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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 7, 2005.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, infinite and almighty, as Eternal Being You have no beginning, no end. In You there is no past or future; You are simply present.

Without a future, as a people we are doomed, depressed, and limited in creative imagining. Without a past, we are bereft of history, inexperienced and lost forever between success and failure.

Be as present to this Nation today as You were to our Founders. As the Creator and Providential Lord, guide the Members of the House of Representatives and all their efforts to uphold the Constitution and have it interface with present realities until true priorities arise as the Nation's agenda.

Stir within all Americans a solidarity that will always unite and never divide us. Renew in us a spirit that will enable this country to be a righteous leader into a bold future, shaping a new culture of collaboration and understanding for the 21st century.

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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 27, 2005 at 12:26 pm:

That the Senate passed without amendment H.R. 1760

That the Senate insists on amendment, agrees to conference H.R. 3

That the Senate agreed to without amendment H. Con. Res. 167

Appointments: Chair of the Board of Directors of the Office of Compliance Board of Director of the Office of Compliance.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

SUMMER AGENDA

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

Mr. DELAY. Madam Speaker, this week the House will begin its summer session by hitting the ground running.

Between now and the August recess, the House will take up several major pieces of legislation that will touch every piece of our national agenda.

We will consider bills that will help us continue to fight and win the war on terror.

Among these security proposals will be a bill to reform the institution and the programs of the United Nations, to help begin to make it possible for this vital international organization to meet its global responsibilities.

We will also reauthorize the PATRIOT Act, the anti-terrorism legislation passed after 9/11 that has provided our law enforcement community with the tools they need to combat the unique threats presented by international terror.

We also hope to take up the final conference report on the long-overdue national energy policy that President Bush and the American people have been calling and waiting for since 2000.

By reducing our dependence on foreign oil, the energy bill will provide the United States greater flexibility in dealing with the tumultuous Middle East region, and it is a huge jobs-creation bill.

The energy bill will also empower our national economy, creating jobs and, over the long run, lowering gas prices for American consumers.

The long-awaited conference report on the highway funding bill, which we also hope to take up before the August recess, will improve our national infrastructure, provide greater mobility for the American people, and create millions of new jobs across our country.

Just as important to our economy as our infrastructure is international trade, which will be greatly enhanced in every region of our Nation and every sector of our economy by passage of the Central American Free Trade

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Agreement, another item we hope to have on our summer agenda.

CAFTA will lower prices for American consumers while opening vast new markets for American businesses, which in turn will create jobs, good high-paying jobs, here at home.

Finally, while we improve our security and bolster our economy, we will serve the pressing interests of individual families by moving a broad agenda to reform our health care system. And all the while, we will continue our work on the President's call to strengthen and improve retirement security for all Americans and complete our work before the Fourth of July on funding the Federal Government within the limits of our budget.

All in all, a busy summer of heavy lifting awaits, Madam Speaker, but the American people demand and deserve nothing less.

DEFEAT CAFTA

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

Mr. BROWN of Ohio. Madam Speaker, we just returned from 10 days in our district, and we found the opposition to the Central American Free Trade Agreement is even greater than before we left. People at home in our districts recognize our trade policy is not working.

Just look at this chart. The first year I ran for Congress, our trade deficit was $38 billion. Today after NAFTA and PNTR and a series of trade agreements, our trade deficit is $618 billion.

These trade agreements cost jobs. They hurt our families. They hurt our communities. They hurt our schools.

Madam Speaker, we should renegotiate the Central American Free Trade Agreement; defeat this bill when it comes to Congress; renegotiate a new Central American Free Trade Agreement, one that lifts up workers in all seven countries.

RX FOR AMERICAN COMPANIES

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, American businesses are faced with increasing pressure from foreign competitors and skyrocketing health care costs. But they are also faced with the weight placed on them not by the marketplace or their competitors, but by the government itself. Burdensome, duplicative, and outdated regulations cost American businesses literally billions of dollars annually and stifle new job creation.

Many of these regulations do little to improve workplace safety, protect our environment or improve the safety of our workers, but are simply on the books because no one has bothered to review their effectiveness.

Common sense by the government must come into play to help relieve this burden and to improve the environment for job creation. We must do more to make American companies more competitive in the global marketplace and to give our job providers and our workers much needed relief. We must and we will do more.

BAKASSI PENINSULA BELONGS TO CAMEROON

(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. Madam Speaker, Nigeria is deservedly working hard to secure a permanent seat on the Security Council of the United Nations. But in the meantime, Nigeria is holding territory known as the Bakassi Peninsula, which rightfully belongs to the Republic of Cameroon.

The International Court of Justice, in settling a dispute between Nigeria and Cameroon, there is a decree that the territory belongs to Cameroon. Cameroon is a developing democracy which is achieving economic success for its people.

President Obasanjo of Nigeria in his effort to secure a permanent seat on the Security Council should set an example for the international community. I urge President Obasanjo, in the interest of regional harmony for mutual benefit, to remove troops and government personnel from the Bakassi Peninsula and to pursue positive relations with his neighbors, especially the dynamic Republic of Cameroon.

In conclusion, God bless our troops and we will never forget September 11.

MEDICAL LIABILITY INSURANCE CRISIS

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

Mr. GINGREY. Madam Speaker, the smallest State in the Union has now replaced the biggest State in the Union as one of those States in a crisis state in its medical liability insurance. Okay, there may be those in this body who would argue that Texas is no longer the largest State in the Union; but, Madam Speaker, the good news is that 2 years ago Texas faced up to the challenge of medical liability reform and passed a law on the State level, affirmed it with a constitutional amendment that put a cap on non-economic damages and medical liability lawsuits. This allowed more insurance to come to the State, and, more importantly, Texas Medical Liability Trust, the largest medical liability writer in the State of Texas, has reduced liability fees by 17 percent.

But in the State of Rhode Island, which recently joined the other States in the Union that are in crisis, doctors there are experiencing liability insurance premium increases from 175 to 200 percent since 2002 and fully one-half of their physicians, 48 percent, responded to a recent survey saying they were thinking about doing something else.

Madam Speaker, we passed a good bill in this House 2 years ago that nationwide put a cap on non-economic damages of medical liability lawsuits. I urge this body to take it up, and I urge the other body to pass it as well.

HONORING CHERI REZAK

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

Mr. KLINE. Madam Speaker, I rise today to recognize the efforts of a constituent who looked at tragedy and saw an opportunity to improve lives.

In the wake of last December's tsunami in southeast Asia, Cheri Rezak and a group of like-minded Minnesotans volunteered their time and resources to travel between Sri Lanka and the United States every 6 to 8 weeks to provide medical care, food, and encouragement to affected communities.

Under the name HelpSriLanka.US, these individuals have already helped the men and women of Sri Lanka to build houses and establish and operate a soup kitchen which feeds nearly 500 people each day. They are also purchasing boats, taxis, and sewing machines to re-establish fishing, transportation and garment industries. Their goal is to repeat this community revitalization in villages throughout Sri Lanka.

In addition, Cheri has personally dedicated herself to providing a temporary home, and much needed respite, to children directly affected by the tsunami. Thanks to her diligence in securing temporary visas, the first of her charges is currently living with her family in Minnesota.

Cheri and her fellow volunteers rose above this disaster to help create a better life for the people of Sri Lanka. I commend them for their work and wish them much continued success.

UNFRIENDLY SKIES

(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, the airline pension crisis has proven that the skies are not so friendly for many airline employees getting ready to retire.

Retirement plans that included dreams prepared for over a lifetime are now replaced with just trying to make ends meet. An airline dumping their pension plan is not a solution. This jeopardizes the retirement for thousands and maybe millions of hard-working Americans and increases the burden on our government and taxpayers.

Over the past 2 years, the PBGC and the American taxpayers have assumed

close to $10 billion in unfunded pension liabilities, $10 billion.

Is this a winning formula? I do not think so. Just ask over 100,000 United employees having to plan for a future that looks much cloudier today.

H.R. 2106 allows airline carriers to adopt new funding rules for their defined pension benefit systems. This plan, a solution, requires airline carriers to meet their obligations and decreases the need for a taxpayer bailout.

Madam Speaker, this is a solution that could not come at a better time. This legislation is a win-win-win solution, for the airlines, for airline employees, and most importantly, for the American taxpayer.

□ 1415

JOINT REAPPOINTMENT OF INDIVIDUALS TO BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), amended by Public Law 108–329, and the order of the House of January 4, 2005, the Chair announces on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate their joint reappointment on May 26, 2005, of the following individuals to a 5-year term to the board of directors of the Office of Compliance:

Ms. Barbara L. Camens, Washington, D.C.

Ms. Roberta L. Holzwarth, Rockford, Illinois

And, in addition,

their joint redesignation of Ms. Susan Robfogel, Rochester, New York, Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 after 6:30 p.m. today.

AUTHORIZING NATIONAL DEFENSE UNIVERSITY TO AWARD DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY

Mrs. DRAKE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1490) to amend title 10, United States Code, to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1490

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

SECTION 1. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

"§ 2163. National defense university: master of science degrees

"(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

"(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

"(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

"(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

"(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

"(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2163. National Defense University: master of science degrees.".

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. DRAKE).

GENERAL LEAVE

Mrs. DRAKE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1490, the bill under consideration.

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

There was no objection.

Mrs. DRAKE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1490, offered today by the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the House Committee on Armed Services and a long-time advocate of the necessity for joint professional military education for Armed Forces personnel.

Today, America's Armed Forces successfully operate together, and with allies, across the globe in incredibly complex wartime undertakings that would not have been possible if it were not for an underlying system to educate military officers and other national security leaders in joint, multinational and interagency operational-level planning and warfighting.

