield for a question through the Chair, is it not true that the filibuster, because it requires 60 votes to overcome, really requires the Senate to work to compromise, to find bipartisan solutions to their differences, and brings us together in a bipartisan fashion? Is this not the same thing that the Democratic leader just alluded to, that we should use that same bipartisan approach not only when it comes to lifetime appointments for judges and controversial issues but to find constructive solutions to issues such as the challenge of health care, the cost of health insurance, the need to help families pay for college education—all of the things we should put on our agenda but, sadly, have not been part of the discussion in this Republican majority Senate so far this year?

Mr. REID. Let me say to my friend, a perfect example of that is what is going on on the floor as we speak. One of our colleagues, the distinguished junior Senator from Indiana, Mr. BAYH, has an issue. He offered an amendment to this bill.

The reason he offered it to this bill is he wanted to make a statement about something that is going on in China. He believes trade policies there are unfair and unbalanced. He offered an amendment on this bill.

You can debate whether it should be on this bill, but it is on this bill. He offered an amendment. We have a right to do that. He, as a result of what he has done, held up the nomination of ROB PORTMAN, Congressman PORTMAN to be Trade Representative. I like Congressman PORTMAN, a good man. I think he will do a good job as our Trade Representative.

As we speak, because of this filibuster that he, in effect, is conducting—not necessarily on this bill, but he is not going to let PORTMAN go forward, so we will have to vote 2 days from now—the parties have come together. They are talking. I am confident we will work that out and PORTMAN will be approved tomorrow.

The answer is yes. One of the good things about this institution we have found in the 214 years it has been in existence is that the filibuster, which has been in existence since the beginning, from the days of George Washington—we have changed the rules as relates to it a little bit but never by breaking the rules.

I say to my distinguished friend, the senior Senator from Illinois, in all the political writings about filibuster, that is one of the things they talk about as a positive. It forces people to get together because sometimes in this body you become very fixed. You think you are the only person who knows what is going on and you need to examine yourself. The other person has an issue. The Senator from Illinois is absolutely right. It brings people together.

Mr. DURBIN. If I could ask one final question of the Senator from Nevada through the Chair? I know what the Senator said about his commitment to the traditions of the Senate, to the constitutional principles that guide the Senate, such as the protection of the minority so there will never be another tyranny of the majority; that you will

have this filibuster that gives the minority, always, a voice in the dealings of the Senate.

I know the Senator from Nevada—and I share his belief—is committed to this constitutional principle that goes back to our Founding Fathers. But I want to ask the Senator from Nevada in closing: Is it not true, as you announced yesterday, that despite this commitment to this core principle that you have reached out to the other side, to the Republican leadership, in an effort to try to find some common ground to work through our difficulties and differences over several different judges; that you have spoken directly to Senator FRIST and many Republican Senators in an effort to try to resolve this, and that, sadly, Senator FRIST came to the floor yesterday and announced he wouldn't be party to any negotiations to try to work this out?

Mr. REID. I say to my friend, first of all, in defense of Senator FRIST, the statement he gave was before we had our meeting. I have confidence Senator FRIST is weighing the offer I gave him.

Let me say this to all my friends, including the distinguished junior Senator from Pennsylvania: I am not going to dwell on what took place during the Clinton administration. Most people would acknowledge it was not right. I am not going to dwell on what took place these last 4 years of the Bush administration because I am sure people can make a case, as advocates can, that maybe we did not do the right thing in those years.

I am asking my Republican friends on the other side of the aisle to give us a chance. Let's work our way through this. We are not out plotting to take the next Supreme Court nominee who comes before the Senate, waiting in the wings to knock him or her out. We are not waiting to knock out circuit judges or district court judges.

Test us. We have proven so far this year that we are willing to work with the majority. We have done some pretty good stuff in spite of a number of things we could have held up for a long time. As I said yesterday, we could have held up class action for a long time. Just to go to conference takes three separate cloture votes. Bankruptcy could have taken a lot of time.

We legislated the way the Senate used to legislate. We had a bill come to the Senate. A person offered an amendment. He spoke in favor of it. People came and joined in that. People spoke against it. And we did things the old-fashioned way—we voted on them and then sent the bill to the House. That is the way we did it.

We have to develop faith in what we are trying to do. I am saying to everyone, trust us. Yes, I have spoken to Republican Senators. I have spoken to every one of the Democrat Senators. I have spoken to quite a few Republican Senators. I hope they give us the benefit of the doubt.

We are not working from a position of weakness. The American people want us to do this. They want us to join together, to pass legislation. They do not want anyone breaking the rules to change the rules.

This is so important for our country. We need to come together to work out our differences. It is not only important to this institution, it is important to our country.

I thank very much my friend from Illinois for his questions.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I ask unanimous consent I be able to speak for 7 minutes.

Mr. REID. Mr. President, I have no problem with my friend speaking. My friend has to catch a train, and he has had unanimous consent to speak here for a long period of time. I think he should be able to go first. I object. I want my friend from Delaware to go first.

Mr. CARPER. I appreciate that. I will miss my train, but go ahead. I yield to the Senator.

Mr. SANTORUM. If the Senator is going to miss his train because of my 7 minutes, not because of his own speech, I will withhold. But if he is going to miss the train because of his speech—

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. The objection has been heard.

The Senator from Delaware is recognized.

Mr. CARPER. I thank the Senator from Pennsylvania, and I promise to be very brief.

The PRESIDING OFFICER. The Senator is recognized.

## NOMINATION OF STEPHEN JOHNSON

Mr. CARPER. Mr. President, I have been here 4 years. I have never placed a hold, as I recall, on any nomination for anyone to serve in this administration.

When Christie Whitman was nominated to head up EPA, I said: Congratulations. What can I do to help get you confirmed and to confirm the members of the team you want to surround yourself with? And I went to work on it.

When Mike Levitt was nominated to succeed her, I called Mike Levitt—both him and Governor Whitman, with whom I served—I called Mike Levitt and I said: Congratulations. What can I do to help get you confirmed and the team you want to surround yourself with? And I went to work on it.

When Tommy Thompson was nominated to be Secretary of Health and Human Services, I called to congratulate him and said: What can I do to help get you confirmed and confirm the team you want to surround you? And I went to work on it.

When Tom Ridge was nominated to be Secretary of Homeland Security, I called him and I said: Congratulations. What can I do to help get you confirmed and to confirm the team you want around you?

For me to stand here today in an effort to stop, at least for a short while, the nomination of Stephen Johnson to be Administrator of EPA is out of character for me. That is not the way I do business. I hope my colleagues realize that after 4 years I am a guy who likes to work across the aisle, and whether the issues are some of the issues Senator REID just mentioned—class action reform, bankruptcy reform legislation, now asbestos, overhauling the postal system, comprehensive energy bill—I am one on the Democrat side who looks forward to working not only with my colleagues but with our colleagues on the other side of the aisle.

We have problems in our country, challenges we face on all fronts. Among those challenges we face is what to do to improve the quality of our air and how we can do that in a way that does not cost consumers an arm and a leg. What can we do to improve the quality of our air that does not encourage the shifting of utility plants from coal, which we have in abundance, to natural gas, which we don't.

We have had sort of a Hobson's choice in the last couple of years—the administration's clear skies proposals, multipollutant bill dealing with reducing sulphur dioxide, nitrogen oxide, mercury from utility plants, compared to the proposal of our colleague from Vermont, Senator JEFFORDS, and others, who would propose to go further, a lot further, a lot faster than the administration on those three pollutants, and add a fourth, carbon dioxide.

The Presiding Officer, as well as my friend from Pennsylvania—we have all served in the House together. I don't know about them, but when I served in the House, I never liked it when I was dealt a Hobson's choice—a position over here and another position over here. I never liked it.

One of the great things about the Senate is we can craft something in the middle. What I sought to do in working with people such as Senator LAMAR ALEXANDER from Tennessee, LINCOLN CHAFEE from Rhode Island, and JUDD GREGG from New Hampshire, was to come up with something in the middle, a centrist approach that we believe reduces the emission of sulphur dioxide, nitrogen oxide, mercury from utility plants, gets a start in slowing down the growth of emissions from $CO_2$, and does so in a way that does not cost consumers an arm and a leg and, frankly, does not lead to a lot of shifting off of coal and onto natural gas.

We introduced legislation the first time in 2002. That was the year I first asked EPA for comparative analysis, comparing the administration's clear skies proposal with our bipartisan bill with the Jeffords bill. In 2003 we got a lot of raw data and not much analysis from EPA. Along with the raw data and the limited analysis they sent us, they said some of the assumptions on which this analysis was conducted are, frankly, out of date and that the information we have shared with you is maybe not as valid as it otherwise would be.

We renewed the request and asked for the comparative analysis of the President's proposal of the clear skies with the Jeffords proposal and our proposal in the middle. We found out in 2004—we heard the information could not be provided because it looked as if Congress, the Environment and Public Works Committee, was not going to move to cleaner legislation in 2004, so they did not want the EPA to do the analysis.

We renewed our request in 2005 for the comparative analysis, and we were told that no, the EPA does not have time because we are moving so quickly toward enactment of clean air legislation.

We are now in a situation where the President's proposal was not approved by committee, and we are not moving anything. The only thing that is moving right now is lawyers—to file lawsuits on behalf of environmental groups or on behalf of utilities. It is not a good situation.

I came here to legislate. I didn't come here to litigate. I came here to get things done.

We have about 50,000 people in my State who suffer from asthma, and about 20,000 of them are kids. We have too much smog in my State—the ozone problem and too much smog—especially in the summertime, more than we do in other parts of the country. We have in my State too much mercury that has been ingested by fish, and pregnant women in Delaware and other places around the country eat those fish. There are high levels of mercury in those fish. We know what it does to the brains of the unborn those pregnant women carry.

Not everybody believes carbon dioxide leads to global warming and that we are actually seeing a temperature rising on this planet of ours. I will tell you NASA says this year will be the warmest year on record since we have been keeping records, and we have been keeping records for 150 years. We are told that 9 out of the last 10 years have been the warmest years since we have been keeping temperature records in this country.

The glaciers—I have seen some of them, and maybe others here have, too—are disappearing way up North and way down South. The snowcaps on some of the tallest mountains in the world are disappearing, too. We are actually seeing temperatures rise. We are seeing sea levels rise.

I am not going to get into an argument today about whether there is a real problem. I believe there is. I respect the views of others who disagree, but I think the preponderance of scientific evidence says we need to get started on this issue.

How does that lead us to the nomination of Stephen Johnson? I have been asking for 3 years, from the EPA, for scientific analysis that will enable our committee and, frankly, the Senate to decide what kind of clean air legislation, multipollutant legislation, to move out of committee to bring to the Senate floor. Frankly, we have not gotten an altogether satisfactory response.

The responses are getting a little better, but we are not quite where I think we need to be. Stephen Johnson is a good man. He will be a good administrator if this administration will let him do his job. If we do not have the scientific analysis we need to be able to use good science to decide how far, how fast to go in reducing the emissions of these four pollutants, we are not going to get a clean air bill. It is just that simple.

Someday, we will have a Democratic President. It could be in a couple years. It could be longer than that. Someday, we will have a Democratic majority in the Senate, maybe even in the House. I do not think it should matter who is in the White House or who is in the majority here in the Senate. We need to work across the aisle on issues such as this. If you look at the history of this body: clean air, bipartisan legislation; clean water, bipartisan legislation; brownfields, bipartisan legislation.

If we are going to find agreement, common ground on multipollutant legislation, it is going to be because we work together, not because EPA was compelled to withhold data or information from one side or the other, but because they shared that information, and we used that information and good science to go forward.

Let me close with this. There is going to be a vote on cloture—it could be tomorrow; it could be Friday—on Stephen Johnson. As much as I am convinced he is a good man and would be a good administrator of EPA, I am even more convinced we need not just a good person to head up EPA, but we need strong, balanced multipollutant legislation in this country. The only way I believe that legislation is going to move through our committee and through this Senate is if we have good, comparable analysis, good comprehensive analysis. It is not hard to get.

I spoke with Mr. Johnson twice today. He was good enough to respond to me in writing to my requests. We met and talked a number of times. He has suggested to me what he thinks might be a compromise on the amount of information they would be willing to share. I responded, in turn, with a counterproposal. In my judgment, it is eminently reasonable.

I would hope somebody on the other side—our Republican friends either here or down at 1600 Pennsylvania Avenue—would see that maybe the better part of valor and a way to get to a win-win situation is to simply say: We will provide the information that has been requested. We will stop squabbling about it and just provide it.

If they do that, we can negotiate in earnest this spring on a multipollutant bill; and we can pass, this year, that legislation. I would call that a win-win situation—a win-win because Stephen Johnson would be allowed, literally, to be confirmed this week to head up EPA; and our country would be on the road to having air that is cleaner to breathe and less polluted with sulfur dioxide, nitrogen oxide, and mercury; and we would have a world where the threat of global warming has been reduced a little bit as well. Those are two good outcomes.

My hope is, before we push this ball any further down the court, we can come to agreement and get those two things done.

Mr. President, I yield back my time and thank the Senator from Pennsylvania for his accommodation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

## SENATE TRADITION ON JUDICIAL NOMINATIONS

Mr. SANTORUM. Mr. President, I had the opportunity to listen to the Democratic leader for a few moments talking about the House of Representatives and the compromise the House of Representatives just achieved on their ethics consideration.

Three comments about that compromise: No. 1, it is interesting that ''compromise'' means the Republicans do what the Democrats insisted upon them doing. That is a compromise, No. 1.

No. 2, that compromise meant the House went back to the way the House has always done things when it came to ethics. The compromise was to go back to the precedent and rules of the House they have always used.

Third, that compromise means—and the Senator from Oklahoma has had experience over in the House, as have I—the rules of the House will continue to be that if a Member has an ethics claim filed against them by someone—and the Ethics Committee is equally divided—particularly, if it is a Member where there happens to be political value in having an ethics claim filed against them, if the other side decides, politically, they are simply not going to hear the case, it stays on the docket forever, for as long as the session lasts, with no need to dispose or rule on that. So the ethics charge hangs out there without a decision. It automatically goes forward, in other words, unless there is a decision on the part of a bipartisan majority to end the discussion.

I think what we have seen in the past—and I know Members of the House are concerned about this—is

that there has been an abuse, a politicization of the ethics process. We all know how damaging it is because the only thing we have in this body and before our constituents is our word and our reputation. They are intangible things that are easily affected and certainly are affected when ethics charges are filed. That does not mean ethics violations have been found but simply that ethics charges have been filed.

The mere fact a charge has been filed is a very damaging thing to the reputation of a Member. To have that out there, without any need for disposition, I think is very dangerous and has proven to be—and I think will continue to be—a bad precedent.

But that is compromise. I make the argument that capitulation is not compromise. But I will agree on the second point I made, that going back to the way we have done things in the past is usually a pretty good idea when you really aren't sure how to deal with things. So I too say I am glad that the speaker, the leader, and others in the House have broken this logjam, and they have done so in a way they can at least move the process forward in the House. I too commend the Republican leadership for trying to move it forward.

I will say the same thing could be done here in the Senate. If we have a sincere disagreement as to how we should proceed with respect to judicial nominations, we could look to the example of the House of Representatives and go back to the way we did things for years and years and years. The way we have done things for years and years and years, 214 years prior to the last session of Congress, was that nominations that came to the floor of the Senate received an up-or-down vote.

It was very interesting. The Senator from Nevada criticized one of our Republican Members who suggested that we would be willing to compromise by not including all executive nominations, just including certain executive nominations. When that was proffered, the Senator from Nevada criticized this compromise and said: It is disingenuous because it is not intellectually consistent. Lots of compromises aren't. But that was for the sake of compromise, to say that we believe—and 214 years of history have shown, and the tradition and the precedent of the Senate is—when executive nominations arrive on the floor of the Senate, they receive an up-or-down vote. That is the precedent. There is not one instance in which someone who had majority support here on the floor of the Senate for a judicial nomination did not receive an up-or-down vote and get confirmed, not one precedent until 2 years ago. Then things changed.

So we have suggested we would like to go back to that 214-year precedent that served this country very well. We didn't have the acrimony we see here today. The Senator from Nevada repeatedly talked about how the public wants us to get things done. Then don't change the rules of the game and then complain the public is angry with the fact that we are not getting things done. Look at the cause of the controversy.

The cause of the controversy lies with the previous leader of the Democrats, who put forward a strategy, a plan, a scheme to fundamentally shift the power away from the President to 41 Members of the Senate to determine what nominees will be confirmed in the Senate. That could have been done. I would agree with the Senator from Nevada and everybody else here. It could have been done 200 years ago. It could have been done 100 years ago. It could have been done 10 years ago. But it never was done. We showed restraint. I showed restraint.

The Senator from Nevada talked about how I could look back at the Clinton administration and see how President Clinton's nominees were disadvantaged. Let's look back to the Clinton administration. I can think of two people I recall very clearly to whom I was adamantly opposed. They had records as judges that were deplorable in my mind. They didn't follow the law. They were activists on the court. They put their interpretation and their views ahead of the law repeatedly. Richard Paez and Marsha Berzon were their names. They were nominated for the circuit court.

I adamantly opposed them. They were bad judges and, in my opinion, this country would be in worse shape by having them on the circuit court. I wanted them defeated. They were against a lot of what I strongly believed was bad for this country. That is what they were for, things which I strongly believed were bad for the country.

There were a lot of groups outside, a lot of conservative groups, just as they are hearing from a lot of liberal groups, who said: Do it, block their nomination. Yes, they have majority support, but block their nomination because they will do so much damage. They are bad. That is what these outside groups were saying: These folks will undermine the judiciary.

There is always a temptation to let the current fury cloud your judgment and to think about the immediate political posture or the next election or the folks who brought you here and do what they ask you to do.

We had a leader, at that time, in TRENT LOTT, and we had a chairman, in ORRIN HATCH, who said: I understand how you feel. I oppose these judges too. But there is something more here in the Senate than the passions of the day. There is something more than the groups who may support your campaigns today. When we do things that change the precedent of the Senate, it ripples, maybe forever, and can fundamentally change the balance of power, the way the judiciary functions, the way the executive functions and, as you have seen in the last 2 years, the way this body functions or ''misfunctions'' as a result.

So for that moment in which I really wanted to block their nominations, when TRENT LOTT and ORRIN HATCH filed cloture on those two nominees to move the vote forward, not to block their nomination, but to move their vote forward, I voted along with 85 of my colleagues. A vast majority of Republicans and all the Democrats voted to allow their vote to come. Richard Paez did not get 60 votes when his confirmation came up. In other words, had we wanted to filibuster Richard Paez, we would have been successful. He would not have gotten 60 votes. He would not be a judge on the circuit today had we wanted to block his nomination.

But my belief is—and the vast majority of Republicans' belief was at that time—as much as we opposed the nomination, we supported the tradition and the precedent of the Senate because we are but stewards of this place. We don't own this institution. Yes, we say we run this institution. We don't run this institution. We are simply stewards. We are passersby. When we crack the foundation of the way things have been done and worked for this country for 200-plus years, we leave behind a foundation that may not sustain us as a people.

To stand before the Senate, as my colleagues on the other side of the aisle have done repeatedly over the last few weeks, and talk about how they are being aggrieved by what the Senate Republicans are trying to do and calling this the nuclear option repeatedly, and suggesting somehow or another this is destroying the filibuster, when it was never used—underscore that, never used—to block a judge on the floor of the Senate prior to the last session of Congress, when the Democratic minority decided they could not resist, they had to put politics over process. They had to put partisanship over the stability of this institution for the long term.

I suspect there are a lot of folks on the other side of the aisle who regret that happening, and they probably regret it today. Where are the statesmen? Where are the folks who quietly whisper to one another that this was wrong? Where are they to stand up and set it straight?

I desperately hope we do not have to cast this vote on the floor of the Senate to return the precedent of the Senate to the way it has been for 214 years because it would show what two sides were able to do for 214 years. I say to the Presiding Officer from Oklahoma, think about all of the conflicts and passions that have occurred through all of the great debates in the Senate. People were shot in the Senate, and there were fisticuffs and beatings. The passions must have been incredible at certain times. But we always were able to understand that there were some things bigger than the passion of the moment. This institution is one of

them. The way this institution functioned to balance powers was one of them. What the other side of the aisle is doing, I say to the Senator from Illinois, is fracturing the foundation of this institution.

So I hope we don't have a vote. I hope we don't have a vote. I hope there will be some on both sides of the aisle who would look to the 214-year precedent when, in spite of strong disagreements, the Senate was able to find comity to get things done.

We need to get things done. I know the Democratic leader has threatened to shut down the Senate—his words, not mine, ''shut down the Senate''—if they don't get their compromise. What is their compromise? They want to continue to do what they did in the last session of the Congress. That is their compromise. I find it somewhat remarkable that the Senator from Illinois praised the Senator from Nevada for his ''compromise.'' His compromise says if the ten judges they were blocking from the last session—they have successfully blocked three because they have been withdrawn, and now they are suggesting they want to block at least three more. They don't care which ones they are. I know this was all driven by pure concern about each and every one of these, but for some reason they can pick which three. Some might suggest this is less about the individual and more about politics, but now we are sort of in this compromise and, fine, let's compromise. Fine. We will take ten, we get to kill six, and you get to pick the four we move forward with. That is compromise. Oh, and by the way, we reserve the right to continue to do this in the future. This is the great Henry Clay type of statement that we see before the Senate: Of the ten that we have blocked—against every precedent of the Senate—we will take six, and these fine individuals, all well qualified by the ABA—the ''gold standard,'' in Senator LEAHY's words, not mine—we will take these fine upstanding people in the community and tarnish their reputations for the rest of their lives.

By the way, you pick the three we are going to tarnish, and we will let you have four nominees. By the way, you can go ahead and expect that we will block others in the future.

That is their compromise. That is the great olive branch: We will continue to abuse 214 years of history.

I ask anyone if you can point out one nominee for the court on the floor of the Senate who had majority support who was blocked by filibuster. Name one who had majority support. It never happened. So what is the compromise? The compromise is that six judges who had majority support on the floor of the Senate will be denied confirmation, and we will do so to others in the future if we so desire. That is the compromise. I don't think most people objectively looking at that would see that as much of a compromise.

The Senator from Illinois said another remarkable thing. I will go back and check the record. I find it hard to believe. He said Senator FRIST came to the floor yesterday and said he would not be a party to any negotiation on this issue. That is what the Senator from Illinois said.

Let me review the record. Senator FRIST, in the last session of Congress, offered a compromise with Zell Miller called the Frist-Miller approach. It was a compromise. It is still a compromise that is out there. I know for a fact—and I suspect others on the other side of the aisle do, too—that Senator FRIST has repeatedly offered compromises to the Democratic leader.

I know also for a fact that the Senate majority leader, Senator FRIST, is very much open to negotiation and compromise, to return the precedent of the Senate and find a way in which we get back to what was just lauded by the other side of the aisle—returning, as the House just did, to the way they have always done things. So, too, would we like to do that—return to the way we have always done things. But that is too much of a reach, I suspect, for some because we have partisan agendas. We have, even more so, I suggest, not just partisan agendas because I think in part it is driven by partisanship, but I think it is mostly driven by ideology.

What I think is sadly true is that the agenda of the other side of the aisle—which we have not seen a whole lot of as far as solutions; we have seen a lot of obstruction, not a whole lot of ideas but a lot of obstruction—is not accomplished in democratic forums anymore. It is accomplished through the courts. So I think what we are seeing is a gasp of saying that we can no longer win elections on our agenda. We can no longer win votes on the floor of the Senate with our agenda—the most radical elements of our agenda, anyway—so we must hold on to the courts. We must hold on and make sure those individuals who are willing to be activists on the court and overturn the will of the Congress, create new rights in the Constitution, bypass the democratic process, amend the Constitution through court edict, as opposed to the traditional way laid out by our Founders, we want to make sure that we still have the ability to enact our agenda on the courts.

Another point I will make is that I am very much for the filibuster. I believe the filibuster is exactly what our Founders intended when it comes to legislation—absolutely what they intended, that the Senate would be a place where the hot tea would be poured into the saucer and cooled. I support it and, in fact, I voted to support it because when I was first elected to the Senate, some Democratic Members offered a change to the rules that would have eliminated the filibuster and gone to a simple majority on all legislative matters.

This was interesting because at the time, as I said, the Republicans were in the majority, and yet Democrats were offering this rather savory morsel out there for those of us who recently came to the Senate and wanted to get a lot of things done and understood how difficult it would be. We had a Contract With America, we may recall—the House was moving forward and wanting to pass a lot of bills. We had a lot of momentum over here. There was a part of me that said: That would be great, we could get rid of this. I said: No, the Founders had it right, the traditions of the Senate are right. We do not need to change this institution because of the whims of the moment, because of the passions of the day, because of the interest groups off Capitol Hill that would want us to do so.

No, we have a higher duty. We have a higher duty. That duty is to this institution because this institution is the bulwark of this democracy that protects us from doing rash and sometimes irrational things in which at times the public gets swept up. No, that is what this institution is for when it comes to legislative passions.

By the way, there were 19 people, 19 Democrats who voted to end the legislative filibuster, but not one Republican. Not one. So the legislative filibuster is important, and it will remain in place as a result of anything we do over the next few weeks with respect to judicial nominations.

I close by saying I am hopeful we can find a compromise, but what I keep hearing from the other side is this incredible spinning that somehow or other what has gone on here in the last 2 years was part of the normal course, and the fact that this was done in previous Congresses, as the Senator from Nevada mentioned, in committee, in committee these nominations were killed.

Were these nominations killed? Some nominations were held and defeated in committee, that is right. By whom? By the majority—by the majority. The majority on the floor of the Senate has defeated nominations. The majority in committee has defeated nominations. But never before has the minority in committee defeated a nomination. Never before has the minority on the floor defeated a nomination. Never before has the minority been able to dictate to a President who they will nominate either for their Cabinet or for some of the most important positions in the judiciary. Never before until now.

This is taking power away from a popularly elected President who, under the Constitution, has the right to nominate people. President Clinton, I believe, had over 350 judges confirmed. I think I voted against maybe 5, 6, something like that; less than 10, I know that. I did not agree ideologically with probably more than 10, but as I went home and had to face some of my constituents who were upset with me for voting for one judge or another because they did not like their politics, I said: You will have to take it up with the American people because President

Clinton won the election, and he has a right to nominate who he wants as long as they are within the mainstream. That does not mean they are going to agree with me philosophically. There are a lot of people in the mainstream who are center and left of center who have a right to serve, as people who are right of center have a right to serve, and I am not going to impose my ideology on somebody else's nominees.

That is what is going on today. It is an ideological litmus test, and it is now infecting this body to the detriment of the Senate.

I hope cooler heads will prevail, and that those of us who showed restraint and did not vote for filibusters, voted for cloture on nominees we did not like—that there will be those who will stand up and do the same on the other side of the aisle in the future.

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

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

## FILIBUSTER HISTORY

Mr. DURBIN. Mr. President, I know it is late, and I will be very brief. I want to make a quick response to my colleague and friend from Pennsylvania, Senator SANTORUM. I am sorry I had to leave the floor while he was speaking.

What I am about to say I would be happy to say with Senator SANTORUM in the Chamber and would be happy to respond to tomorrow. The Senator from Pennsylvania made the point that he thinks the golden rule here is, the principle here is that every judicial nominee is entitled to a majority vote up or down.

That is an interesting idea, and it might be appealing to some people if they do not know the rules of the Senate. For 214 years, we have said if you bring an amendment, a bill, or a nomination to the floor of the Senate, it is subject to Senate rules. And Senate rules are very clear. Any Senator can take the floor and begin a debate and hold the floor as long as that Senator physically can, unless 60—now 60 members of the Senate—vote otherwise. So you need an extraordinary majority—60 Senators—to stop a filibuster. That is the way it has always been.

In the beginning it was different. Senators could not stop a filibuster until 1919. In 1919 it took 67 votes; a few years back we changed that to 60 votes. But it has always taken more than a majority to stop a filibuster.

In ''Mr. Smith Goes to Washington,'' Jimmy Stewart is on the floor, holding the floor as long as he did. That is the Senate. That is the tradition of the Senate.

The Senator from Pennsylvania says it has always been a majority vote. Sadly, he is mistaken. There has always been the opportunity for filibuster on a nomination.

So he was mistaken in that assertion.

The second thing the Senator from Pennsylvania was mistaken about was his oft-repeated comments that never, ever, not once in the history of the Senate—we hear it from the Senator from Pennsylvania and others has a filibuster been used on a judicial nomination. It has never been done until the Democrats recently did it to a number of President Bush's nominees.

Unfortunately, again, history is not on the side of the Senator from Pennsylvania. On 12 different occasions, beginning in 1881, filibusters have been used to stop judicial nominations. In 1881, it was Stanley Matthews to be a Supreme Court Justice; 1968, Abe Fortas to be Chief Justice of the Supreme Court was subjected to a filibuster; right on down through the Clinton administration, when, in fact, on two different occasions—maybe more, as I look at this list—there were filibusters applied to Clinton nominees. So for the Republican side of the aisle to consistently state what history tells us is not true is unfortunate.

I ask unanimous consent to have printed in the RECORD this history of filibusters and judges so anyone who follows congressional proceedings can read the names and circumstances for each and every judge who has been subjected to a filibuster in the history of the Senate.

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

HISTORY OF FILIBUSTERS AND JUDGES

Prior to the start of the George W. Bush administration in 2001, the following 11 judicial nominations needed 60 (or more) votes—cloture—in order to end a filibuster:

1881: Stanley Matthews to be a Supreme Court Justice.

1968: Abe Fortas to be Chief Justice of the Supreme Court (cloture required ⅔ of those voting).

1971: William Rehnquist to be a Supreme Court Justice (cloture required ⅔ of those voting).

1980: Stephen Breyer to be a Judge on the First Circuit Court of Appeals.

1984: J. Harvie Wilkinson to be a Judge on the Fourth Circuit Court of Appeals.

1986: Sidney Fitzwater to be a Judge for the Northern District of Texas.

1986: William Rehnquist to be Chief Justice of the Supreme Court.

1992: Edward Earl Carnes, Jr. to be a Judge on the Eleventh Circuit Court of Appeals.

1994: H. Lee Sarokin to be a Judge on the Third Circuit Court of Appeals.

1999: Brian Theadore Stewart to be a Judge for the District of Utah.

2000: Richard Paez to be a Judge on the Ninth Circuit Court of Appeals.

2000: Marsha Berzon to be a Judge on the Ninth Circuit Court of Appeals.

Because of a filibuster, cloture was filed on the following two judicial nominations, but was later withdrawn:

1986: Daniel Manion to be a Judge on the Seventh Circuit Court of Appeals Senator Biden told then Majority Leader Bob Dole that ''he was ready to call off an expected filibuster and vote immediately on Manion's nomination.''—Congressional Quarterly Almanac, 1986.

1994: Rosemary Barkett to be a Judge on the Eleventh Circuit Court of Appeals ''. . . lacking the votes to sustain a filibuster, Republicans agreed to proceed to a confirmation vote after Democrats agreed to a daylong debate on the nomination.''—Congressional Quarterly Almanac, 1994.

Following are comments by Republicans during the filibuster on the Paez and Berzon nominations in 2000, confirming that there was, in fact, a filibuster:

''. . . it is no secret that I have been the person who has filibustered these two nominations, Judge Berzon and Judge Paez.''—Senator Bob Smith, March 9, 2000.

''So don't tell me we haven't filibustered judges and that we don't have the right to filibuster judges on the floor of the Senate. Of course we do. That is our constitutional role.''—Senator Bob Smith, March 7, 2000.

''Indeed, I must confess to being somewhat baffled that, after a filibuster is cut off by cloture, the Senate could still delay a final vote on the nomination.''—Senator Orrin Hatch, March 9, 2000, when a Senator offered a motion to indefinitely postpone the Paez nomination after cloture had been invoked.

In 2000, during consideration of the Paez nomination, the following Senator was among those who voted to continue the filibuster: Senator Bill Frist—Vote #37, 106th Congress, Second Session, March 8, 2000.

Mr. DURBIN. Mr. President, the Senator from Pennsylvania is very discreet in how he explains his view of dealing with judges, that every judge should be allowed a majority up-or-down vote. That is not a bad concept if that really was what the Senator from Pennsylvania could point to in his own record. Under President Clinton's administration, nine of the President's judicial nominees to the Commonwealth of Pennsylvania were confirmed by the Senate, while eight were never even given hearings before the Judiciary Committee. So the Senators who are now begging for majority votes and majority rules thought nothing of closeting and burying these judicial nominees under the Clinton administration, to the point where they had no possibility of being confirmed.

Let me be specific. John Bingler was nominated by President Clinton. Senator SANTORUM exercised his discretion over nominations in his State and held up this nomination for 2 years, until Mr. Bingler withdrew.

Robert Freedberg, another nominee by President Clinton. Senator SANTORUM delayed the entire slate of judicial candidates, saying the President didn't honor an earlier agreement to nominate a particular Pittsburgh attorney whom he, Senator SANTORUM, wanted.

Lynette Norton. As was reported by the Pittsburgh Post Gazette on July 22, 2000:

Sen. Rick Santorum insisted yesterday the Senate will not act on any nomination for the U.S. District Court here until next presidential administration . . .

He was very clear on what his agenda was: it was to hold up nominations that were going to be filled by President Clinton until, hopefully, in his

eyes, a Republican President was elected.