For nearly 60 years, the Joint Forces Staff College in Norfolk, Virginia, which I proudly represent, has been a critically important part of that joint professional military educational system. This week, the Joint Forces Staff College achieves another educational milestone with the graduation of the first class to complete the requirements for the Master of Science Degree in Joint Campaign Planning and Strategy.

These graduates of the Joint Advanced Warfighting School will be assigned to critical roles on the Joint Staff and in the joint warfighting commands. These graduates will bring with them a high degree of skill in joint planning, as well as capability for critical analysis that will allow them to be effective, creative, conceptual and innovative planners and commanders.

This bill, H.R. 1490, provides the statutory authorization to the Department of Defense to award these and future graduates of the Joint Advanced Warfighting School their masters-level degrees. It is a milestone not only for these first graduates but also for the Nation. These officers and those who follow are certain to be our future senior military leaders. Their success will be America's success.

I thank the Member from Missouri for his enduring commitment to the education of America's military leaders and urge all my colleagues to vote yes on H.R. 1490.

Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume; and I thank the gentlewoman from Virginia (Mrs. DRAKE) for her support for this very, very important bill and thank her for her keen interest in professional military education.

I rise today to support H.R. 1490, which would award a masters of science degree to the officers who complete the Joint Advanced Warfighting School at the Joint Forces Staff College. As the gentlewoman from Virginia noted, this bill will give the Department of Defense the authority to award graduates of the Joint Advanced Warfighting School their masters-level degrees. I also urge my colleagues to vote yes on this bill.

It is important that Congress pass the bill and the President sign it so that we can present those men and women with the accolades that they have earned when the first class of that program graduates this coming Thursday at 9 o'clock in the morning.

Madam Speaker, as my colleagues know, I have spent a great deal of my career promoting the need for a rigorous program of joint professional education. We have two missions as I see it: to fight the war that we are fighting today and to prepare for the next. It was the professional military education system that sustained the warfighting competency during the lean years between the First World War and Second World War. Men like General Troy Middleton, who went on to command an Army corps during the Battle of the Bulge, spent years and years in the school system studying the art and science of war. Warfare is becoming more complex at lower and lower levels, and our professional military education system must continue to evolve to develop the thinking warriors the future will require.

The Joint Advanced Warfighting School, or JAWS as it is called, at the Joint Forces Staff College is a wonderful example of how joint professional military education has grown to meet the new and unique challenges military professionals face. This first class of JAWS has given its graduates the tools to be able to create campaign-quality concepts, employ all elements of national power, and succeed as joint force operational and strategic level planners as well and commanders. These graduates will populate the Joint Staff and Combatant commands with officers expert in the joint planning processes and capable of critical analysis in the application of all aspects of national power across the full range of military operations.

The student of the JAWS program have spent the past year immersed in a rigorous course of study. They have completed a curriculum focused on ''high end'' operational art consisting of courses such as Foundations in Theory of War, Strategic Foundations, and Operational Art and Campaigning, all of which blend theory foundations and historical evidence to provide them with a developmental framework. They have honed their decision-making, problem-solving, and planning skills using seminar exercises, war games, as well as simulations.

Additionally, the JAWS course included several field research trips. The students participated in a comprehensive historical staff ride to Gettysburg, for example. They also traveled here to Washington and spent a week with senior military and governmental policymakers as well as practitioners.

Madam Speaker, I am sure my colleagues will agree that joint professional military education is so very important. Sir William Francis Butler put it very well when he said, years and years ago, ''The Nation that will insist on drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards.''

That is why I believe, Madam Speaker, that Congress should vote to support H.R. 1490 so we may recognize the students of the Joint Advanced Warfighting School with a degree they have properly earned.

Madam Speaker, having no further speakers, I yield back the balance of my time.

Mrs. DRAKE. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 1490, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE OF SUN SAFETY

Mr. BILIRAKIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 169) recognizing the importance of sun safety, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 169

Whereas Americans of all ages cherish the pleasures of outdoor activities, and too few recognize that overexposure to the sun and its ultraviolet radiation, classified by the Department of Health and Human Services as a known carcinogen, is the leading cause of skin cancer;

Whereas it is critically important to be safe in the sun because skin cancer is the fastest growing cancer in our country today, affecting 1 in 5 Americans during their lifetimes and killing 1 person every hour of every day;

Whereas more than 1,000,000 new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cases of cancer and exceeding the incidence of breast, prostate, lung, and colon cancer combined;

Whereas most people receive approximately 80 percent of their lifetime sun exposure by age 18, setting the stage for skin cancer later in life;

Whereas skin cancer is highly preventable by taking simple precautions when engaged in outdoor activities;

Whereas research demonstrates that practicing good sun safety has the potential to significantly reduce the risk of skin cancer;

Whereas the Sun Safety Alliance and its members have dedicated themselves to promoting sun safety, eliminating skin cancer from excessive sun exposure, and encouraging sun protection practices, especially among children; and

Whereas the Sun Safety Alliance has designated the week of June 5, 2005, to June 11, 2005, as National Sun Safety Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of sun safety;

(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;

(3) congratulates organizations like the Sun Safety Alliance for their efforts to promote sun safety and prevent skin cancer; and

(4) supports the goals and ideals of National Sun Safety Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Madam 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. 169.

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

There was no objection.

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

Madam Speaker, today the House is considering H. Res. 169, a resolution that I have introduced with the gentlewoman from California (Ms. ESHOO), our colleague, to encourage sun safety. I want to thank the gentlewoman from California (Mrs. BONO), the gentleman from Texas (Mr. GENE GREEN), the gentleman from Virginia (Mr. BOUCHER), and the gentleman from New York (Mr. HINCHEY), who also have cosponsored this resolution.

H. Res. 169 is a straightforward resolution which encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure. Most of us, especially those of us from the Sunshine State, enjoy the outdoors, though too few of us protect ourselves and our children from the sun's harmful ultraviolet rays when engaged in outdoor activities.

Skin cancer, Madam Speaker, is the fastest-growing cancer in our country today. One in five Americans will get some form of skin cancer during their lifetimes. More than one million new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cancer cases and exceeding the combined number of breast, prostate, lung and colon cancers that will be diagnosed in the coming year.

Many people are surprised to learn that most of us receive nearly 80 percent of our lifetime sun exposure by age 18, exposure which sets the stage for cancer later in life; and I would like to repeat that, Madam Speaker. Many people are surprised to learn that most of us receive nearly 80 percent of our lifetime sun exposure by age 18, exposure which sets the stage for cancer later in life. Therefore, it is critically important that we teach our children that sunburns are more than just the painful remnants of staying in the sun too long. They are potential killers that can cut short promising lives.

The good news is that skin cancer is highly preventable by practicing good sun safety. Good sun safety means using sunscreen, wearing protective clothing and limiting sun exposure, especially during the hottest times when the sun's rays are at their most dangerous. Failing to do so, as we have

heard, can have serious and deadly consequences, especially for children.

I hope and believe that passage of this resolution will raise awareness about sun safety, encourage people to protect themselves and their children from excessive sun exposure, help reduce health care costs and save lives.

I want to thank the gentleman from Texas (Mr. BARTON), the Committee on Energy and Commerce chairman, and the gentleman from Georgia (Mr. DEAL), the Subcommittee on Health chairman, for moving this resolution expeditiously through our committee and to the House floor. I certainly want to thank the gentleman from Michigan (Mr. DINGELL), ranking member of the full committee, and the gentleman from Ohio (Mr. BROWN), the Subcommittee on Health's ranking member, for their support of this measure. I encourage all of our colleagues to join us in approving this simple but important resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield myself as much time as I may consume.

I thank the gentleman from Florida (Mr. BILIRAKIS), my friend from the Sunshine State, and encourage people to travel to my State more often perhaps.

As we head into summer months, it is crucial that Americans be aware of the risks involved in seemingly everyday activities: a day at the beach, a jog in the park, an afternoon out working in the yard.

Overexposure to the sun's dangerous ultraviolet rays is a major risk and, largely because of increasing ozone depletion brought on in part by global warming, a bigger threat than ever to the public health. Every year in the United States there are nearly 60,000 new cases of melanoma, the most serious form of skin cancer. Nearly 8,000 die every year from this disease.

□ 1430

When it comes to risk factors for skin cancer, and I quote from the American Cancer Society's list, ''unprotected and/or excessive exposure to ultraviolet radiation'' is at the top of that list. The sun's UV rays have been officially classified as a carcinogen by the United States Department of Health and Human Services.

Yet a national survey released yesterday shows that the number of people using sunscreen declined by over 10 percent last year even as skin cancer diagnoses continue to rise. In light of these troubling statistics, I am happy to support this resolution introduced by the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from California (Ms. ESHOO). The resolution supports outreach and education efforts like National Sun Safety Week and the groups like the Sun Safety Alliance which work to keep the public informed of the risks of UV exposure.

Sun Safety Alliance teams up health care professionals, educators, and corporate partners to focus on conveying this risk. When it comes to something as basic as being out in the sun, effective public awareness strategies are critical. One of the alliance's priorities is outreach to the youngest Americans. Children are at the highest risk of overexposure to UV rays. Most people receive some 80 percent of their lifetime sun exposure before their 18th birthday. It is essential that we shape and reinforce the right habits early.

Madam Speaker, this resolution is an important step toward stopping an entirely preventable killer. Thousands of lives can be saved with the right understanding of what that prevention entails. I am pleased to support my colleagues and this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I may consume, kill, or however else we may want to look at it.

Madam Speaker, I appreciate the gentleman from Ohio (Mr. BROWN) supporting this legislation. We worked together for a number of years when I chaired that particular subcommittee; and there were times when we disagreed, but I enjoyed working with the gentleman. I appreciate the gentleman always being helpful and courteous and open-minded most of the time, not always open-minded, but most of the time. I appreciate the gentleman supporting this legislation.

Madam Speaker, we have a lot of legislation on this floor, I suppose some Members would say much more impacting than this legislation is. Certainly a lot more high profile, if you will, and that sort of thing. But, honestly, as the gentleman from Ohio (Mr. BROWN) agreed with me, what this can do to our children and grandchildren. My daughter-in-law has four sons, and she takes my four grandchildren to the beach a lot. They like the beach, and I caution them and remind her about the fact that 80 percent of these skin cancers are really developed before one reaches age 18 and the potential hazards of sun exposure.

It is critical that the American people will be listening to us through this legislation, if you will, on the significance of being just as careful as we possibly can be regarding this disease. I have had two or three skin cancers, if you will, taken off my face over the years. I suppose many of us have. It is critical that we remember that and we educate the American people on this particular issue.

Mr. BROWN of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for the good years when we were colleagues on the Subcommittee on Health when he was the chairman and I was the ranking member and the good work we were able to do on most days.

This resolution, as the gentleman points out, is not as important as some things. I would like to go a little further and talk about what all of this means in terms of global warming and some issues like that. I understand today is not the day to do that on this resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ISSA. Madam Speaker, I rise today in support of House Resolution 169, "Recognizing the importance of sun safety." As incidences of skin cancer continue to rise, now affecting one out of every five people in the United States, sun safety is increasingly important to keeping Americans healthy.

I would like to applaud the Sun Safety Alliance for its efforts to enhance national awareness of the importance of sun safety and the need for early childhood protection. I support the efforts by the Sun Safety Alliance to motivate the public to take necessary and appropriate actions to protect themselves and members of their family, especially young children from the dangers of developing skin cancer from over exposure to the sun's UV radiation.

I hope that the designation of the week of June 5–11, 2005, to National Sun Safety Week will remind Americans of the dangers of over exposure to the sun and to encourage safe sun practice. Skin cancer can be a preventable disease if sun safety precautions are followed.

Mr. CASE. Madam Speaker, I rise today in strong support for H. Res. 169, which recognizes the importance of sun safety and encourages all of us to protect ourselves and our children from the dangers of excessive sun exposure.

As kids growing up in Hawaii, many of our best memories are tied to our world-renowned oceans and beaches and other outdoor environments: from catching waves to having potluck dinners or enjoying concerts or hiking. Given what we now know about the dangers of overexposure to ultraviolet radiation and its link to skin cancer, I believe that it is imperative that we stress sun safety as we continue to enjoy these outdoor activities with our families and friends.

I have included an op-ed from the Honolulu Star-Bulletin, written by my wife, Audrey, also a Hawaii native, which details the importance of early detection of preventable skin cancers—specifically skin cancers. Her thoughts say what we all need to know.

Mahalo (thank you) for this opportunity to express support for H. Res. 169.

[From the Honolulu Star Bulletin, May 23, 2005]

PROTECT YOUR SKIN EARLY AND OFTEN WITH SUNSCREEN

(By Audrey Case)

Hawaii is a special place, where we spend time with family and friends or just by ourselves enjoying wonderful outdoor activities so much a part of our islands and culture.

My earliest childhood memories are of Sundays after my dad, an Episcopal minister, and my mom were pau with their duties and would take all five of us kids to the beach for a swim and a picnic dinner. We'd all come home sunburned and happily tired. And my teen years with my friends were beach years as well.

We know so much more now about the sun's power than we did even a decade ago. We know, for example, that the sunburns of our childhood can lead to the skin cancer of

our adulthood. We also know that all ethnicities can be affected by skin cancer, not just fair-skinned people like my husband Ed! Our family has seen some brushes with skin cancer and gets checked by a doctor regularly, including Ed and me.

May is Melanoma/Skin Cancer Detection and Prevention Month. As a member of Congressional Families Action for Cancer Awareness, I have joined with the spouses of other members of the U.S. House of Representatives to spread the message of early detection of preventable cancers—specifically skin cancers.

Today, skin cancer is the most common and fastest-growing form of cancer in the United States, affecting more than 1 million people each year. One person dies every hour from melanoma, the deadliest form of the disease. The American Cancer Society estimates that in Hawaii there will be 150 new cases of melanoma of the skin this year. And, the fact is, many of these cancers could be prevented.

Of course, we know now that we should protect our skin by using sunscreen—SPF 15 or higher—and wearing protective clothing. Don't forget your hat, lip protection and sunglasses! And, we need to protect our skin in all weather—not just the summer.

Perhaps our greatest opportunity for changing skin cancer statistics rests with our children. Although most skin cancers are diagnosed when people are older than 50, the damage that causes skin cancer is done at an early age. Just one blistering sunburn can double a child's lifetime risk of developing skin cancer. If you are a parent, grandparent, aunt, uncle, caregiver or friend, make sure the kids in your life are protected.

Help your teenagers understand the dangers of tanning beds, which are at least as dangerous as the sun, and some studies suggest they are more damaging. There are safer alternatives—such as sunless tanning products and bronzers—if your teen insists on being tanned for prom night.

Encourage your children's schools, health teachers and school nurses to allow students to apply sunscreen before recess. Encourage sports programs and coaches to have kids apply sunscreen before practice and games.

Examine your skin and your loved ones' skin monthly. Look for: brown or black irregularly pigmented spots with uneven margins; a slow-growing, raised, translucent, pearly nodule that may crust, ulcerate or bleed; a change in sensation, itchiness, tenderness or pain from a mole; a small, smooth, shiny, pale or waxy lump on the skin; and any new mole.

And remember the ABCD rule: Asymmetry, Border irregularly, Color that is not uniform and Diameter greater than 6 millimeters—about the size of a pencil eraser.

If you discover a suspicious growth while conducting your monthly self-examination, have it checked by your doctor. Because your risk of developing skin cancer increases as you age, annual clinical exams are even more important after you reach age 50.

So by all means enjoy the sun and outdoors, but have a healthy regard for the sun's strength and protect yourself and those you love. Sun safety should not be neglected by anyone. If we all take responsibility for ourselves and our children, we can change skin cancer from being the fastest-growing cancer to one that is rare in future generations.

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman from Ohio (Mr. BROWN) who is usually much more verbose in subcommittee than here today. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Florida (Mrs. BIGGERT) that the House suspend the rules and agree to the resolution, H. Res. 169, 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.

RECOGNIZING HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 44) recognizing the historical significance of the Mexican holiday of Cinco de Mayo.

The Clerk read as follows:

H. CON. RES 44

Whereas May 5, or Cinco de Mayo in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas the Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have fought for freedom and independence against foreign aggressors;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes;

Whereas in a larger sense Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, ''El respeto al derecho ajeno es la paz'' (''The respect of other people's rights is peace''); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the historical struggle for independence and freedom of the Mexican people and requests the President to issue a proclamation recognizing that struggle and calling upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam 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 concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida (Ms. ROS-LEHTINEN)?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the resolution offered by the gentleman from California (Mr. BACA), and I commend the gentleman from Illinois (Chairman HYDE) for helping to bring this measure to the floor of the House today.

The Cinco de Mayo holiday commemorates May 5, 1862, the date on which the battle of Puebla was fought by the Mexicans against an invasion of their country by France. Led by Mexican General Ignacio Zaragoza Seguin, a lightly armed group of Mexican patriots, estimated at 4,500 men, was able to stop and defeat a well-outfitted French army of 6,500 soldiers. Although President Abraham Lincoln was sympathetic to Mexico's cause, the U.S. was fighting our Civil War and was unable to provide any direct assistance. After the Civil War ended, however, the U.S. began to provide more political and military assistance to Mexico, which finally succeeded in expelling the French in 1867.

Celebrating Cinco de Mayo has become increasingly popular along the Mexico-U.S. border and in parts of the U.S. where Americans of Mexican heritage live. This holiday is a celebration

of Mexican culture, food, music, and customs unique to Mexico.

Increasingly, people across our country are joining our countrymen of Mexican descent in celebrating Cinco de Mayo. Not unlike St. Patrick's Day, which has become a popular celebration of Irish heritage, Cinco de Mayo is a day in which we can all join in celebrating Mexican heritage.

It is very fitting that Congress here in the United States should approve this measure. I ask my colleagues to join me in supporting this resolution which recognizes the historical significance of the Mexican holiday of Cinco de Mayo.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this resolution and first want to commend the gentleman from Illinois (Chairman HYDE), my good friend and colleague, and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for expediting the consideration of this resolution both through the committee and onto the floor of the House. I also applaud the author of the resolution, my neighbor, the gentleman from California (Mr. BACA) who is the first vice chairman of the Congressional Hispanic Caucus, for his leadership on issues which affect our friends and neighbors of Hispanic descent.

Madam Speaker, the Cinco de Mayo holiday commemorates the May 5, 1862, victory of an ill-equipped and vastly outnumbered Mexican army under the command of General Ignacio Zaragoza over Napoleon III's regiments at the Battle of Puebla. Although Napoleon III eventually installed Archduke Maximilian of Austria as a puppet regent over Mexico, the triumph of the Mexican people over the French in this battle has come to symbolize the fight for freedom and justice, not only in Mexico, but throughout the entire western hemisphere.

To many of us, and particularly along the border with Mexico, this holiday is mostly expressed through the enjoyment of Mexican and Mexican-American culture, music, food, and customs.