Repeatedly, Senator SANTORUM used his own form of a filibuster to deny even a hearing or a vote in the Senate to these judicial nominees. Now he stands aghast, appalled, incredulous, that anyone would oppose a judicial nominee of President Bush.

We should stand by the traditions of the Senate. Let's not change the rules in the middle of the game. Let's not violate the time-honored principle of checks and balances which says the Senate as an institution will have the last word on lifetime appointments to the Federal bench.

Even though President Bush has been successful with over 95 percent of his nominees being approved by the Senate, mark my words, a few of them should not have been approved for lifetime appointments. Our view on our side of the aisle, both liberal and conservative, a handful went too far. Their positions on the role of Government in protecting our health and safety, the role of Government in protecting our environment, the rights of women, privacy under our Constitution, their views were so extreme and so radical they were not deserving, at least to the mind of many of my colleagues, to have a lifetime appointment to the Federal bench.

It is best when in doubt to stick with the Constitution. It is best when in doubt to stick with the traditions of the Senate. It is best when in doubt to stick with the filibuster, which requires compromise, requires bipartisanship, and moves us to a point where we can and must work together to achieve goals of this Nation and to serve the people who were kind enough to give us this great opportunity.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, April 28, 2005.

Thereupon, the Senate, at 6:59 p.m., adjourned until Thursday, April 28, 2005 at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 27, 2005:

### EXECUTIVE OFFICE OF THE PRESIDENT

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE NICHOLAS GREGORY MANKIW, RESIGNED.

### UNITED STATES INTERNATIONAL TRADE COMMISSION

SHARA L. ARANOFF, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2012, VICE MARCIA E. MILLER, TERM EXPIRED.

### DEPARTMENT OF STATE

DAVID HORTON WILKINS, OF SOUTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

### NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009. (REAPPOINTMENT)

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) ALAN S. THOMPSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) NANCY J. LESCAVAGE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) JEFFREY A. BROOKS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) ROBERT B. MURRETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. VICTOR C. SEE, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. CHRISTINE M. BRUZEK-KOHLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. MARK W. BALMERT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. RAYMOND E. BERUBE, 0000
CAPT. JOHN J. PRENDERGAST III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. KEVIN M. MCCOY, 0000
CAPT. WILLIAM D. RODRIGUEZ, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, April 27, 2005:

### DEPARTMENT OF AGRICULTURE

CHARLES F. CONNER, OF INDIANA, TO BE DEPUTY SECRETARY OF AGRICULTURE.

### DEPARTMENT OF STATE

HOWARD J. KRONGARD, OF NEW JERSEY, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE.

### ENVIRONMENTAL PROTECTION AGENCY

LUIS LUNA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

### MISSISSIPPI RIVER COMMISSION

MAJOR GENERAL DON T. RILEY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

BRIGADIER GENERAL WILLIAM T. GRISOLI, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

J. MICHAEL SEABRIGHT, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII.

### IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH CURTIS L. SUMROK AND ENDING WITH JED R. BOBA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

COAST GUARD NOMINATIONS BEGINNING WITH MICHAEL T. CUNNINGHAM AND ENDING WITH DAVID K. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 14, 2005.

### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH PAUL ANDREW KUNICKI AND ENDING WITH LINDSEY M. VANDENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 2005.

# EXTENSIONS OF REMARKS

## RECOGNIZING THE ACHIEVEMENTS OF VANDY D. LAWSON

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Vandy D. Lawson for her dedication to teaching the students at the Comal Leadership Institute in the Comal Independent School District.

Vandy D. Lawson received her bachelor's degree in math from the University of Northern Colorado in Greely and her master's in statistics from Colorado State University in Fort Collins. Currently she is teaching students grades ninth through twelfth in the subject of math. Through her extraordinary teaching methods she is able to reach students and appeal to their interest like none other—this is what distinguishes her as a great teacher.

The unique teaching style of Mrs. Lawson is one that the teachers of our Nation should regard as an example of how they can reach students in a more effective way. It is said that Mrs. Lawson ''looks at what she does every day as a being on a treasure hunt, uncovering great treasures and bringing them back to life.'' The students she teaches all benefit from Mrs. Lawson's continuous drive to reach each and every student to make sure they all receive as much assistance as possible.

The math and sciences are two essential fields of study that students around the Nation need exposure to America's teachers like Mrs. Lawson, play the most vital role in ensuring students get taught the necessary skills to become tomorrow's leaders. I am honored to have this opportunity to distinguish Vandy D. Lawson for her dedication to the perseverance of knowledge in our community.

## TRIBUTE TO UNITED COMMUNITY CENTER IN CELEBRATION OF ITS 35TH ANNIVERSARY

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the achievements of an outstanding community center in my district. This week the United Community Center celebrates its 35th Anniversary.

Since 1970, the UCC has endeavored to provide services and cultural opportunities to members of the Hispanic community in Milwaukee. Founded as a youth center, the UCC has grown into one of the premier social service agencies in our city, with an impressive array of programs designed to serve the needs of Hispanic families and communities.

The UCC attempts to create new opportunities for Hispanic families to move out of poverty and join the ranks of the middle class. Confronting the challenges of poverty requires a multi-faceted approach, a fact that is not lost on the leaders and members of this organization.

The UCC attends to the educational needs of the community, serving hundreds of students in its pre-kindergarten, grade school and middle school programs. Recognizing the importance of physical health, the Center offers prevention and health awareness services designed to reduce smoking, drug abuse, and teen pregnancy. The UCC understands that communities are sustained, in part, by culture, and as a result, regularly exhibits the works of prominent Hispanic artists and stages musical and dance performances. Young people in the community benefit from classes and workshops in theater arts, ceramics, dance and music. The UCC helps us care for our elders, providing assistance with transportation and affordable housing, while also maintaining adult day care for senior citizens.

The UCC understands that caring for families and individuals requires caring for the environment and stabilizing the neighborhood. Through its neighborhood development initiative, the UCC helps build the wealth and desirability of the community by helping families repair their homes, plant trees, and landscape open areas.

Through all of these activities, the UCC also serves as an ambassador for Hispanic people, reaching out to other communities in Milwaukee to develop understanding and acceptance of Hispanic culture.

By offering a unique array of services and programs, the UCC has established itself as a vital center of Hispanic culture in my district. On the occasion of this 35th Anniversary, I salute the leaders of the UCC, its current and former volunteers, and it members, for these impressive achievements.

## 90TH COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 2005*

Mr. SHIMKUS. Mr. Speaker, I rise to recognize the anniversary of the Armenian Genocide and to place in the RECORD a portion of an opinion article written by Lee Enokian.

ARMENIAN GENOCIDE VICTIMS ARE NOT FORGOTTEN

(By Lee Enokian)

Today is the 90th anniversary of the Armenian Genocide. Between 1915 and 1923, more than 1.5 million Armenians were murdered or forcibly exiled because they were the wrong religion and ethnicity. The world community memorializes the anniversary annually as Armenian Martyrs Day.

Thousands of Armenians were offered their lives in exchange for their conversion to Islam. They refused and died as a result. Their steadfast faithfulness to the Christian faith is not surprising. Armenia was the first Christian nation and remains the only Christian nation in the Middle East.

Various Turkish people invaded southwest Asia during the Middle Ages and carved an empire for themselves from lands occupied by the indigenous Semitic and Indo-European inhabitants.

Turkish nationalism grew relentlessly during the following centuries. In the years preceding World War I, they actively sought to Turkify the Ottoman Empire and strengthen their rule by eliminating fractious ethnic minorities.

The western two-thirds of Anatolia was once inhabited by Greeks and other Indo-European peoples. It is now primarily occupied by Turks.

The eastern third of modern Turkey was once Armenian with an Assyrian minority, but is now populated by Turks and Kurds.

Modern Armenia survived only because it was the single province controlled, and protected, by the Russian Empire. The rest of the territory within its historical borders is almost wholly devoid of ethnic Armenians.

The organized depopulation of Christians and non-Turks from Anatolia by the Ottoman Empire is one of the worst incidents of racism and religious intolerance documented in the world.

The Genocide was master-minded by the ultra-nationalist ''Young Turk'' government of Ottoman Turkey. Mehmet Talaat Pasha was the Minister of the Interior and architect of the Armenian Genocide. He was rewarded by being elevated to the position of Grand Vizier in 1917. Pasha fled to Germany as his empire collapsed in 1918. He was convicted of capital crimes, including massacring the Armenians. The post-war Ottoman government sentenced him to death in absentia.

Just-minded federal, state and local governments throughout the world continue to acknowledge the Armenian Genocide.

Illinois is no different. Gov. Rod Blagojevich has continued the practice of his predecessors by remembering the plight of the Armenian people. Part of his annual proclamation reads: ''The Armenian community, as well as the global community, remembers the Armenian Genocide, which occurred 90 years ago; and during this tragic historical period between the years of 1915 and 1923, Armenians were forced to witness the genocide of their loved ones, and the loss of their ancestral homelands; and this extermination and forced relocation of over 1.5 million Armenians by the Ottoman Turks is recognized every year.''

Sadly, the modern state of Turkey denies the Genocide ever occurred. It restricts the ability of ethnic Armenians, Kurds and Assyrians to enter and travel within the country. In fact, Turkey has done its best to remove every trace of the Armenian people from their ancestral homeland. These efforts still don't change history.

Blagojevich concluded his proclamation with the fact that we must remember hateful events like the Genocide to help prevent their future institution.

''Both recognition and education concerning past atrocities such as the Armenian Genocide is crucial in the prevention of future crimes against humanity.''

Evil wins when good men turn a blind eye.

## IN RECOGNITION OF JOSEPH W. NIGRO, JR.

### HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. LYNCH. Mr. Speaker, I rise today in honor of a man whose professional life has been dedicated to improving the lives of working men and women in Massachusetts and across our nation.

Mr. Speaker, it is my duty to inform the Membership of the House that my dear friend, Joseph W. Nigro, Jr. is retiring from the post of General Agent of the Boston Metropolitan Building Trades Council in Boston, Massachusetts.

Mr. Speaker, Joe Nigro is a remarkable leader with a long and illustrious career in the American Labor Movement. Joe Nigro was initiated into the International Brotherhood of Electrical Workers, Local 103 on November 21, 1960 and from the beginning he has been a shining example of dedicated service to his union, his community and his family and for these reasons is entirely worthy of Congressional recognition as well as the appreciation of this nation. Joe's personal integrity, hard work and determination illustrate the best characteristics of those who serve the working men and women of this country.

Over the last 18 years in his position as General Agent of the Boston Metropolitan Building Trades Council, Joe Nigro has made enormous contributions to the men and women of the building trades, not just in Massachusetts but across the country. Under Joe Nigro's leadership, the United States Supreme Court confirmed the legal right to use Project Labor Agreements on public projects creating job opportunities for union construction workers across the nation.

As a member of the Massachusetts State Legislature and Chair of its Commerce and Labor Committee, I witnessed Joe's passionate advocacy on behalf of working families. From securing benefits for workers who had lost their jobs, to training the next generation of America's workers, Joe has worked to ensure that the views and interests of working people are at the forefront of our state and national policy.

Mr. Speaker, Joe Nigro has also been a man committed to his community and has dedicated many hours and much energy to various charities including the South Boston Neighborhood House, the Muscular Dystrophy Association, the Boys and Girls Club of Boston, as well as the Fiske Family Inn Foundation.

On a personal note, I believe that one of Joe's greatest accomplishments has been little recognized over the years: that is, his remarkable ability to maintain ''labor peace'' among the building trades during times of enormous challenge within the labor movement. As the former President of the Ironworkers Union in Boston, I can assure you that this was a monumental task.

Mr. Speaker, it is my distinct honor to take the floor of the House today to join with Joe's wonderful family, friends, and brothers and sisters in the Labor Movement to thank him for his service and congratulate him on his much-deserved retirement. I hope my colleagues will join me in celebrating Joe Nigro's distinguished career and all his future endeavors.

## RECOGNIZING HARLINGEN HIGH SCHOOL FOR THE 2005 INSPIRATION AWARD

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. HINOJOSA. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Harlingen High School for being selected for one of the 2005 College Board Inspiration Awards. Harlingen High School is one of three exemplary high schools in the nation being honored for their steadfast commitment to fostering student success in some of America's most poverty-stricken communities.

Each school receives a prize of $25,000 to use in furthering its academic goals. The Inspiration Awards recognize outstanding work in improving the academic environment and helping economically disadvantaged students achieve the promise of higher education. I would like to congratulate the superintendent, Dr. Linda Wade, the principal, Richard Renaud, the teachers, students, and entire school community for this prestigious award.

Harlingen High School is truly an inspiration for all of us who value education and academic excellence for all students. For the Hispanic community, it reaffirms our core faith in our own potential. Over 87 percent of the students at Harlingen High School are Hispanic, and many of them are bilingual. Their motto is ''in relentless pursuit of student success.'' Harlingen High School stands firm on three major commitments it has made to the community. These are: To create a positive learning environment for all students; responsibly develop and maintain student-centered educational programs; and a commitment to making graduation the beginning of successful participation as positive and progressive citizens.

Harlingen High School has succeeded in the face of many challenges. More than half of its students participate in the free and reduced price lunch program and over 90 percent of the Hispanic students are considered to be ''at risk.'' A number of the students are the children of migrant and seasonal farm workers, and many of these young people work in the fields themselves.

Supporting teachers, building strong community partnerships, and fostering family engagement have been the foundation for Harlingen High School's success in achieving a 75 percent college-going rate. Harlingen counselors have also made sure that students and families know where they can find the resources to help finance college. In addition to helping Harlingen families with the federal student aid process, school counselors guided Harlingen students to over $2 million in scholarship money.

Harlingen High School has expanded access to AP courses for all of its students, and for Hispanic students, in particular. Hispanic students comprised 80 percent of the 298 students in grades 9–12 who took at least one Advanced Placement (AP) Program® examination. To prepare students for AP courses and college, Harlingen starts in 8th grade with a pre-AP Program. They couple this with an extensive Parent Involvement Program that conducts outreach meetings at different neighborhood community centers to impress upon parents the importance of helping teens prepare for college.

This is what is possible when we invest in excellence in the Hispanic community. I urge my colleagues to join me in saluting Harlingen High School for its achievement and applauding the College Board for sponsoring the Inspiration Awards. May each year be more competitive than the last.

## 10TH ANNIVERSARY OF SERVICE LEARNING PROGRAM AT TVI

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 10th anniversary of the Service Learning Program at TVI Community College in my home state of New Mexico. Service Learning is a collaboration of academic instruction, civic engagement and work experience that complements traditional college curriculum. Classroom learning is supplemented with relevant community service followed by self-assessment through group reflection. The concept of Service Learning is not new; the innovation is in promoting it as an essential part of the higher learning experience.

Dr. Rudy Garcia started the TVI Service Learning program in 1995 with 30 local non-profit agencies and 45 students. Ten years later, over 8,000 students have participated in nearly 42,000 hours of education-based community service. Funded by grants, this initiative has achieved program sustainability by building agency partnerships to deliver unique and relevant learning experiences for students while meeting community needs. The TVI Service Learning program fosters an ethic of civic engagement, best illustrated by the 35% of students who stay on as agency volunteers after completing the required hours for their program.

Service Learning at TVI is more than just volunteerism; students translate what they have learned in the classroom into hands-on experiences that develop skills for future employment. The non-profit community agencies are mentors to the Service Learners and partners to the educators who strive to increase academic success and student retention. Local employers also benefit, as Service Learning helps build a stronger, more experienced labor pool; a college degree combined with related work experience is the key to success in today's job market.

Dr. Garcia's Service Learning program has won numerous awards, including the Community Engagement Collaboration Award and the National Bellwether Award for Best Community College Instruction Program. The Campus Compact has designated TVI a Training College for institutions interested in Service Learning, Civic Responsibility and Community Partnerships. TVI and Dr. Garcia were also selected by the Pew Partnership for Civic Change to provide their Leadership Training program.

Mr. Speaker, I have had many Service Learners in my district offices, and as a public servant I welcome every opportunity to mentor these students in community service and civic responsibility. I endeavor to provide relevant work experience, while recognizing the tremendous contribution of our Service Learning

students as they apply these leadership principles and become peer mentors and role models in our community.

## GULF ISLANDS NATIONAL SEASHORE GRANT RECOGNITION

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. MILLER of Florida. I rise today to recognize Gulf Islands National Seashore for receiving a grant from the National Park Foundation and Unilever.

Unilever's Recycling at Work competitive grants program funds enhancement projects such as seating, boardwalks, overlooks, pullouts and educational/interpretive displays using sustainable lumber throughout the National Park System. The projects highlight the environmental leadership of the National Park Service in demonstrating how people may live more lightly on the land through the use of sustainable materials and techniques.

In Northwest Florida, Gulf Islands National Seashore is proud to be a part of this program. As a result of the generous grant, the park will construct the only accessible nature trail on the seashore. This trail will be a universal design boardwalk made of recyclable materials which will not only enhance the visitors' experience, but will also protect the fragile underbrush of the forest.

Mr. Speaker, this grant, in conjunction with the Florida National Trails Association's hard work and manpower, will greatly benefit all those who visit Northwest Florida's scenic wonders. I, along with Northwest Florida, am very appreciative of Unilever's generosity.

## INTRODUCING THE MEDICARE MENTAL HEALTH MODERNIZATION ACT OF 2005

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. STARK. Mr. Speaker, I rise to introduce the Medicare Mental Health Modernization Act of 2005. Medicare's mental health coverage is woefully inadequate. Instead of the standard 20 percent coinsurance payment required of beneficiaries, mental health services require a 50 percent copayment. Further, only limited community-based treatments are covered and, unlike treatment for physical illness, there is a 190-day lifetime cap on mental health hospitalization days. The bill we are introducing today eliminates this blatant mental health discrimination under Medicare and modernizes the Medicare mental health benefit to meet today's standards of care.

One in five members of our senior population displays mental difficulties that are not part of the normal aging process. In primary care settings, over a third of senior citizens demonstrate symptoms of depression and impaired social functioning. Yet only one out of every three mentally ill seniors receives the mental health services he/she needs. Older adults also have the highest rate of suicide of any segment of our population. In addition, mental illness is the single largest diagnostic category for Medicare beneficiaries on disability. There is a critical need for effective and accessible mental health care for the Medicare population. Recent research has found a direct relationship between treating depression in older adults and improved physical functioning associated with independent living. Unfortunately, the current structure of Medicare mental health benefits is inadequate and presents multiple barriers to access of essential treatment. This bill addresses these problems.

The Medicare Mental Health Modernization Act of 2005 is a straightforward bill that improves Medicare's mental health benefits as follows:

It reduces the discriminatory co-payment for outpatient mental health services from 50 percent to the 20 percent level charged for most other Part B medical services.

It eliminates the arbitrary 190-day lifetime cap on inpatient services in psychiatric hospitals.

It improves beneficiary access to mental health services by including within Medicare a number of community-based residential and intensive outpatient mental health services that characterize today's state-of-the-art clinical practices.

It further improves access to needed mental health services by addressing the shortage of qualified mental health professionals serving older and disabled Americans in rural and other medically underserved areas by allowing state licensed marriage and family therapists and mental health counselors to provide Medicare-covered services.

Similarly, it corrects a legislative oversight that will facilitate the provision of mental health services by clinical social workers within skilled nursing facilities.

It requires the Secretary of Health and Human Services to conduct a study to examine whether the Medicare criteria to cover therapeutic services to beneficiaries with Alzheimer's and related cognitive disorders discriminates by being too restrictive.

The push for mental health parity is ongoing. We've made important strides forward for the under-65 population. Twenty-three states have already enacted full mental health parity and the Federal Employees Health Benefits Plan was improved in 2001 to assure that all federal employees and members of Congress are provided mental health parity. In April 2002, President Bush called for Congress to enact legislation to provide equivalence for private sector health insurance coverage of mental and physical conditions (though he has yet to endorse any legislation to achieve that goal).

What has been too-often missing from this overall mental health parity debate is the fact that the Medicare program continues to fail to meet the mental health needs of America's seniors and those with disabilities. That's why we've introduced the Medicare Mental Health Modernization Act. That's also why this bill has received support from numerous mental health advocacy and provider organizations including: the National Alliance for the Mentally Ill, the Federation of Families for Children's Mental Health, the American Association of Geriatric Psychiatry, the American Psychological Association, the American Association for Marriage and Family Therapy, the American Mental Health Counselors Association, and the Clinical Social Work Federation.

It is past time for us to take action with regard to Medicare's inadequate mental health benefits. Over the years, Congress has updated Medicare's benefits for treatment of physical illnesses as the practice of medicine has changed. The mental health field has undergone many advances over the past several decades. Effective, research-validated interventions have been developed for many mental conditions that affect stricken beneficiaries. Most mental conditions no longer require long-term hospitalizations, and can be effectively treated in less restrictive community settings. This bill recognizes these advances in clinical treatment practices and adjusts Medicare's mental health coverage to account for them.

The Medicare Mental Health Modernization Act of 2005 removes discriminatory features from the Medicare mental health benefits and helps facilitate access to up-to-date and affordable mental health services for our elderly and disabled. I encourage my colleagues to support its passage into law.

## HONORING THE CONTRIBUTIONS OF STEVE LA MANTIA

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Steve La Mantia, Junior Achievement of Laredo Business Hall of Fame Laureate.

Mr. La Mantia grew up in McAllen, Texas, with his three brothers and sisters. He describes himself as having ''grown up farming'' on his family's farm on Mines Road. From an early age, he loved sports, and the persistence and competition that sports embody have become guiding values in his life.

He graduated from McAllen high school, where he played football, and attended college at Texas A&M, where he served as a referee. As a businessman, Mr. La Mantia has been tremendously dedicated to giving back to the educational community. Since 1991, he has been raising money for the Hispanic Scholarship Fund. In 2002, his family founded STARS: South Texas Academic Rising Scholars. STARS now provides students from the lower 22 counties of South Texas scholarship money to attend the college of their choice.

Mr. La Mantia is one of his community's most successful businessmen, working as Vice President and part owner of L&F distributors in Laredo. His work is a testament to the power of family businesses to thrive and create growth for our communities.

Mr. Steve La Mantia is a loyal Texan, a dedicated volunteer and philanthropist, and an exemplary businessman. I am happy that he has been chosen to receive the Laredo Junior Achievement Hall of Fame award, and I am proud to have had the chance to recognize him here today.

## 90TH COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 2005*

Mr. HINCHEY. Mr. Speaker, I rise in remembrance of the Armenian Genocide—one of the most horrific tragedies of the 20th century. Beginning on April 24, 1915, leaders of the Ottoman Empire began murdering thousands of Armenian people. By 1923, the number of Armenians murdered was over 1.5 million. Yet, in spite of irrefutable evidence, the United States of America and the Republic of Turkey have consistently refused to officially acknowledge that the Armenians were victims of genocide.

The Armenian Genocide is a historical event that cannot be denied or forgotten. It is vital for Turkey to recognize that this tragedy took place on its soil. Turkey should follow the example of Germany in its swift commendation and acknowledgement of the Holocaust. It is also equally vital for the United States to officially recognize the Armenian Genocide, just as many other governments have.

In 2000 the European Parliament officially recognized the Armenian Genocide. The following year the French Parliament recognized it as well. Many attempts have also been made by the U.S. Congress to officially recognize the Armenian Genocide. These attempts, however, have been scuttled by successive administrations for fear of disrupting our strategic relationship with Turkey. While I certainly value Turkey's friendship, as a world leader, the U.S. must officially acknowledge the Armenian Genocide. Not doing so sets an extremely poor example for the rest of the world and denies the victims of this horrific tragedy the proper reverence they deserve.

## 90TH COMMEMORATION OF THE ARMENIAN GENOCIDE

SPEECH OF

### HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 26, 2005*

Mr. LYNCH. Mr. Speaker, I rise today to join with Armenians throughout the United States, Armenia, and the world in commemorating the 90th anniversary of the Armenian genocide, one of the darkest episodes in Europe's recent past. This week, members and friends of the Armenian community gather to remember April 24, 1915, when the arrest and murder of 200 Armenian politicians, academics, and community leaders in Constantinople marked the beginning of an 8-year campaign of extermination against the Armenian people by the Ottoman Empire.

Between 1915 and 1923, approximately 1.5 million Armenians were killed and more than 500,000 were exiled to the desert to die of thirst or starvation. The Armenian genocide was the first mass murder of the 20th century, a century that was sadly to be marked by many similar attempts at racial or ethnic extermination, from the Holocaust to the Rwandan genocide and now the ongoing genocide in Darfur, Sudan.

In the 90 years since the beginning of this genocide, we have learned the importance of commemorating these tragic events. In 1939, after invading Poland and relocating most Jews to labor or death camps, Hitler cynically defended his own actions by asking, "Who remembers the Armenians?" Just a few years later, 6 million Jews were dead. Now is the time when we must answer Hitler's question with a clear voice: We remember the Armenians, and we stand resolved that genocide is a crime against all humanity. We must remember the legacy of the Armenian genocide and we must speak out against such tragedies to ensure that no similar evil occurs again.

While today is the day in which we solemnly remember the victims of the Armenian genocide, I believe it is also a day in which we can celebrate the extraordinary vitality and strength of the Armenian people, who have fought successfully to preserve their culture and identity for over a thousand years. The Armenian people withstood the horrors of genocide, two world wars, and several decades of Soviet dominance in order to establish modern Armenia. Armenia has defiantly rebuilt itself as a nation and a society—a triumph of human spirit in the face of overwhelming adversity.

It is my firm belief that it is only by learning from and commemorating the past can we work toward a future free from racial, ethnic, and religious hate. By acknowledging the Armenian genocide and speaking out against the principles by which it was conducted, we can send a clear message: never again.

## ENERGY POLICY ACT OF 2005

SPEECH OF

### HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

Mrs. KELLY. Mr. Chairman, I regret that I missed last week's votes during House consideration of the Energy Policy Act of 2005 due to a death in my family. I wanted to take this opportunity to talk about some of the important issues which came up during this debate.

For the past several years, fluctuating and high energy prices have caused a severe burden on American consumers and businesses. Without a comprehensive energy policy in place our economic and national security continues to be affected. Unfortunately, the bill passed by the House falls short regarding some very important issues, and I wanted to take an opportunity to state my concerns on this matter.

I remain opposed to drilling in the Arctic National Wildlife Refuge, ANWR, and will continue to support the removal of this provision from a final energy bill. I have continually supported amendments, similar to the one offered by Mr. MARKEY which protects ANWR from exploration and development. Drilling in the Arctic would do little to address our country's long-term energy needs, and the cost to a critical environmental asset would be substantial.

I also support the amendment offered by Reprentative CAPPS regarding MTBE contamination. As we now know, this highly-soluble additive is contaminating our water and posing a threat to our communities by leaking out of underground storage tanks and from gasoline spills and spreading rapidly into groundwater. The current circumstances demonstrate that our reliance on MTBE has resulted in harmful side-effects. We need energy policies which promote the use of cleaner burning fuels that do not endanger our water supply. By phasing-out the use of MTBE and allowing states to pursue alternative courses to meeting strong clean air standards, significant strides might be made in our effort to create sensible, well-rounded environmental policies. The Town of Wappinger and the Village of Pawling, two water providers in my district, have filed suit against oil companies because of MTBE contamination of their drinking water sources. I've also heard from residents in the Town of Highlands, who have expressed to me their opposition to a proposal that would retroactively apply the product liability waiver to October 1, 2003. I opposed this provision when it was included in the energy bill considered by the House in the last Congress. My colleague, Mrs. CAPPS offered a sound amendment which would ensure that the oil and chemical industries remain fully liable in order to ensure that public health and safety are protected. Though the amendment unfortunately failed, I will continue to work with my colleagues on this provision to ensure my communities are protected.

The time has come to reform our Corporate Average Fuel Economy, CAFE, standards for vehicles. As my record indicates, I have consistently voted in favor of amendments which will do just that. This year, my colleague from New York, Mr. BOEHLERT offered a smart amendment to increase the fuel economy of America's vehicles to 33 miles per gallon by 2015. America's cars and trucks consume over 8 million barrels of oil per day and are a major source of the heat-trapping pollution that causes global warming. We could safely achieve 33 miles per gallon and not only save American consumers money at the gas pumps but curb global warming emissions.

The encouragement of a more domestic production of oil with incentives such as a streamlined permit process, promotes a greater refining capacity to bring more oil to market, and increases the gasoline supply by stopping the proliferation of expensive regional boutique fuels. The nation needs to reduce its dangerous dependence on foreign oil. Mr. WAXMAN's amendment advances this policy by allowing new domestic oil and gas exploration and development by authorizing expansion of the Strategic Petroleum Reserve's capacity to 1 billion barrels.

We need a clean fuels program that will help reduce smog in afflicted areas, primarily the eastern half of the country, which has the greatest smog problems. More than 150 million Americans live in areas where EPA has determined that ground-level ozone or smog levels are high enough to cause serious health problems. I continue to be a supporter of the Clean Smokestacks Act, which calls for significant emission reductions for sulfur dioxide, mercury, nitrogen oxide and carbon dioxide, and have made it clear to the EPA my opposition to any modifications to the Clean Air Act which will increase pollution.

Thank you for the opportunity to comment on several key provisions contained in the House-passed energy bill.

## LEGISLATION ESTABLISHING THE NORTHERN BORDER COORDINATOR IN THE DEPARTMENT OF HOMELAND SECURITY

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Ms. SLAUGHTER. Mr. Speaker, I am pleased to introduce legislation that would establish the position of Northern Border Coordinator in the Department of Homeland Security.

The northern border spans twelve states and over 3,000 miles. My congressional district, which includes Niagara Falls and Buffalo, serves as an annual gateway for 14.5 million individuals who enter the United States across the Niagara River bi-national bridges. The Peace Bridge, connecting Buffalo to Fort Erie, is the country's busiest border crossing, with over 1.3 million trucks and 20 billion dollars of commerce passing over it each year. More broadly, Canada is our nation's single largest trading partner, with total trade activity exceeding $400 billion.

Mr. Speaker, in the wake of the September 11, 2001 attacks, there is a new awareness that the northern border can also serve as an opening for terrorists, weapons of mass destruction, and other hazardous materials. Even today, there are many areas along the northern border that lack sufficient personnel and resources to provide border security. Our nation must act to thwart terrorists who attempt to abuse the open relationship between our two countries. It is important that enhanced border security along the U.S.-Canadian border be overseen in a coordinated manner among federal, state and local law enforcement and first responders.

For this reason, I have introduced legislation that would establish the position of Northern Border Coordinator at the Department of Homeland Security. The Northern Border Coordinator would be responsible for increasing the security of the border between the U.S. and Canada; improving the coordination among the agencies responsible for homeland security; serving as the primary liaison with the state and local governments and law enforcement agencies in matters regarding border security; and serving as a liaison with the Canadian government.

It is critical that we devote the personnel and technology necessary to ensure our security while maintaining strong channels for trade. A position within the Department of Homeland Security dedicated towards these goals is a step in the right direction.

## HONORING THE CONTRIBUTIONS OF BUDDY ALBRO, NORMA KRUEGER ELEMENTARY SCHOOL TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Buddy Albro, Norma Krueger Elementary School Primary Campus Teacher of the Year.

Mr. Albro decided to enter the profession of teaching relatively late in life. Previously, he had been a successful worker in the oil and gas industry. He decided that he wanted to make a difference in the lives of children, and went back to school at Southwest Texas State University, where he graduated with honors.

He has now been a teacher with the Marion Independent School District for eight years, seven of which were spent teaching the third and fourth grades. Currently, he is the elementary physical education teacher for grades K–5.

Mr. Albro believes that every child has the potential to do great things, and he works hard to make learning fun for his students. He believes that the most important component of an elementary education is becoming a good reader; this skill, he feels, sets the stage for a lifetime of success.

Mr. Buddy Albro is an outstanding educator, dedicated to the welfare and happiness of the children of Marion. His dedication is a tremendous example for other educators, and I am happy to have the opportunity to honor him here today.

## TRIBUTE TO THE AMERICAN CANCER SOCIETY ON THE OCCASION OF MAKING STRIDES AGAINST BREAST CANCER

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to express my gratitude to the American Cancer Society for its outstanding efforts to combat breast cancer.

On May 1, the American Cancer Society will host its annual event, Making Strides Against Breast Cancer. This year, Making Strides Against Breast Cancer will invite local residents to participate in a non-competitive walk along Milwaukee's lakefront to raise money to fight breast cancer and to educate our citizens about prevention, detection and treatment.

I am particularly thankful for their work because I know the devastating effects of breast cancer on individuals and families in my district. Those who lack awareness of the disease are less likely to follow basic prevention and detection protocols. Too many women die of this disease when early detection and treatment might have saved their lives.

Throughout the year the American Cancer Society works hard to make a difference in the lives of Wisconsin residents, promoting cancer awareness and prevention. It is a pleasure to take this opportunity to recognize their contributions to the communities in the Fourth Congressional District, and to say thank you. I wish them good weather for a successful event and another year of commendable work.

## RECOGNIZING THE 20TH ANNIVERSARY OF THE CONGRESSIONAL YOUTH LEADERSHIP COUNCIL

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the Congressional Youth Leadership Council (CYLC) as it celebrates its 20th Anniversary. Since its founding in 1985, the Council has been successfully committed to its mission to foster and inspire young people to achieve their full leadership potential.