Cinco de Mayo celebrations are also well-deserved tributes to the many contributions that Mexicans and Mexican-Americans have made and continue to make in the world and across our Nation.

It is a time to take pride in these significant achievements as well as the continuing dedication to the patria of thousands of Hispanic men and women in uniform.

Finally, Madam Speaker, Cinco de Mayo reminds us that our Mexican-American neighbors strive, as we all do, to live a life filled with faith, family, and the hope of sharing in a stronger America and a freer world.

Madam Speaker, as we commemorate the defeat of French colonial oppression by an unrelenting, passionate, and brave band of brothers some 150 years ago, our resolve to stand shoulder to shoulder with the fighters for democracy today around the globe must never waiver.

In our own hemisphere, our dedication to democratic institutions and processes as well as the rule of law is being challenged from the streets of Ecuador to the hills of Bolivia to the presidential palace of Venezuela. We must not, we cannot, fail to take up the banner of freedom against the increasingly authoritarian regimes.

I strongly urge my colleagues to support H. Con. Res. 44.

Madam Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a distinguished member of the Committee on International Relations.

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

Mr. FALEOMAVAEGA. Madam Speaker, I certainly would like to extend my appreciation and gratitude to our senior ranking member, the gentleman from California (Mr. LANTOS), for allowing me this opportunity to share some thoughts concerning this important resolution. I certainly also want to thank our chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for his support and leadership and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her management of this legislation.

Madam Speaker, I rise today in support of H. Con. Res. 44, recognizing the historical significance of the Mexican holiday well known as Cinco de Mayo. I commend my colleague, the gentleman from California (Mr. BACA), for introducing this legislation certainly as a tribute in his capacity as vice chairman of the Hispanic Congressional Caucus.

This resolution recognizes the significance of Cinco de Mayo, as it truly does serve as a reminder that the United States is a country built by people of many nations and diverse cultures who are willing to fight and die for freedom. To truly appreciate the importance of this holiday to the good people of Mexico, we can compare it to the level of importance we place when our own Nation was divided on the issue of slavery, hence the Civil War. In the same way, Cinco de Mayo commemorates the Battle of Puebla on May 5, 1862, fought by the Mexican people against a transferred ruler by the name of Maximilian from Austria.

Madam Speaker, I want to especially share with my colleagues in the House of Representatives the life and history of a leader who, in my humble opinion, is the greatest hero in Mexico's history, a true statesman, whose name is inextricably linked with the name Cinco de Mayo.

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His name is Don Benito Juarez, president of Mexico from 1861 to 1863 and 1867 to 1872. President Juarez led the Mexican people in their fight for independence during this crucial period of their history.

Unbeknownst to many of our fellow Americans, President Juarez was the first Mexican president of indigenous Indian descent. His parents were members of the Zapotec tribe prevalent in the province or state of Oaxaca in Mexico. When he went to Oaxaca City at the age of 13, he could not read, write or speak Spanish. He was adopted by lay members of the Franciscan Order, who taught the young Juarez reading, writing, arithmetic and Spanish grammar. He later entered the Franciscan seminary in Oaxaca and studied Aquinas and other great Catholic philosophers, eventually turning his attention instead to the study of law.

President Juarez was educated in the law in preparation for a political career. In his first political position as a city councilman, he was noted as a strong defender of Indian rights. He participated in the revolutionary overthrow of Santa Anna in 1855, becoming the minister of justice and instituting reforms that were embodied in the constitution of 1857. During the Reform War of 1858 to 1861, President Juarez led the liberals against the conservative faction of Mexico's government. The liberals succeeded only through popular support and the unwavering determination of President Juarez, and he was elected president in 1861.

Madam Speaker, to fully understand the quality of the leadership of Mexico at the time in the person of President Don Benito Juarez, one can compare him to, arguably perhaps, the greatest President in our own country's history, President Abraham Lincoln. Both leaders, in fact, presided over their countries in times of crisis, exhibiting great courage and perseverance in the fight for self-determination. Both grew up in poverty and studied law. Both fought against bigotry and racism.

In fact, President Lincoln and President Juarez were contemporaries who held each other in high regard. In fact, in 1858, upon hearing of Juarez's struggles in Mexico, President Lincoln sent him an encouraging message expressing hope, and I quote, for the liberty of your government and its people. Even in the midst of our own Civil War, President Lincoln provided arms and munitions to President Juarez to support the Mexican people in their fight against France. When the U.S. Confederacy sent an emissary to Mexico to enlist support for their cause, President Juarez jailed the man for 30 days before sending him away, a clear sign of support for President Lincoln's cause.

Madam Speaker, today, the United States and Mexico share close ties. We also share the ideals of freedom and independence. Because of our shared values and the tremendous contributions made by Mexican Americans, I think it is fitting and most proper for us here in Congress to recognize the

historical struggle of the Mexican people for independence and freedom as called for in this concurrent resolution. I urge my colleagues to support this legislation.

Mr. BACA. Madam Speaker, I ask unanimous consent to revise and extend my remarks.

Madam Speaker, I rise in support of H. Con. Res. 44, which recognizes the historical significance of the Mexican holiday of Cinco de Mayo.

Every year thousands of Americans mistakenly refer to Cinco de Mayo as Mexico's Independence Day. That is why I introduced this resolution, to draw attention to the historical context of Cinco de Mayo.

On May 5th, 1862, the Mexican army defeated the French at the battle of Puebla, fighting that day for the values of freedom and liberty, the same values that we celebrate today in the United States.

Cinco de Mayo has come to represent a celebration of the contributions that Mexican Americans and all Hispanics have made to America. Many Mexicans and Mexican Americans have made the United States their homes, especially in the Southwestern United States. Their rich culture is one of the threads woven into the blanket of American society and their contributions to our Nation have shaped what we consider to be American culture today.

Today there are nearly 40 million Latinos living in the United States. Latinos are the fastest growing minority population in the United States. Latinos have made great contributions in all aspects of American life—the arts, sports, the corporate world, science, and much more. Latinos have fought in all of America's wars, beginning with the Revolutionary War. Many Latinos are fighting and dying for our country today in Iraq, just as several of their ancestors fought for freedom in Mexico over a century ago.

Though the battle was a Mexican event, the commemoration of this date has become an American Tradition. It serves as a reminder that the foundation of our Nation was built by people from many nations and diverse cultures that were willing to fight and die for freedom.

I urge my colleagues to vote yes on H. Con. Res. 44.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and would like to thank my good friend from California, Mr. BACA, for introducing this resolution.

Cinco de Mayo represents many things, to Mexicans and Americans alike. To Mexicans and Mexican-Americans, Cinco de Mayo is a celebration of courage, patriotism, and Mexican unity. Cinco de Mayo honors all of the brave soldiers who successfully fought off foreign aggressors, in the town of Puebla, Mexico on May 5, 1862.

Outnumbered, the Mexican Army willingly gave their lives in support of Mexican independence and justice. The battle that ensued in Puebla was instrumental in fighting of French aggressors.

To Americans, Cinco de Mayo is a reminder of how our two nations strive for the same ideals and principles, freedom, justice and unity. It also marks the last time that a foreign power was the aggressor on North American soil. Both of our countries fought for their freedom in the face of great opposition. As a result of our struggles the United States and Mexico share a unique history that strengthens our unity.

Millions of Mexican-Americans work, live, and contribute to our country every single day. Cinco de Mayo is a celebration of the rich culture, heritage, and tradition that Mexican-Americans have brought to the United States.

This resolution recognizes our Mexican-American community and the close spiritual and economic ties the United States has with the people of Mexico.

In honor of their accomplishments and unity, I urge all of my colleagues to support this resolution honoring Cinco de Mayo.

Mr. ORTIZ. Madam Speaker, I rise in support of the Resolution supporting the ideals of Cinco De May, a day that holds much meaning for many people in the South Texas Congressional district I represent. For many Hispanic Americans, we celebrate Independence Day on July 4, and Cinco de Mayo on May 5. Independence Day celebrates our Nation; and Cinco de Mayo celebrates our spirit.

On the eve of May 5, 1862, the commander of the French forces in Mexico sent this message to Napoleon: "We have such superiority over the Mexicans that tomorrow, at the helm of my troops, I will attack, and I will consider that Mexico is mine." He was wrong. When he attacked the forts of Loreto and Guadalupe on May 5, his 8,000 troops were beaten back by 2,000 Mexicans.

It is important to note why we celebrate this day—we celebrate the courage and the strength of a people who will fight against all odds for the things they cherish—freedom, independence and democracy. The lessons of the French commander should not be lost on us today.

I often tell schoolchildren in South Texas to adopt a new take on the French commander's arrogance by saying: "I will go to school, I will study hard, and I will consider that the marketplace is mine, and we will not be beaten."

We must continue to fight in that same spirit that the Mexicans fought the French. Our young people today must fight to learn—fight for the ability to get good jobs—and fight to go further than the previous generation.

I am pleased the House is moving this resolution, albeit just over a month late for Cinco de Mayo celebrations this year. Nevertheless, this is a good opportunity for many of us in the House of Representatives to explain to our colleagues and our countrymen why this celebration means so much to so many of us.

Mr. LANTOS. Madam Speaker, I have no additional requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 44.

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. LANTOS. Madam 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.

EXPRESSING SENSE OF HOUSE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) expressing the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

The Clerk read as follows:

H. RES. 282

Whereas the United Nations Universal Declaration of Human Rights recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the only member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: ''It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.'';

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and ''recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . . '';

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the House of Representatives that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to include in the Department of State's annual Country Reports on Human Rights Practices and annual Report on International Religious Freedom information on activities at the United Nations and its constituent bodies relating to anti-Semitism by each of the countries included in these reports; and

(C) the President should direct the Secretary of State to use projects funded through the Middle East Partnership Initiative and United States overseas broadcasts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the leadership, the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, as well as the gentleman from California (Mr. LANTOS), our wonderful ranking member, for their efforts in bringing to the floor House Resolution 282.

The resolution, Madam Speaker, expresses the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urges action against anti-Semitism by United Nations officials, United Nations member states, and the government of the United States, and for other purposes.

My utmost appreciation goes to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for his work on this resolution, for his commitment to combating the scourge of anti-Semitism, and for being an example of courage in the face of the most deplorable anti-Semitic acts. I thank the gentleman from California.

As we prepare to consider U.N. reform legislation, Madam Speaker, before the full Committee on International Relations tomorrow, the discussion of this measure is timely and it illustrates an important component of our multilateral strategies. For far too long, the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others. Six of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel.

During the 1991 session of the United Nations Commission on Human Rights, for example, the Syrian representative to the U.N. repeated the outrageous blood libel that Jews have killed Christian and other non-Jewish children to use their blood to make Matzoth.

In 1997, another terrible example, the Palestinian observer at the Human Rights Commission charged that the Israeli government had injected 300 Palestinian children with the HIV virus. This baseless charge was not challenged by the president of the Human Rights Commission or any other U.N. official.

Another example, the goals of the 2001 U.N. World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the conference.

While recent efforts have been made to address this problem, Madam Speaker, such as the U.N.-sponsored conference on anti-Semitism or the session earlier this year to commemorate the 60th anniversary of the liberation of Auschwitz, much more needs to be done.

In response, the resolution before us, Madam Speaker, calls for the United Nations to officially and publicly condemn anti-Semitic statements in all U.N. meetings and hold accountable member states who make such statements.

It calls for the United Nations Educational, Scientific, and Cultural Organizations, known as UNESCO, to develop and implement Holocaust education programs throughout the world as part of an effort to combat the rise in anti-Semitism.

Further, Madam Speaker, it calls for the United States Ambassador to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions.

House Resolution 282 requests the Secretary of State to include in the Department of State's annual Country Reports on Human Rights Practices and annual Report on International Religious Freedom information on activities regarding anti-Semitism at U.N. bodies by each of the countries included in these reports; and, further, it requests that projects under the Middle East Partnership Initiative and that U.S. overseas broadcasts include programs that educate Arab and Muslim countries about fighting anti-Semitism, about fighting religious intolerance and fighting incitement to violence.

As we have witnessed, historically and in today's world, such charged rhetoric as anti-Semitism invites violent action. There must, therefore, be renewed vigilance against purveyors of anti-Semitism, and the United Nations must be an integral component of any comprehensive strategy. It must help build a culture of tolerance. The United Nations must hold countries and their representatives accountable. It must make hateful rhetoric and incitement politically and culturally unacceptable, instead of offering an environment that enables the proliferation of anti-Semitism.

As was noted in a meeting last month with Natan Sharansky, strong U.S. leadership in placing human rights front and center on the diplomatic agenda has the potential to bring about dramatic political and social change. We must be willing to take a similar stance regarding anti-Semitism at the United Nations.

Let us begin by rendering our unequivocal support to this resolution and send a clear message to the United Nations and to its member countries

that we are resolute in our commitment to fighting this evil.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, first I want to thank my good friend and colleague from Florida for her extraordinarily gracious and generous observations.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Madam Speaker, I want to thank the distinguished gentleman from California (Mr. LANTOS), the ranking Democrat on the Committee on International Relations, who does such an extraordinary job and who knows firsthand the extraordinarily adverse consequences of racism and anti-Semitism and other ''isms'' wrought against human beings.

I also want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her sponsorship of this resolution and for her leadership on these issues.

Madam Speaker, intolerance based upon one's religious beliefs, ethnicity and race is a poison that has coursed throughout the body of human history; and it has caused untold pain, suffering and strife. Unfortunately, that is not on the ash bin of history. It is present today.

The Members of this House, the elected representatives of the strongest and freest nation on Earth, have a moral responsibility to expose and combat such intolerance and prejudice wherever it rears its head, whether it rears its head in the United States, in the United Nations, or any other place in the world. That is precisely what this important resolution seeks to do.

This resolution calls on the United Nations to officially and publicly condemn anti-Semitic statements made at U.N. meetings and by U.N. member states. It is to the discredit of the United Nations that anti-Semitism continues to find a forum in that body. This resolution also calls on the U.N. to create worldwide programs about the Holocaust in an effort to reduce anti-Semitism, and it directs the Secretary of State to report on anti-Semitic activities by the U.N. and its member countries.

Let me add, Madam Speaker, that last year I strongly supported language included in the omnibus appropriation act that directs the State Department to report on votes in the General Assembly concerning Israel. I regret to inform you, Madam Speaker, that there are nations, many nations, indeed the overwhelming majority of nations, who fail to support the United States and its positions on Israel more than 10 percent of the time, the majority of nations in the United Nations.

The disturbing, undeniable truth, Madam Speaker, is that rank anti-Semitism continues today in the world body ostensibly dedicated to peace, understanding and tolerance.

Israel, Madam Speaker, is the only member of the U.N. to never have served on the Security Council. It is denied the opportunity to serve on the U.N. Commission on Human Rights, while well-known human rights abusers, Syria, Sudan, Libya and countless others, serial abusers of human rights in their own countries, have served on that body. And each year, Madam Speaker, Israel is singled out for criticism nearly two dozen times in the general assembly, each year, while Sudan, who has seen the murder of thousands of people, or Rwanda, millions, or at least over a million, receives not the attention that it should.

□ 1500

Madam Speaker, too many U.N. members believe that they can make anti-Semitic statements and take anti-Semitic actions with impunity. This Nation ought to send a very loud, a very clear, a very definitive message that that is not the case. Anti-Semitism is unacceptable in any corner of the world, in any forum in the world, but particularly so in the forum committed to world peace, to world understanding.

Members who believe that they can act with impunity are wrong, and they must be held accountable. They must know that their anti-Semitic statements and actions not only affect their relationship with this Nation but also eviscerate their credibility in the family of civilized nations.

Again I congratulate the gentlewoman from Florida and the gentleman from California for their leadership, not just on this resolution, Madam Speaker, but every day of every week of every month of every year because that is what it takes to ensure that anti-Semitism, racism, sexism, and every other kind of prejudice and bigotry is rejected in this body and in every place that we find men and women of goodwill.

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

I want to thank the distinguished gentleman from Maryland for his powerful and eloquent statement.

I rise in strong support of this resolution, and I want to begin by commending the gentleman from Illinois (Chairman HYDE) for bringing this resolution to the floor today. I also want to thank the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) for her outstanding leadership on this issue.

Madam Speaker, it is high time to eradicate a sickening deficiency of the United Nations: its pathological persecution of one member, the democratic State of Israel, whose performance and standards are vastly superior to those of most of its nondemocratic detractors.

Over the years, the United States has occasionally used diplomacy at the United Nations to address this sickness, especially during the tenure of our distinguished Ambassadors Daniel Patrick Moynihan and Jeanne Kirkpatrick.

Recently, a renewed spasm of anti-Israeli activism has polluted critical United Nations mechanisms such as the General Assembly and the so-called Commission on Human Rights.

Mr. Speaker, one of the most disturbing experiences I personally have had during my service as a Member of Congress took place in August of 2001 when I was a member of the United States delegation to the United Nations World Conference against Racism at Durban, South Africa.

Secretary General Kofi Annan was anxious to use this conference as an opportunity to reinvigorate the world community in the fight against racism, bigotry, discrimination, and religious and ethnic intolerance. But, instead, we witnessed the hijacking of the conference by those who turned it into a vile outpouring of anti-Semitism and anti-Israel sentiment. This conference was one of the most vicious anti-Semitic displays I have seen since I witnessed the Holocaust in Hungary in the 1940s.

The draft document presented to the conference included phrases such as the ''racist practices of Zionism'' and where the Holocaust had been cited as an example of racism taken to extremes, Arab and Muslim states proposed replacing it with the term ''holocausts'' in the plural and lower case, which was yet another manifestation of propaganda to deny and to diminish the unique character of the Holocaust in which 6 million innocent human beings perished.

Despite repeated efforts of the United States and some other delegations to work with the problematic countries at Durban, South Africa, the underlying anti-Semitism, disguised as criticism of Israel, could not be resolved; and it was my privilege to lead the walk-out of the U.S. delegation from that conference. What could have been an important effort to revitalize the fight against racism and intolerance was turned into a lost opportunity.

Mr. Speaker, it is time once and for all for our diplomats to apply themselves in a sustained manner to defeating the absurd series of anti-Israeli resolutions that continue to crowd the agenda of the United Nations, pushing aside long overdue consideration of critical issues such as terrorism, AIDS, climate change, poverty, human rights abuses, and famine. Our resolution takes note of the efforts of some U.N. member countries to delegitimize the State of Israel by denying its opportunity to participate in U.N. organizations including the Security Council and the Human Rights Commission. It also notes that the United Nations has been used to attack the State of Israel. For example, of the emergency sessions of the General Assembly that have been called, six of the 10 were devoted solely to attacks against the State of Israel.

Our resolution, Mr. Speaker, commends recent examples of outstanding leadership in the fight against anti-Semitism. I want to single out Secretary General Kofi Annan, who led the effort to call an unprecedented special session of the General Assembly this past January to mark the 60th anniversary of the liberation of the Auschwitz concentration camp during World War II.