CYLC has directly impacted over 200,000 young men and women representing all 50 states, the District of Columbia, the American territories, and over 100 countries around the world since its founding. From the State of Illinois alone, more than 3,000 students have participated in at least one of the Council's dynamic programs. These scholars are well-rounded in their academic achievements and demonstrated leadership abilities.

The educational programs offered by the council create opportunities for leaders of all ages to have a unique experience with each program. Beginning with the Junior National Young Leaders Conference (JrNYLC) and the National Young Leaders State Conference (NYLSC), students are challenged to understand their own leadership skills through the context of American history and self-evaluation. The National Young Leaders Conference (NYLC) and the Global Young Leaders Conference (GYLC), provide outstanding young leaders of tomorrow the opportunity to meet the national and global leaders of today. During that time they explore, question, and discuss critical issues facing all of us.

The comprehensive curriculum focuses on learning through experience—simulations, role playing, debate and, most importantly, personal interaction among students and today's leaders that fosters open dialog, new perspectives, and cultural exchanges. All of these elements combine to create an atmosphere of inspiration that energizes young men and women to return to their homes, communities, and schools with the tools and drive to be effective leaders both today and for many years to come. Please join me in congratulating the Congressional Youth Leadership Council on 20 years of positively impacting the lives of this nation's and the world's future leaders.

## STRATEGIC COMMUNICATION ACT

### HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. THORNBERRY. Mr. Speaker, I agree with those who say that the Global War on Terrorism is actually a Global War of Ideas and that terrorism is one of the tactics used in that War. Military power, alone, will not win this War nor can it ensure our safety against those willing to destroy themselves as they murder as many Americans as possible.

The Global War of Ideas must be waged on many fronts—military, diplomatic, economic. It must include intelligence activities abroad and homeland security efforts here at home. It

must involve our allies and friends around the world.

One critical aspect of this War involves what I believe can best be labeled as ''Strategic Communication.'' Strategic Communication is not marketing; it is not simplistic slogans; it is not simply looking for better ways to tell the world how good we are. Strategic Communication is deeper and more sophisticated than that. It is how we communicate with—and thus relate to—the rest of the world.

It includes public diplomacy (how we communicate with people outside of the United States), public affairs (how we communicate with Americans and the media), international broadcasting, and various governmental information operations programs. It must, of course, utilize and take into account ever-evolving technologies.

Any communication begins with listening and understanding, which is certainly where Strategic Communication must begin. We cannot conduct a poll or two and assume we know what the people think. We have to understand history, culture, traditions, values, and anxieties. Without that understanding, any attempt at communicating, much less influencing, will be futile. Our understanding must extend to networks of influence within societies and to the factors which influence human behavior.

In addition to understanding attitudes and cultures, Strategic Communication involves engaging in a dialogue of ideas, advising policy makers of the implications of various decision choices, and developing and implementing communication strategies that can help shape attitudes and behaviors. It involves the work not only of the Department of State, but also the Department of Defense, the Intelligence Community, and others.

Needless to say, Strategic Communication is a massive job that directly affects the national security of the United States for generations to come.

A number of studies since the 9/11 attacks—and some even prior—have emphasized the importance of Strategic Communications and have also found that the United States efforts have been quite deficient. One recent report, which I found particularly helpful, was issued by the Defense Science Board Task Force on Strategic Communication, chaired by Mr. Vincent Vitto.

The Defense Science Board report provides a context for the importance of Strategic Communications, and it offers a number of recommendations. Many of those recommendations require action by the Executive Branch, but some require Congressional action as well. The report's bottom line is that the U.S. needs a ''dramatically more disciplined, methodical, and strategic approach to global communications.''

In considering the many aspects of Strategic Communications, there are some things only government can do. But, government does not have all of the answers or all of the expertise needed to successfully wage this War. Those outside government have much to contribute. To be truly successful, there must be a cooperative partnership between government and the private sector.

The bill I am introducing today, H.R. 1869, the ''Strategic Communication Act of 2005,'' will help provide a framework for that partnership. Implementing one of the recommendations of the Defense Science Board study, the bill creates a nonpartisan, non-profit Center for Strategic Communication to be at the intersection of government and private sector efforts in Strategic Communication. As a nongovernmental entity, the Center can take advantage of the experience and expertise of those outside of government who may be unwilling or unable to work within government but would like the opportunity to contribute. It would also allow greater flexibility than government regulations sometimes permit.

While no one wants to duplicate essential governmental functions, the Defense Science Board's report suggests that a non-profit Center would have three primary purposes:

1. To provide information and analysis to civilian and military decision-makers;

2. to develop plans and programs to create and implement U.S. communication strategies; and

3. to support government strategic communications. Among the areas in which the Center can contribute are: polling and analysis, cultural influence analysis, media influences analysis, fostering cross cultural exchanges, sub-contracting to the commercial and academic sectors for a range of products and programs, mobilizing non-government initiatives, such as temporary communication teams, and continually monitoring and evaluating effectiveness.

Mr. Speaker, let me make clear that I understand, as did the Defense Science Board, that the War of Ideas is about much more than communications strategies. It is also about policies and actions, some of which are not popular in various regions of the world. The Defense Science Board report noted that policies and strategic communications cannot be separated.

But effective communication is also an essential part of any effort to make the world a safer place. As the Defense Science Board noted, ''Strategic Communication is a vital component of U.S. national security. It is in crisis and must be transformed with a strength of purpose that matches our commitment to diplomacy, defense, intelligence, law enforcement, and homeland security.''

I believe that this proposal and the entire list of recommendations by the Defense Science Board can make a major contribution to this effort.

## ASSAULT WEAPONS BAN

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. GINGREY. Mr. Speaker, the so-called Assault Weapons ban passed in 1994 has now been expired for seven months and our nation has yet to feel the ill effects proponents of the '94 legislation predicted. The following article by Deborah Sontag of the New York Times, provides a great description of how little has changed since the ban was lifted. Mr. Speaker, I would like to insert this article into the CONGRESSIONAL RECORD.

[From the New York Times, Apr. 24, 2005]

MANY SAY END OF FIREARM BAN CHANGED LITTLE

(By Deborah Sontag)

Despite dire predictions that the streets would be awash in military-style guns, the expiration of the decade-long assault weapons ban last September has not set off a sustained surge in the weapons' sales, gun makers and sellers say. It also has not caused any noticeable increase in gun crime in the past seven months, according to several metropolitan police departments.

The uneventful expiration of the assault weapons ban did not surprise gun owners, nor did it surprise some advocates of gun control. Rather, it underscored what many of them had said all along: that the ban was porous—so porous that assault weapons remained widely available throughout their prohibition.

''The whole time that the American public thought there was an assault weapons ban, there never really was one,'' said Kristen Rand, legislative director of the Violence Policy Center, a gun control group.

What's more, law enforcement officials say that military-style weapons, which were never used in many gun crimes but did enjoy some vogue in the years before the ban took effect, seem to have gone out of style in criminal circles.

''Back in the early 90's, criminals wanted those Rambo-type weapons they could brandish,'' said Jim Pasco, executive director of the Fraternal Order of Police. ''Today they are much happier with a 9-millimeter handgun they can stick in their belt.''

When the ban took effect in 1994, it exempted more than 1.5 million assault weapons already in private hands. Over the next 10 years, at least 1.17 million more assault weapons were produced—legitimately—by manufacturers that availed themselves of loopholes in the law, according to an analysis of firearms production data by the Violence Policy Center.

Throughout the decade-long ban, for instance, the gun manufacturer DPMS/Panther Arms of Minnesota continued selling assault rifles to civilians by the tens of thousands. In compliance with the ban, the firearms manufacturer ''sporterized'' the military-style weapons, sawing off bayonet lugs, securing stocks so they were not collapsible and adding muzzle brakes. But the changes did not alter the guns' essence; they were still semiautomatic rifles with pistol grips.

After the ban expired in September, DPMS reintroduced its full-featured weapons to the civilian market and enjoyed a slight spike in sales. That increase was short-lived, however, and predictably so, said Randy E. Luth, the company's owner.

''I never thought the sunset of the ban would be that big a deal,'' Mr. Luth said.

No gun production data are yet available for the seven months since the ban expired. And some gun-control advocates say they don't trust the self-reporting of gun industry representatives, who may want to play down the volume of their sales to ward off a revival of the ban.

Indeed, a replica of the ban is again before the Senate.

''In my view, the assault weapons legislation was working,'' said Senator Dianne Feinstein, Democrat of California, a chief sponsor of the new bill. ''It was drying up supply and driving up prices. The number of those guns used in crimes dropped because they were less available.'' Assault weapons account for a small fraction of gun crimes: about 2 percent, according to most studies, and no more than 8 percent. But they have been used in many high-profile shooting sprees. The snipers in the 2002 Washington-area shootings, for instance, used semiautomatic assault rifles that were copycat versions of banned carbines.

Gun crime has plummeted since the early 1990's. But a study for the National Institute of Justice said that it could not ''clearly credit the ban with any of the nation's recent drops in gun violence.'' Research for the

study in several cities did show a significant decline in the criminal use of assault weapons during the ban. According to the study, however, that decline was offset by the ''steady or rising use'' of other guns equipped with high-capacity magazines—ammunition-feeding devices that hold more than 10 rounds.

While the 1994 ban prohibited the manufacture and sale of such magazines, it did not outlaw an estimated 25 million of them already in circulation, nor did it stop the importation of millions more into the country.

Senator Feinstein said she wished she could outlaw the ''flood of big clips'' from abroad, calling that the ''one big loophole'' in the ban. But that would require amending the bill, and Republicans like Senator John W. Warner of Virginia and Senator Mike DeWine of Ohio are willing to back it only without amendments, she said.

Some gun-control advocates say it is pointless to reintroduce the 1994 ban without amending it to include large magazines and a wider range of guns. They see more promise in enacting or strengthening state or local bans. Seven states—California, Connecticut, Hawaii, Massachusetts, Maryland, New Jersey and New York—already have bans, most based on the federal one. The model ban, gun-control advocates say, is a comprehensive one in California (referred to as ''Commiefornia'' on some gun enthusiast Web sites).

The Fraternal Order of Police has not made a new federal ban a legislative priority, either. Mr. Pasco, the organization's director, said he could not recall a single ''inquiry from the field about the reauthorization of the ban—and we have 330,000 members who are very vocal.''

''In 1994, I was the principal administration lobbyist on this ban,'' said Mr. Pasco, who then worked for the federal Bureau of Alcohol, Tobacco and Firearms. ''But here we are 10 years later, and these weapons do not appear to pose any more significant threat to law enforcement officers than other weapons of similar caliber and capability.''

The ban made it illegal to possess or sell a semiautomatic weapon manufactured after September 1994 if the weapon accepted a detachable magazine and contained at least two features from a list that included protruding pistol grips and threaded muzzles. The ban outlawed 19 weapons by name, among them some foreign semiautomatics already banned under the 1989 firearms importation law, which still stands.

But gun manufacturers increased production of assault weapons while the ban was being debated. Then, by making minor changes in design, they were able to produce, as they called them, ''post-ban'' assault weapons that were the functional equivalent of the originals.

Colt came out with a ''sporterized'' version of its popular AR–15 semiautomatic rifle, leaving off some military features that were ''meaningless as far as its lethality,'' said Carlton S. Chen, vice president and general counsel for Colt.

''People might think it looks less evil,'' Mr. Chen said, ''but it's the same weapon. It was a hoax, a Congressional hoax, to ban all these different features.''

Mr. Pasco of the police organization disagreed. ''We knew exactly what we were doing by trying to ban guns with certain features,'' he said. ''While it didn't affect their function or capability, those features, at that point in time, seemed to make those weapons more attractive to those who wanted to commit crimes.''

Gun-control advocates say military-style semiautomatics do not belong in civilian hands. ''They are weapons of war,'' Senator Feinstein said, ''and you don't need these assault weapons to hunt.''

Gun makers, however, say the weapons do have sporting uses, in hunting and in target shooting. ''People buy these rifles because they're fun to shoot and they perform well,'' Mr. Luth of DPMS said. ''They also like them because you can jazz them up like you can your car. You can custom-paint them, put on a multitude of handguards or buttstocks.''

Some collectors simply admire certain guns. Charles Cuzalina, a gun dealer in Oklahoma who specializes in banned weapons, is taken with the Colt AR–15.

''I just like the look of the weapon,'' Mr. Cuzalina said. ''When I bought my first, I went out on the farm shooting at a pie plate, and I realized how accurate it makes you. You think you're the world's best shot.''

Mark Westrom, owner of ArmaLite Inc., a gun maker in Illinois, said prey hunters and target shooters did not miss bayonet lugs and other features that disappeared with the post-ban rifles. Collectors looking for an exact civilian replica of a military rifle, however, consider the removal of a bayonet lug ''a matter of design defacement,'' Mr. Westrom said.

Several manufacturers are offering factory conversions or selling kits so gun owners can retrofit their post-ban weapons. They are also increasing their production of pre-ban weapons and decreasing production of post-ban weapons.

Many gun store owners say that sales of assault weapons spiked briefly in September and October. Gun dealers sought to capitalize on the ban's sunset and, during the presidential campaign, to raise the specter of a tougher ban if John Kerry won.

''We view this time as a 'pause' and urge you to take advantage of the opportunity to exercise your Second Amendment rights,'' Tapco, a shooting and military gear company, said on its Web site last fall. ''Anti-gun politicians learned much over the past 10 years. They will surely not leave as many loopholes in future legislation.''

After President Bush was re-elected and the novelty of the ban's expiration waned, sales leveled off at many gun shops. But Mike Mathews, the owner of Gunworld in Del City, Okla., said sales had been holding steady at a higher level.

Norm Giguere of Norm's Gun & Ammo in Biddeford, Me., on the other hand, said that he had not sold any military-style semiautomatic rifles since right after the Sept. 11 terrorist attacks, and that the gun business in general was ''going down the tubes.''

Mr. Luth of DPMS, however, said that his sales had been increasing for years, to the law enforcement community, the civilian market and an unexpected new clientele. ''We've picked up new customers with the troops returning from Iraq,'' he said, ''who had never shot an AR–15 before and now want one.''

The war in Iraq has had another unintended consequence for the marketplace. Colt, one of the biggest manufacturers, has decided against putting its AR–15 back on the civilian market because the company is backlogged with military orders.

Unlike assault weapons, high-capacity magazines, which are used with many guns, have been selling briskly since the ban ended because prices have dropped considerably.

''The only thing Clinton ever did for us was drive up the price of magazines,'' said a weapons specialist named Stuart at TargetMaster, a shooting range and gun shop in Garland, Tex. (He declined to give his last name.) ''A 17-round Glock magazine crept up to $150 during the ban. It's $75 now.''

Since September, the Web site of Taurus International Manufacturing Inc., a major maker of small arms, has celebrated the demise of the prohibition on magazines, flashing in red letters, ''10 years of 10 rounds are over!''

## HONORING MAJOR GENERAL GEORGE W. KEEFE IN RECOGNITION OF HIS SERVICE AS ADJUTANT GENERAL OF THE MASSACHUSETTS NATIONAL GUARD

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CAPUANO. Mr. Speaker, I rise to honor the career of Major General George W. Keefe, who recently retired from his post as the 41st Adjutant General of the Massachusetts National Guard. Major General Keefe, appointed interim Adjutant General on July 24, 1999, and Adjutant General January 7, 2000, was the first Air Force officer to hold this position.

Born and raised in Northampton, Massachusetts, Major General Keefe attended Holyoke College, where he received an Associate in Business degree. He joined the Massachusetts Air National Guard in 1956 as a Crash Fire Rescue Specialist and rose to the enlisted rank of Master Sergeant in Westfield's 104th Tactical Fighter Group.

Upon becoming an officer, Major General Keefe served in various capacities within the Massachusetts Air National Guard, including the 104th Combat Support Squadron Personnel Officer, Base Supply Operations Officer, Comptroller, and Chief of Supply. His leadership abilities elevated him to the positions of Commander of the 104th Resource Management Squadron, and Deputy Commander for Resources for the 104th Tactical Fighter Group. In 1993, the Major General became the Group's Vice Commander. Major General Keefe was selected as the Vice-Commander for the Massachusetts Air National Guard in 1994 and assumed the position of Assistant Adjutant General for Air in 1995.

As Adjutant General, Major General Keefe was the Governor's senior military advisor responsible for protecting life and property, preserving peace, order, and public safety in times of natural disaster and civil emergency. He also had a responsibility to the Chief of the National Guard Bureau for providing operationally trained, equipped and mission-ready forces to support national security objectives.

Major General Keefe is enshrined in the U.S. Air Force Enlisted Heritage Hall at Maxwell AFB as one of the only general officers who enlisted as an E–1, was promoted through the ranks to E–7, and then rose through the officer ranks from First Lieutenant to Major General. He holds several distinctions, including being the last member in uniform who served in the Berlin Call-up, serving at Plattsburg AFB from October 1961 to September 1962.

Among his awards and decorations, Major General Keefe has received the Legion of Merit, Meritorious Service Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award (with three oak leaf clusters), Air Reserve Forces Meritorious Service Medal, National Defense Service Medal (with Bronze Star), Armed Forces Expeditionary Medal, and Armed Forces Service Medal. The Major General also has been awarded the Air Force Longevity Service Ribbon (with nine oak leaf clusters), Armed Forces Reserve Medal (with gold

and bronze hourglass device), Small Arms Expert Marksmanship Ribbon (with Bronze Star), Air Force Training Ribbon Massachusetts Medal of Merit, Massachusetts National Guard Service Medal (with gold eagle), Massachusetts National Guard Desert Storm Service Award and an Award for Heroism for the City of Northampton, Massachusetts.

Major General Keefe has four sons, Gary, James, Patrick and Timothy. Three of his sons are current members of the Massachusetts National Guard. The Commonwealth of Massachusetts and the nation owe Major General Keefe an enormous debt of gratitude for his service to his country. On behalf of my colleagues in the Massachusetts delegation, I commend Major General George W. Keefe for such a distinguished military career and I wish him continued success in all his future endeavors.

## INTRODUCING A BILL TO ENHANCE THE SECURITY OF THE U.S. PASSENGER AIR TRANSPORTATION SYSTEM

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. COSTELLO. Mr. Speaker, yesterday Congressman OBERSTAR, Congressman DEFAZIO and I have introduced a bill to enhance the security of the U.S. passenger air transportation system—The Airport Screener Technology Improvement Act of 2005. We are currently collecting over $1.5 billion a year from the passenger security fee for aviation security services. Our bill will put this fee into two funds that will guarantee that TSA will spend the authorized amounts of $650 million a year and $250 million for the installation of in-line baggage screening systems and passenger checkpoint explosive detection, respectively.

Mr. Speaker, last week the Department of Homeland Security Inspector General (DHS IG) and the Government Accountability Office (GAO) both released reports that indicate that our airport screening system still needs improvement. While the traveling public is more secure today than before September 11th, 2001, airport screeners are not detecting prohibited items at the level we need.

Mr. Speaker, this Congress has arbitrarily capped the number of airport screeners at 45,000, and has provided neither the resources nor the technology for the screeners to get the job done. Without a significant investment and commitment by Congress and this Administration to upgrade our technology, our screening system will continue to fail. We must and can do better!

Last year, the National Commission on Terrorist Attacks Upon the United States (''the 9/11 Commission'') specifically recommended that the TSA and the Congress improve the ability of screenings checkpoints to detect explosives on passengers. The Intelligence Reform and Terrorism Prevention Act (P.L. 108–458) authorized $250 million for the research and deployment of advanced passenger screening technologies, such as trace portals and backscatter x-ray systems. To date, only about $30 million has been appropriated specifically for the general deployment of these types of technologies.

The 9/11 Commission also recommended that the TSA ''expedite the installation of advanced (in-line) baggage screening equipment.'' The Chairman of the 9/11 Commission testified before Congress that the Commission supports moving explosives units out of airport lobbies and into a secured area which will allow for movement of bags from the check-in counter to the loading area in a seamless, in-line process, promoting greater security and efficiency.

In addition to these benefits, in-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods.

The TSA and airport operators rely on commitments in letters of intent (LOIs) as their principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. The TSA has issued eight LOIs to cover the costs of installing systems at nine airports for a total cost to the federal government of $957.1 million over four years. The GAO reports that TSA has estimated that in-line baggage screening systems at the nine airports that received LOI funding could save the federal government $1.3 billion over seven years. TSA further estimated that it could recover its initial investment in the in-line systems at these airports in a little over one year.

In total, the GAO reports that 86 of 130 airports surveyed are planning or are considering installing in-line baggage screening systems throughout or at a portion of their airports. Yet, the TSA has stated that it currently does not have sufficient resources in its budget to fund any additional LOIs. While $650 million is authorized for the installation of in-line baggage screening systems, annual appropriations have not allowed for any new LOIs to be signed.

Mr. Speaker, the recommendations, findings and statements of the 9/11 Commission, the DHS IG, GAO and TSA all indicate that we need better technology to improve security at our airports. We have been put on notice, and we must take action now. We must demonstrate leadership and deploy technologies that will keep the American public safe and secure. I urge my colleagues to join me in working to pass this important legislation.

## CONGRATULATING MR. BERNIE DITTMAN ON RECEIPT OF THE 2005 ALABAMA BROADCASTERS ASSOCIATION'S BROADCASTER OF THE YEAR AWARD

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. Bernie Dittman on the occasion of his being honored with the 2005 Alabama Broadcasters' Association's Broadcaster of the Year Award.

This award recognizes outstanding contributions made by members of the Alabama radio and television broadcast community in both their professional field and in the life of their local cities and towns. Bernie Dittman, a longtime friend and resident of Alabama's First Congressional District, as well as an active member of the state broadcasters' association, is a very worthy choice to receive this year's award.

Bernie purchased WABB–AM in Mobile, Alabama, in 1959. This station, previously owned by the Mobile Register newspaper organization, first went on the air in 1948 with call letters that stand for ''Alabama's Best Broadcasters.'' One year later, Bernie moved to Mobile and completely changed the broadcast format of the station. His conversion of WABB from a country station to Top 40 propelled WABB to the position of the leading station in that format and one of the premiere stations anywhere on Alabama's Gulf Coast. In 1973, Bernie took WABB in a new direction when the station added a new FM signal and began to broadcast a progressive rock format. At a time when most automobiles were not equipped with FM receivers, Bernie and his team ran an extensive series of on-air promotions encouraging the installation of low-cost FM receivers.

Under Bernie Dittman's leadership, WABB has become one of the longest-running and most successful Top 40 radio stations in the United States. The station has also spearheaded over the years the move to more equality in the hiring of on-air personalities and staff members; in fact, WABB was one of the stations in south Alabama which early on began to hire women and African-Americans for important announcer positions. WABB has also been a critical part of Mobile's emergency broadcast community and played a crucial role in providing information to listeners during Hurricane Frederic (1979) and Hurricane Ivan (2004). During Ivan, in fact, WABB was one of the few stations in the area able to transmit continuously during the storm without losing power. Following the end of the storm, the station also spearheaded the effort to collect and distribute relief material to neighboring states which had also been severely affected.

Aside from his professional obligations, Bernie has also ensured that WABB and its family of employees take an active role in the life of the Mobile community. For the past 47 years, the station has operated the WABB Community Club Awards Program of Greater Mobile, which has during its existence provided over $250,000 in financial awards to local civic, religious, and cultural institutions. Additionally, the station has been a 40-year sponsor of the Greater Gulf State Fair, a 35-year sponsor of the Alabama Deep Sea Fishing Rodeo, and a long-time sponsor of both the Senior Bowl and GMAC Bowl college football games. The Boys and Girls Clubs of Greater Mobile, the United States Marine Corps Toys for Tots program, the Mobile Ronald McDonald House, and numerous other organizations advocating area youth have also benefited tremendously from Bernie Dittman's leadership and community involvement. In fact, the area Toys for Tots program holds the record for the single largest toy collection anywhere in the United States, with over 100,000 toys collected—due in large part to the efforts of Bernie and his entire team.

Bernie has also been a longtime member of the Alabama Broadcasters' Association and the National Association of Broadcasters, and in 2000 was the recipient of the Greater Mobile Advertising Federation Silver Medal Award.

Mr. Speaker, there have been few individuals more important to the broadcast profession in Alabama or to the life of their local

community than Bernie Dittman. He is an outstanding example of the quality individuals who have devoted their lives to the field of broadcasting, and I ask my colleagues to join with me in congratulating him on this remarkable achievement. I know Bernie's colleagues, his family, and his many friends join with me in praising his accomplishments and extending thanks for his many efforts over the years on behalf of the First Congressional District and the entire state of Alabama.

## RECOGNIZING THE ACHIEVEMENTS OF DEBBY LAWSON

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Debby Lawson for her dedication to teaching the students at Frazier Elementary in the Comal Independent School District.

Today's students that go through our nation's public school systems have an innate right to be taught the necessary skills to tackle all the challenges they will encounter through the course of their lives. Teachers provide them with this right day after day and in Debby Lawson's case she has been doing this for 30 years now.

Receiving her bachelor's and master's degrees from the University of Texas in Austin, she has been able to take these tools learned in the college classroom and turn them into results in the elementary classroom. The learning environment promoted by Mrs. Lawson is one that teaches the students the values of communication between themselves and their fellow students. Her second grade students are encouraged to ''support each other and celebrate the successes of their classmates.'' This provides our nation's children with the fundamentals to learning how to understand and work along side their peers, an invaluable asset to anyone no matter what age.

Teachers like Debby Lawson give our nation's children the necessary foundations to help them forge their minds into tomorrow's greats. I am honored to have this opportunity to recognize Debby Lawson for her dedication to teaching our community's children.

## EMERGENCY IMMIGRATION WORKLOAD REDUCTION AND HOMELAND SECURITY ENHANCEMENT ACT OF 2005

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. GRAVES. Mr. Speaker, I rise today still afraid for our nation's security. Not because of terror alerts, but because our borders remain porous. The enforcement of our immigration policy is impotent, resulting in a continued flood of illegal immigrants across our borders.

It is time for the federal government to stop letting unchecked mass immigration undermine the wages, safety, and benefits in one occupation after another. It is time for the federal government to moderate immigration and to treat American workers, citizen and immigrant, with the respect they deserve.

Our constituents did not elect us to help cheapen the quality of their lives by importing foreign workers at six to eight times the historical average. There is no getting around the fact that when we cheapen labor with unchecked illegal immigration, we cheapen our neighbors, both citizens and immigrants alike.

Today, I introduce the Emergency Immigration Workload Reduction and Homeland Security Enhancement Act of 2005. This legislation would suspend certain nonessential visas in order to provide temporary workload reduction critical to the success of the immigration component of the recently established Department of Homeland Security. These suspensions would be lifted following the certification by Secretary of Homeland Security to Congress that specific conditions ensuring the department's ability to carry out its enforcement responsibilities have been met.

Zealous enforcement of our immigration laws is a critical first step; however, Congress must look at the root causes of our policy flaws. In this era of global terrorism, we must re-evaluate our immigration policy and close these outstanding loopholes to give the Department of Homeland Security the tools it needs to protect our soil.

I call on my colleagues to join me in working to reform our immigration policies and to halt the cheapening of America's citizen and immigrant workers. Without real immigration reform, our borders will not be safe and our citizens will be at risk.

## FORTY YEARS OF WORKING FOR PEACE AND INTERNATIONAL UNDERSTANDING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. SANDERS. Mr. Speaker, this year marks the fortieth anniversary of the School for International Training in Brattleboro, Vermont. As one of the foremost schools for cross-cultural education in the world, its record is one trail-blazing effort after another, a whole series of initiatives that have transformed both the world, and the way education about the world is shaped.

The SIT, as it is known, was an outgrowth of the Experiment in International Living, which originated in 1932 when Donald Watt took twenty American teenagers to Europe to live together with teenagers from several European nations. Year after year that program grew and prospered.

In the wake of World War Two the Fulbright Program for the international exchange of scholars and the establishment of the Peace Corps increased this Nation's commitment to the exchange of citizens between different countries and cultures. The SIT was founded in order to provide training and ultimately advanced degrees to those who wanted to work and teach in a global context. It was an early and important resource for Peace Corps training—an unsurprising fact, given that Sergeant Shriver, the first Director of the Peace Corps, had in 1934 been a member of one of the earliest Experiment in International Living programs. The core of the SIT has remained the same for forty years: language training, field-based practice, and a commitment to internationalism.

The School for International Training is not only about technical training for international exchange and work. It has a central vision and a central mission: world peace. Its motto is, ''Building peace through understanding—one person at a time.'' It has lived up to this motto by educating individuals to work in a world where human need is more important than political borders, religious groupings, ethnic identities, or geographical boundaries. It tries to construct a new world in which human beings are united rather than divided by working together to shape a more equitable and peaceful society.

Too often our world today is rent by violence or plundered by corporations looking only to make a quick profit. Building peace and community takes time and steadfast effort. It also takes vision, and a deep sense of generosity. The School for International Training—its leaders, its teachers, its generation of students—have devoted time, effort, vision and generosity in extraordinary measure.

As it celebrates its first forty years, I, the people of Vermont, and the citizens of both the American Nation and the world, wish the School for International Training forty more years of success.

## HONORING MR. GENE A. LUNDQUIST

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. COSTA. Mr. Speaker, I rise today to honor and wish well in retirement Mr. Gene A. Lundquist, of Bakersfield, California. Gene has greatly served his community through the various organizations with which he has been involved.

Gene has recently retired from Calcot, Ltd., following 36 years of work within this corporation. In his most recent capacity, Gene was the Vice President of Calcot's Legislative and Public Affairs department He was also a member of Calcot's management committee, and took part in Board of Directors' activities.

His career with Calcot began in 1969 and Gene made an impression on all of those who worked with him. He became well known by growers throughout California and Arizona, he represented Calcot at various functions, and he directed the grower relations program. Gene was always the liaison on which people could count. He guided the public affairs program, and assisted with farm legislation and legislators.

While growing and expanding in his various duties at Calcot, Gene also joined other beneficial organizations. He is the director of the Kern County Water Agency, of which he has been a member for over 20 years. This agency is the second largest contractor of state project water, after the Metropolitan Water District in Los Angeles. The Agricultural Council of California, the National Cotton Council, and the Seed Saving and Pricing Committee of California Cotton Planting Seed Distributors are just a few of the other councils and committees on which Gene has served.

Throughout his career Gene has been committed to providing information to the public on various important issues. He is, for example, currently the President of the Water Association of Kern County, a local water education organization.

Although Gene has become well known and quite comfortable with the various agencies in California, he has also expanded his horizons. He participated in the California Agricultural Leadership Program and traveled to Africa and visited Nigeria, South Africa, Ethiopia, Kenya, and Egypt to observe the culture, economies and governments of those nations.

His many experiences both here and abroad have combined to make Gene the all around great guy that he is. His family, wife Susan and son Nels, have graciously shared Gene with the community for many years. While I am sure that Gene will not completely retire from public service, I am sure he will be spending more time with his loved ones.

For us, his retirement is bittersweet—although it is well deserved his efforts will be greatly missed. I congratulate Gene Lundquist, and wish his family all the best.

## IN HONOR OF STAFF SERGEANT KIMBERLY FAHNESTOCK VOELZ

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. SHUSTER. Mr. Speaker, I rise today in honor of a young woman who made the ultimate sacrifice for her country. Staff Sergeant Kimberly Fahnestock Voelz of Cumberland County Pennsylvania died December 14, 2003 in Iraq from injuries sustained on the battlefield. A Leader of the Explosive Ordnance Disposal Team, Kimberly was fatally injured performing her duties with the EOD while approaching a suspicious device outside of Fallujah, 40 miles west of Baghdad. She is credited by her superiors as saving countless lives.

Born in Camp Hill, Pennsylvania on August 24, 1976 to Floyd Jr. and Carol (Mardis) Fahnestock Kimberly graduated from Trinity High School and joined the Army after briefly studying at Wilson College in Chambersburg, PA. She was also a member of St. Joseph's Catholic Church in Mechanicsburg.

Serving with the 703rd Ordnance Company, 2nd Explosive Ordnance Disposal (EOD) stationed at Fort Knox, Kentucky, Staff Sergeant Voelz began her tour of duty in Iraq in September 2003. During her time of service to her country, she was awarded the Army Commendation Medal, the Army Achievement Medal with one Oak Leaf Cluster, two Good Conduct Medals, and a National Defense Service Medal. Sergeant Voelz was also Posthumously awarded the Bronze Star for Valor, the Purple Heart, and the Global War on Terrorism Expeditionary Medal for her service in Iraq. Kimberly was the first female soldier from Pennsylvania to die serving in Operation Iraqi Freedom.

Described as a bright, talented self-starter, Voelz loved what she did, plain and simple. She reenlisted for another 10 years of service shortly before her death. Voelz chose EOD because it was something different, and it took her all over the world. She was often assigned Secret Security detail ensuring government facilities were free of explosives, including events such as the 2002 Winter Olympics and a visit by the late Pope John Paul II to St. Louis.

Staff Sergeant Kimberly Fahnestock Voelz will be honored in a ceremony at Letterkenny Army Depot in Carlisle, Pennsylvania on May 2nd, 2005. Upon the recent completion of a new security gate, it will now bear Kimberly's name in honor of her service and sacrifice to the security of this nation. It is a fitting tribute that validates both her distinguished work as an Ordnance Soldier and Letterkenny's mission to support national security.