At that special session, Kofi Annan said, ''The United Nations must never forget that it was created as a response to the evil of Nazism, or that the horror of the Holocaust helped to shape its mission. That response is enshrined in our Charter and in the Universal Declaration of Human Rights. Such an evil must never be allowed to happen again. We must be on the watch for any revival of anti-Semitism and ready to act against the new forms of it that are happening today.'' From Secretary General Kofi Annan.

Mr. Speaker, our resolution urges the member states of the United Nations and our own government to step up the fight against anti-Semitism, religious intolerance, and incitement to violence. In keeping with the original mission and the enduring vision of the United Nations as a beacon for humanity's potential at its best, I strongly urge all of my colleagues to support our resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. LANTOS. Mr. Speaker, I thank the gentlewoman for her usual gracious, generous gesture.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from California (Mr. LANTOS) for his leadership on this issue and so many other issues that are important to human rights around the world, and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership on the committee and in bringing this resolution forward and dealing with human rights issues in the Middle East.

I also want to identify myself with the statements made by my colleagues, including the gentleman from Maryland (Mr. HOYER).

The rise of anti-Semitism globally is undisputable and it is unacceptable. As the ranking Democrat on the Helsinki Commission, I have worked with the gentleman from New Jersey (Mr. SMITH), our chairman, to bring up anti-Semitism and fighting anti-Semitism as one of the highest priorities of our Helsinki Commission. I am pleased that as a result of the priority of our delegation, we are now having our third international meeting on anti-Semitism. That will be taking place this week in Spain.

In the second meeting that took place in Berlin, we were able to come out with a Berlin document, a declaration which stated unequivocally the condemnation by all 55 countries in the Organization for Security and Cooperation in Europe to condemn anti-Semitism and develop an action plan to fight anti-Semitism. It deals with law enforcement and sensitizing law enforcement. It deals with educating our children in Holocaust education. It deals with respect and understanding of people who have different religious beliefs.

Mr. Speaker, it is very wrong when individuals commit anti-Semitic actions. It is even worse when it is sponsored by a government or by international organizations. For that reason, Mr. Speaker, I am very pleased that we have the resolution before us today that speaks to the United Nations and to the actions within the United Nations. It must clean up its act in regards to its actions of discrimination and anti-Semitism. It is unacceptable, and this resolution speaks to that. And I urge my colleagues to support this resolution.

Mr. Speaker, I rise in support of H. Res. 282, regarding manifestations of anti-Semitism by United Nations member states, and urging action against anti-Semitism by United Nations officials. We must not allow anti-Semitism to become a part of the leading international organization that proclaims ''the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world''.

I commend the International Relations Committee for acting on this resolution condemning the resurgence of anti-Semitism around the globe. As Ranking Member of the Helsinki Commission, I believe we must recognize that despite great achievements with respect to human rights around the world, much more can still be done.

The history of anti-Semitism is indisputable. Today, though, I want to discuss trend of a growth of anti-Semitism throughout the world today.

In the last Congress, to address this new wave of discrimination, I was pleased to join with Congressman LANTOS and Helsinki Commission Chairman CHRIS SMITH in working to enact the Global Anti-Semitism Review Act of 2004. The State Department then issued its first-ever global report on anti-Semitism, giving us a roadmap to build upon for the future.

Last year I traveled as part of the U.S. Delegation of the Helsinki Commission, with former Secretary of State Colin Powell, to attend a special conference in Berlin addressing anti-Semitism, held under the auspices of the Organization for Security and Cooperation in Europe (OSCE). During the course of the trip I went to visit Auschwitz for the first time. That factory of death reaffirmed to me how we must tirelessly work to build understanding and respect between different communities to prevent future acts prejudice, discrimination, and ultimately violence.

At the Berlin Conference, I gave the official U.S. statement in the session on tolerance, and the meeting ended with the issuance of the Berlin Declaration of Action. The Declaration laid out a number of specific steps for states to take to combat the rising tide of anti-Semitism, including specific actions regarding Holocaust education, data collection and monitoring of hate crimes against Jews, and improved coordination between non-governmental organizations and European law enforcement agencies.

As the leading international organization in the world, the United Nations must make it clear that anti-Semitism has no place within its walls. It must condemn anti-Semitic statements made at all meetings and hold accountable the United Nations member states that make such statements. This is the first step of many that will discourage anti-Semitic sentiment from having any place with United Nations members.

Unfortunately, the United Nations has a long history of failing to aggressively combat instances of anti-Semitism within its institution. In 1975, the U.N. General Assembly concluded that ''Zionism is a form of racism and racial discrimination,'' and this resolution was not revoked until 1991, after strong leadership from the U.S., and Israel's refusal to participate in the Madrid Peace Conference unless the resolution was repealed.

Until the year 2000, Israel was denied membership in any regional grouping of the United Nations. It continues to be denied the opportunity to hold a rotating seat on the Security Council, making it the only member to have never served on the Security Council despite being a member of the UN for 56 years. Lastly, Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights. These anti-Israeli actions must cease if we are serious about stopping anti-Semitism.

However, I am glad to note that the United Nations Secretary General has recently spoken out on the issue of anti-Semitism. In addition, in 2004 the General Assembly's Third Committee adopted a resolution on religious tolerance for the first time, which states in part its ''deep concern the overall rise in instances of intolerance and violence directed against members of many religious community . . . including . . . anti-Semitism.'' As Israeli President Moshe Katsav reminded us at our Berlin conference last year, anti-Semitism should indeed receive special attention from the civilized world.

While I welcome these recent steps forward, the United Nations still has a long way to go to combat anti-Semitism. As this resolution states, we must implement awareness programs about the Holocaust throughout the world. This will promote more than just tolerance; it will help the world to achieve racial, religious, cultural, and ethnic acceptance and diversity, leading to a more peaceful and just society.

This resolution also requests that the United States Permanent Representative to the United Nations continue working toward further reduction of anti-Semitic language and anti-Israel resolutions. It also asks the Department of State to include information on activities at the United Nations relating to anti-Semitism in its reports on Human Rights Practices and International Religious Freedom. Finally, it asks the Secretary of State to fund projects

that educate Arab and Muslim countries about religious intolerance.

We must combat this rising tide of anti-Semitism in all of its forms, and ensure that it has no place anywhere in the world, especially the United Nations. I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA), my good friend and a very important member of the Committee on International Relations.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to again thank the gentleman from California, our senior ranking member, for yielding me this time to say a few words concerning this resolution.

I also want to thank the gentlewoman from Florida representing the majority and especially the gentleman from Illinois (Chairman HYDE) for his support and leadership in getting this resolution to the floor.

Mr. Speaker, in my visit to the Holocaust Museum here in our Nation's capital, I always come away with this great lesson that I learned about the suffering of some 6 million Jews in that terrible period during Nazi rule by Adolph Hitler. The words that come to my mind every time I visit that museum are the words ''never again.'' ''Never again.'' And I cannot help but express my sense of gratitude to the gentleman from California, not only as a child of the terrible conflict that occurred to his family but certainly who has been a great teacher and a mentor to me in understanding and appreciating what racism and bigotry and hatred is. And the fact that he has had to live that in his own life and has certainly been a great champion not only of the issues affecting the good people of the State of Israel, I want to thank the gentleman from California (Mr. LANTOS) for being that leader whom I admire and respect very much.

Mr. Speaker, the provisions of the resolution speaks for itself. It is time for the United Nations to give serious attention to this problem. Year after year, the only democratic government in the Middle East has been ostracized, condemned, vilified, falsely accused of so many things. I simply say, enough is enough, Mr. Speaker. I sincerely hope that copies of this resolution will be served to every ambassador from every country represented in the United Nations.

□ 1515

We will let them know that the will of the Congress is expressly stated to this effect in the provisions of the resolution, that enough is enough.

Mr. Speaker, I urge my colleagues to support this resolution.

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

Mr. Speaker, I thank my good friend for his eloquent and strong statement.

Mr. Speaker, let me just say that this resolution reflects the values of this body and of the American people, and I urge all of my colleagues to vote for it.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to thank our wonderful friend, the gentleman from California (Mr. LANTOS), for his leadership on this resolution, as well as the chairman, the gentleman from Illinois (Mr. HYDE). I urge all of our colleagues to adopt this resolution today.

Mr. CROWLEY. Mr. Speaker, I am speaking today in strong support of the resolution regarding the manifestations of anti-Semitism by United Nations member states.

I would like to praise Ms. ROS-LEHTINEN for her tireless efforts as the chair of the Subcommittee on the Middle East and Central Asia. Her commitment to fighting anti-Semitism is unparalleled and she has raised awareness of the issue both within the United Nations and throughout the world.

The state of Israel ardently strives to attain equality of rights which the United Nations Declaration of Human Rights recognizes as the best hope for freedom throughout the world.

However, the past actions of many United Nations member states have challenged this equality through many of their anti-Semitic resolutions, actions, and statements.

The regular manifestations of this blatant anti-Semitism occur throughout the course of the United Nation's history. Included in these acts are statements by members of the United Nations Commission on Human Rights, those individuals who should be acting upon anti-Semitism rather than participating in it.

I commend the UN for increasing awareness in the past few years of anti-Semitism and refusing to remain silent on this growing global problem. The recent session commemorating the 60th anniversary of the liberation of Auschwitz marks a keystone in the United Nations' efforts to promote awareness of anti-Semitism.