Mr. Speaker, I extend my heartfelt condolences to her husband Sergeant First Class Max Voelz, who was holding Kimberly in his arms when she died from her injuries. To her parents, brothers Chad, Mark and sister Kelly, who proudly and deservedly esteem Kimberly "their hero". We are humbly indebted to them for their sacrifice and a grateful nation honors Kimberly's memory.

## COMMEMORATING AFRICA MALARIA DAY

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Ms. McCOLLUM of Minnesota. Mr. Speaker, whether you are from Minnesota or Mozambique, Kansas or the Congo—we all want good health for our children and ourselves. We all want the opportunity to be free from want and the hope that tomorrow will be a beautiful day, maybe even better than today.

Sadly, for millions of families across the African continent, good health, opportunity and hope are all needlessly diminished or extinguished by malaria.

Now I'm from Minnesota so I know a lot about cold winters and just as much about mosquito filled summers, but in Minnesota our mosquitoes annoy us—they don't make us sick and they don't kill our children.

The human misery and economic destruction caused by malaria in Africa is a reality that must change.

And we have the tools to slow malaria's destruction—bed nets, improved sanitation, improved drug treatments, appropriate pesticide use and a committed global partnership to provide resources and to help strengthen national health systems to fight malaria as well as tuberculosis and HIV infection.

Every year across the African continent more than one million babies, toddlers and children under five years old die from malaria. This unimaginable number of children dying last year alone is equal to every single child under 15 years of age in my state of Minnesota.

One million African children dying in a single year from a preventable disease is beyond comprehension, but in fact it is reality and it is a reality that can and must be changed.

For those of us who are moms and dads, we know small children burning with fever don't scream, they whimper almost silently and they stare into your eyes looking for help. Their voices are not heard.

More than a million African moms stare back into their children's eyes equally helpless. And tragically they watch them die from a disease that can be prevented, treated and defeated, if, if the world comes together with the resources, the determination and the urgency to defeat malaria.

Today we need to hear those one million tiny voices. Today we need to look back into the eyes of a million mothers with our compassion and our commitment.

The leadership of the United States, along with other donor nations, when partnered with the Global Fund, the United Nations, W.H.O., UNICEF, along with health ministries and health workers across Africa—if we stand together—can transform the helplessness faced by millions of moms into the promise of surviving, thriving children and healthier families.

I am proud of the commitment Congress, the White House and the American people have made and will continue to make to overcome malaria and the suffering and poverty it causes. But there is much more work to be done. On-going American leadership and strong global partnerships are needed for Africa's leaders, health workers and citizens to successfully control malaria.

So, as we commemorate Africa Malaria Day, let me conclude by paying tribute to our partners—the partners we must not forget. They are the heroes who struggle against malaria everyday. They are the community health workers and midwives, the doctors and nurses, the lab technicians and pharmacists. They work in village health centers, urban hospitals and rural clinics and they are saving lives, often times under very, very difficult conditions.

And together—as partners—their work along with our support, our commitment and a collective sense of urgency—we can save lives, keep families healthier and keep entire communities free from malaria's misery.

## HONORING COMMANDER LEDA MEI LI CHONG

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the outstanding efforts of and the recent promotion of Commander Leda Mei Chong of the United States Navy.

Commander Chong was born in Kowloon, Hong Kong and calls San Diego, California her hometown. After graduating from the University of California-San Diego with a degree in Applied Mathematics and French Literature, she joined the Navy through the Nuclear Propulsion Officer Candidate program and received a direct commission as an Ensign in November 1987.

Commander Chong reported to her first assignment at Naval Nuclear Power School, Orlando, Florida as an instructor of mathematics, chemistry, materials engineering, and radiological controls. Her second assignment was as the Administrative Department Head at Afloat Training Group Pacific, San Diego. In 1994 she reported to Naval Postgraduate School as a student in the Systems Technology/Joint C3I curriculum.

Her next assignment was the Navy's Drug Law Enforcement Agency where she was concurrently assigned to the Coast Guard's Telecommunications and Information Systems Command (TISCOM). As the liaison to the Coast Guard, she was responsible for military satellite communications interoperability and policy. Following TISCOM, she moved to Keflavik, Iceland where she was the Deputy Director for C4 to Commander Iceland Defense Force and the N6 for Commander, Fleet Air Keflavik.

Commander Chong completed her tour in Keflavik in the Fall of 2000 and transferred to Washington, DC, to work for the Director of Space, Information Warfare, Command and Control (CNO N6). She was the Navy requirements officer for the Teleports program, for Australia/Canada/New Zealand/United Kingdom/United States (AUSCANZUKUS) allied interoperability, and for Naval Communications and Telecommunications Commands. From 2002 to 2005, she was the Space, C4ISR, and Information Technology Congressional Liaison in the Navy Office of Legislative Affairs. She is currently assigned as a Navy Appropriations Congressional Liaison in the office of the Assistant Secretary of the Navy (Financial, Management and Comptroller).

I have personally known Commander Chong since 2000 when she assisted my office and my staff with our work on Navy cyber security issues. At that time, as she is now, she displayed an extremely high level of professionalism as well as in-depth knowledge of Navy IT and cyber security issues.

Her recent promotion from Lieutenant Commander to Commander is only one instance where her performance has been recognized and I rise here today to express my appreciation for her efforts as well.

Quite simply, the Navy is well served by Commander Chong, as is the staff and members of this body.

## TRIBUTE TO MR. JONAS KISBER

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a great American and a very dear friend of mine, Mr. Jonas Kisber, of Jackson, Tennessee. Jonas just recently celebrated his 75th birthday, surrounded by family and many friends.

Jonas was born into a family of retail merchants. Kisber's Department Store, founded in 1905, was a fixture in Jackson for many years. Everyone in West Tennessee was familiar with Kisber's Store and when the store closed in December of 1991, it was an emotional, as well as economic, loss for the area.

Jonas entered the United States Army in 1952. He served in the Korean conflict, and was honorably discharged in 1954 when he began his career at the family business. Jonas served as President of Kisber's Department Stores, Inc. from 1974 until 1991. He has been involved in many civic and cultural activities. He and his late wife, Jane Louise Greenberg Kisber, were well known in their community and in the State of Tennessee for being available to help when you needed someone you could count on to get a job done.

Jonas was the founding Treasurer of the Episcopal Day School, has served in various offices for the Friends of the Jackson Madison County Library Foundation, was President of the Tennessee Retail Merchants Association in 1976–1977, is a member of the Tennessee Library Association, the Jackson Lions Club, served on the Board of Directors of the Jackson Area Chamber of Commerce, and is a past President of the Temple B'nai Israel. He is a member of the Board of Directors of Murray Guard, Inc. He is also currently a member of the Tennessee Board of Regents, a position previously held by his wife, Jane, and to which he was appointed at the time of her death in August of 2002.

He and his late wife are the parents of three children, Joan Kisber Haskins of Chicago, Illinois, Matthew Harris Kisber of Nashville, Tennessee and Rachel Kisber Obermeier of Bad Soden, Germany. Matt, a former Tennessee State Representative for many years, currently serves as Commissioner of the Tennessee Department of Economic and Community Development. Jonas is also the proud grandfather of three boys and a new granddaughter.

Throughout his life, Jonas has contributed much to his community, his state and his nation. He has never shied away from work when his skills and efforts were needed and could make a difference. It is my high honor to recognize his many achievements and contributions, and to say thanks to him for all he has done through the years to make the City of Jackson and the State of Tennessee a better place in which to live.

## RECOGNIZING THE ACHIEVEMENTS OF MARJORIE CLAGETT

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Marjorie Clagett for her dedication to teaching the students at Goodwin Primary School in the Comal Independent School District.

When someone thinks of a teacher, they most often think of someone who is in the classroom lecturing students about reading and arithmetic. Although this is what usually is expected of a teacher, some teachers commit themselves to students in other ways not as frequently seen in the typical classroom setting. Marjorie Clagett is a perfect example of someone who goes the additional mile to educate her students. Not only is she a great teacher to the students but she also serves as an advisor to them in any way she can. She is there for them to talk about any of the problems that they might be encountering in life and it is for this that she truly is a role model to them.

Educated at Upper Iowa University and St. Mary's University, Mrs. Clagett has the knowledge and experience to help the students in her first grade class not only enrich their minds but also enrich their lives. Her dedication to her class is something that teachers around the world should view as an example of how not only to become a leader to students but also a trusted confidant.

Citizens like Marjorie Clagett provide our nation's children with a teacher in the classroom while also being a friend and role-model to them. I am honored to have this opportunity to recognize Marjorie Clagett for her continuing service to the children of the Comal community.

## UNVEILING AND DEDICATION OF THE MOBILE MAMMOGRAPHY UNIT

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. GONZALEZ. Mr. Speaker, I rise today to commend CHRISTUS Santa Rosa Health Care for the dedication of the only Mobile Mammography Unit (MMU) in the area of San Antonio and surrounding counties. The MMU will provide breast health services and education to women who otherwise would either have difficulty accessing or not be able to access these services because of financial, transportation, cultural or other constraints.

The CHRISTUS Santa Rosa MMU will assist those who are uninsured and underserved as well as working women who have difficulty leaving the workplace to get a mammogram. All women who have a positive mammogram will be guided to appropriate medical services for follow up care.

As we know, breast cancer is the leading cancer among white and African American women. Statistically, every three minutes a woman in the United States is diagnosed with breast cancer and one out of every eight women in America will develop breast cancer at some time in her life. However, when breast cancer is detected early, a five-year survival rate is 96 percent.

Today, CHRISTUS Santa Rosa Hospital is proud to begin offering assistance for screening mammograms to the women of South and Central Texas to include uninsured and underinsured women of San Antonio and the surrounding counties. The MMU has partnered with community organizations such as the San Antonio Affiliate of the Susan G. Komen Foundation, WINGS (Women Interested in Nurturing, Giving, Sharing), the Alamo Breast Cancer Foundation, the Breast and Cervical Cancer Programs, the San Antonio Metropolitan Health District and many others to provide the full range of services.

Mr. Speaker, once again, I would like to commend CHRISTUS Santa Rosa in San Antonio, Texas for bringing the mobile mammography unit back to the area after three years of not having a unit. I especially want to thank the collaboration of community organizations, the doctors, nurses and staff for their hard work and continued dedication, and wish them well as they continue their life-saving services to the community.

## SUPPORTING THE MINUTEMAN PROJECT

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. ISSA. Mr. Speaker, I rise today to recognize and commend the successes of the Minuteman Project whose efforts have helped shine light on the flood of aliens illegally entering our country each day and the many deficiencies in United States border security.

It is an extraordinary event when citizens take it upon themselves to make a statement in such a profound manner, leaving their families and homes to travel to a remote area of

the Arizona desert to stand watch at the border. For years, we have tried to contain the onslaught of illegal immigration and smuggling into the United States, but we have done so with too few personnel and with policies in place that have undermined these efforts and often aided those illegally present in our country. The Minuteman Project has shown us that we can be effective in securing our borders if we have the personnel and policies in place to do the job.

In just seventeen days, the Minutemen proved that a few dedicated citizens could stifle a significant amount of illegal immigration. They peacefully, unobtrusively, and effectively assisted the United States Border Patrol to intercept numerous illegal border crossings. This was a neighborhood watch program at its finest.

I want to thank the participants in the Minuteman Project for their concern for our country and for their willingness to disrupt their own lives to bring attention to an issue that Congress has not effectively addressed. They have stood their watch on America's border, now Congress must act decisively to expand the Border Patrol and close a hole in our border security that is wide open to those who would harm us.

## TRIBUTE TO THE LATE ANDREW ROLLINS, JR.

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. MOORE of Kansas. Mr. Speaker I rise today to mourn the recent passing Andrew Rollins, Jr., of Kansas City, Kansas.

Andy Rollins was a longtime civic activist in Wyandotte County and Kansas City, Kansas, who spent over 40 years working to improve the lives of his neighbors and the conditions within his community. I am placing in the Congressional Record with this statement two recent news articles, from the Kansas City Star and the Kansas City Kansan, detailing Andy Rollins' 88 years of good works. He served for 16 years as the president of the Kansas City, Kansas, chapter of the National Association for the Advancement of Colored People, continually worked to bring economic development funds and strategies to Kansas City, Kansas, and actively supported local efforts to assist drug addicts and alcoholics. Additionally, he served our country with distinction as a member of the U.S. Army during World War II, receiving European, African, and Middle Eastern Theater Ribbons, the Good Conduct Medal, the American Campaign Medal, and the World War II Victory Medal.

Mr. Speaker, Kansas City, Kansas, is a much stronger and richer community for having Andrew Rollins, Jr., as a member of the community. I commend him to you and to the members of this House and I join with his family and his many, many friends in mourning his loss.

[From the Kansas City Star]

ANDREW ROLLINS' PASSION FOR GROWTH LEFT MARK ON KCK

(By Robert A. Cronkleton)

City and county leaders fondly remembered Andrew Rollins Jr., a long-time Kansas City, Kan., activist, who died last week at the age of 88. Rollins helped secure private financing for community projects and had worked for years to promote economic development in Kansas City, Kan., and the metropolitan area. ''I don't know anyone who cared about the community more than Rollins did,'' said Don Denney, a spokesman for the Unified Government of Wyandotte County and Kansas City, Kan. ''He was a very caring individual and he did a lot of work behind the scenes.''

Rollins' community work dated back to 1962, when he founded the Depth Rehabilitation Alcohol Group. Over the years, he helped secure private financing for various community projects including the Kansas City, Kan., Police Cadet Program, a housing project in Nicodemus, Kan; the Mid-America Regional Council; the Gateway I and II office complex, and the construction of the current Kansas City, Kan., City Hall and the joint city-county public health department.

Rollins had owned a security company and for 16 years had served as the president of the Kansas City, Kan., chapter of the National Association for the Advancement of Colored People.

He worked over the years to bring a hotel to downtown Kansas City, Kan., next to the Jack Reardon Civic Center. At one time he was associated with a Saudi Arabian group that was presented as investors for hotel projects that never materialized. ''I loved the city and I loved to see the city grown,'' Rollins said in a 1991 interview.

Dennis Hays, county administrator Unified Government, said Rollins worked tirelessly to find the developers and financing to make the hotel project happen. The Hilton Garden Inn was eventually built at the site and opened in September 2002. While Rollins was not involved in the final financing for the project, Hays said, Rollins was very active in searching for financing and should be credited for his work. ''Andy was amazing,'' Hays said. ''He had friendships dating over more than 60 years, back to the days of World War II.''

Those friendships included federal, state and local officials, Hays said. ''He had access to those folks and an uncanny ability of getting the right people together to address issues and solve problems,'' Hays said. ''He was able to pull the right people together.''

Police Chief Ron Miller said he had known Rollins for many years and worked with him on several issues. He always supported the Police Department, Miller said, and was a good conduit for information on issues facing the community. ''Andy Rollins loved Kansas City, Kan., and always supported this community,'' Miller said. ''He had national exposure in various groups, but he was always proudest of Kansas City, Kan.''

LaVert Murray, director the Unified Government's development department, said Rollins was a mixture between a community activist and a community booster. ''He worked hard to better his community,'' Murray said. ''His desire was to make Kansas City, Kan., the best community that existed in the U.S. and to improve the entire metropolitan area.''

In 1992, Rollins received four medals and ribbons he earned in the U.S. Army during World War II. The decorations were the European, African, Middle Eastern Theater Ribbon; the Good Conduct Medal; the American Campaign Medal; and the World War II Victory Medal.

Survivors include his two sons, Rev. Andrew J. Rollins III of Topeka and Edward T. Rollins of Mission; two ex-wives, Margaret Louise Hutchinson of Mission and Patience O'Hare of Kansas City, Kan.; a brother and his wife, Henry C. and Geraldine Rollins of Seattle; and two grandchildren.

Rev. Rollins said his father loved Kansas City, Kan., because it was his hometown, he had spent his entire life there. ''One of the things he shared with me was that when he was born, he was born in an impoverished situation, the wrong side of the track you could say,'' Rollins said of his father.

That didn't stop his father from being determined to leave his mark and contribute something positive to the community, Rollins said. He said his father believed that anyone could have a significant impact in life, despite their humble beginnings. ''Sometimes you can be dealt a worse hand than the person you are playing against, but if you play your cards better, not even the best hand will still win,'' Rollins said.

[From the Kansas City Kansan]

COMMUNITY ACTIVIST REMEMBERED

LEADER LEAVES LEGACY TO WYANDOTTE COUNTY

(By Brant Stacy)

The Rev. Andrew Rollins III said his dad was an awesome man.

The late Andrew ''Andy'' J. Rollins Jr., a longtime activist in Kansas City, Kan., died Sunday at the age of 88. The late Rollins, who was born and grew up in Kansas City, Kan., was deeply involved in making Wyandotte County a better place to live. The Rev. Andrew Rollins III, one of Rollins' two sons, said his father was someone who didn't mind stepping out and taking a chance. He said he was willing to put his life on the line to make a difference. ''He encouraged people to live out their dreams,'' Andrew said. ''He wanted to make a better Kansas City, Kan., and he wanted to see African-Americans actively participating in their community. He wanted to inspire.''

Andrew said his father's civic career consisted of many great accomplishments. He said he remembers his father serving as president for the Kansas City, Kan., branch of the NAACP, for 16 years. He also said he actively engaged within the urban core. ''Both my parents were involved in the civil rights movement,'' Andrew said. ''My father had a lot of pressure on him in those days, but he stood his ground and helped make a difference, especially in the school systems.''

Edward Rollins, Rollins' other son, said he remembers his father working hard to help curb alcoholism and D.R.A.G. Alcohol and Abuse Center. He said the facility, which assisted those in the community dependent on chemical substances helped many individuals get back on their feet and lead healthy, productive lives. ''He was really concerned about the plight of alcoholics,'' Edward said. ''The D.R.A.G. Center went on to become a national model for drug and alcohol rehabilitation.''

Edward said his father was extremely involved in politics. He said his father helped finance City Hall, and a plaque hangs on the wall commemorating his achievements. ''He was instrumental in getting the bonds to get that building built,'' Edward said. ''He also secured private funding for other developments within Wyandotte County as well. He was always focused. That's what he was about.''

Edward said his father slept only four hours a day for the past 30 or 40 years of his life. He said he was very self determined and had a lot of more than 100 men behind him. ''He led an army,'' Edward said. ''He has a lot of soldiers with him as well.''

La Vert Murray, Unified Government director of economic development and friend of the late Rollins, said it's difficult to sum up in words the amazing accomplishment Rollins made during his life. Murray said he went to school with Rollins' sons and had always known him. It wasn't until he became involved with the UG of Wyandotte County, Kansas City, Kan., that he understood the power of this man.

Murray said Rollins was a very dynamic individual that got things started. He said he helped fund a variety of development initiatives such as the Jersey Creek Project, the Jack Reardon Civic Center, the Hilton Garden Inn/BPU Office Complex and the most recent, the Weed and Seed program, which helps weed out criminal elements in the community. ''He started the Human Engineering Committee for Kansas and Missouri, which focused on getting the Weed and Seed program going,'' Murray said. ''The program helped produce positive individuals and communities.''

Murray said Rollins was proud of his accomplishment of securing grants to demolish drug houses. He said those areas are more secure because the drug houses have been cleared. ''When you look at the areas in the community that are yet redeveloped, at least a number of those areas are more secure because the dilapidated structures are torn down.''

Murray said that oftentimes Rollins came across as a commoner. He said while he gave this appearance he was able to effectively communicate across all lines, including those of senators, representatives and the common man.

Andy said it's hard to believe his father is gone. He said it's hard to say how his father's life will affect people in the future but he knows he will be remembered.

Edward said his father helped countless amounts of people. He reached out to urban areas, helped black people get involved and showed them how to become active in their community. ''God put him on this earth to do something with Wyandotte County,'' Edward said. ''He made Wyandotte County a positive place to live and raise kids.''

## ENERGY POLICY ACT OF 2005

SPEECH OF

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy:

Mr. WU. Mr. Chairman, I rise in strong support to the Castle-Markey amendment to H.R. 6, the Energy Policy Act of 2005.

This amendment would ensure that States have control over whether an LNG facility is sited in their district. Under the energy bill, the Federal Energy Regulatory Commission (FERC) would have the sole authority to make decisions regarding the construction, expansion and operation of LNG facilities. While the bill requires FERC to consult with State and local governments, they have no role in the final decision, and FERC is not required to consider their concerns.

This is unconscionable. It is exactly the local communities who must have the final say in whether or not an LNG facility is built in their district. It is these people who must live with the decision either way. The Castle amendment would create authority for States to have a say in the final decision.

Currently, I have four proposed LNG sites in my district, and I have heard from many of my constituents about these proposals, both against the sites because of environmental concerns and because of job creation. It is exactly these individuals who should get to decide if an LNG plant will be sited in their community; it should not be a decision made by a Washington, DC based government official who has no connection to the site.

This amendment would enhance the process of selection and provide the community an outlet to be more involved. It is my hope that the local communities, State, and FERC can work together in deciding whether or not a LNG facility is good for Oregon.

I am a strong believer in participation of all stakeholders when it comes to monumental decisions like these. I support transparency among the local, State, and federal governments to ensure the process is thorough and thoughtful.

I strongly believe that the States should have authority in LNG facility sites and I urge my colleagues to vote for the Castle-Markey amendment.

## U.S. POLICY OPTIONS FOR IRAN

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. FILNER. Mr. Speaker, today I enter into the CONGRESSIONAL RECORD a report by the Iran Policy Committee (IPC) entitled, ''U.S. Policy Options for Iran.'' The IPC found that Iran presents a growing challenge to U.S. interests and values in a number of areas. The report examines the U.S. policy options for addressing these concerns and calls for change in Iran based on internal Iranian opposition.

We need to foster greater awareness and dialogue in Congress about this critical situation. To that end, I urge my colleagues to review this report and join me developing an effective U.S. policy on Iran.

U.S. POLICY OPTIONS FOR IRAN

PREPARED BY: IRAN POLICY COMMITTEE (IPC)

CO-CHAIRS

Ambassador James Akins, (ret.)

Lt. Col. Bill Cowan, USMC (ret.), CEO, wvc3, inc.

Paul Leventhal, Founder and President Emeritus, Nuclear Control Institute

Dr. Neil Livingstone, CEO, Global Options, Inc.

Bruce McColm, President, Institute for Democratic Strategies and Former President, International Republican Institute

Lt. General (ret.) Thomas McInerney Former Assistant Vice Chief of Staff of the Air Force

Captain Chuck Nash (ret.) President, Emerging Technologies International

Lt. General Edward Rowny (ret.) Former Ambassador Strategic Arms Reduction Talks

Professor Raymond Tanter Former Staff Member, National Security Council

Major General (ret.) Paul Vallely, Military Committee Chairman, Center for Security Policy

Executive Director: Clare Lopez Strategic Policy and Intelligence Analyst

U.S. POLICY OPTIONS FOR IRAN: EXECUTIVE SUMMARY

Iran poses six threats to American interests and ideals:

Drive to acquire nuclear weapons.

Continuing support for and involvement with terrorist networks.

Aid to groups working against the Arab-Israel peace process.

Disruptive role in Iraq.

Expansionist radical ideology.

Denial of basic human rights to its own population.

With respect to these threats from Iran, Washington circles largely divide between two alternatives—those who favor engagement with and those who support military strikes against the regime Few favor regime change as an end in itself.

While the Bush administration does not yet explicitly call for changing the regime, it advocates working with the Iranian people as opposed to the unelected theocracy in Tehran, which is an implicit policy of regime change.

By calling for change in Tehran based on the Iranian opposition instead of the U.S. military, the Iran Policy Committee (IPC) highlights a third alternative: Keep open diplomatic and military options, while providing a central role for the Iranian opposition to facilitate regime change.

IPC joins the debate in Washington over Iran policy initiated by think tank reports on Iran—Council on Foreign Relations (CFR), The Committee on the Present Danger (CPD), and The Washington Institute for Near East Policy (TWI). In contrast to the thrust of such reports, IPC suggests that Iranian opposition groups ought to play a central role in U.S. policymaking regarding Iran.

Comprised of former officials who have worked on the Middle East in the White House, State Department, Pentagon, intelligence agencies, Congress, and experts from think tanks and universities, IPC welcomes the occasion to support the Iranian people in pursuit of U.S. national interests. But continued designation since 1997 of the main Iranian opposition group, Mujahedeen e-Khalq (MEK), as a foreign terrorist organization by the State Department assures Tehran that regime change is off the table. Removing the MEK's terrorist designation would be a tangible signal to Tehran and to the Iranian people that a new option is implicitly on the table—regime change.

U.S. POLICY OPTIONS FOR IRAN

INTRODUCTION

'' . . . liberty in our land depends on the success of liberty in other lands . . . . So it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture.—President George W. Bush, Inaugural Address, 20 January 2005.

''As you stand for liberty, America stands with you.''—President George W. Bush, State of the Union Address, 2 February 2005.

Using the theme of liberty in general from his Inaugural Address, President Bush refers directly to the Iranian people in his State of the Union Address. In so doing, he tacitly ''targets'' the regime in Tehran.

The question is what means should the President use to decrease threats posed by Iran:

Continued negotiations, including positive and negative incentives.

Future military action.

Support for the Iranian opposition.

These options are neither mutually exclusive nor logically exhaustive; but they do reflect courses of action being considered in Washington.

Because the Iranian regime's policies pose direct threats to national security interests

and ideals of the United States Government (USG) and those of its allies and friends, Iran is on the front burner of American foreign policy.

Consider these six Iranian threats to U.S. interests and ideals:

Drive to acquire nuclear weapons.

Continuing support for and involvement with terrorist networks.

Aid to groups working against the Arab-Israel peace process.

Disruptive role in Iraq.

Expansionist radical ideology.

Denial of basic human rights to its own population.

The Iran Policy Committee (IPC) analyzes these dangers and makes recommendations to meet them. It is not the intention of the IPC to duplicate analysis already receiving consideration in policymaking circles; rather, this policy paper offers a distinct perspective and recommends a course of action that is different in key aspects from what has been proposed to date. IPC seeks to build upon the President's disposition to work with the Iranian people by broadening options for American policymakers regarding Iran.

For too long, Washington has been divided between those who favor engagement with and those who support military strikes against the Iranian regime. The Committee stresses the potential for a third alternative: Keep open diplomatic and military options, while providing a central role for the Iranian opposition to facilitate regime change.

President Bush's 2005 State of the Union Address ignores the leadership in Iran in order to converse directly with Iranian people. And it is not his first time doing so; indeed, the President's radio address of December 2002 began the process of having a conversation with the people instead of diplomatic discourse with the regime.

The IPC urges the administration to acknowledge the threat posed to American national security interests by the totalitarian theocracy in Tehran and to adopt a policy that proactively steps forward to defend those interests.

Furthermore, the IPC believes that Washington should support the Iranian people in their efforts to participate meaningfully in a representative government that is responsive to their concerns; implicit in such support is the recognition that the Iranian people have the right to choose and change their own government, as they see fit.

IPC joins the debate in Washington over Iran policy initiated by think tank reports on Iran—Council on Foreign Relations (CFR), The Committee on the Present Danger (CPD), and The Washington Institute for Near East Policy (TWI). In contrast to the thrust of such reports, IPC suggests that Iranian opposition groups ought to play a central role in U.S. policymaking regarding Iran.

Themes running through these think tank reports include the following reasons for dissatisfaction with American policy toward Iran. Critics hold that U.S. policy is not well articulated because of bureaucratic differences; there are too many or too few carrots in relation to sticks; and American policy is not linked enough with Europe's approach to Iran. The reports view the threat of sanctions and force as well as the promise of diplomacy as complementary tools in the Western arsenal. At issue is the mix between negative and positive incentives, a formula for which there is little accord among transatlantic partners.

While some place the burden on Washington to resolve Iran's nuclear proliferation activities and its state sponsored international terrorism, few place that responsibility directly on the Iranian people. With the possible exception of the CPD, there is too little acknowledgment of a role for Iranians in general and groups opposed to the regime in particular.

As a result, there is a niche for the Iran Policy Committee to address Iranian threats from the perspective of encouraging the people to be principal agents change. Without the active participation of Iranians, moreover, regime change from the outside is unlikely to succeed.

En route to her first overseas mission to Europe on February 3, 2005, Secretary of State Condoleeza Rice held that the Iranian people should have a chance to ''change their own future,'' a statement IPC considers as a euphemism for regime change.

Summing up the U.S. government's principal concerns with respect to Iran, Rice further stated that, ''The goal of the administration is to have a regime in Iran that is responsive to concerns that we have about Iran's policies, which are about 180 degrees antithetical to our own interests at this point.''

While the debate in Washington concerns whether to make explicit its tacit policy of regime change for Iran, the debate in the region is the race between two clocks—a diplomatic and a nuclear timepiece.

On one hand, at issue is whether negotiations can slow down Tehran's march toward nuclear weapons status before Iran acquires such status. The Committee holds that the diplomacy is moving too slowly in relation to nuclear weapons progress.

On the other hand, unless working with the Iranian people rapidly leads to regime change in Tehran, the pace of nuclear weapons development might leave Washington with what he Committee believes is the least desirable option of waging military strikes against Iran.

IRAN'S NUCLEAR WEAPONS PROGRAM

Regarding impact in the region, the nature of the regime in Tehran is of greater import than its nuclear weapons capability: An Iran with representative institutions with a nuclear weapons capability would not be as destabilizing as nuclear weapons in the hands of the unelected, expansionist theocracy. The best outcome is a freely-elected, representative government without nuclear weapons; only with such a government would such an outcome be possible.

The nightmare scenario is that a nuclear weapons capability in the hands of an aggressive and repressive regime in Tehran raises the possibility that it could and would collaborate with transnational networks to carry out nuclear terrorism. In any event, of the six critical threats posed by Iran, its drive to acquire nuclear weapons is the first and most urgent.

According to June 2004 testimony by Undersecretary of State for Arms Control and International Security, John Bolton, defense experts in the United States strongly believe that Iran has a clandestine program to produce nuclear weapons. Speaking in January 2005, moreover, Bolton told reporters that Iran's repeated support for terrorism makes it particularly dangerous if Tehran were to acquire nuclear weapons.

There have been new revelations about the rapid pace of Iran's nuclear weapons progress since 2002. It is known that Iran is developing its indigenous uranium mines; has built a uranium conversion facility at Isfahan in central Iran; is building a massive uranium enrichment facility at Natanz, which is designed to house tens of thousands of centrifuges plus numerous centrifuge production workshops, a heavy water production plant at Arak, and a laser enrichment facility.

Revelations by diplomatic sources on February 3, 2005 suggest that Iran is testing components of its centrifuge rotors, despite a November 2004 pledge to freeze all such activities related to enrichment. That pledge led to an agreement among Iran's European interlocutors and the International Atomic Energy Agency (IAEA) to put a hold on U.S. attempts to report Iran to the UN Security Council for violations of the Treaty on the Non Proliferation of Nuclear Weapons (NPT). The new revelations deal a serious blow to any hopes that Iran intends to forego uranium enrichment en route to a nuclear weapons capability.

In separate developments on February 3, a spokesman for the main Iranian opposition group charged that Iran has obtained materials and expertise to make neutron initiators (''triggers'') for an atomic bomb. A senior official of the National Council of Resistance of Iran (NCRI), speaking in Paris, cited secret sources inside Iran's nuclear development programs. This person accused Tehran of conducting a secret program to develop a nuclear triggering mechanism using smuggled materials. He claimed that Iran has produced or purchased from abroad quantities of polonium-210 and beryllium, two elements required for building a ''neutron initiator,'' which is an integral part of a nuclear bomb.

The facility where this work allegedly is taking place is a military installation on the outskirts of Tehran, known as Lavizan II. Remarkably, the IAEA has not inspected Lavizan II yet, nor does it appear to be pressing for inspections there, despite the site first being identified by the NCRI in November 2004.

The NCRI has been instrumental in exposing Iran's secret nuclear facilities in the past. By relying on its network inside Iran of a member organization, the Mujahedeen e-Khalq (MEK), the NCRI revealed a number of significant nuclear sites including Natanz, Arak, Ab-Ali, and Lavizan.

Despite the fact that Iran is a signatory to the NPT, Tehran has repeatedly violated its provisions and continues to play fast and loose with IAEA efforts to monitor compliance. The regime appears to be counting on the apparently inexhaustible patience of the IAEA and the Europeans, who have agreed to compromise after compromise with Iran, to avoid having the issue brought before the United Nations (UN) Security Council, as pursued by the United States. The longer this negotiation takes, the more time Iran has to engage in covert activities, enabling it to acquire fissile materials to build and test nuclear weapons.

In other words, time is on Iran's side. The world cannot wait for proof ''beyond a reasonable doubt'' of an Iranian bomb. The risks of delay are too high. The international community should be prepared to act on the recent discoveries of evidence of weapons-related nuclear activities. Discoveries over the past two years, along with the revelations by Iranian opposition groups that Iran is developing a nuclear trigger, constitute ''clear and present evidence'' of illicit activities that, unless halted, may lead to bomb-making.

The general view among the experts is that, if left undeterred, Iran is only one to three years away from producing a nuclear bomb. Indeed, there are reports from a secret meeting that Supreme Leader Ayatollah Ali Khamenei has ordered technicians to accelerate Iran's nuclear program in order to achieve nuclear weapons status by the end of 2005.

There is a notion in certain policy circles that, if Iran feels threatened, the hard-line clerics will be further induced to go nuclear. They propose offering additional security assurances to Iran as an incentive to convince it to give up its nuclear weapons program.

Given the nature and behavior of the regime, the more plausible argument is that unless they feel threatened, the Iranian clerical rulers will continue their nuclear weapons program on the assumption they can get away with it. Only the prospect of severe consequences threatening the very existence of the regime could induce them to forego nuclear weapons out of fear of the consequences.

NUCLEAR DELIVERY SYSTEMS: THE IRANIAN MISSILE PROGRAM

Iran possesses one of the largest missile inventories in the Middle East. It has acquired complete missile systems and developed an infrastructure to build missiles indigenously. During military exercises held in September 2004, the Iranian Revolutionary Guards successfully test-fired a ''strategic missile,'' likely the Shahab-3 rocket, which reportedly has a range of up to 2,000 kilometers and is capable of carrying a 760–1,000 kilogram warhead. The Revolutionary Guards is officially armed with the Shahab-3 missiles.

Taken in combination with Iran's drive to achieve a nuclear weapons capability, its continuing support for radical Islamist terrorist groups and avowed opposition to the existence of Israel, Iran's demonstrated capability to field an intercontinental ballistic missile raises much concern among defense officials of many countries.

In December 2004, Iran's main opposition coalition, the National Council of Resistance of Iran (NCRI), uncovered a new missile program secretly pursued by Iran, as well as a program to develop a nuclear warhead. The new secret missile, produced at the Hemmat Missile Industries Complex in northeast Tehran, is named Ghadar, NCRI reported. North Korean experts are believed to be assisting the Iranian program at this complex.

The Ghadar missile may have a range of 2,500 to 3,000 kilometers (1,550 to 1,860 miles). NCRI also reported that Iran has improved the guidance and control system of its Shahab-4 missiles, based on a system acquired from China.

In late January 2005, a Ukrainian legislator alleged that Kiev sold nuclear-capable cruise missiles to Iran and China during the period from 1999–2001. The Kh-55 cruise missile has a range of 3,000 kilometers and is capable of carrying a 200-kiloton nuclear warhead.

In addition to Iran's nuclear weapons program and its advanced delivery system, a second threat posed by the regime is its support for and involvement with international terrorist networks.

REGIME SUPPORT FOR INTERNATIONAL TERRORISM

The Islamic Republic of Iran is the world's number one state-sponsor of terror. It created Hizballah, supports al Qaeda, Abu Musab al-Zarqawi in Iraq, Hamas, and Palestinian Islamic Jihad (PIJ). Tehran operates at the heart of a network of terrorist organizations engaged in murder, kidnapping, bombing, and other atrocities calculated to sap the will of the United States and the West to resist.

Iran's logistical, financial and operational assistance takes the form of providing terrorists safehaven, travel documents such as passports, weapons, training and technical expertise.

Information reveals a pattern of operational contacts between the Iranian government and Osama bin Laden's al Qaeda organization. These contacts include: joint planning of terrorist operations, military training of bin Laden operatives inside Iran and by Iranian IRGC and MOIS officers in Syria and Lebanon, financial assistance to clandestine terrorist and surveillance cells, false passports, and communications.

The 9/11 Commission report documented in great detail the logistical, operational, and material support provided by Iran and Hizballah to al Qaeda. This report, released in July 2004, echoes the earlier federal grand jury findings about links between Iran and al Qaeda. The Commission's report stated that Iran's support of al Qaeda dates back to 1991, when operatives from both sides met in Sudan; by 1993, ''al Qaeda received advice and training from Hezbollah'' in intelligence, security, and explosives, especially in how to use truck bombs. The training took place in the Beka'a Valley, Hizballah's stronghold in Lebanon.

According to the 9/11 commission report, there is strong evidence that Iran facilitated the transit of al Qaeda members into and out of Afghanistan before 9/11, and that some of these were future 9/11 hijackers. Iran's support for al Qaeda has continued.

IRAN'S OPPOSITION TO THE ARAB-ISRAEL PEACE PROCESS

Tehran was instrumental in the creation of Lebanese Hizballah, which formed in 1982 under the sponsorship of Iran's Revolutionary Guard Corps (IRGC), who arrived in Lebanon as the vanguard of Khomeini's Islamic revolution.

Iran continues to provide Hizballah with money, equipment, training locations, and refuge from extradition. Its overall financial support to Hizballah and Hamas totals tens of millions of dollars in direct subsidies each year.

IRANIAN DESIGNS IN IRAQ

Demography and geography facilitate the impact of Iran's expansionist ideology. With a population three times Iraq's and a contiguous territory four times Iraq's, Iran exerts a naturally powerful influence on its western neighbor. Iraq's longest border is with Iran (over 900 miles), and the vast majority of the Iraqi population lives within a 100–mile distance from the Iranian border, placing it well within the sphere of Tehran's expansionist ideology.

Shiite pilgrims began flowing once again after 2003 between the holy places in Iran and those in Iraq, especially the holy shrines in Najaf and Karbala. Iranian intelligence agents also flooded the country. They quietly and effectively set up a network of agents across Iraq, recruiting and training local village people, former Iraqi military officers, politicians, and young men to collect intelligence on Coalition forces and facilities.

A long period of secular Ba'athist domination in Iraq punctuated by a savage eight-year war between Iran and Iraq countered Iranian political influence in the region. During this time, westward expansion of Iran's theocratic ideology declined. With the April 2003 collapse of Saddam Hussein's regime and ensuing breakup of existing security and border patrol forces, Iran seized the chance to spread its influence and launched a multifaceted military, intelligence, and political campaign in Iraq.

Along with intelligence agents, the Iranian Revolutionary Guard Corps (IRGC) and the Ministry of Intelligence (MOIS) also sent suicide bombers, money, and weapons to support insurgents fighting against Coalition forces in Iraq. Testimony and documentary evidence show that officials at the highest level of the Iranian regime have been involved with planning and providing support for terrorists and suicide bombers affiliated not only with the upstart Shiite cleric, Moqtada al-Sadr, but with the forces of wanted Jordanian terrorist and al Qaeda associate, Abu Musab al-Zarqawi, and Ba'athist loyalists as well.

In late January 2004, an Iraqi terrorist leader captured in Falluja and accused of carrying out beheadings and deadly attacks, claimed that his group was linked to Tehran. In footage aired January 8, 2005 on the U.S.-run television channel, AI-Hurra, Ahmed Yassin, a leader of the Jaish Muhammed (Muhammed's Army) and a former colonel in Saddam Hussein's army, said two members of his group went to Iran in April or May, where they met a number of Iranian intelligence officials and Iran's Supreme Leader Khamenei. Iranian officials provided money, weapons, and even ''car bombs.'' During December 2004, the Najaf police chief said that the commander of three terrorists arrested in connection with a car bomb that exploded in the holy city on December 26, had extensive connections to Iran's Ministry of Intelligence.

Tehran also recruited over four thousand volunteers for suicide operations in Iraq in public ceremonies in Iran attended by prominent Revolutionary Guards commanders.

Iranian intelligence services have pumped millions of dollars and hundreds of operatives into Iraq. In a press conference in October 2004, Iraq's national intelligence chief, Mohammed Al Shahwani, accused Iran's Baghdad embassy of recruiting elements for sabotage operations and assassinations of his intelligence agents. He said that documents showed Iran had a $45-million budget for sowing chaos in Iraq. At least 27 people working in the Iranian embassy in Baghdad were coordinating intelligence gathering operations and assassinations, the spy chief added.

Iranian meddling is aimed at frustrating the emergence of a stable and representative government in Iraq and also at keeping the United States so occupied in dealing with the insurgency that it would have neither the will nor the resources to pressure Iran on the nuclear issue. In the months and weeks leading up to national elections in January 2005, both Iraqi President Ghazi al-Yawar and Jordan's King Abdullah charged that Iran was heavily involved in attempting to influence the outcome to produce a Shiite dominated government similar to Iran's. In an interview with the Kuwaiti daily, Al-Qabas on January 6, 2005, Iraqi Defense Minister Hazem Shaalan accused the Iranian regime of ''interfering [in Iraq] with money, guns, and intelligence.''

With the apparent success of the Iraqi elections, Iraq has now entered a new phase. Only a day after the January 2005 elections, Iranian media and web sites claimed victory, comparing the Shiites' gain in the elections with the Iranian revolution that brought an Islamic system to power or with the rise of Hizballah in the Lebanese political scene in the Middle East.

The first and most pressing post-election challenge is to ensure the selection of a representative National Assembly that would draft a modern, broadminded constitution for Iraq. The aim would be to reflect Iraq's Islamic soul but avoid a narrow formula for governance based solely on Sharia law. It is to be expected that Iran will seek to influence the members of the National Assembly and their drafting of this constitution.

The makeup of the future interim government is equally important and might succeed to avoid Iranian dominance by seeking as diverse participation as possible from all sectors of Iraqi society. In the transitional period before the constitution comes up for a vote and a permanent government and military and security structure is in place, it will be critical to monitor Iranian efforts to influence the process.

EXPANSIONIST RADICAL IDEOLOGY

Iran's ''Velayat e-Faqih'' system poses both an immediate and continuing threat to neighbors because of its aggressive policy of expansion. This policy is evident in Iranian

actions in Lebanon and Iraq, where calculated cultivation of terrorism is an inseparable characteristic of the theocratic system.

Export of terrorism and extremism is an intrinsic attribute of Iran's theocratic system. Tehran's rulers believe their power lies in awakening the Islamic world to their Islamist ideology. Iran's leadership clearly believes the Islamic Republic's survival depends on the support of such a global force.

DENIAL OF BASIC HUMAN RIGHTS TO ITS OWN CITIZEN

The human rights situation in Iran has deteriorated severely over the past year. Ironically, the European Union's ''human rights dialogue'' has had the opposite effect from that intended because the regime has continued its suppression of the Iranian citizenry.

In December 2004, the United Nations in a resolution criticized Iran for public executions, arbitrary sentencing, flogging, stoning, and systematic discrimination against women. The measure also condemned ''the execution of minors below eighteen years of age, and the use of torture and other forms of cruel, inhuman and degrading punishment.'' It also rebuked Iran for discrimination against minorities, including Christians, Jews, Sunnis, and the Baha'is.

Gender discrimination and violence against women in Iran continue to give cause for grave concern. The parliament has called for placing more restrictions on women's attire and on their social freedoms. Deputies have also called for segregating men and women at universities and for other limits on women's activities. The number of publications closed down and of people arrested, prosecuted and sentenced for the peaceful expression of their opinion has increased.

While the human rights situation deteriorated in Iran, the public discontent has been on the rise.

POLITICAL DISSENT IN IRAN

Over the past year, hundreds of anti-government demonstrations were held in Iran, further destabilizing the regime. Originating with complaints over municipal issues, a series of anti-regime demonstrations that erupted in 2004 in many provincial cities, such as Feraydoun Kenar, Boukan, and the earthquake-stricken city of Barn, reportedly targeted government buildings, vehicles, and security forces.

In December 2004, students at Tehran University gave President Khatami an angry and humiliating reception when he admitted to the role he played in preserving the regime. They shouted, ''Shame, shame'' while calling him a liar and demanding his resignation.

The anti-regime movement, partly derailed by the false expectations aroused as a result of the election of Khatami as president in 1997, has now gained a new momentum. The disillusionment of the population with Khatami took place in July 1999, when he failed to support a student demonstration that turned into a six -day popular uprising, spreading to 19 cities and shaking the foundations of the regime. In the midst of a bloody crackdown on the students, Khatami opted to stand by the establishment; many believe he may have ordered some of the crackdown himself.

The opposition movement meanwhile continued its expansion, and since 1999, many student demonstrations and popular protests have rocked Tehran and other cities.

IN SEARCH OF A NEW APPROACH TOWARD IRAN: OPTIONS

Some American policy advisors urge the administration to refrain from taking a hard line with Tehran because they interpret recent developments inside Iran as pointing to an impending collapse of the system, much like the Soviet implosion that led to the end of the communist regime in the USSR. Other policymakers advocate engagement with the ruling clerics in Tehran in order to solve controversial issues outstanding between the two countries.

In a difficult atmosphere of diplomatic gridlock, internal and international ideological divisions, and faced with an unappealing slate of military options, the United States needs a broad set of options. This paper outlines a full spectrum of approaches toward Iran, beginning with diplomacy and moving through increasingly more coercive measures, culminating with an outright commitment to regime change.

DIPLOMACY

Proponents of the diplomatic approach hold that the United States has not offered enough carrots to Iran to address its security concerns. In addition, it is necessary to convince Tehran that it is in its own interests to abandon outlaw behavior, they contend.

There are several carrots that might be offered to the Iranian regime in the hope that a good-faith demonstration by the West to an approach of engagement would elicit desired compliance with international norms of behavior. Most of these incentives have already been placed on the table.

This diplomatic approach requires that Washington cooperate with Europeans to present a united front to the regime. With the example of U.S. resolve in Afghanistan and Iraq before them, the Iranian leadership might be persuaded to reach the appropriate conclusions, if the principal European interlocutors were to emphasize the limits of their ability to influence, much less control, American foreign policy decisions. In a version of ''good cop— bad cop,'' the message would be conveyed that there are consequences for noncompliance that are beyond European ability to control.

An effort to acknowledge the legitimacy of Iranian national desires for a civilian nuclear power program might provide Iran an opportunity to demonstrate its peaceful intentions, according to diplomatic approach.

To enhance the acknowledged benefit of exchange programs that bring foreign students and business leaders to the United States for study and travel opportunities, Washington should look for ways to expand such exchange programs, consistent with the requirements of homeland security.

COERCIVE DIPLOMACY

A frank evaluation of the track record so far on attempts at diplomatic engagement with the ruling regime in Tehran must conclude that such an approach is not working and probably will not ever succeed, if not stiffened with more stringent measures. Such measures would begin exacting penalties from Iran if it does not comply.

At the top of the list of penalties are economic sanctions, which will not succeed unless applied in concerted and cooperative fashion by all of Iran's major Western trading partners. Such sanctions would include oil; ban on airline travel; prohibition of financial transaction, bilateral or multilateral economic assistance, and general trade.

Increased funding and strong congressional backing for radio and satellite television broadcasts into Iran would send the message that Washington wants to reach out to the Iranian people. Public statements of support from American officials in favor of imprisoned and exiled Iranian political leaders would be an encouraging sign of support for the people.

The U.S. State Department can send a strong message of disapproval to the regime in Tehran by refusing to issue visas to its United Nations representatives that would permit them to travel beyond the immediate radius surrounding New York City (as occasionally has been done).

In the same vein, the activities of Iran's diplomatic representation at the regime's interest section in the Embassy of Pakistan in Washington, as well as at the regime's UN mission in New York, should continue to be closely observed by the appropriate domestic intelligence and other agencies for possible unlawful activities that may include espionage, threat, intimidation, or unlawful lobbying with Members of Congress.

Also relevant is a threat of action by an international tribunal for Iranian leadership crimes. It might charge the leaders with support for transnational terrorism and human rights abuses. This threat might be made tangible by bringing a legal case against Supreme Leader Khamenei.

Most important of all, the United States must stay the course in Iraq to ensure that a moderate system takes hold, which is representative, committed to fairness for all Iraqis, and intolerant only of terrorism and violence. Helping the voices of moderate Iraqi Muslims to be heard and protecting them from intimidation by agents of Iranian terror should go a long way to encourage emergence of like-minded moderates within Iran.

As efforts on the diplomatic front are under way, the United States should accelerate its outreach to the Iranian people, as part of the process to help them change their future.

DESTABILIZATION

Application of the diplomatic measures may not alter the regime's behavior on those issues of paramount concern to the international community, such as support for terror, pursuit of WMD programs, meddling inside Iraq, and violation of its citizens' human rights. If not, then Washington should be prepared to embrace a new option, short of direct military action, but which might have the best chance for success.

The middle option would open a campaign of destabilization, whose aim would be to weaken the grip of the ruling regime over the Iranian people sufficiently that Iranian opposition groups inside the country and abroad are empowered to change the regime. To the extent that any or all of the foregoing diplomatic measures, coercive or not, are deemed useful, their application should be sustained during a destabilization phase.

However implausible or unlikely to be taken seriously, an American call for Iranian Supreme Leader Khamenei and his cohorts ''to return to the mosque'' might set the stage and be used as a point of departure for further negotiations. Such a call might give the international community a foundation upon which to build a case against the regime.

The next stage of an American-led campaign to compel conformity to international norms of behavior would be to encourage Iranian opposition groups. This is an option that has never actually been on the table and has not been explored sufficiently; this option relies on the Iranian opposition to take the lead role in coordinating a campaign for regime change and establishing representative institutions.

Secretary of State Condoleezza Rice told reporters on her February 2005 European trip, ''The Iranian people should be no different from the Palestinians or Iraqis or other peoples around the world.'' That is, the people of Iran are not immune to the wave of democracy in the Middle East.

In January 2005, six prominent members of the U.S. Congress, led by House International Relations subcommittee chair for

Middle East and Central Asia, Ileana Ros-Lehtinen (R–FL), as well as Tom Lantos (D–CA), Eric Cantor (R–VA), Howard Berman (D–CA), Steve Chabot (R–OH), and Gary Ackerman (D–NY), introduced the Iran Freedom Support Act (H.R. 282), with more than 50 cosponsors. It would provide U.S. assistance to independent broadcasts into Iran and to pro-democracy groups.

The best-known of the Iranian opposition groups is the Mujahideen-e Khalq (MEK). Founded in the 1960s by college students, the MEK participated in the 1979 revolution against the Shah, but quickly fell out with Ayatollah Khomeini, who executed thousands of its members and leaders. Following the start of mass executions in June 1981, the group went underground, and many of its leaders fled to France from 1981 to 1986, after which the MEK took refuge in Iraq.

While in Iraq, the group formed an army equipped with tanks, armored personnel carriers, and field guns, implementing cross-border attacks against the Iranian regime. The MEK network in Iran also carried out military operations against the Revolutionary Guards and other government targets. The MEK has represented a significant security threat to the Iranian regime ever since the end of the Iran-Iraq War and could continue to do so, were it released from its circumscribed status in Iraq.

United States policy toward the MEK has been ambivalent and controversial over the years and reached a nadir in 1997, when the Department of State placed the MEK on its Foreign Terrorist Organizations list. This inclusion was primarily a goodwill gesture to Mohammad Khatami, the newly-elected Iranian president, whose administration was looked to with much hope for its reformist promise. Despite the State Department's accusations that the MEK murdered Americans in mid 1970s and supported the U.S. embassy takeover in Tehran in 1980—charges the organization denies—the MEK has not attacked or targeted U.S. interests since the 1979 Iranian revolution.

Nevertheless, the State Department added the major political wing of the Iranian opposition, NCRI, to the Department's terrorist designation; previously, NCRI had operated in the United States as a legitimate, registered organization.

Before surrendering hundreds of tanks and armored personnel carriers to the U.S. military, the MEK had notable mechanized and infantry capabilities. The fledgling Iraqi Army uses some of this equipment, since 2004.

The MEK seems to have an impressive network in Iran, where it has been gathering intelligence on Iran's nuclear weapons program as well as its activities in Iraq. The MEK published a book detailing the particulars and pictures of nearly 22 thousand people—mostly associated with the MEK—executed for political charges by the Iranian government.

There is sizable support among the exile Iranian community for the MEK, which often draws large crowds to its rallies and demonstrations in western capitals.

THE MEK'S RELATIONSHIP WITH THE U.S. MILITARY IN IRAQ

Months before the start of the 2003 War in Iraq, the United States' major concern was Iraq's eastern neighbor, and its perceived involvement in the conflict that might have complicated the situation in the region. Washington, therefore, offered to alleviate Iran's concerns by bombing and destroying the MEK, hoping to reach an accommodation with Iran in a post-Saddam Iraq.

Days after the start of U.S. bombing of Saddam's forces in late March and early April of 2003, Coalition planes heavily bombed nearly a dozen bases belonging to the MEK, killing dozens of fighters and wounding many more.

U.S. Special Forces worked out a ceasefire agreement with the MEK in April 15, 2003, once the MEK consolidated its forces in a few camps north of Baghdad. The United States decided in May 2003 to disarm the group, and confiscated 2,139 tanks, armored personnel carriers, artillery pieces, air defense artillery pieces, and miscellaneous vehicles formerly in the MEK's possession.

In August 2003, in what appeared to be a response to Iranian demands, the State Department acted to close down the offices of MEK associate groups in Washington.

Tehran has been particularly sensitive to the MEK activities inside Iran and abroad, signaling that it takes the dissident group most seriously. European governments and some U.S. administrations have used the MEK as bait to improve relations with Tehran. In a similar vein, the November 2004 European Union nuclear agreement with Iran includes an EU promise to treat the MEK as a terrorist group, which addressed Iran's security concerns.

Although it is difficult if not impossible to gauge the level of support MEK enjoys in Iran, this organization is indisputably the largest and most organized Iranian opposition group. There are nearly 3,800 of its members in Camp Ashraf, 60 miles north of Baghdad. Females constitute nearly a third of its rank and file.

As of February 2005, the State Department still listed the MEK as a foreign terrorist organization, despite calls for its removal from the list by many members of the U.S. Congress and others.

THE MEK AND OTHER OPPOSITION GROUPS SUPPORT OF U.S. INTERESTS

The lack of viable intelligence about Iran continues to plague analysts and planners. As stated earlier, the MEK and NCRI revealed much of the information that has been verified about Tehran's nuclear weapons programs. In this respect, Washington might consider using intelligence made available from opposition groups as lead information, i.e., to be verified using independent means.

A 16–month investigation by the State Department and other government agencies of the MEK members in Iraq culminated in the 2004 judgment that they were ''protected persons under the Fourth Geneva Convention,'' and that there was no basis to charge any of them with terrorist actions.

At this juncture in 2005, therefore, a review of U.S. policy concerning the MEK and the overall Iranian opposition is in order. The designation of the MEK as a foreign terrorist organization by the State Department has served, since 1997, as an assurance to the Iranian regime that the United States has removed the regime change option from the table. Removing the terrorist designation from the MEK could serve as the most tangible signal to the Iranian regime, as well as to the Iranian people, that a new option is now on the table. Removal might also have the effect of supporting President Bush's assertion that America stands with the people of Iran in their struggle to liberate themselves.

In the same way that the United States was receptive to South African anti-apartheid leaders and the Soviet Union's anti-communist activists, Washington should invite prominent opposition figures both in Iran and in exile to the United States. They might meet with U.S. officials, Members of Congress, academics, think tanks, and the media. The European Parliament offered such an example in December 2004, when it invited Maryam Rajavi, the president of the NCRI to its headquarters in Strasburg, where she offered an alternative view to that of the Iranian regime. Tehran's angry reaction to this invitation served to highlight the effectiveness of such measures.

As an additional step, the United States might encourage the new Iraqi government to extend formal recognition to the MEK, based in Ashraf, as a legitimate political organization. Such recognition would send yet another signal from neighboring Iraq that the noose is tightening around Iran's unelected rulers.

In light of the MEK's status as protected persons under the Fourth Geneva Convention and the continued protection that the U.S. military provides the group in Iraq, Washington has an opportunity to decide whether to return to the MEK its weapons, which would relieve responsibility from the American military for the protection of its camps and personnel. Such a move also would send an unambiguous signal to the Iranian regime that it faces an enabled and determined opposition on its borders.

Iranian groups, whether domestic or internationally-based, which seek to broadcast or publish pro-democracy messages inside the country might be provided with equipment, facilities, funding, and support. Relatively modest expenditures on such purposes can spell the difference between a capability for such groups to get their message out to international publics and in Iran.

The United States should make it official policy to protest publicly cases of human rights violations, crackdown on Iranian student demonstrators, and application of inhumane and degrading punishments, such as stoning to death, flogging, eye gouging, and amputation. Washington should be particularly vigilante in providing political and moral support to student demonstrators in Iran and hold Tehran accountable for the arrest and killing of students during anti-government demonstrations.

Should the United States reach a decision to support an explicit policy of regime change in Iran, a Presidential Finding would be a necessary first step, enabling many activities by U.S. entities that cannot take place without such a finding.

The United States should ensure that Iran understands that neither it nor the Iranian opposition will take any option off the table, if Iran remains unwilling to address adequately international concerns about its nuclear programs in particular. The goal is to ensure that democracy, tolerance, and the rule of law are established in an Iran that abjures use of WMD, terrorism, and threats against its neighbors. Bringing Tehran's flagrant non-compliance with the NPT before the U.N. Security Council would be an important first step.

IN SEARCH OF A NEW APPROACH: THE MILITARY OPTION

''We do not want American armies marching on Tehran,'' then-Secretary of State Colin Powell said in November 2004. Despite the official position of the administration, there are some who suggest that given the failure of the engagement option over the past quarter century and the urgency to counter the Iranian threat, Washington should adopt a military option. Despite its risks and implications, they are willing to absorb the costs and consequences. Proponents of strikes believe that United States interests are better served by taking preventive military action in the present than facing the future nightmare of a nuclear Iran with extensive regional dominance armed with the ideology of hate.

Conventional force military options have a broad spectrum upon which to draw, which

individually or collectively might evoke different results and/or responses from the Iranian regime.

Air options include low-end, minimal-risk overflights of unmanned aerial vehicles into Iranian airspace for purposes of reconnaissance, psychological impact, testing of Iranian response and capabilities. In addition, maximum options consist of airstrikes by manned aircraft and drones as well as cruise missile attacks against targeted facilities, installations, bases, and command or research centers.

Naval options range from low end overt open waters surveillance and harassment of Iranian shipping to maximum options such as introduction of major forces into theater and a full blockade of Iranian ports and waters.

On one hand, ground forces options include a low-end approach of pressuring Iran through the buildup of conventional ground forces and supporting logistics capability along borders and at strategic locations within the region. On the other hand, there are high-end options, such as a well-planned, fully-coordinated and -executed ground assault into Iran.

On one hand, Special Operations Forces options include low-end clandestine ground operations supported by air insertion/extraction to acquire target information, emplace sensors or precision guidance beacons, or preposition arms/equipment for local insurgents. On the other hand, high-end options consist of direct action missions against preselected targets, link-up with indigenous forces to engage and attack government facilities, bases, and personnel. In total context, combinations of the various minimal to maximum options provide a wide array of choices that can exert significant impact on Tehran and influence the regime economically, diplomatically, and politically.

Given the above capabilities, potential military options include:

Limited Actions: Clandestine insertions of Special Operations Forces to acquire precision target information, emplace remote sensors, and preposition arms/equipment. Such actions offer the ability to gather unobtrusively more reliable information than currently available through other military means; these actions also might establish sustainability for future operations. But, such actions do not cause the regime to react as long as such actions remain clandestine and the regime unaware. There is the possibility of extremely negative reaction from various entities internationally and in Iran if such activity were compromised or uncovered.

Moderate Actions: Limited naval blockade that overtly conducts surveillance and harasses Iranian flagged shipping; overt overflights of Iranian airspace by U.S. surveillance aircraft and unmanned platforms; limited buildup of U.S. forces, supplies, and equipment in friendly countries adjacent to Iran; stationing of U.S. Marine amphibious forces off the coast; overt equipping of Iranian dissident groups; limited precision strikes or special operations activities against known WMD targets or munitions factories.

As such measures become increasingly visible to the international public, a negative reaction might occur from many quarters, including, of course, Iran, which would seek diplomatic support in world forums to oppose U.S. activities. Assuming the effectiveness of any actual military strikes that cause damage to Iran's WMD or other indigenous military capabilities, such offensive measures would degrade Iran's ability to employ/deploy its weapons against United States or other friendly interests.

Outrage from some corners of the globe is to be expected; the possibility of loss or capture of some U.S. service personnel might create a new dimension to the problem; outright military action also might toughen the resolve of the Iranian regime and even turn some of the Iranian people against the attacking forces. Serious consideration must be given to the likelihood that under the extreme stress of being attacked, Iran might unleash Hizballah and other terrorist organizations around the world to launch terrorist attacks against United States and/or other friendly interests. The ultimate potential for pulling Washington into a full-scale military confrontation with Iran must be weighed before any military action, however limited, is considered.

Maximum actions: Full-scale naval blockade, the landing of U.S. Marine Corps amphibious forces at strategic locations, introduction of airborne, Ranger, Green Beret, or SEAL forces to seize key objectives, and crossborder invasion by land forces. All these actions would be fully supported by preparatory airstrikes intended to disable and destroy command and control centers, antiaircraft capabilities, as well as key military and logistics centers.

Full-scale military invasion on the scale of Iraq or Afghanistan would be a very serious step, embarked upon with only one ultimate objective in mind: the overthrow of the regime in Tehran and the forcible occupation of the country. In addition to the destruction of regular army, IRGC, and MOIS military units together with their armaments, such an invasion would also number among its objectives the elimination of Iran's WMD programs, and thereby, the ending of WMD threats from Iran.

Full-scale military invasion of Iran, even if supported by an international coalition, would be likely to elicit outrage from many corners of the globe. An invasion would be likely to incur higher casualties and a much longer period of intense, widespread conflict than that experienced in Iraq. Given the size and population of Iran, a full-scale invasion would require a force several times the size of the force in Iraq; continued strain on the overall U.S. military structure and its available resources would affect long-term sustainability of any such operation and the overall ability of U.S. armed forces to respond to crises elsewhere.

CONCLUSION:

Recall the nuclear time clock that is ticking down as Iran drives to reach nuclear weapons capability. If the regime continues to prove intransigent with respect to fulfilling its obligations under the NPT, the international community may not have the luxury of pursuing only a regime change policy. The theocratic leadership in Tehran must know that they will not be permitted to achieve a nuclear bomb status. A military option, which could include limited strikes against Iran's nuclear program infrastructure, clearly would be a last option but must clearly be understood to remain on the table.

Given the realities in the region and the fact that the United States continues to be engaged in Afghanistan and Iraq, a full-scale military invasion is the least appealing of all the options on the table for dealing with Iran. Nevertheless, as the ultimate means of ensuring U.S. national security interests, such military action must remain unambiguously among the options at U.S. disposal.

The moderate action option that includes limited military strikes would at best buy time while leaving intact or even enhancing the overall threat of the regime in areas like terrorism, opposition to the Arab-Israel peace process, and involvement in Iraq. Nevertheless, limited, precision military strikes, executed according to high quality targeting information with minimal collateral damage and casualties might not only set back Iran's nuclear program to a significant degree but likely would also help destabilize the regime.

In addition, diplomacy pursued by the Europeans and several U.S. administrations has produced little tangible result over the past quarter century. And unless the potential for U.N. Security Council sanctions is on the table, diplomacy is likely to yield few results in the future.

While keeping open diplomatic and military options, Washington should consider a third alternative, one that provides a central role for the Iranian opposition to facilitate regime change.

APPENDIX

IRAN POLICY COMMITTEE (IPC)—CO-CHAIR BIOGRAPHIES

James Akins, Ambassador (ret.): James Akins was U.S. ambassador to Saudi Arabia during the Nixon administration. An internationally respected expert on Middle East and energy issues, Akins has been an active and outspoken proponent for a just resolution of the Arab-Israeli conflict and a prescient analyst of the Middle East peace process and Arab politics in general. Author Jean-Jacques Servan Schreiber has called Akins ''the westerner who knows the most about the Middle East and has the closest relationship of trust with its leaders.''

Lt. Col. Bill Cowan, USMC (ret.), co-founder of wvc3, inc.: Bill Cowan is an internationally acknowledged expert in areas of terrorism, homeland security, intelligence, and military special operations. A retired Marine Corps officer, Cowan spent three-and-a-half years on combat assignments in Vietnam. From 1989 through 1994, Cowan was involved in numerous operations in the Middle East in response to terrorist incidents and the holding of Western hostages in Beirut and Kuwait. He was directly involved in every facet of the Beirut hostages drama, including international negotiations leading to their release in 1991.

In 1990, on behalf of a major New York law firm and working with former CIA Director Bill Colby, he organized and successfully conducted a series of operations resulting in the repatriation of a number of Western hostages from Iraqi-occupied Kuwait. Cowan is a FOX News Channel contributor and a co-founder of the WVC3 Group, a company providing homeland security services, support and technologies to government and commercial clients.

Paul Leventhal, Founder and President, Nuclear Control Institute: Paul Leventhal founded the Nuclear Control Institute (NCI) in 1981 and served as its President for 22 years prior to becoming Senior Advisor and Founding President in June 2002. He prepared four books for the Institute and lectured in a number of countries on nuclear issues, including as Distinguished Visiting Fellow at Cambridge University's Global Security Programme. Prior to establishing NCI, Leventhal held senior staff positions in the United States Senate on nuclear power and proliferation issues.

Leventhal was Special Counsel to the Senate Government Operations Committee and Staff Director of the Senate Nuclear Regulation Subcommittee; Leventhal was responsible for the investigations and legislation that resulted in enactment of two landmark nuclear laws—the Energy Reorganization Act of 1974 and the Nuclear Non-Proliferation Act of 1978. He also served as co-director of the Senate Special Investigation of the Three Mile Island Nuclear Accident and Assistant Administrator for Policy and Planning at the U.S. National Oceanic and Atmospheric Administration (NOAA). Leventhal holds a bachelor's degree from Franklin and Marshall College and a master's degree from the Columbia University Graduate School of Journalism.