Nevertheless, members states annually remain critical of Israel and refuse to allow Israel equal rights and opportunities within the United Nations. Israel should have the same chance to participate in the United Nations, rather than be ignored by those states which would seek to spread hateful anti-Jewish and anti-Israel agendas.

I believe that the United Nations should implement measures which: Publicly condemn those United Nations member states who make anti-Semitic and racial remarks, hold those same member states who make anti-Semitic remarks accountable, and promote awareness of anti-Semitism.

The United States must take a firm stand on this issue today. We must declare that neglecting the problem of anti-Semitism is unacceptable.

Mr. NADLER. Mr. Speaker, I rise in support of H. Res. 282, which calls on the President to take steps to stem the ugly tide of anti-Semitism at the United Nations and in the Middle East.

The hijacking of the United Nations by some member states is an attack against international peace and the founding principles of the U.N. The use of blood libels by representatives of member states, in reports, and by NGOs, is unacceptable and a betrayal of the U.N.'s mission.

The U.N. is robbed of its moral authority when member states hijack it for illicit purposes. Slandering an entire people, their aspirations for self-determination, and their homeland, is not acceptable. Excluding a member state from the community of nations because of ancient hatreds and slanders is unworthy of an organization founded to promote world peace and end human suffering.

Holding one nation to a standard no other nation is held to is, whether people wish to admit it or not, bigotry at its worst. No other nation would be denounced for taking steps to protect its citizens from acts of terror aimed intentionally at civilians. No nation has exercised as much restraint as Israel, yet no nation has been subjected to condemnation, indeed vilification and demonization, including those countries that practice slavery, torture, and genocide, some of whom have been privileged to sit on the United Nations Commission on Human Rights—a right denied to Israel in the more than half-century it has been a member.

Mr. Speaker, the United Nations is only as strong and decent as its member nations. That is both its greatest strength and its greatest weakness. When the nations of the world stand by, or worse, participate in, the vilification of the Jewish people, it is a reflection not just on the institution, but on the failings of its members.

I believe it is time for the President to do more to press the U.N., and its member states, to bring an end to institutionalized anti-Semitism. It is not enough to criticize the U.N. It is not enough to denounce anti-Semitism.

This administration must exert pressure on those countries that have gotten a pass on their efforts both in the U.N. and in other forums. Countries like Saudi Arabia and Egypt, who distort the mission of the U.N., must be held to account for their actions.

The United Nations is capable of good and important work, in the eradication of disease, in alleviating poverty. It can and should do more, but it can never live up to its potential and its mission unless it sheds the stain of anti-Semitism.

The United States must take the lead in this important effort. I support this resolution. I hope that the President heeds its message and does what he must do to end the bitter reign of anti-Semitism at the U.N.

Mr. PORTER. Mr. Speaker, I rise today to join with my colleagues in support of House resolution 282 and encourage members of the International community to continue to aggressively condemn anti-Semitic actions and statements.

For over sixty years, world history and international perspectives have been shaped by the painful reminders of the events of World War II. Blind eyes could not hide the effect racism had during the Holocaust that affected millions of Jewish men, women and children. And now, many years later, I join with others to continue to remind the world community to resist the small seeds of hate that once led to the attempted annihilation of an entire race of people.

More now than ever, we must all take a proactive stance against views that promote racial, religious and ethnic intolerance. America's past is certainly imperfect. However, the lessons of the past remind us that through these imperfections we were able to unite and build alliances that promoted a stronger and wiser nation. I now call upon the International community to also build alliances and word for peace by actively condemning the increasing culture of anti-Semitic views and religious intolerance.

Mr. WEINER. Mr. Speaker, today the House of Representatives voted to urge the United Nations to take bold action against anti-Semitism and anti-Israel sentiment. I commend my colleagues for keeping the U.N.'s feet to the fire on an issue of such great importance. And I thank Congresswoman ROS-LEHTINEN for introducing this bill and for her continued vigilance in support of America's greatest ally in the Middle East.

The U.N. is supposed to be a neutral authority working towards global unity. But in fact, it has helped the enemies of Israel internationalize their war against the Jewish state.

Many people know about the 1975 U.N. resolution equating Zionism with racism. Sadly, that is only 1 of the 322 resolutions condemning Israel that the U.N. has passed since 1948.

The U.N. issued Resolution 476 in 1980 declaring Israel's claim to Jerusalem ''null and void.'' It passed Resolution 487 in 1981 to ''strongly condemn'' Israel for its attack on Iraq's nuclear facility. And in 2003, the U.N. condemned Israel for building its security fences. These are the same fences that have cut suicide bombings by 75% and Israeli fatalities by 55%.

The U.N. is routinely silent on deadly suicide attacks—like the Hamas Passover massacre that killed 30 people at an Israeli hotel. But it will loudly condemn Israel for its military response to such terror. Remarkably, the U.N.'s balance sheet defends countries like Lebanon, Iraq, and Syria, while attacking Israel as a regional aggressor.

This imbalance is unreasonable. But it is hardly the U.N.'s worst masquerading. The U.N. pretends to give a voice to all countries. But when it comes to offering countries a seat on the Security Council, only Israel is barred.

And while 4 of the 7 stage sponsors of terror—Cuba, Libya, Sudan, and Syria—are members of the U.N. Human Rights Commission, Israel cannot even be a candidate. The commission spends 26% of its resolutions condemning Israel, yet Israel doesn't even have a forum to respond.

The news gets worse. The U.N. has decided that its Commission on Human Rights is good enough for all the world's refugees, except the Palestinians. They get their own organization—the U.N. Relief Works Agency (UNRWA).

And instead of being resettled like the rest of the world's 20 million refugees, the Palestinians are kept in camps. It is no surprise that the result has been a breeding ground for violence. More than 48 terrorist operatives have been educated in UNRWA schools. And this past January, the head of UNRWA acknowledged that members of Hamas are on his payroll. Since 1950, UNRWA has been bad for Israelis and Palestinians alike, and it is time the U.N. took responsibility for solving the problem.

Earlier this year, Kofi Annan made a move towards accountability by publicly outlining a series of proposed U.N. reforms. Some of the suggested shake-ups of discredited U.N. bodies like the Human Rights Commission are steps in the right direction. But it is hard to trust a Secretary General who spent part of a trip to the Middle East placing a wreath on Yasser Arafat's grave. And even harder to overlook 50 years of U.N. antagonism against Israel.

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 282, which expresses the sense of the House of Representatives regarding manifestations of anti-Semitism by United Nations member states and urges action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States.

As we commemorate the invasion of Normandy this week, it is important to remember that the evil the world was fighting then persists today. Recent accounts of anti-Semitic assaults are reminiscent of those encountered before and during World War II. In the suburbs of Antwerp, Belgium, four youths were assaulted on their way home from their Jewish school by a group of men yelling anti-Semitic insults. One of the students was stabbed and seriously injured. In Toulon, France a synagogue and a community center were set on fire. In Dusseldorf, Germany, an ancient Jewish cemetery was desecrated with swastikas and SS symbols. In the United Kingdom, a Jewish woman was beaten severely by three of her neighbors because her mail was written in Hebrew, and they suspected her of being Israeli.

The United Nations and the international community must act swiftly and address this immediate threat. The United Nations and world leaders must shake themselves out of indifference and rise above political considerations that have blinded them to the magnitude of rising anti-Semitic assaults. The international community must remember its commitment to prevent a recurrence of horrors the world witnessed 60 years ago and take meaningful actions to combat this rise in anti-Semitism.

In the last few years, the United Nations and Secretary General Kofi Annan have begun to formally recognize and address this rise in anti-Semitism. Just last year, the United Nations sponsored a conference on anti-Semitism and for the first time the United Nations General Assembly's Third Committee adopted a resolution that condemns anti-Semitism.

Although these recent actions by the United Nations are positive steps, I believe that the United Nations must do more to combat this evil. The United Nations should first begin within its own organization and end the practice of tolerating hateful rhetoric. The United Nations must go further in condemning member nations and United Nations officials that use anti-Semitic language. Additionally, the United Nations should acknowledge the detrimental effects of anti-Israel resolutions and work towards reducing their frequency.

I urge my colleagues to vote in favor of this legislation and to remain committed to combating the evil of anti-Semitism.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 282.

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. LANTOS. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 17 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WALDEN of Oregon) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 44, by the yeas and nays; and

H. Res. 282, by the yeas and nays.

RECOGNIZING HISTORICAL SIGNIFICANCE OF THE MEXICAN HOLIDAY OF CINCO DE MAYO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 44.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 44, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 228]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
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
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
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
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
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
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
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
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
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
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
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
Spratt
Stearns
Strickland
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)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—28

Andrews
Brown, Corrine
Conyers
Cubin
Delahunt
Gutierrez
Hastings (FL)
Honda
Hyde
Jackson-Lee (TX)
Jenkins
Kaptur
Kennedy (RI)
Lucas
McCollum (MN)
Nussle
Otter
Oxley
Payne
Platts
Rothman
Rush
Sanchez, Loretta
Schiff
Scott (GA)
Stark
Weldon (PA)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1851

Mr. KINGSTON 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.

Stated for:

Mrs. CUBIN. Mr. Speaker, on rollcall No. 228, I was unavoidably detained. Had I been present, I would have voted "yea".

Mr. SCHIFF. Mr. Speaker, on rollcall No. 228, had I been present, I would have voted "yea".