Dr. Neil Livingstone, CEO, Global Options, Inc., an international risk management and business solutions company, headquartered in Washington. Livingstone is author of nine books on terrorism and national security topics and more than 200 articles that have appeared in such publications as The Washington Post, The New York Times, and The Wall Street Journal. He serves on numerous corporate and other advisory boards, and has appeared on more than 1100 television programs. He holds an A.B. from the College of William and Mary, three master's degrees, and a Ph.D. from the Fletcher School of Law and Diplomacy.

R. Bruce McColm, President Institute for Democratic Strategies and Former President, International Republican Institute: McColm is the President of Democratic Strategies, a non-profit organization committed to strengthening democratic processes abroad. For the past 25 years, he has been actively involved in the global movement toward democracy and has written extensively on political transitions in Latin America, Africa, and Central Europe. He has served on numerous boards of directors and acts as a trustee for various private foundations and advocacy groups. McColm served as president of the International Republican Institute, where he extended the organization's capacity to provide technical assistance on economic and political reform around the world, introducing the use of information technologies to democracy programs. Previously, McColm worked in a variety of capacities at Freedom House, a New York-based human rights organization and also was elected a member of the InterAmerican Commission of Human Rights by the General Assembly of the Organization of American States (OAS). McColm was educated at William College, Harvard University, and the University of Chicago.

Lt. General Thomas McInerney USAF, (Ret.): General McInerney established his own consulting firm, GRTT (Government Reform Through Technology) in January 2000. Working with high-tech companies that do business with federal, state, city, and local governments, GRRT helps them introduce advanced technology into the private sector. From 1996–1999, Gen. McInerney was Chief Executive Officer and President of Business Executives for National Security (BENS), a national, nonpartisan organization of business and professional leaders, with headquarters in Washington. Prior to joining BENS, Gen. McInerney was Vice President of Command and Control for Loral Defense Systems-Eagan. He joined Loral (then Unisys Electronic Systems Division) in 1994, following 35 years as a pilot, commander, and Joint Force Commander in the United States Air Force. Gen. McInerney retired from military service as Assistant Vice Chief of Staff of the Air Force and as Director of the Defense Performance Review (DPR), reporting to the Secretary of Defense. In that capacity, he led the Pentagon's ''reinventing government'' effort, visiting more than 100 leading edge commercial companies to assimilate their ideas about business reengineering.

Gen. McInerney earned a Bachelor of Science degree at the U.S. Military Academy in 1959 and a master's degree in international relations from George Washington University in 1972. He completed Armed Forces Staff College in 1970 and the National War College in 1973. Gen. McInerney is a member of several Boards of Directors.

Captain Charles T. ''Chuck'' Nash, USN (ret.) is the founder and President of Emerging Technologies International, Inc. (ETII). The company's focus is to understand military requirements and then actively search out and identify high leverage, emerging technologies that can be inserted quickly and inexpensively into tools for the U.S. military. Clients include government laboratories and commercial technology companies. Previously, Capt. Nash served as Vice President, Emerging Technologies Group, Santa Barbara Applied Research, Inc. For 25 years before that, Capt. Nash served as an officer in the U.S. Navy, accumulating over 4,300 hours of flight time and 965 carrier landings on nine different aircraft carriers as a Naval Aviator. He served in a variety of command positions with Naval Operations at the Pentagon and U.S. Naval Forces Europe and has filled billets with U.S. and foreign special operations forces in Turkey, Northern Iraq and elsewhere. Capt. Nash previously served on the Defense Threat Reduction Agency (DTRA) and on the Naval Air Systems Command (NAVAIR) Expert Panel for the Supersonic Cruise Missile Advanced Concept Technology Demonstration. He was a sponsor and co-chairman of the OPNAV High Speed Strike Information Day, Johns Hopkins Applied Physics Laboratory (JHAPL). Currently, he serves on a number of Boards of Directors and is an advisor to the Chairman of the Board of Isothermal Systems Research, Inc. and to the President and CEO of Vision Technologies International, Inc. Capt. Nash earned his B.S. in Aeronautics from Parks College of Aeronautical Technology, St. Louis University and attended the National War College at Fort L. J. McNair in Washington. Currently a Fox News Channel Military Analyst, Capt. Nash frequently appears on the network to discuss military, terrorism and aviation issues.

Lt. General Edward Rowny, USA (ret.): General Rowny began his military career following graduation from the Johns Hopkins University and the U.S. Military Academy, two Masters degrees from Yale University and a Ph.D. from American University. He fought in WW II, Korea, and Vietnam, commanding units from platoon to Corps size. Later, he served in the 1970s and 1980s as an advisor to the SALT II talks and as the chief negotiator of the START negotiations, with the rank of ambassador. From 1985 to 1990, he was Special Advisor for Arms Control to Presidents Ronald Reagan and George H.W. Bush. In 1989, President Reagan awarded him the Presidential Citizens Medal. The citation reads that Gen. Rowny is ''one of the principal architects of America's policy of peace through strength. As an arms negotiator and as a presidential advisor, he has served mightily, courageously, and nobly in the cause of peace and freedom.'' In 1991, Ambassador Rowny retired from government and currently consults on international affairs.

Professor Raymond Tanter, Former Senior Staff Member, National Security Council: Raymond Tanter is Visiting Professor at Georgetown University, where he teaches courses on International Relations and Terrorism. Tanter is adjunct scholar at The Washington Institute for Near East Policy and was scholar-in-residence at the Middle East Institute in Washington. He researched U.S. policy options regarding Iran at both think tanks. After receiving a Ph.D. from Indiana University in 1964, Prof. Tanter taught at Northwestern, Stanford, and the Hebrew University of Jerusalem. Tanter was a fellow at the Hoover Institution at Stanford and the Woodrow Wilson International Center in Washington and a Fulbright scholar, University of Amsterdam. In 1975, Tanter spent a month as scholar-in-residence at the American Embassy, Tokyo, lecturing on petroleum interruption scenarios, with special reference to the Middle East. In 1967, Tanter was deputy director of behavioral sciences at the Advanced Research Projects Agency of the U.S. Department of Defense and a member of the Civilian Executive Panel, Chief of Naval Operations, 1980–1981. He served at the White House on the National Security Council staff, 1981–1982. In 1983–1984, he was personal representative of the Secretary of Defense to arms control talks in Madrid, Helsinki, Stockholm, and Vienna. He is a member of the Council on Foreign Relations. Among Tanter's publications is Rogue Regimes: Terrorism and Proliferation, New York: St. Martin's Press, 1997. Tanter is a member of the Council on Foreign Relations, Committee on the Present Danger, American Political Science Association, and the Iran Policy Committee.

Major General Paul E. Vallely, USA (Ret.): General Vallely retired in 1991 from the U.S. Army as Deputy Commanding General, U.S. Army Pacific in Honolulu, Hawaii. Gen. Vallely graduated from the U.S. Military Academy at West Point and was commissioned in the Army in 1961, serving a distinguished career of 32 years in the Army. He served in many overseas theaters, including Europe and the Pacific Rim countries, as well as two combat tours in Vietnam. He has served on U.S. security assistance missions on civilian-military relations in locales around the world. Gen. Vallely is a graduate of the Infantry School, Ranger and Airborne Schools, Jumpmaster School, the Command and General Staff School, The Industrial College of the Armed Forces and the Army War College. His combat service in Vietnam included positions as infantry company commander, intelligence officer, operations officer, military advisor and aide-de-camp. He has over 15 years experience in Special Operations, Psychological and Civil-Military Operations. Gen. Vallely was one of the first nominees for Assistant Secretary of Defense for Special Operations under President Reagan and commanded the 351st Civil Affairs Command during the 1980s. He has served as a consultant to the Commanding General of the Special Operations Command as well as the Department of Defense Anti-Drug and Counter-Terrorist Task Forces. Gen. Vallely is a military analyst for Fox News Channel and is a guest on many nationally-syndicated radio talk shows. He also is a guest lecturer on the War on Terror and has just co-authored a book entitled The Endgame, Winning the War on Terror.

Clare M. Lopez, Executive Director, IPC is a strategic policy and intelligence analyst with a focus on Middle East, homeland security, national defense, and counterterrorism issues. Based for the last five years in the private sector environment of the Washington metro area, Lopez began her career as an operations officer with the Central Intelligence Agency (CIA), serving domestically and abroad for 20 years in a variety of assignments. Lopez served as a Senior Intelligence Analyst, Subject Matter Expert, and Program Manager for the Alexandria, VA firm, HawkEye Systems, LLC. Lopez previously produced Technical Threat Assessments for U.S. Embassies at the Department of State, Bureau of Diplomatic Security, where she worked as a Senior Intelligence Analyst for Chugach Systems Integration. During Lopez's CIA career, she served under diplomatic cover in various postings around the world, acquiring extensive regional expertise with a career focus on the former Soviet Union, Central and Eastern Europe and the Balkans. She has served in or visited over two dozen nations worldwide and speaks several languages, including Spanish, Bulgarian, French, German, and Russian. Lopez began a study of Arabic in 2003 at the Department of Agriculture Graduate School before transferring to the Middle East Institute (MEI) in downtown Washington.

Lopez received a B.A. in Communications and French from Notre Dame College of Ohio

and an M.A. in International Relations from the Maxwell School of Syracuse University. She completed Marine Corps Officer Candidate School (OCS) in Quantico, Virginia before declining a commission in order to join the CIA. Lopez is a Visiting Researcher and an occasional guest lecturer on counterterrorism, national defense, and international relations at Georgetown University. Lopez is a member of the International Association of Counterterrorism and Security Professionals (IACSP), Women in International Security (WIIS) and the Middle East Institute (MEI).

## RECOGNIZING THE ACHIEVEMENTS OF THE RELAY FOR LIFE AND THE AMERICAN CANCER SOCIETY

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the Relay for Life, a charity event that has helped us in the war against cancer.

The Relay for Life celebrates the survivors of cancer and further helps to raise funds for the American Cancer Society. It serves to bring people from every age group, religious denomination, political affiliation, and racial background together in the common cause of fighting cancer.

The American Cancer Society estimates that over 86,880 new cases of cancer will alter the lives of Texans this year. When we look at these numbers it is important to see past the statistics. This number of 86,880 represents 86,880 mothers, 86,880 fathers, sisters, brothers, best friends, and spouses. This number represents the people that we care about the most; this figure impacts our families.

In keeping with my vow and promise to help keep our families strong and healthy, I am honored to provide the participants of this important event with both my presence and blessing. I thank all of you for your passionate dedication for family, friends, state, and nation.

## ENERGY POLICY ACT OF 2005

SPEECH OF

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 21, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy;

Mr. TIAHRT. Mr. Chairman, I rise today in strong support of H.R. 6, the Energy Policy Act of 2005. This comprehensive energy bill is a bipartisan effort to bring lower energy prices to consumers while spurring our economy toward growth for the future. Hundreds of thousands of jobs will be created, energy conservation will be promoted and our environment will be cleaner as a result of the policies in this bill.

House Republicans have a track record of passing energy legislation in both the 107th Congress and the 108th Congress. But we were unfortunately not able to get a bill to the President due to unwillingness by Senate Democrats.

I am hopeful this year will be different and that Congress will finally pass an energy policy that will take our country forward. I know Kansans in my district are tired of paying high prices for gasoline, and they want a good energy bill passed soon. The longer we wait to pass a national energy plan, the longer it will take to counter rising energy costs. The Energy Policy Act of 2005 is a huge step in the right direction and will help both the public and private sector address our energy needs for years to come.

H.R. 6 promotes clean coal technology and provides incentives for renewable energies such as ethanol, biomass, wind, solar and hydroelectricity.

I am very pleased H.R. 6 includes a Renewable Fuels Standard that will help introduce up to five billion gallons a year by 2012. The more ethanol and biodiesel is used by drivers across America, the cleaner our air will be. Plus, we will be providing America's farming communities with alternative income opportunities for commodities such as corn and soybeans.

I have spoken to numerous Kansas farmers who say over and over again that the ethanol provisions contained in the energy bill are good for our struggling rural communities. Many counties and small towns in Kansas have faced years of declining populations. Whenever we can provide increased economic opportunities for rural communities while providing for our nation's energy needs, we create a win-win situation.

Another promising renewable energy source is wind energy. There are plenty of places in the great State of Kansas where landowners are eager and willing to work with private investors to capture this abundant natural resource and turn it into usable energy. Anyone who has visited our State will know we have plenty of wind. By reauthorizing the Renewable Energy Production Incentive program to provide renewable energy production incentives for wind, we are giving landowners and businesses the assistance needed to tap into this underutilized energy source.

This legislation also establishes a Department of Energy rebate program for renewable energy systems installed in homes or small businesses. And the Federal Government is directed to use more renewable energy in future years with a goal of using 7.5 percent or more by 2013.

By promoting forms of renewable energy, we are helping move our country toward a more sustainable energy future.

In addition to promoting renewable energy sources and looking toward the future, this energy bill also addresses the realities of our energy needs today. Americans everywhere are frustrated with high gasoline prices. One of the contributing factors to high fuel prices is the fact that the United States has not built a large-scale refinery in over 20 years. And since 1981, half of the refineries have been shut down. When we not only cease building new refineries, but we reduce the number of facilities needed to produce fuel, it is no wonder gasoline prices continue to steadily rise.

H.R. 6 helps address rising fuel costs by providing an accelerated review and approval process for new refinery facilities in a refinery revitalization zone. The energy bill designates certain areas as refinery revitalization zones based on a region's previous refining or manufacturing experience and current unemployment rate.

The United States depends on foreign sources of oil for 62 percent of our Nation's supply, and that percentage is projected to increase to 75 percent within 5 years. Not only is our demand for oil rising, but global crude oil demand is increasing, particularly in countries like China. We must take action to reduce our dependence on foreign oil.

This energy bill has several provisions that help us do just that. It expands our domestic supply by increasing domestic oil and gas exploration and development on non-park Federal lands. And by requiring five billion gallons of renewable fuel by 2012, we will save 1.6 billion barrels of oil by 2012.

The Energy Policy Act of 2005 promotes a cleaner environment by encouraging new innovations and the use of alternative power sources by launching a state-of-the-art program to enable hydrogen fuel cell cars to compete in the marketplace by 2020. This is just one example of how we are encouraging ideas to move from conception to application in the marketplace.

H.R. 6 requires the Department of Energy to develop a plan outlining technical milestones as well as technical and non-technical hurdles to hydrogen vehicles and their associated infrastructure. The hydrogen program is to be conducted as a partnership between public and private enterprises to address the production of hydrogen from diverse sources.

Hydrogen can be produced from fossil fuels, hydrogen-carrier fuels and renewable energy resources, including biomass and nuclear energy. The program also addresses pipeline hydrogen transmission, convenient refueling, advanced vehicle technologies, hydrogen storage and the development of necessary codes and standards.

The legislation authorizes $200 million for the "Clean Cities" program, which will provide grants to state and local governments to acquire alternative fueled vehicles.

H.R. 6 will improve our Nation's electricity transmission capacity and reliability. By providing for expedited siting processes on both Federal and private lands, transmission lines will be able to be more efficiently and quickly placed so power can be transmitted across the country. The bill also greatly improves the operation and reliability of electric transmission networks by providing for open access to transmission lines not previously subject to the same open access requirements. The Federal Energy Regulatory Commission is directed to do an incentive rate rulemaking and to provide for participant funding.

The Energy Policy Act of 2005 promotes investment in the electric sector by repealing existing Public Utility Holding Company Act requirements and replacing them with authority for Federal and State regulators to examine relevant books and records.

H.R. 6 promotes more natural gas exploration. Many Kansans rely on natural gas to fuel stoves, furnaces, water heaters, clothes dryers and even backyard barbeques. Natural gas is the cleanest fossil fuel, resulting in approximately 50 percent less carbon dioxide than coal and a third less carbon dioxide than oil. But those who rely on this energy source have seen their bills skyrocket.

Provisions in H.R. 6 allow for more natural gas exploration and development by providing royalty relief for deep and ultra-deep gas wells in the shallow waters of the Gulf of Mexico. Improved access to North America's abundant

natural gas resources will help reduce high utility bills, create jobs and provide more than $500 million of increased revenues for the U.S. economy.

Businesses depend on natural gas to produce steel, glass, paper, clothing, aluminum, brick and most importantly, electricity. Even farmers rely on it to produce fertilizer needed for the crops that ultimately become food on our tables. And cities rely on natural gas to comply with tough air quality standards.

H.R. 6 also extends daylight savings time by two months. This extension will reduce energy consumption by the equivalent of 100,000 barrels of oil each day. Studies indicate the proposal to adopt extended daylight savings time from the first Sunday in March to the last Sunday in November will lower crime and traffic fatalities. This provision will also give families more daylight hours to enjoy outdoor recreation and opportunity for increased economic activity.

If America wants to be more competitive globally, we must pass a comprehensive energy bill that allows businesses to operate with sustainable, low-cost forms of energy. H.R. 6 moves us in that direction, and I urge my colleagues to help make America more competitive by voting for the Energy Policy Act of 2005.

## TRIBUTE TO LINC TELACU SCHOLARS DAY

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BACA. Mr. Speaker, as a member of the Congressional Hispanic Caucus, I rise today to acknowledge the dedication and commitment of TELACU to underserved students in Los Angeles and to recognize June 3, 2005 as LINC TELACU Scholars Day. The Education Foundation has been steadfast in its goals of increasing financial assistance for those that need it most and providing mentorship to young Latino students. Mr. Speaker, it gives me no greater pleasure than recognizing the Foundation's outstanding achievements and encouraging the continued support of TELACU.

TELACU has remained committed to providing community development through business expansion as well as quality affordable housing. The LINC TELACU Education Foundation affords TELACU the opportunity to open doors to educational institutions and contributes to the development of the future leaders of our communities.

Together with the profits from its own businesses and in partnership with corporations and individuals, TELACU has awarded millions of dollars in financial resources to thousands of deserving students. The students have the opportunity to attend some of the finest and most prestigious colleges and universities throughout the United States.

The LINC TELACU Education Foundation has been paramount in providing necessary outreach to our Nation's most vital asset, our children. With the continued leadership of David Lizárraga, President and CEO of TELACU, and his dedicated staff, efforts to improve educational opportunities for our youth have been extremely successful.

In 2004, 100 percent of LINC TELACU college seniors earned their degree; 100 percent of high school Scholars graduated, compared to the national Latino average of only 50 percent and the Los Angeles County average of only 39 percent among Latino students; 100 percent of high school Scholars enrolled in post-secondary education, compared to the Los Angeles County average of only 22 percent among Latinos; and, 100 percent of Health Careers Program senior nursing students completed their degree and received certification.

The Education Foundation has provided strong foundations for young people and allowed Latino students to continue on to higher education. Their dedicated work has hastened the development of our future Latino leaders and allowed the larger national community to see the amazing potential of our Latino youth.

Mr. Speaker, I join today with community members of Southern California in congratulating the valued services of the LINC TELACU Education Foundation. I express my sincere admiration for their organization and am honored by the opportunity to recognize the LINC TELACU Scholars today.

## PERSONAL EXPLANATION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Ms. LEE. Mr. Speaker, on April 26, 2005 I missed rollcall votes Nos. 133 and 134. Had I been present, I would have voted ''aye'' on the motion to instruct conferees on the FY 2005 supplemental appropriations bill and ''aye'' on the motion to instruct conferees on the FY 2006 Budget Resolution.

## HONORING THE SCHUSTER FAMILY AND THE NATIONAL KIDNEY FOUNDATION

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. EMANUEL. Mr. Speaker, I rise today to recognize the contributions of the Schuster Family to the prevention and treatment of kidney and urinary tract disease. On April 27th, the National Kidney Foundation of Massachusetts, Rhode Island, New Hampshire, and Vermont will host a dinner with President Bill Clinton in honor of Gerald and Elaine Schuster and their two sons Mark and Scott for their 35 years of tireless dedication to this important cause.

In 1954, Dr. Joseph Murray performed the very first organ transplant in the world at the Brigham and Women's Hospital in Boston. That same year, the National Kidney Foundation of Massachusetts, which would later expand to include Rhode Island, New Hampshire, and Vermont, was founded.

For more than half a century since then, the National Kidney Foundation and its affiliates have played a crucial role in the prevention and treatment of kidney and urinary tract disease. In particular, the Foundation provides patient services, funding for much-needed research, free early-screening services, public and professional education, and organ donation information. In addition, the Foundation helps further the prevention and treatment of kidney and urinary tract disease.

The Schuster Family has long played a vital role in the success of the National Kidney Foundation. As President of the National Kidney Foundation of Massachusetts, Elaine Schuster successfully advocated for including organ donation check-off on Massachusetts' drivers licenses in 1968, a move which has saved countless lives by giving every citizen an opportunity to get involved in an easy and direct way.

In 1978, the Schuster family felt the impact of their work firsthand, when Mark Schuster donated a kidney to save his brother Scott's life. Twenty-six years later, Scott Schuster is a successful businessman and Chairman of the very Foundation that helped to make his lifesaving surgery possible.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedication of the Schuster Family, and the important, lifesaving work of the National Kidney Foundation.

## TRIBUTE TO JANE EAGLEN

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. McDERMOTT. Mr. Speaker, I rise today in tribute to Jane Eaglen, among the foremost sopranos on the stages of international opera, renowned for her performances on concert platforms around the globe, and for her classical recordings.

Teachers in her native England encouraged her unique voice from a young age, and she was trained in the style of both Bellini and Wagner. From the time she joined the English National Opera, Ms. Eaglen garnered acclaim in a variety of roles until her breakthrough casting as Donna Anna in Mozart's Don Giovanni at the Scottish Opera.

In the two decades since then, she has achieved success in roles such as Isolde (for the Metropolitan Opera, Seattle Opera, Teatro Liceu Barcelona, Lyric Opera of Chicago, and in Puerto Rico). She has won worldwide applause for her rendition of Brunnhilde (performed in Seattle, Chicago, San Francisco, Milan, New York and the United Kingdom), and recently triumphed as Ariadne in Seattle.

Jane Eaglen is equally accomplished as a concert artist. She has worked with distinguished orchestras from Boston to Salzburg, and with the world's leading maestros including Daniel Barenboim, Zubin Mehta, Danielle Gatti and Claudio Abbado. Her performances with the Seattle Symphony Orchestra, conducted by Gerard Schwartz, have thrilled audiences. Her extensive discography of classical recordings has won over fans of the music of masters from Strauss to Beethoven to Mahler. Her recording of Tannhauser with Barenboim received a Grammy Award in 2003 for Best Opera Recording.

Mr. Speaker, Jane Eaglen has been a resident of my district for the past several years, and it is with pride that I note that Seattle's Rainier Club has named her Laureate for 2005–2006. She joins previous laureates author Jonathan Raban, glass artist Dale

Chihuly, jazz virtuoso Ernestine Anderson, Pulitzer Prize winning cartoonist David Horsey, and playwright August Wilson. Her memorable performances with the Seattle Opera and the Seattle Symphony merit the Rainier Club adulation.

We look forward to future renditions of the world's great music by the versatile Jane Eaglen. I would invite you to Seattle to hear her in the complete Ring cycle this August, but the Seattle Opera says it's sold out.

## FRIENDS OF THE CHILDREN NATIONAL DEMONSTRATION ACT

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BLUMENAUER. Mr. Speaker, I am introducing the "Friends of the Children National Demonstration Act" that would authorize $7.5 million for Friends of the Children to support local program operations at existing sites and to disseminate findings to policymakers and other youth-serving programs, Friends of the Children is the only program in the nation that provides carefully screened full-time professional mentors to at-risk children for 12 years starting at five years of age,

This innovative program began in Portland, Oregon, starting in 1993 with 3 "Friends", mentors serving 24 children. Today, Friends of the Children serves over 600 children in 11 communities across the nation. The young people who participate are truly the most defenseless—they are children of poverty; they have been in foster care, on welfare, and have parents who are incarcerated or are homeless.

I look forward to working with my colleagues to pass this bill and make a commitment to improving the lives of at-risk children.

## CONGRATULATING WEST ANCHORAGE HIGH SCHOOL ON ITS PARTICIPATION IN THE "WE THE PEOPLE" COMPETITION

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. YOUNG of Alaska. Mr. Speaker, from April 30–May 2, 2005 more than 1200 students from across the United States will visit Washington, D.C. to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education.

I am proud to announce that the class from West Anchorage High School will represent the state of Alaska in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our nation's capitol and compete at the national level.

While in Washington, the students will participate in a three-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that the Educational Testing Service (ETS) characterizes the We the People program as a "great instructional success." Independent studies by ETS have revealed that We the People students "significantly outperformed comparison students on every topic of the tests taken."

Congratulations to Elizabeth DeYoung, Monique Eniero, Roberta Gordaoff, Danielle Johnson, Jayme Johnson, Vassar Louis-Bradford, Gareth Olds, Michael Pascual, Courtney Prokosch, Alexander Richert, Gerriane Villanueva, Jeffery Wittsey and their teacher Pamela Orme.

I wish these students the best of luck at the We the People national finals and applaud their outstanding achievement.

## APPLAUDING KAZAKHSTAN'S PRESIDENT NURSULTAN NAZARBAYEV

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. RADANOVICH. Mr. Speaker, I congratulate the President and the people of Kazakhstan on the 10th anniversary of the removal of the last nuclear weapons from their territory within the framework of the Cooperative Threat Reduction program.

I applaud Kazakhstan's President Nursultan Nazarbayev's leadership and courage. Today, we can state with great confidence that the decision of Kazakhstan's leader to renounce the world's fourth largest arsenal of deadly nuclear weapons was made not only in the interest of the mankind, but it has changed the course of world history. As we all know, proliferation of weapons of mass destruction and international terrorism remain major threats to the world in this new century. It is frightful to imagine a scenario where terrorist organizations such as Al-Qaeda could have gained access to Kazakhstan's nuclear arsenal.

Mankind is more secure because of the contribution of Kazakhstan and its leader.

Kazakhstan is a universally recognized leader and one of the key players in nonproliferation and deserves praise for its actions. We believe Kazakhstan, under the leadership of President Nazarbayev, will continue to strengthen this role.

Kazakhstan stands firmly by its international commitments in nonproliferation and stands ready to expand this cooperation with the United States. Convincing evidence of the growing cooperation was evident in the signing in the December 2004 amendment to the bilateral agreement on the nonproliferation of weapons of mass destruction which brought the two nations to a new level of cooperation in preventing the threat of bio-terrorism.

Today, we mark not only the successful interaction between our nations in nonproliferation, but also the growing relations of the strategic partnership between the United States and Kazakhstan. Since the first days of independence Kazakhstan has chosen to build a truly democratic and market oriented society, and proved itself as a strong and essential partner and ally of the United States. American people will never forget the support of the President and people of Kazakhstan at the difficult time following 9/11. I would also like to express my gratitude to Kazakh military engineers who have so far destroyed more than 3 million pieces of ordnance in Iraq, and saved the lives of many Iraqis and those of our brave soldiers.

Kazakhstan's continued dynamic development is a pledge of prosperity and stability for all of Central Asia. President Nazarbayev rightfully should get credit for transforming his country into an undeniable leader in political and economic reforms.

Mr. Speaker, again I would like to congratulate the President and the people of Kazakhstan on their achievements and wish this young country full achievement of its potential. With a great deal of optimism, I look forward to the years ahead as the partnership between Kazakhstan and the United States strengthens to benefit the people of both nations and the world at large.

## RECOGNIZING THE DISTINGUISHED SERVICE OF THE CASTRO BROTHERS

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. HUNTER. Mr. Speaker, I rise today to recognize and honor eight brothers who have distinguished service records worthy of commendation. Although men in the same families have served side by side and generation after generation throughout our nation's history, few families can claim the level of service that is shared by the Castro family. Together, the Castro brothers' military service totals 172 years, an average of nearly 22 years each.

As Chairman of the House Armed Services Committee, I want to thank the Castro brothers for their distinguished leadership, dedication and service to their country, community and fellow veterans. My fellow colleagues, I ask that you join me in recognizing: Master Sergeant Abe Castro, Sergeant First Class Carlos Castro, Sergeant Jose Castro, Sergeant Juan Castro, Sergeant Erasmo Castro, Captain Julio Castro, Master Sergeant Basilio Castro, and Sergeant Arthur Castro. While each of the Castro brothers served our nation with honor and distinction, I would like to pay particular attention to the service of Abe and Jose Castro. As a rifleman in World War II and Korea, Abe was wounded a total of five times, received four Purple Hearts, two Combat Infantry Badges, a Silver Star, a Bronze Star, and seven battle stars. His brother Jose, who served in the Korean War, was wounded 3 times in combat, and recommended for the Bronze and Silver Stars.

During this time of conflict, patriotism runs high and many Americans ask what they can do for their country. The Castro brothers, like those on guard today, have made the bold and courageous decision to dedicate a part of their lives to making our nation and the world a safer place for all. They responded to our nation's call by voluntarily offering their service and contributing their very best.

In his first inaugural message as Governor of California, Ronald Reagan is quoted as saying, "freedom is a fragile thing and is never more than one generation away from extinction. It is not ours by inheritance; it must be fought for and defended constantly by each generation, for it comes only once to a people. Those who have known freedom, and then lost it, have never known it again." We will continue to rely on individuals and families, like the Castros, that are willing to uphold the tradition of military service and put their nation before themselves.

Family means many things to different people. To the Castro brothers, family means military service. It is a real pleasure for me—both professionally and personally—to recognize and pay tribute to these brothers and their distinguished service records.

## APPRECIATION OF ED GROVES

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mrs. BLACKBURN. Mr. Speaker, after 15 years of devoted service to the North Tennessee Workforce Board, Edgar Ray Groves is stepping down and I wanted to take a moment to thank him for his service.

In 1990, Groves was first appointed to the position and began working to reorganize the way services were provided. Within two short years improvements were already noticeable, and in 1992 the NTWB received the Governor's cup for its outstanding accomplishment.

By 1996, the NTWB was leading the State in all Workforce Development services and had won national recognition by the U.S. Department of Labor. And that same year, NTWB began operating a Career Center on post at Fort Campbell, delivering dislocated worker services to soldiers exiting the Army.

Although Groves will no longer be serving as chair, he will continue to serve as a member of the local workforce board and the Tennessee State Workforce Board.

I join with our community in offering Ed Groves our sincere appreciation for his years of service.

## MAYDAY MANUFACTURING AND PRESIDENT MIKE NELSON WIN SBA'S SUBCONTRACTOR OF THE YEAR

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to commend Mayday Manufacturing Co., Inc., located in the 26th District of Texas, and its President Mike Nelson on being named Regional Subcontractor of the Year by the United States Small Business Association.

This recognition is awarded to ten subcontractors around the country by the U.S. SBA to companies that meet or exceed their government contracts. Subcontractors are nominated by the government and prime contractors for outstanding performance in various areas. Mayday Manufacturing won the award for Region 6 which encompasses Arkansas, Louisiana, New Mexico, Okalahoma and Texas. Vought Aircraft Industries, also located in North Texas, nominated Mayday Manufacturing and President Nelson.

Mayday Manufacturing Co., Inc. started in 1966 in a small Texas garage. It has grown over 39 years as a business which now serves hundreds of customers globally. The company specializes in aerospace parts to be used in commercial and military aircraft.

I am proud of Mike Nelson and his company for winning SBA's Regional Subcontractor of the Year award. Their industriousness is a fine example of how small businesses make a profound impact. Mayday Manufacturing is a wonderful example on which other companies should model themselves in order to attain this high level of achievement.

## APPLAUDING THE WITHDRAWAL OF SYRIAN TROOPS FROM LEBANON

### HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BOUSTANY. Mr. Speaker, I rise today to applaud the withdrawal of the remaining Syrian troops from Lebanon on April 26, 2005. This withdrawal marks the end of a 29 year military presence which allowed Syria to unduly influence and manipulate Lebanon's government and people. During these years, dissenters of Syrian influence have been politically persecuted. Some have been abducted and others murdered.

Syria has played a devious role in Lebanon in the past decades. I do appreciate Syria's decision to recall its final troops in accordance with U.N. Security Council Resolution 1559. However, Syria must completely stop imposing its influence and will on Lebanon. This will clear the way for the Lebanese to exert their rights to self government and bring about a more promising era in Lebanon's history.

It is my hope that the Lebanese people will use this landmark development to institute a free and equitable government. I do not pretend that establishing such a government will not be trying for the Lebanese people. The ethnic, religious, and political segmentation which fueled Lebanon's lengthy civil war still exist within the nation's borders. Now that the Syrian troops have departed, Maronite, Sunni, and Shi'a, Opposition and Loyalists will need to work together in order to form a stable and autonomous government for Lebanon.

Overcoming these types of divisions is inevitably a challenging task. However, I have great faith in the ability of the people of Lebanon to do so. In a recent poll conducted in Lebanon, citizens revealed that they derived their primary identification not as their religious or political orientation, but rather as being Lebanese. This is a promising indication of the direction which Lebanon's politics can take. If The people of Lebanon are able to make the welfare their nation rather than their own group interests their top priority, I am confident that Lebanon's government will be able to flourish.

## TRIBUTE TO FORT BEND, ISD FOR WINNING THE AWARD FOR BEST DISTRICT-WIDE MOCK STUDENT ELECTION PROGRAM

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. PAUL. Mr. Speaker, I am pleased to congratulate the Fort Bend Independent School District (ISD) for winning the award for having the best district-wide mock student election program in the nation from the American Association of School Administrators and the National Student/Parent Mock Election. Fort Bend ISD's program is an innovative educational project combining resources from the social studies, math, and education technology departments to create an interactive website containing election resources, an online voting location, and a database of election results.

Fort Bend students can use the database to study election results, create spreadsheets, and draw conclusions about the election process. The website also includes information for parents, including a link to the county registrar's office for voter registration. Another part of the program involved the county election board deputizing teachers so the teachers could register adults, including eligible high school students, to vote in the 2004 election.

Each school within the Fort Bend ISD individualized its mock election by having candidates debate and the students decorate the polling places. Students also studied potential campaign strategies for the candidates they supported. Student participation were very strong, with over 40,000 votes cast.

The curricula developed to analyze mock election results were made available to elementary, middle and high school students. According to the National Student/Parent Mock Election, which evaluates similar curricula nationwide, Fort Bend ISD's curricula was very strong. Particularly impressive was Fort Bend ISD's utilization of Microsoft Excel to analyze and generate summaries of the election results.

Fort Bend ISD's mock student election project was an innovative use of technology and community support to educate children about the electoral process and thus prepare them to be active, and informed, citizens. I am proud to pay tribute to the teachers, administrators, parents, and especially the students of Fort Bend ISD for winning the award for the best mock student election project in the nation from the American Association of School Administrators and the National Student/Parent Mock Election.

## HONORING THE CONTRIBUTIONS OF IKE AND DORIS EPSTEIN

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Ike and Doris Epstein, Junior Achievement of Laredo Business Hall of Fame Laureates.

Ike and Doris Epstein are a true American success story. When Ike started his business,

Dr. Ike's, it had one location and an inventory of only $10,000. Today, his business has grown to three locations, with a value of almost $8 million.

Ike and Doris met at the University of Texas in 1951, when they were both attending undergraduate school. They were married in 1955. Ike went into business for himself in 1958, after serving in the U.S. Army in Okinawa, and Doris opened her own business, Globetrotter of Laredo Travel Agency, in 1979.

Both of the Epsteins believe in treating their customers and employees like family. It is their own family, however, that they are proudest of. They have two children, Clayton and Karen, and four grandchildren. In spite of both work and family obligations, the Epsteins have also found the time to be enthusiastic community volunteers. The Women's City Club, Pennies for Tennies, Crimestoppers, the Salvation Army, and the United Way are only a few of the organizations that they have supported over the years.

Ike and Doris Epstein are a great success story, and a great team. They are an example for the rest of us of the power of hard work and dedication, and of the importance of treating other people like members of your own family. They are an important part of what makes Laredo such a great city, and I am proud to have had the chance to honor them here today.

## MEDAL OF HONOR WINNER LOUIS CAPET SHEPARD

### HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. LATOURETTE. Mr. Speaker, today I had a flag flown over the United States Capitol in honor of Louis Capet Shepard, the only Medal of Honor winner from Ashtabula County, Ohio, which is in my congressional district. Shepard served in the U.S. Navy during the Civil War.

Louis C. Shepard was born in Ashtabula on September 2, 1841, and served in the Navy as an ordinary seaman. Shepard was awarded the Medal of Honor for his valor during the assault on Fort Fisher in North Carolina. The Medal of Honor is the country's highest award for valor.

Each time a Medal of Honor is awarded, the following words are spoken: "For Conspicuous Gallantry and Intrepidity in Action at the Risk of Life, Above and Beyond the Call of Duty." These words certainly exemplify Shepard's actions during the assault on Fort Fisher on January 15, 1865.

According to records, Shepard was honored for advancing gallantly through severe enemy fire while armed only with a revolver and cutlass which made it impossible to return the fire at that range. Shepard succeeded in not only reaching the angle of the fort, but in being one of the few to enter it. When the rest of the men to his rear were forced to retreat due to devastating fire, Shepard was forced to withdraw and seek the shelter of one of the mounds near the stockade. Shepard then succeeded in regaining the safety of his ship. Shepard was just 23 years old at the time.

After the fall of Fort Fisher on January 15, 1865, the Confederate army evacuated its remaining forts in the Cape Fear area, and Union forces soon overtook Wilmington. Once Wilmington fell, the supply line of the Confederacy was severed, and the war soon ended.

It's a tremendous honor for Ashtabula County to be the home of a Medal of Honor winner. Fewer than 3,500 Medals of Honor have been awarded since the decoration was created in 1861. There were 1,522 awards for the Civil War, and 307 of the medals were awarded to men in the Navy. Of those, 195 medals went to Ohioans, including Shepard, who died at the age of 77 and is buried in Lakeview Cemetery in Port Clinton.

Mr. Speaker, the flag that was flown over the United States Capitol today will be unveiled on Memorial Day during the dedication ceremony for the new Ashtabula County Veterans Memorial. I applaud VFW Post 3334 in Jefferson for their efforts on behalf of the new memorial, and for choosing to honor the valor of Louis C. Shepard, the only Medal of Honor winner from Ashtabula County.

## PERSONAL EXPLANATION

### HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BRADY of Texas. Mr. Speaker, I regret that I missed rollcall votes No. 133 and No. 134 on April 26, 2005, and rollcall vote No. 140 on April 27, 2005. On April 26, 2005, I was returning from Texas after attending a Social Security workshop in Galveston with President Bush and on April 27, 2005, I was at the White House meeting with President Bush.

Had I been present, I would have voted "yes" on rollcall vote No. 133, a Motion to Instruct Conferees on H.R. 1268, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes; I would have voted "no" on rollcall vote No. 134, a Motion to Instruct Conferees on H. Con. Res. 95, the Congressional Budget Resolution for Fiscal Year 2006; and I would have voted "no" on rollcall vote No. 140, a Motion to Recommit H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights

## HONORING THE CONTRIBUTIONS OF JULIAN MONCEAUX, HOFFMANN LANE ELEMENTARY SCHOOL TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Julian Monceaux, Hoffmann Lane Elementary School Teacher of the Year.

Mr. Monceaux earned his Bachelor's Degree at the University of Texas at San Antonio. He is a veteran educator, with more than 20 years of teaching experience.

Currently, Mr. Monceaux is the Physical Education Teacher for children of all grade levels at Hoffman Lane Elementary School in the Comal Independent School District.

Mr. Monceaux believes strongly in the power of physical education to improve the lives of his students. He believes that physical education should provide' "opportunities for students to develop physically, mentally, and socially." The program he teaches includes information and training to promote physical fitness, wellness, nutrition, sportsmanship, motor and manipulative development, specific skills development, coordination, and good lifetime habits.

Julian Monceaux has distinguished himself through his tireless service to the children of Hoffmann Lane Elementary School and the people of Comal. His work as a physical educator is critical to the health and well-being of his students, and I am happy to have the opportunity to honor him here today.

## CONGRATULATING HOWARD UNIVERSITY SCHOOL OF LAW'S MOOT COURT TEAM FOR WINNING THE AMERICAN BAR ASSOCIATION MOCK TRIAL COMPETITION

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUMMINGS. Mr. Speaker, I rise today to honor excellence in education as I congratulate the Howard University School of Law's Mock Trial Team for their outstanding performance in the American Bar Association Mock Trial Competition—besting Harvard Law School and 6 other highly-regarded law schools in this venerable contest.

This competition is designed to showcase the dedication and talent of law school students from across the country. Without question, the Howard University students displayed a great deal of both in their victorious efforts.

The Huver I. Brown Trial Advocacy Team made history on April 2, 2005, becoming the first team representing a historically black college or university to take overall first place in the competition.

The team of 20 students sent four bright young scholars to the competition: team captain, Derrick Simmons, along with Adonna Bannister, Nisha Brooks and Chris Stewart. Mr. Stewart also won the title of "Best Advocate" during this year's competition.

Mock Trial Court Competitions are an opportunity for law school students to demonstrate their skills as advocates in a court setting.

Mr. Speaker, I am proud to say that the team from my Alma Mater took on the challenge of an esteemed national competition and used it as an opportunity to excel.

I was a member of the Mock Trial Team when I was in law school at the University of Maryland, so I know first-hand of the serious dedication, hard work and countless hours of preparation that is required to effectively demonstrate a command of the law, rules of evidence, and procedure.

Howard University's victory represents the very best in effort and education. I commend Kurt Schmoke, the Dean of the Howard University School of Law, and Patrick Swygert, the President of Howard University, for fostering an atmosphere of excellence in which students can succeed.

Mr. Speaker, becoming a member of the Huver I. Brown Trial Advocacy Team is one of the highest honors a Howard law student can earn. The Team is named for Huver I. Brown, an African American attorney who in 1939 sued the District of Columbia Bar Association to gain access to the District of Columbia Bar Association Law Library.

During a trial, the presiding judge asked Attorney Brown to provide legal support for an argument he made. Because at that time only white attorneys were allowed to use the law library, African American attorneys had to skillfully argue without the aid of legal precedent.

In his suit, Attorney Brown asserted that a private bar group could not deny black lawyers access to the law library because it was located in a federal courthouse. Therefore, the denial of access was unconstitutional. In 1941, the lawsuit was settled, and African Americans were allowed access to the library.

In winning that lawsuit, Huver I. Brown achieved a phenomenal victory for the entire country and generations yet unborn.

Mr. Speaker, the impressive win by Huver I. Brown students at the national ABA Mock Trial Competition this year is a testament to their commitment of honoring the legacy for which the team is named.

The victory is also a solid confirmation of the recognition of Howard University as a national power. Such success is worthy of our admiration and praise.

Let the triumph of the Huver I. Brown students remind us of the rich tradition of African American excellence in the mastery of law. I look forward to meeting these future Thurgood Marshalls and Johnnie Cochrans one day, here in the halls of our nation's Capitol, where they would clearly serve well.

Again, I congratulate the members of Howard University School of Law's Trial Advocacy Team on their victory over Harvard Law School in the American Bar Association Mock Trial Competition.

## ON THE OCCASION OF HIS 70TH BIRTHDAY CELEBRATION OF BISHOP J.E. REDDICK

### HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize one of Eastern North Carolina's great public servants, Bishop J.E. Reddick on the occasion of his seventieth birthday celebration.

Bishop J.E. Reddick was born on Easter Sunday afternoon on April 21, 1935. After completing high school in 1953, Bishop Reddick received his collegiate and professional training at Shaw University, A&T State University and Hampton Institute. He is the recipient of the Bachelor of Bible Degree and the Master of Bible Philosophy Degree from the American Bible Institute of Kansas City, Missouri and has received two honorary Doctor of Divinity Degrees from the Universal Bible Institute of Alamo, Tennessee and Shaw University Divinity School respectfully. The United Christian College in Goldsboro, North Carolina awarded him the Doctor Humane of Letters.

Aside from his talents as preacher, teacher and leader, Bishop Reddick's main forte is his ability as a builder and administrator. He has set Free Will Baptist precedents in the area of church renovation, construction and programs. Bishop Reddick is founder of the Mt. Calvary Free Will Baptist Church, which today is revered as one of the most functional, practical and attractive churches in the Free Will Baptist connection. He led Maury Chapel Free Will Baptist Church congregation from a deteriorating building into a new church structure. Piney Green and Union Grove Free Will Baptist Churches were remodeled under the leadership of Bishop Reddick.

Bishop J.E. Reddick remains highly active in his community. He presently serves as President of the National Convention of Free Will Baptist USA, General Bishop of the United American Free Will Baptist Denomination and Presiding Annual Bishop of North West "B" annual Conference. He also serves as Board Member for Millennia Community Bank (Greenville, NC) and Kinston Housing Authority. He previously served as a Board Member Chairman for the North Carolina Department of Social Services. Bishop Reddick retired from the Lenoir County Public School System after serving 30 years. Bishop Reddick was awarded the "Legion of Honor Award" by the National Chaplain's Association, which is presented to a clergyman for outstanding achievements and accomplishments, and has served 58 years as a Minister of the Gospel.

Bishop Reddick credits his success to faith in God, Christian principles, love from family and support of friends. I ask my colleagues to join me in congratulating this fine man on seventy years of accomplishments, and wish him many more.

## CONGRATULATING LLOYD HILL ON HIS INDUCTION TO THE TEXAS HIGH SCHOOL FOOTBALL HALL OF FAME

### HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CONAWAY. Mr. Speaker, I congratulate Mr. Lloyd Hill on his induction to the Texas High School Football Hall of Fame. Lloyd played high school football at Odessa Permian.

In his senior year of high school, Lloyd Hill was a vital cog in Odessa Permian's high powered offense in 1989. The Panthers outscored their opponents 620–97 and won the Texas 5A state championship with a 16–0 record. Permian defeated Houston Aldine 28–14 in the Texas State title game that year. Hill was an all-state receiver in 1989 and was a two-time all-district pick. He was also selected to play in the Texas High School Coaches Association All-Star Game. Lloyd Hill lettered at Texas Tech University from 1990–1993 and still holds school receiving records for—yards in a season (1,261), most 100 yard games in a season (7), and most TDs in a season (12). He ranks second on the Red Raider career yardage list. Hill played professional football for the Shreveport Pirates in the Canadian Football League and with the Houston ThunderBears of the Arena Football League.

Again congratulations to Mr. Lloyd Hill on receiving this recognition for his high school career.

## HONORING THE CONTRIBUTIONS OF MARY SILVERS, MT. VALLEY SCHOOL TEACHER OF THE YEAR

### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Mary Silvers, Mt. Valley School Teacher of the Year.

Mary Silvers holds a Bachelor's degree from the University of Texas at Austin. She currently runs the Title I reading program at Mt. Valley School in the Comal Independent School District.

Ms. Silvers is not only in the business of teaching her children reading; she also teaches them good character and social skills. She seeks to teach her students tolerance, and the value of individual differences. She organizes her classroom into small cooperative groups, teaching her children how to work together as she teaches them how to read.

Ms. Silvers wants her classroom to be a pleasant place to learn, a place where her students can feel safe and accepted. Her methods have brought her the recognition and thanks of her school and her community.

Ms. Mary Silvers is an exceptional educator, and the message of cooperation and tolerance she brings to her students will stand them in good stead throughout their lives. I am proud to have had the chance to honor her here today.

## HONORING RITA K. RONEY

### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. HINOJOSA. Mr. Speaker, this Saturday the Girl Scouts—Tip of Texas Council will honor Rita K. Roney with the Woman of Distinction Award. This award is given to someone who exemplifies the ideas and characteristics of the Girl Scout movement and Rita Roney is truly deserving of this honor.

A native of McAllen, Texas, Mrs. Roney joined the Girl Scouts as a child and has continued to support this fine organization as an adult. Working with the Girl Scout board of directors, she has been instrumental in raising the needed funding for the amphitheatre at the new Rio Grande Valley Girl Scout Camp. The amphitheatre will be used for ceremonies, chapel services and other programs.

Rita Roney has not just confined her efforts to supporting the Girl Scouts. She is wellknown throughout the region for her dedication to the community. She serves on numerous boards including the Rio Grande Valley Community Foundation, the McAllen International Museum, the McAllen Medical Center Auxiliary, the McAllen Opera Guild, the Rio Grande Valley International Music Festival and the McAllen Performing Arts.

She has a talent for fundraising that she began honing at the age of 10 when she organized a school fundraiser for the March of Dimes. Over the years, she has been instrumental in raising millions of dollars for groups such as the Boys and Girls Club, the Muscular Dystrophy Association, Mujeres Unidas,

McAllen Junior League, and the St. John's Day School.

Rita has a particular concern for improving the lives of young people and has been involved with anti-drug campaigns and with improving educational opportunities for local children. She has also been an advocate for seniors and can often be found at local nursing homes visiting residents.

Rita Roney has truly exemplified the highest level of community service and is an outstanding role model for young people. I join the Girl Scouts in congratulating her on being the recipient of this year's award.

## HONORING THE LIFE OF JOHNNIE COCHRAN, JR., ESQUIRE

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. CUMMINGS. Mr. Speaker, "You are empowered to do justice. You are empowered to ensure that this great system of ours works. Listen for a moment, will you, please."—Johnnie Cochran, Closing Statement, O.J. Simpson Trial.

Mr. Speaker, I rise today to pay tribute to Johnnie Cochran, Jr, who died of a brain tumor on March 29, 2005. The New York Times called him "fierce," "flamboyant," and "electrifying." Johnnie certainly was fierce, flamboyant and electrifying. He was also nuanced, principled, and persuasive—a giant in the legal profession.

Mr. Speaker, throughout his life, Johnnie Cochran believed wholeheartedly in the power and promise of the American judicial system. He was born in a charity hospital in Shreveport, Louisiana. His great grandparents had been slaves, his grandparents were sharecroppers, and his father was a pipefitter. When he was still a child, the Cochran family moved to California in search of opportunity and a better life. It was from California that the 11-year-old Johnnie watched Thurgood Marshall prosecute Brown vs. the Board of Education. Inspired by the trial, Johnnie, at only 11 years old, decided he wanted to be a lawyer. As he said in an NPR interview toward the end of his life, "After Brown vs. Board came along, I knew I wanted to use the law to change society for the better."

Mr. Speaker, throughout his life, Johnnie Cochran was on the frontlines where race, politics and the law intersected. There are some detractors who mistakenly believed Johnnie fostered race divisions, but, in truth, he spent his life as an integrator. He was one of two dozen black students to desegregate Los Angeles High School in the 1950s. As a young lawyer, he served as an inspiration to many African Americans who watched him, a lone black face amidst a sea of white lawyers, as he crusaded against corruption and racism in law enforcement. When the riots broke out after a verdict was reached in the Rodney King trial, Cochran represented Reginald Denny, a white truck driver who had been attacked by a mob, arguing that his civil rights had been violated.

But, Mr. Speaker, Johnnie made a career out of defending African Americans—from the O.J.s to what he called the "No Js," cases in which the "chances for getting paid are actually pretty slim." High profile trials made Johnnie Cochran a celebrity, but it was the victories for justice that made him proud. In 1978, Johnnie Cochran traded in his $300,000 salary for a $49,000 job as an Assistant District Attorney in Los Angeles County because he wanted to effect change from inside the system. His most cherished triumph was the vindication of Elmer "Geronimo" Pratt, a former Black Panther who served 25 years in prison for murder before being exonerated. In 1997, when the judge read the verdict that set Pratt free, Johnnie said, "It doesn't get any better than this."

Mr. Speaker, Johnnie Cochran was a courtroom wizard with a practical sensibility and a lyrical lilt. He was a champion of racial justice, with just a touch of the razzle dazzle. We will miss him.

If I may, I would like to close the way I began. Let Johnnie Cochran's words serve as a reminder to us today and everyday. "You are empowered to do justice. You are empowered to ensure that this great system of ours works. Listen for a moment, will you, please."

## A TRIBUTE TO BROOKLYN COLLEGE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to honor the seventy-fifth anniversary of "Brooklyn College of the City University of New York, who I am proud to represent in the House of Representatives. Concurrently, the Council of the City of New York is scheduled to adopt a resolution congratulating Brooklyn College and its President, Dr. Christoph M. Kimmich, on their anniversary and outstanding efforts on behalf of the Brooklyn community.

Mr. Speaker, Brooklyn College was founded on May 15, 1930, upon the merger of the Brooklyn branches of Hunter College and City College as the first coeducational public college in New York City. At its inception it was a modest institution that has developed tremendously and flourished marvelously.

Brooklyn College provides superb education in the arts and sciences and has served the community by graduating, over the past seventy-five years, more than 140,000 ethnically and culturally diverse students, reflecting New York City's rich sociological fabric. Brooklyn College has been recognized nationally for its outstanding faculty, rigorous academic standards, innovative curriculum, and beautiful campus, and was recently ranked third among America's Best Value Colleges by the Princeton Review.

Mr. Speaker, Brooklyn College will be holding many special events throughout the year in celebration of this anniversary, including a birthday party on May 10, 2005, on the College Quadrangle.

Mr. Speaker, I believe it is incumbent upon this body to recognize the activities celebrating the seventy-fifth anniversary of Brooklyn College and its ongoing dedication to providing excellence in education. I encourage my colleagues to join the residents of Brooklyn in honoring Brooklyn College and its many alumni, students, faculty, and staff upon this very momentous occasion.

## HONORING ARABELLA MARTINEZ

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Arabella Martinez, a remarkable individual who is retiring after many years of exemplary service and dedicated community involvement in Oakland, California. On May 11, 2005, the community will celebrate Ms. Martinez "The legacy of a Living Legend" at a dinner in her honor.

Arabella Martinez has extensive experience in a wide range of activities affecting the role of minorities and women in the economy and larger society. Her experience in social work, community action programs, and community development led to her conviction that economic development, evolving from strong, community-directed institutions, was the most effective path toward economic self-sufficiency and empowerment. President Jimmy Carter recognized Ms. Martinez's talent and experience and appointed her Secretary for Human Development Services in the Department of Health Education and Welfare. She became the first Hispanic woman to hold this position.

Ms. Martinez was one of the founders and the first Executive Director of the Spanish Speaking Unity Council. After a fifteen-year absence, she returned to the Unity Council in December 1989, to rescue it from near bankruptcy. The Spanish Speaking Unity Council is now one of the largest and most successful community development corporations in the nation. Besides founding the Unity Council, Ms. Martinez helped build the Women's Initiative for Self Employment as a Board member and consultant. She raised over $800,000 for the Oakland YWCA's capital campaign to save its historically significant Julia Morgan building.

Over the past ten years, Ms. Martinez has successfully worked to revitalize the Fruitvale district, an inner-city neighborhood in Oakland, California. The revitalization includes major real estate development projects, community building activities, and a range of community and family asset development programs. Ms. Martinez's major responsibility has been the successful development of a $100 million mixed use, transit-oriented development around the Fruitvale BART station. The Transit Village includes 245,000 square feet of community facilities, child development and senior centers, a community clinic, a library, technology center, retail space housing and podium parking in two multi-level complexes, bisected by a pedestrian plaza.

The Fruitvale Transit Village has transformed the community and its residents. It provides social services as well as community empowerment for individuals and businesses to thrive.

Arabella Martinez is truly a living legend who continues to work tirelessly for the benefit of others. I join the community in expressing heartfelt appreciation for her noteworthy contributions. She leaves a legacy of talent and commitment that is hard to match.

## HONORING THE CONSULAR CORPS ASSOCIATION OF PHILADELPHIA

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Consular Corps Association of Philadelphia.

In celebration of 43 years of promoting international understanding, I extend congratulations to the first Consular Corps in the United States, the Consular Corps Association of Philadelphia.

With the founding of the Corps, now one of the largest diplomatic associations in the nation, a model was created that allows us to reach beyond geographic boundaries to strengthen international relations

Thirty seven countries are represented in the Philadelphia Association and as a result there are increased opportunities for business, educational and diplomatic partnerships.

The Consular Corps Association of Philadelphia has also provided humanitarian aid. Its members aided relief efforts for Asian and African victims of the tsunami disaster and survivors of civil war.

On the educational front, the organization has developed innovative cultural exchange programs, including partnerships with the World Affairs Council, the International Visitors' Council and the Bodine High School for International Affairs. As a result of these outreach programs many area young people now see themselves as world citizens with a greater appreciation for cultural and racial diversity.

The Consular Corps of Philadelphia helps us understand that by reaching beyond our geographic boundaries there is hope that we can learn to share more fairly in the world's bounty.

## WALL STREET JOURNAL EUROPE ARTICLE

### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. ENGLISH of Pennsylvania. Mr. Speaker, at a time when reform is being encouraged from both inside and outside the Arab and Muslim worlds, Morocco has been quietly getting the job done. The April 12th edition of The Wall Street Journal Europe contains an insightful and balanced article on the progress that has been made—as well as the continuing challenges—in Morocco. Reform is a long and oftentimes difficult process, but both the government and the people of Morocco have made a decision about where their future lies. I commend this article to the attention of my colleagues.

[From the Wall Street Journal Europe, Apr. 12, 2005]

MAGHREBIAN NIGHTS

(By Brian M. Carney)

CASABLANCA, MOROCCO.—There really is a Rick's Cafe in Casablanca. It was opened a year ago by an American expatriate named Kathy Kriger, who decided to stay on after a stint here as a trade attache for the U.S. Commerce Department.

Ali Kettani, the man sitting across from me at Rick's, is also a returnee. Although born and raised in Morocco, he'd spent the best part of the last 15 years in Paris and New York as a banker. ''Before the previous king died,'' Mr. Kettani says, ''I would have sworn that I would never have come back to Morocco.'' But here he is, moving back and forth between the U.S. and Morocco to raise American money for a planned $35 million Moroccan private-equity fund, which he says is the first of its kind.

Mr. Kettani's renewed enthusiasm for his country is not unusual in this, the country that claims to be America's oldest ally. (Morocco signed a friendship treaty with the U.S. in 1787 that has been in force ever since.) In February, a bilateral free-trade agreement went into effect between the U.S. and Morocco, lowering 95 percent of tariffs between the two countries to zero and phasing out the rest over the next several years. A so-called ''association agreement'' with the EU is likewise gradually lowering trade barriers between Europe and Morocco. Businessmen in the country hope to capitalize on this privileged access to the two largest economies in the world by trading with both.

''The future of Morocco,'' said Ali Belhaj, a businessman and opposition politician, ''is in services, logistics, tourism and agriculture.'' Agriculture is already a substantial chunk of the Moroccan economy, but in the future Mr. Belhaj sees Morocco selling more and more farm products to the U.S. and Europe, thanks to its privileged trade status and low costs. As for services, he offers an example. ''The biggest dental-implant company in Paris is Moroccan. You go to the dentist in Paris, he takes a mold of your teeth and ships it to Casablanca, where the implants are made and shipped back to Paris. We can turn around dental implants in 48 hours.'' For Mr. Belhaj, proximity and good relations with the West are the foundations of Morocco's economic future.

Morocco is a potential bridge between the West and the Arab world in more than just economic ways. At a time when U.S. President George W. Bush's Greater Middle East project is viewed by many in both Europe and the Arab world as a ''neoconservative'' pipe dream, Morocco stands out as a country furiously trying to show that Arab ways and a Western, modernizing orientation are not incompatible.

Morocco is a nigh-absolute monarchy, but one whose king has been steadily if gradually ceding power to an elected Parliament. The elections in 2002 are generally viewed, both within Morocco and among Western NGOs such as Freedom House, as the first free and fair ones in the country's 1,300-year history. And this year, the Parliament is expected to pass and the king is expected to ratify a law strengthening the role of parties in the country's politics. For Ali Belhaj, a businessman who is trying to found a center-right party dubbed Alliance of Liberties, it is a vital step toward democracy. ''We have 26 parties that get nearly all of their funding from the state,'' Mr. Belhaj says. ''The annual budget for the parties? $1 million. How can you build a democracy like that?'' Even so, he allows that he sees ''the beginnings of democracy in Morocco,'' and would like to see the Parliament strengthened.

But in terms of civil rights and freedom of the press, the country has made some real strides, enshrining habeas corpus and the presumption of innocence in law in the last few years. The Parliament is working on a bill to decriminalize libel, meaning disgruntled politicians would no longer be able to lock up journalists for writing things the ruling class would rather not see in print.

In Rabat, the country's capital, I spoke to Ahmed Abbadi, the director of Islamic affairs in the Ministry of Religion, about the role of religion in a modernizing Morocco. Last year, Morocco passed a reform of its so-called Family Law. The new law grants women equal status in the family, with equal rights to divorce their husbands, an equal say in family governance and the right to marry without the consent of a male relative.

There were Islamist elements who had opposed some of these reforms on religious grounds; I asked Mr. Abbadi what the government's response had been on a religious level. ''We are concerned with finalities,'' he said. ''When you are concerned with finalities, you do not get bogged down with the literal words.'' He continued: ''There is a saying in Islam: 'Wherever is the interest of the whole, there is sharia.' '' So bearing in mind the interest of the whole, he said, ''We must determine how to implement the general principles of sharia law in a way that is appropriate to our time.'' In short, the Ministry of Religion determined that the Family Law, giving women broadly equal rights in the family context, was consonant with Morocco's official interpretation of Islam. It's a dose of historical relativism that's badly needed in much of the Arab world.

What about Abu Musab al-Zarqawi's claims ahead of the Iraqi elections that democracy was unIslamic? ''He does not have the skills, the knowledge or the class to talk about democracy,'' was Mr. Abbadi's response, delivered with just a touch of condescension. And, speaking of Saudi Arabia's fundamentalist brand of Islam, he observed: ''When you have a simple society,'' you wind up with a ''simple, superficial'' interpretation of Islam—''like the 'Bedouin Islam' in Saudi Arabia.''

All of which sounded pretty encouraging. So, did Mr. Abbadi see Morocco's flavor of Islam as a model for the rest of the Arab world—a modern, forward-looking alternative to Wahhabist fundamentalism? He didn't want to go that far, but in the end he allowed, ''We believe—humbly—that Morocco could be a model'' for others, although they had no inclination to actively export their interpretation.

Morocco is democratizing, liberalizing and modernizing on several fronts. Is it a model for the Arab world? I repeated the question to Bob Holley, a former American diplomat who is now consulting for the Moroccan government in Washington, and who facilitated a number of my meetings in Morocco. ''It's a great sales pitch—Morocco as model for the greater Middle East,'' Mr. Holley noted. But in the end, given its historical, cultural and ethnic particularities, ''I think Morocco's utility as a model is limited,'' he admitted.

Mr. Holley may be right, and in any case Morocco's progress is far from perfect or uniform. After the May 16, 2003, suicide bombings in Casablanca, the police rounded up some 2,000 people, a reaction that for some in Morocco harkened back to the bad old days when the government was empowered to imprison anyone it deemed a threat to the public order. (That law, known in the country as Art. 35, has been repealed.)

But model Arab democracy or not, Morocco is nevertheless showing what is possible within an Arab monarchy that looks west and north, rather than only east or inward. Back at Rick's Cafe, our table-mate, Dr. Bouthayna Iraqui-Houssaini, who owns a medical-supply company here in Casablanca, offers her own appraisal. ''Not everything is good, but it is all changing. People believe life is getting better,'' she said. And that's not a bad beginning.

## RECOGNIZING RECIPIENTS OF THE BETTER BUSINESS BUREAU OF CENTRAL NEW ENGLAND, INC. TORCH AWARDS FOR MARKETPLACE ETHICS

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

MR. MCGOVERN. Mr. Speaker, I rise today to pay tribute to this year's Better Business Bureau of Central New England Torch Award For Marketplace Ethics recipients from my hometown area of Worcester County.

Mr. Speaker, the mission of the Better Business Bureau of Central New England, Inc. (BBB) created in 1942, is to promote and foster the highest ethical relationship between businesses and the public through voluntary self-regulation, consumer and business education, and service excellence.

Ten years ago, the BBB established its annual Torch Award for Marketplace Ethics to recognize companies for their outstanding commitment to exceptional standards in relationships to their customers, employees, suppliers, competitors, shareholders, and surrounding communities. These awards are helping to illuminate the importance of corporate conscience and responsibility to upholding a fair and honest marketplace.

Mr. Speaker, two companies are being honored today by the Better Business Bureau for their commitment to marketplace ethics: Apple Home Care Associates, Inc. of Holden, MA. (provider of hospital equipment and supplies; established in 1990; 12 employees; President, Ms. Joni Milluzzo) and Sarkisian Builders, Inc. of Rutland, MA. (building contractor; established in 1962; 6 employees; President, Mr. Pat Sarkisian).

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Apple Home Care Associates, Inc. and Sarkisian Builders, Inc. for this outstanding recognition of their business ethics and solid reputations within the communities they serve. It is through the efforts and leadership of companies like these that businesses throughout Massachusetts, both large and small, are reminded that ethical behavior in the marketplace counts.

## INTRODUCTION OF H.R. 1898: THE TELEPHONE EXCISE TAX REPEAL ACT OF 2005

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. GARY G. MILLER of California. Mr. Speaker, in 1898, the United States engaged in a brief military conflict with Spain. To pay for the three month skirmish, lawmakers enacted a luxury tax that would only tap money from the super wealthy. Today, that same luxury tax lives on, but instead of taxing only the rich, it hits the pocket books of almost all Americans, both rich and poor. The tax is the federal phone tax. A pesky three percent surcharge on all phone calls made in the United States. Today I am introducing a bill to ensure its days, like those of the Spanish empire before the 1898 war, are numbered.

H.R. 1898, the "Telephone Excise Tax Repeal Act of 2005," will repeal the antiquated tax on telecommunication services.

While a "luxury" tax on telecommunication services might have made sense in 1898, there is no question that telecommunications services today are necessities, not luxuries.

Today, Americans depend daily on land line telephones, cell phones and dial-up internet services to communicate. However, we continue to take money from Americans by classifying these services as a "luxury." Today, more than 100 million American households are paying for a tax on their telecommunications services.

The tax is not only applied to local services, but on specialty features including call waiting, caller ID, local toll charges, long-distance calls, wireless services and directory assistance. This tax burdens our communication abilities and is destructive to technological innovation. It must be repealed immediately.

Telephone tax revenues once used to pay for the Spanish-American War are deposited in the General Fund. Unlike the gas tax, which directs revenues to the Highway Trust Fund, no specific account exists to redirect money collected from the telephone "luxury" tax. Other items subject to a "luxury" tax include airplane tickets, beer and liquor, firearms and cigarettes. Obviously, a telephone is a necessity, and thus does not fit with this list of "luxury" items.

It is time to hang up on the telephone tax. I urge my colleagues to join me in supporting this important legislation to permanently repeal the federal telephone excise tax.

## TRIBUTE TO DR. ANNE J. MATULA

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. ORTIZ. Mr. Speaker, I rise today to pay special tribute to a unique and distinguished woman from Portland, Texas: Dr. Anne J. Matula, who is greatly admired for her leadership in education and who is retiring from her work in education and service.

Dr. Matula is the former Dean of Business Career and Technology Programs at Del Mar College. Presently, she serves as an assistant to the Vice President of the university, and as an adjunct instructor at the University of the Incarnate Word.

Her deep conviction and strong character were apparent even when she graduated as the valedictorian from Odem High School. She obtained a Bachelor of Science degree, Summa Cum Laude (the highest honors) and a master's degree in Business Administration from Texas A&I. Following that, she completed a Joint Doctoral Program in Educational Leadership at the Texas A&M Universities at Corpus Christi and Kingsville, Texas.

Her educational background clearly supports her firm belief in education. Thriving to pursue this endeavor, she devoted a major part of her life to teaching. She began her teaching experiences at H.M. King High School in Kingsville, TX and Gregory-Portland High School in Gregory, TX. Just right after, she began teaching at Del Mar College in Corpus Christi as an instructor, assistant professor, and associate professor. Later on, she became an adjunct instructor at the college as needed. Dr. Matula served a tenure of 23 years at Del Mar College, which she led with incomparable competence. She was also an adjunct instructor at Texas A&M University in Corpus Christi.

Her participation in a number of civic organizations, such as the Coastal Bend Council of Governments and the San Patricio Economic Development Corporation, reflect her commitment to help the community. She has given many years of service on boards and forums, including the Junior League of Corpus Christi Advisory Board, the Regional Community Leaders Forum, the National Conference for Community and Justice, and the Board of Trustees of the Gregory-Portland Independent School District, on which she served for five elected terms. Dress for Success South Texas is another important board on which she served and of which she was the founding member.

She has also been distinguished for her membership in various professional organizations, such as the Delta Kappa Gamma Society International (Gamma Psi Chapter), Phi Alpha Kappa, the Texas Association of School Boards, the Texas Community College Teachers Association, and the Texas Association of College Technical Educators (TACTE).

As a woman of great talent and dedication, Dr. Matula has been recognized and presented with various awards and prominent recognitions. It is a pleasure and privilege to honor Dr. Matula, whose passion and dedication to help others is immeasurable. Her years of commitment to higher education make her a distinctive and unique voice in our community. Dr. Matula is loved by all the students whose lives she has touched and will remain in their hearts as a prominent figure in their education and future success.

I ask my colleagues to join me in honoring Dr. Anne J. Matula on the occasion of her retirement.

## WOMEN'S HEART HEALTH

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. BILIRAKIS. Mr. Speaker, I rise today to bring attention to a critically-important public health issue, cardiovascular disease among women.

I recently attended a women's heart health symposium in my district and was surprised to learn that heart disease is the number one cause of death for American women. Heart disease kills more than 366,000 women each year, more than all types of cancer combined. One of every 5 women has some form of cardiovascular disease. One woman dies from it every minute.

There are also troubling trends for women who survive heart attacks. I was astonished to learn that 38 percent of women who have heart attacks will die within one year of having that heart attack. Forty-six percent of women who have heart attacks will be disabled with heart failure within 6 years of having a heart attack. These statistics are simply unacceptable.

There is good news, however. There are some simple steps both women and men can take to greatly reduce their risk for heart disease. We can lower our risk for heart disease

simply by not smoking, exercising regularly, and eating a nutritionally-balanced diet because smoking, high blood pressure, obesity, and sedentary lifestyles are major risk factors for heart disease in us all, particularly women.

As former Chairman of the Energy and Commerce Health Subcommittee, I am pleased to have been able to help double funding for the National Institutes of Health and support the work done by its National Heart, Lung, and Blood Institute, which currently is sponsoring a public awareness campaign on women and heart disease called "The Heart Truth." This initiative is designed to spread the word that heart disease is not just a man's disease, motivate women to take their heart health seriously and encourage them to lower their risk for cardiovascular disease.

Mr. Speaker, I believe that we should help raise public awareness about women's heart health issues and support policies which promote the early diagnosis and proper treatment of women with cardiovascular disease. I hope that our colleagues join me in bringing attention to the importance of women's heart health. Our mothers, wives, sisters, and daughters depend on it.

## EXPRESSING THE SENSE OF CONGRESS REGARDING THE TWO-YEAR ANNIVERSARY OF THE HUMAN RIGHTS CRACKDOWN IN CUBA

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 27, 2005*

Mr. FARR. Mr. Speaker, I have long been staunch supporter of human rights throughout the world. Consistent with my strong record opposing human rights abuses around the world, I deplore the draconian actions President Castro has taken to curb the civil rights of Cubans. Unfortunately, it is impossible to. have a legitimate debate an human rights abuses in Cuba because of the extreme politicalization of U.S.-Cuba policy that the Bush Administration has championed.

If we are truly serious about instilling a democratic influence and respect for the rule of law, U.S. policy should permit unrestricted travel to the island that is only 90 miles from our shores. Cuban Americans should be able to freely visit their loved ones, tourism should be allowed to flourish, cultural and educational exchanges should be encouraged, and agricultural trade should be unrestricted, thereby creating new markets for U.S. farmers and growers. Unfortunately, the current policy towards Cuba is not only counterproductive to American economic interests, but actually helps prop up President Castro by continuing to isolate Cubans from the rest of the world.

The House of Representatives should be pressing far greater political and economic freedoms for Cubans that would truly improve their human rights instead of meaningless resolutions that reinforce a flawed strategy.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 28, 2005 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

MAY 10

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine the National Park Service's funding needs for administration and management of the national park system.

SD–366

MAY 11

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine Federal recognition of Indian tribes.

SR–485

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.

SD–226

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 895, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents.

SD–366

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

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# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S4351–S4443***

**Measures Introduced:** Twenty-two bills and two resolutions were introduced, as follows: S. 911–932, and S. Res. 126–127. **Pages S4397–98**

**Measures Passed:**

***Vermont Dairy Festival:*** Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. Res. 118, recognizing June 2 through June 5, 2005, as the ''Vermont Dairy Festival,'' in honor of Harold Howrigan for his service to his community and the Vermont dairy industry, and the bill was then passed. **Pages S4431–32**

***Honoring Fred T. Korematsu:*** Senate agreed to S. Res. 126, honoring Fred T. Korematsu for his loyalty and patriotism to the United States and expressing condolences to his family, friends, and supporters on his death. **Pages S4432–34**

***Congratulating Charter Schools:*** Senate agreed to S. Res. 127, congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education. **Pages S4434–35**

**Transportation Equity Act:** Senate continued consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and then began consideration of the bill, taking action on the following amendments proposed thereto: **Pages S4370–77, S4380–84**

Adopted:

Talent Amendment No. 582 (to Amendment No. 567), to direct the Secretary of Transportation to conduct a program to promote the safe and efficient operation of first responder vehicles. **Pages S4377–78, S4380**

Inhofe (for Shelby/Sarbanes) Amendment No. 573 (to Amendment No. 567), to amend chapter 53 of title 49, United States Code, to improve the Nation's public transportation. **Page S4384**

Pending:

Inhofe Amendment No. 567, to provide a complete substitute. **Pages S4370–77, S4380–84**

Bayh Amendment No. 568 (to Amendment No. 567), to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries. **Pages S4373–77, S4380–84**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, April 28, 2005. **Page S4435**

**Nomination:** Senate began consideration of the nomination of Robert J. Portman, of Ohio, to be United States Trade Representative, with the rank of Ambassador. **Page S4431**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, April 29, 2005. **Page S4431**

**Nomination:** Senate began consideration of the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency. **Page S4431**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, April 29, 2005. **Page S4431**

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 98 yeas (Vote No. 111), J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii. **Pages S4378–80, S4443**

Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission.

Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.

Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission.

Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture.

Routine lists in the Coast Guard, National Oceanic and Atmospheric Administration.

**Pages S4435, S4443**

**Nominations Received:** Senate received the following nominations:

Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers.

Shara L. Aranoff, of Maryland, to be a Member of the United States International Trade Commission for a term expiring December 16, 2012.

David Horton Wilkins, of South Carolina, to be Ambassador to Canada.

Dennis P. Walsh, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009.

11 Navy nominations in the rank of admiral.

**Page S4443**

**Messages From the House:** **Page S4395**

**Measures Referred:** **Pages S4395–96**

**Executive Communications:** **Pages S4396–97**

**Executive Reports of Committees:** **Page S4397**

**Additional Cosponsors:** **Pages S4398–99**

**Statements on Introduced Bills/Resolutions:** **Pages S4399–S4429**

**Additional Statements:** **Pages S4392–95**

**Amendments Submitted:** **Pages S4429–30**

**Notices of Hearings/Meetings:** **Page S4430**

**Authority for Committees to Meet:** **Pages S4430–31**

**Record Votes:** One record vote was taken today. (Total—111) **Pages S4379–80**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 6:59 p.m., until 9:30 a.m., on Thursday, April 28, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4435.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## NOMINATION

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine the nominations of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation, after the nominee, who was introduced by Senator Grassley, testified and answered questions in his own behalf.

## APPROPRIATIONS: DEPARTMENT OF DEFENSE

*Committee on Appropriations:* Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Department of Defense, after receiving testimony from Donald H. Rumsfeld, Secretary, Tina Jonas, Under Secretary (Comptroller), and General Richard Myers, Chairman of the U.S. Joint Chiefs of Staff, all of the Department of Defense.

## CONSTELLATION ARCHITECTURE

*Committee on Appropriations:* Subcommittee on Defense concluded a closed hearing to examine the Constellation Architecture Panel, after receiving testimony from General James E. Cartwright, Commander, U.S. Strategic Command; Charlie Allen, Deputy Director of Intelligence for Collection; Dennis Fitzgerald, Acting Director, National Reconnaissance Office; Leo Hazelwood, Constellation Architecture Panel; and Tom Boehling, Deputy Under Secretary of Defense for Intelligence.

## APPROPRIATIONS: SAA/CAPITOL POLICE BOARD/CAPITOL GUIDE SERVE

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2006 for activities of the Sergeant at Arms, the U.S. Capitol Police Board, and the Capitol Guide Service, after receiving testimony from William H. Pickle, Sergeant at Arms and Doorkeeper of the Senate, Wilson Livingood, Sergeant at Arms of the House of Representatives, and Alan Hantman, Architect of the Capitol, all on behalf of the Capitol Police Board and Capitol Guide Board; and Terrance Gainer, Chief, U.S. Capitol Police.

## NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the nominations of Maria Cino, of Virginia, to be Deputy Secretary of Transportation, Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation, Joseph H. Boardman, of New York, to be Administrator of the Federal Railroad Administration Department of Transportation, Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission, and William Cobey, of North Carolina, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

## BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the following bills:

S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, with an amendment in the nature of a substitute; and

S. 898, to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, with an amendment in the nature of a substitute.

## CHEMICAL FACILITIES SAFETY

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the vulnerability of the United States to a chemical attack, focusing on federal and industry efforts to address security issues at chemical facilities as targets of terrorism, after receiving testimony from Senator Corzine; Carolyn W. Merritt, Chairman and Chief Executive Officer, U.S. Chemical Safety and Hazard Investigation Board; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Richard A. Falkenrath, The Brookings Institution, Washington, D.C.; and Stephen E. Flynn, Council on Foreign Relations, New York, New York.

## INDIAN GAMING REGULATION

*Committee on Indian Affairs:* Committee held an oversight hearing to examine the state of Indian gaming regulation, focusing on concerns of Congress expressed in the Indian Gaming Regulatory Act regarding the operation and regulation of gaming on Indian lands, receiving testimony from Philip N. Hogen, Chairman, National Indian Gaming Commission; Earl E. Devaney, Inspector General, Department of the Interior; Thomas B. Heffelfinger, U.S. Attorney for the District of Minnesota, Department of Justice; Norman DesRosiers, Viejas Tribal Government Gaming Commission, Alpine, California; Charles Colombe, Rosebud Sioux Tribe, Rosebud, South Dakota, and Mark Van Norman, Washington, D.C., both on behalf of the National Indian Gaming Association; Kevin K. Washburn, University of Minnesota Law School, Minneapolis; and Steven A. Light and Kathryn R.L. Rand, School of Law, both of the University of North Dakota, Grand Forks.

Hearings recessed subject to the call.

## NOMINATION

*Committee on the Judiciary:* Committee concluded a hearing to examine the nomination of Paul D. Clement, of Virginia, to be Solicitor General of the United States, Department of Justice, after the nominee, who was introduced by Senator Feingold, testified and answered questions in his own behalf.

## BUSINESS MEETING

*Committee on Rules and Administration:* Committee ordered favorably reported an original bill, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, in lieu of S. 271.

## PATRIOT ACT

*Select Committee on Intelligence:* Committee concluded a hearing to examine the history and application of the USA PATRIOT Act (Public Law 107–56) and the importance of the Foreign Intelligence Surveillance Act (Public Law 95–511), focusing on their role in improving the ability of the intelligence and law enforcement communities to fight the global war on terrorism, after receiving testimony from Alberto R. Gonzales, Attorney General of the United States, and Robert S. Mueller III, Director, Federal Bureau of Investigation, both of the Department of Justice; and Porter J. Goss, Director, Central Intelligence Agency.

## REDEFINING RETIREMENT

**Special Committee on Aging:** Committee concluded a hearing to examine redefining retirement in the 21st century workplace, focusing on demographic and labor force trends and the economic and fiscal need to increase labor force participation among older workers, after receiving testimony from Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security, Government Accountability Office; Frank Robinson, Washington Nationals, and Douglas Holbrook, AARP Board of Directors, both of Washington, D.C.; Kathlyn Peterson, SSM Health Care, Madison, Wisconsin; Laurie Barr, Oregon Health and Science University, Portland; and Valerie Paganelli, Watson Wyatt Worldwide, Seattle, Washington.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 79 public bills, H.R. 1868–1946; 3 private bills, H.R. 1947–1949; and 10 resolutions, H.J. Res. 45; H. Con. Res. 139–140, and H. Res. 239–240, 243–247, were introduced.

**Pages H2646–48**

**Additional Cosponsors:** **Pages H2648–49**

**Reports Filed:** Reports were filed today as follows:

H. Res. 239, dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee (H. Rept. 109–57);

H. Res. 170, a resolution of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting Portsmouth, New Hampshire, that there is not a Social Security trust, adversely (H. Rept. 109–58);

H. Res. 241, providing for the adoption of H. Res. 240, amending the rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress (H. Rept. 109–59);

H. Res. 242, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 109–60); and

H.R. 742, to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration (H. Rept. 109–61, pt.1).

**Page H2645**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Emerson to act as Speaker Pro Tempore for today. **Page H2553**

**Chaplain:** The prayer was offered today by Rev. Fred S. Holloman, Chaplain, Kansas Senate in Topeka, Kansas. **Page H2553**

**Journal:** Agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 371 yeas to 47 nays, with one voting "present," Roll No. 135.

**Pages H2553, H2557–58**

**Recess:** The House recessed at 10:59 a.m. and reconvened at 11 a.m. **Page H2558**

**Official Photograph of the House in Session:** The official photograph of the House in session was taken pursuant to the provisions of H. Res. 232, permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker. **Page H2558**

**Recess:** The House recessed at 11:02 a.m. and reconvened at 11:15 a.m. **Page H2558**

**Expressing the sense of the House that American small businesses are entitled to a small business bill of rights:** The House agreed to H. Res. 22, expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, by voice vote. **Pages H2580–91**

Rejected the Velázquez motion to recommit the bill to the Committee on Small Business by a yea-and-nay vote of 188 yeas to 222 nays, Roll No. 140.

**Pages H2590–91**

Pursuant to the rule, the amendments to the resolution and the preamble recommended by the Committee on Small Business printed in the resolution were adopted.

H. Res. 235, the rule providing for consideration of the measure was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 221 nays, Roll No. 138.

**Pages H2558–62, H2578–79**

**Child Interstate Abortion Notification Act:** The House passed H.R. 748, to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, by a recorded vote of 270 ayes to 157 noes, Roll No. 144. **Pages H2593–H2616**

Rejected the Nadler motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House with an amendment, by a yea-and-nay vote of 183 yeas to 245 nays, Roll No. 143. **Pages H2614–15**

Agreed that the amendment in the nature of a substitute recommended by the Committee on the Judiciary, now printed in the bill be considered as an original bill for the purpose of amendment.

**Page H2606**

Rejected:

Scott of Virginia amendment that sought to immunize taxi drivers, bus drivers, others in the business of professional transport, doctors, nurses, and/or other medical providers or their staff from the transportation provision of the bill (by a recorded vote of 179 ayes to 245 noes, Roll No. 141); and

**Pages H2607–09, H2712–13**

Jackson-Lee amendment that sought to add to the exceptions to the offense of transporting minors for

the purpose of obtaining an illegal abortion grandparents of the minor and members of the clergy (by a recorded vote of 177 ayes to 252 noes, Roll No. 142). **Pages H2609–12, H2613–14**

H. Res. 236, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 234 yeas to 192 nays, Roll No. 139.

**Pages H2562–73, H2579**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Providing for expenses of certain committees of the House in the 109th Congress:*** H. Res. 224, amended, providing for the expenses of certain committees of the House of Representatives in the One Hundred and Ninth Congress; **Pages H2573–76**

***Presidential $1 Coin Act of 2005:*** Debated yesterday, April 26: H.R. 902, amended, to improve circulation of the $1 coin, create a new bullion coin, by a ⅔ yea-and-nay vote of 422 yeas to 6 nays, Roll No. 136; and **Page H2577**

Agreed to amend the title so as to read: to improve circulation of the $1 coin, create a new bullion coin, provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln. **Page H2577**

***Sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba:*** Debated yesterday, April 26: H. Con. Res. 81, expressing the sense of Congress regarding the two-year anniversary of the human rights crackdown in Cuba, by a ⅔ yea-and-nay vote of 398 yeas to 27 nays, with 2 voting "present," Roll No. 137.

**Pages H2577–79**

**Suspension—Proceedings Postponed:** The House completed debate on the following measure under suspension of the rules. Further proceedings will resume tomorrow, April 28.

***Supporting the goals of World Intellectual Property Day:*** H. Res. 210, amended, supporting the goals of World Intellectual Property Day and recognizing the importance of intellectual property in the United States and worldwide. **Pages H2591–93**

**Dismissing Election Contest—6th District of Tennessee:** The House agreed to H. Res. 239, dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee. **Pages H2576–77**

**Amending the Rules of the House:** The House agreed to H. Res. 241, providing for adoption of H. Res. 240, amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress, by a yea-and-nay vote of 406 yeas to 20 nays, and one voting "present," Roll No. 145.

**Pages H2616–26**

Pursuant to the rule, upon adoption of the rule, H. Res. 240 was adopted. **Page H2625**

Earlier agreed to consider H. Res. 241 by voice vote. **Page H2616**

**Senate Message:** Message received from the Senate today appears on page H2553.

**Senate Referral:** S. Con. Res. 28 was held at the desk.

**Quorum Calls—Votes:** Eight yea-and-nay votes and three recorded votes developed during the proceedings today and appear on pages H2557–58, H2577, H2577–78, H2578–79, H2579, H2590–91, H2612–13, H2613–14, H2615, H2615–16, and H2624–25. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 11:22 p.m.

# *Committee Meetings*

## ASIAN SOYBEAN RUST

*Committee on Agriculture:* Subcommittee on Conservation, Credit, Rural Development and Research and the Subcommittee on General Farm Commodities and Risk Management held a joint hearing to Review the Impact of Asia Soybean Rust on the U.S. farm sector. Testimony was heard from the following officials of the USDA: Joseph Glauber, Deputy Chief Economist; and Joseph J. Jen, Under Secretary, Research, Education, and Economics; Jim Jones, Director, Office of Pesticide Programs, EPA; and public witnesses.

## DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies held a hearing on Substance Abuse and Mental Health Services Panel: SAMHSA, NIDA, NIMH, and NIAAA. Testimony was heard from the following officials of the Department of Health and Human Services: Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration; Nora D. Volkow, M.D., Director, National Institute on Drug Abuse; Thomas R. Insel, M.D., Director, National Institute on Mental Health; and Faye Calhoun, M.D., Deputy Director, National Institute on Alcohol Abuse and Alcoholism.

## DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies held a hearing on the Federal Railroad Administration and on AMTRAK. Testimony was heard from the following officials of the Department of Transportation: Robert Jamison, Acting Administrator, Federal Railroad Administration; Jeff Rosen, General Counsel; and Roger Nober, Chairman, Surface Transportation Board; and David Gunn, CEO, AMTRAK.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on State Department FY 2006 Budget Request. Testimony was heard from Robert Zoellick, Deputy Secretary, Department of State.

## MISCELLANEOUS MEASURES; LONG-TERM CARE AND MEDICAID

*Committee on Energy and Commerce:* Subcommittee on Health approved for full Committee action the following measures: H.R. 1812, to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes; H.R. 184, Controlled Substances Export Reform Act of 2005; H.R. 869, To amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices; and H. Res. 169, amended, Recognizing the importance of sun safety.

The Subcommittee also held a hearing entitled "Long-Term Care and Medicaid: Spiraling Costs and the Need for Reform." Testimony was heard from Mark D. McClellan, M.D., Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Douglas Holtz-Eakin, Director, CBO; Kathryn G. Allen, Director, Health Care—Medicaid and Private Health Insurance Issues, GAO; Carol V. O'Shaughnessy, Specialist in Social Legislation, Domestic Social Policy Division, CRS, Library of Congress; and public witnesses.

## INTERNET PROTOCOL COMMUNICATIONS

*Committee on Energy and Commerce:* Subcommittee on Telecommunications and the Internet held a hearing on How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Government Officials. Testimony was heard from Lewis K. Billings, Mayor, Provo City, Idaho; Kenneth Fellman, Mayor, Arvada, Colorado; Diane Munns, Commissioner, State Utilities Board, Iowa; Charles M. Davidson, Commissioner, Public Service Commission, Florida; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Financial Services:* Ordered reported the following bills: H.R. 1768, To amend the provision of law establishing the Presidential 9/11 Heroes Medals of Valor to make certain technical corrections to carry out the intent of the provision; H.R. 358, amended, Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act; H.R. 1185, amended, Federal Deposit Insurance Reform Act of 2005; H.R. 1224, amended, Business Checking Freedom Act of 2005; and H.R. 68, amended, NASA and JPL 50th Anniversary Commemorative Coin Act.

## STEROID USE IN SPORTS

*Committee on Government Reform:* Continued hearings on Steroid Use in Sports Part II: Examining the National Football League's Policy on Anabolic Steroids and Related Substances. Testimony was heard from the following officials of the National Football League: Paul Tagliabue, Commissioner; Harold Henderson, Executive Vice President, Labor Relations; and Gene Upshaw, Executive Director, Players Association; John Lombardo, M.D., NFL Advisor, Anabolic Steroids and Related Substances; Bryan S. Finkle, M.D., NFL Consulting Toxicologist on Anabolic Steroids and Related Substances; Linn Goldberg, M.D., Professor of Medicine, Health Sciences, Oregon University; Gary I. Wadler, Associate Professor, Clinical Medicine, School of Medicine, New York University; Steve Courson, former NFL Player, Pittsburgh Steelers and Tampa Bay Buccaneers; Bobby Barnes, Head Football Coach, Buckeye Union High School, Arizona; and Willie Stewart, Head Football Coach, Anacostia High School, District of Columbia.

## DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT OF FISCAL YEAR 2006

*Committee on Homeland Security:* Ordered reported, as amended, H.R. 1817, Department of Homeland Security Authorization Act for Fiscal Year 2006.

## MISCELLANEOUS MEASURES; MILLENNIUM CHALLENGE ACCOUNT

*Committee on International Relations:* By unanimous consent, the Chairman was authorized to request consideration of the following measures under suspension of the rules in the House: H. Con. Res. 127,

Calling on the Federal Republic of Nigeria to transfer Charles Ghankay Taylor, former President of the Republic of Liberia, to the Special Court for Sierra Leone to be tried for war crimes, crimes against humanity, and other serious violations of international humanitarian law; H. Res. 195, amended, Recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia; H. Res. 233, amended, Recognizing the 60th anniversary of Victory in Europe (V–E) Day during World War II; H. Res. 193, Expressing support to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, in Havana; and H. Res. 228, amended, Observing the 30th anniversary of the fall of the Republic of Vietnam to the Communist forces of North Vietnam.

The Committee also held a hearing on Millennium Challenge Account: Does the Program Match the Vision? Testimony was heard from Paul V. Applegarth, Chief Executive Officer, Millennium Challenge Corporation; David B. Gootnick, M.D., Director, International Affairs and Trade Team, GAO; and a public witness.

## EUROPE—ISLAMIC EXTREMISM

*Committee on International Relations:* Subcommittee on Europe and Emerging Threats held a hearing on Islamic Extremism in Europe. Testimony was heard from public witnesses.

## OVERSIGHT—OFF-RESERVATION TRIBAL GAMING

*Committee on Resources:* Held an oversight hearing entitled ''Tribal proposals to acquire land-in-trust for gaming across state lines and how such proposals are affected by the off-reservation discussion draft bill.'' Testimony was heard from Representatives Weller and Jackson of Illinois; J. Bradley Burzynski, member Senate, State of Illinois; Craig Foltin, Mayor, Lorain, Ohio; and public witnesses.

## OVERSIGHT—NATIONAL FOREST REFORESTATION

*Committee on Resources:* Subcommittee on Forests and Forest Health held an oversight hearing on Reforestation Problems on National Forests: A GAO Report on the Increasing Backlog. Testimony was heard from Robin Nazzaro, Director, Natural Resources and Environment, GAO; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, USDA; Ed Shepard, Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; and public witnesses.

## AMENDING HOUSE RULES—REINSTATING CERTAIN PROVISIONS RELATING TO PROCEDURES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

*Committee on Rules:* Granted, by voice vote, a rule providing that upon adoption of the rule, H. Res. 240, Amending the Rules of the House of Representatives to reinstate certain provisions of the rules relating to procedures of the Committee on Standards of Official Conduct to the form in which those provisions existed at the close of the 108th Congress, is hereby adopted.

## SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

*Committee on Rules:* Granted, by voice vote, a rule waiving clause 6(a) of Rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of April 28, 2005, providing for consideration or disposition of conference report to accompany the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010 or establishing a separate order relating to budget enforcement.

## DOE—SCIENCE AND TECHNOLOGY PRIORITIES

*Committee on Science:* Subcommittee on Energy held a hearing on Science and Technology Priorities for the Department of Energy in Fiscal Year 2006. Testimony was heard from the following officials of the Department of Energy: Robert Shane Johnson, Deputy Director, Technology, Nuclear Energy, Science and Technology; Raymond Orbach, Director, Office of Science; Mark Maddox, Principal Deputy Assistant Secretary Fossil Energy; Kevin Kolevar, Director, Office of Electricity and Energy Assurance; and Douglas Faulkner, Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

## CLOSING THE TAX GAP—IMPACT ON SMALL BUSINESSES

*Committee on Small Business:* Held a hearing entitled ''Closing the Tax Gap and the Impact on Small Businesses.'' Testimony was heard from Mark W. Everson, Commissioner, IRS, Department of the Treasury; Thomas M. Sullivan, Chief Counsel for Advocacy, SBA; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Transportation and Infrastructure:* Ordered reported the following bills: H.R. 1412, amended, Delaware River Protection Act of 2005; H.R. 1496, amended, To return general aviation to Ronald Reagan Washington National Airport; H.R. 1630, Amtrak Reauthorization Act of 2005; and H.R. 1631, Rail Infrastructure Development and Expansion Act for the 21st Century.

# *Joint Meetings*

## CONCURRENT BUDGET RESOLUTION

*Conferees* met to resolve the differences between the Senate and House passed versions of H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, but did not complete action thereon, and recessed subject to the call.

## SUPPLEMENTAL APPROPRIATIONS ACT

*Conferees* met to resolve the differences between the Senate and House passed versions of H.R. 1268, making emergency supplemental appropriations for defense, the global war on terror, and tsunami relief, for the fiscal year ending September 30, 2005, but did not complete action thereon, and will meet again on Thursday, April 28, 2005.

## COMMITTEE MEETINGS FOR THURSDAY, APRIL 28, 2005

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Homeland Security, to hold hearings for an overview of Bioterrorism and BioShield, 10:30 a.m., SD–192.

*Committee on Armed Services:* to hold hearings to examine defense intelligence in review of the Defense Authorization Request for fiscal year 2006; to be followed by a closed hearing in S–407, 9:30 a.m., SD–106.

*Committee on Energy and Natural Resources:* Subcommittee on National Parks, to hold hearings to examine S. 242, to establish 4 memorials to the Space Shuttle *Columbia* in the State of Texas, S. 262, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California, S. 336, to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail, S. 670, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 777, to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area," and H.R. 126, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore, 2:30 p.m., SD–366.

*Committee on Finance:* Subcommittee on Social Security and Family Policy, to hold hearings to examine building assets for low-income families, 10:30 a.m., SD–628.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine access and accountability relating to providing quality post-secondary education, 10 a.m., SD–430.

*Committee on Homeland Security and Governmental Affairs:* Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine Department of Defense business practices, focusing on business transformation, 2 p.m., SD–562.

*Committee on the Judiciary:* business meeting to consider S. 852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and the nominations of Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, and certain committee matters, 9:30 a.m., SD–226.

Subcommittee on Immigration, Border Security and Citizenship, with the Subcommittee on Terrorism, Technology and Homeland Security, to hold joint hearings to examine the use of technology to protect the borders relating to strengthening border security between the ports of entry, 3 p.m., SD–138.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

### House

*Committee on Appropriations,* Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, on public witnesses, 10 a.m., 2358 Rayburn.

*Committee on Education and the Workforce,* Subcommittee on Employer-Employee Relations, hearing on Challenges to Employer Efforts to Preserve Retiree Health Care Benefits, 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Commerce, Trade, and Consumer Protection, hearing on Dominican Republic-Central America Free Trade Agreement (CAFTA), 11 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Combating Trafficking in Persons: Status Report on Domestic and International Developments," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* hearing entitled "Who's Watching the COOP? A Re-Examination of Federal Agencies' Continuity of Operations Plans," 2 p.m., 2154 Rayburn.

Subcommittee on Energy and Resources, hearing entitled ''The Role of Nuclear Power Generation in a Comprehensive National Energy Policy,'' 10 a.m., 2247 Rayburn.

*Committee on International Relations,* Subcommittee on Asia and the Pacific and the Subcommittee on Africa, Global Human Rights and International Operations, joint hearing on The North Korean Human Rights Act of 2004: Issues and Implementation, 1:30 p.m., 2172 Rayburn.

Subcommittee on International Terrorism and Nonproliferation, hearing on Previewing the Nuclear Nonproliferation Treaty Review Conference, 10 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing on The Role of BNP-Paribas SA (Banque National de Paris) in the United Nations Oil-for-Food Program, 2 p.m., 2200 Rayburn.

*Committee on the Judiciary,* Subcommittee on Courts, the Internet, and Intellectual Property, to continue oversight hearings entitled ''Committee Print Regarding Patent Quality Improvement,'' (Part 2) 12 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Sections of the Act that Address Foreign Intelligence Surveillance Act (FISA) (Part 2)—Section 206: Roving Surveillance Authority Under the Foreign Intelligence Surveillance Act of 1978; and Section 215: Access to Records and Other Items Under the Foreign Intelligence Surveillance Act, 9:30 a.m., 2141 Rayburn.

Subcommittee on Crime, the Internet, and Intellectual Property, oversight hearing/hearing on the Implementation of the USA PATRIOT Act: Section 218, Foreign Intelligence Information (''The Wall''), 2:30 p.m., 2141 Rayburn.

*Committee on Resources,* Subcommittee on Energy and Mineral Resources, oversight hearing on ''Improving the Competitiveness of America's Mining Industry,'' 10 a.m., 1324 Longworth.

*Committee on Science,* hearing on NASA Earth Science, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Regulatory Reform and Oversight, hearing on the Administration's Program To Reduce Unnecessary Regulatory Burden on Manufacturers—A Promise to be Kept? 10:30 a.m., 311 Canon.

*Committee on Transportation and Infrastructure,* Subcommittee on Railroads, oversight hearing on New Technologies for Rail Safety and Security, 10 a.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence,* executive, Briefing on Oversight Subcommittee Activity Update, 9 a.m.; followed by, executive, Briefing on Global Updates, 9:30 a.m., H–405 Capitol.

## Joint Meetings

*Conference:* meeting of conferees on H.R. 1268, making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005, 2:30 p.m., S–207, Capitol.

*Joint Economic Committee:* to hold hearings to examine medical liability reform, 10 a.m., 2226 RHOB.

*Next Meeting of the* SENATE

9:30 a.m., Thursday, April 28

**Senate Chamber**

**Program for Thursday:** After the transaction of any routine morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 3, Transportation Equity Act. Also, Senate will consider the conference report to accompany the Concurrent Budget Resolution, if it should become available.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 28

**House Chamber**

**Program for Thursday:** Rollcall vote on H.R. 210, supporting the goals of World Intellectual Property Day and recognizing the importance of intellectual property in the United States and worldwide.

Possible consideration of conference report to accompany H.R. 1268, Emergency Supplemental Wartime Appropriations Act (subject to a rule).

Possible consideration of conference report to accompany H. Con. Res. 95, Concurrent Resolution on the Budget for FY 2006 (subject to a rule).

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