EXPRESSING SENSE OF HOUSE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 282.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 282, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 22, as follows:

[Roll No. 229]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
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
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)
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
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
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
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
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)

McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
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
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
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
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
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
Spratt
Stearns
Strickland
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
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

McKinney
Paul

NOT VOTING—22

Andrews
Brown, Corrine
Green, Gene
Gutierrez
Hastings (FL)
Honda
Hyde
Jackson-Lee (TX)
Jenkins
Kennedy (RI)
McCollum (MN)
Nussle
Otter
Oxley
Payne
Platts
Rothman
Rush
Sanchez, Loretta
Scott (GA)
Stark
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1908

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on June 7, 2005. Had I been present I would have voted yea on rollcall 228 and 229.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was absent from the floor during today's rollcall votes on H. Con. Res. 44 (recognizing the importance of Cinco de Mayo) and H. Res. 282 (expressing the sense of the House regarding anti-Semitism by United Nations members). Had I been present, I would have voted yea on each of these measures.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 65.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

THE COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, once again I rise tonight to talk about what Americans pay for prescription drugs compared to what the rest of the industrialized world pays for those same prescription drugs.

And for those who were watching on Sunday night the television show ''60 Minutes,'' there was a very interesting segment, and it featured Dr. Peter Rost, who is both an M.D. and a VP of a very large pharmaceutical company. And what Dr. Rost talked about last night on ''60 Minutes'' is the same subject that I and many Members of this House have been talking about for several years, and that is that Americans pay by far and away much more for prescription drugs than consumers in any other industrialized country.

I do not know how well Members can see this, but this chart has five of the most commonly prescribed prescription drugs today; and it has prices from London, from Athens, and from the United States. And what we see on these charts is we really have three different price levels. We see the price, for example, of Lipitor in London is $40.88. That same Lipitor, which incidentally Dr. Rost talked about and is made in Ireland, all of it is imported somewhere because it is all made in Ireland; but in London, $40.88; in Athens, $55.65; but a month's supply in the United States is $76.41.

□ 1915

You look at the entire list and then you total them up, the five most commonly prescribed drugs. In London, those five drugs are $195 U.S. In Athens, they are $231 in American dollars. Here in the United States, $507.

Mr. Speaker, the chart can get worse, too. If you look at what we see, for example, in Germany, and these numbers again are from earlier this year, when you compare on this chart we have 10 of the most commonly-prescribed drugs brought at the Metropolitan Pharmacy in Frankfort, Germany, and this is essentially just coming in off the street, not expecting any special discount either in the United States or here, but those 10 in the United States total $1,040. In Germany, you can buy the same drugs for $455.57.

Mr. Speaker, it really is time that we do what they do in Europe. It is called parallel trading. For Members, if we can work out the legalities, we are going to try to make available to Members a copy of that 60 Minutes segment so people can see for themselves and hear from somebody who is actually a pharmaceutical insider.

As I say, he is now a VP of marketing of one of the largest pharmaceutical companies in the world. He formerly though worked in Europe for a big pharmaceutical company, and he was involved in what is called parallel trading. That creates a competitive marketplace. Because, at the end of the day, we Americans understand it does cost money to develop these new drugs, and we are willing to pay our fair share. We ought to be willing to subsidize the starving people in Sub-Saharan Africa. We should not be forced to subsidize the starving Swiss.

Americans deserve world-class drugs at world market prices. The time has come to open up markets and allow Americans to have access to these drugs. When we do, you will see the prices balanced so that the prices in Europe are probably going to go up a little, but the prices here in the United States will go down dramatically.

Please join me in this important effort.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under a previous order of the House, the gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes.

(Mr. GUTIERREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO PRIVATE FIRST CLASS WESLEY ROBERT RIGGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. ''I don't do it for the money . . . I don't do it for the glory . . . Providing for our future is my responsibility . . . I can't call in sick on Mondays when the weekend has been too strong. I just work straight through the holidays and sometimes all night long. You can bet that I stand ready

when the wolf growls at the door . . . I am solid . . . I am steady . . . I am true down to the core . . . I'm an American soldier.''

Words from Toby Keith's ''American Soldier.''

Mr. Speaker, today I rise in honor of a young American soldier, Private First Class Wesley Robert Riggs, who died serving our Nation in Iraq. Private First Class Riggs, in only 19 years, had exhibited a lifetime of dedication and duty. He was killed during a patrol on May 17, 2005, near Tikrit, Iraq, when a roadside bomb exploded.

He was a native of Baytown/Beach City, Texas. Wesley graduated in 3 years from Barbers Hill High School in 2003. He was active in the Future Farmers of America. To Wesley's Ag teachers, he was well devoted to the curriculum and is remembered for his skills in Ag Mechanics and Meats Technology. They recall his love of fishing, hunting and anything outdoors.

Before enlisting in the United States Army in 2004, Wesley spent his days like many other young Texans. He enjoyed hanging around with friends and working on cars. He liked four-wheeling and camping. He was also a member of the Houston Olympic weight lifting team.

He attended Holy Trinity Catholic Church in Mt. Belvieu, Texas. Reverend Andrew Moore, Wesley's Pastor at Holy Trinity, recalls a dedicated young man that was extremely motivated and driven. He dreamed of a career in law enforcement after his years in the military.

A number of his band of brothers in the military paid tribute to Wesley at his funeral service. Others commemorated him at his memorial service that I was able to attend this past Memorial Day weekend. They all spoke of a comrade who illustrated exemplary service.

To date, Mr. Speaker, in Operation Iraqi Freedom, our United States Army alone has lost 93 Texans in combat-related casualties. It is interesting to note that one out of every ten Americans in the United States military comes from the Lone Star State.

Our military cannot replace individuals of such exceptional character as Private First Class Riggs. However, his service will provide a stirring example for the men and women who carry forward his tenacious fight against tyranny, terror and treachery.

Moreover, Private First Class Riggs helped to establish a democracy, the historic start of which I was privileged to witness in Iraq this past January. Freedom does not come, Mr. Speaker, because somebody carries a sign in protest. It comes because of sacrifice.

So if today we could hear from Private First Class Wesley Riggs himself, as a member once and always of the United States Army, as a member of the Infantry, called ''the Queen of Battle,'' he would resonate the remainder of Toby Keith's ''American Soldier:''

''And I always will do my duty, no matter what the price. I have counted up the cost, I know the sacrifice . . . I don't want to die for you, but if dying is asked of me, I will bear that cross with honor, cause freedom don't come free . . . I am out here on the front line. Sleep in peace tonight . . . I am an American Soldier, an American, an American Soldier.''

Private First Class Riggs might also hear the words that were spoken many years ago regarding the band of brothers in Henry V. He could say, inspired by Shakespeare, ''For he that sheds his blood with me is my brother. From this day to the ending of the world. But we in it shall be remembered, we few, we happy few, we band of brothers.''

Private First Class Riggs, we will not forget you, an Army of one. He received the Bronze Star, Purple Heart, National Defense Service Medal, Global War on Terrorism Medal and the Army Service Ribbon. We thank you, Private First Class Riggs, for your service, your dedication and sacrifice to your country.

HEARING FROM AMERICA ON UNITED AIRLINES PENSION COLLAPSE

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. Mr. Speaker, Congress needs to hear from America about the severe loss of private pensions. Tonight, I would like to share with my colleagues some of the testimony my Democratic colleagues and I have received through the first-ever congressional E-hearing.

It is clear from United Airlines' attempt to dump $6.6 billion onto the Federal pension agency known as the Pension Benefit Guarantee Corporation and to cut over $3 billion in pension benefits from its employees that the Federal pension laws are seriously broken.

Like United, other large companies have also abused Federal law to terminate their employees' pension plans and to deeply reduce the retirement security that hard-working Americans had every right to expect to have. These runaway pension terminations threaten employees, investors and taxpayers.

In the case of United, if it is allowed to dump all of its pension obligations onto the Federal Government, then its competitor airlines will seek to do the same. This is a real crisis, and it demands action. This crisis is about hard-working employees who in many cases will lose half or even more than half of the nest egg promised by their employers.

United failed to put away enough for the hard times, but it is the employees and taxpayers that are suffering the consequences. Congress needs to hear from United employees and from other Americans suffering from the collapse of private pension plans.

But, as with so many other important pocketbook issues, this Congress, under the Republican leadership, does not listen. It does not afford average Americans an opportunity to be heard.

Democrats are listening, and we want to hear from America.

To do that, my Democratic colleagues and I on the Committee on Education and the Workforce, and also with the gentlewoman from Illinois (Ms. SCHAKOWSKY), held the first-ever congressional E-hearing. We set up an online forum to hear from experts on the United pension crisis and from the employees and the retirees themselves.

The response has been overwhelming. We have received some 2,000 heartbreaking e-mails. These statements demonstrate what a real crisis looks like. I want to share with my colleagues and the public some of these e-mails. On my Web site you can read all of the testimony at house.gov/georgemiller.

Here is the testimony of Mynette Wijnveldt, of Mililani, Hawaii, who writes: ''My husband and I were both employed as United Airlines flight attendants for 27 years. In 2001, he was diagnosed with a rare illness and became totally disabled. At age 50, he had to medically retire because he was no longer able to work. While I am still employed by United, I am seriously concerned about our future.

''If United is allowed to dump this pension our family will be hit very hard. My husband's medical retirement was severely reduced due to the early retirement factors, and I have lost 35 to 40 percent because of cuts in the plans resulting from the negotiated changes to our contract.

''If United is able to dump our pensions on the PBGC and walk away from its promise, we stand to lose our home and I will be working until I can no longer do so.''

Here is another testimony, from Proctor Lucius in Carlsbad, California: ''I sit in jeopardy of losing over 70 percent of my monthly income and with financial obligations not only for my immediate family but assisted living care for my elderly mother. Our future is very ominously bleak. As you are well aware, the costs for everything, especially medical care, are increasing astronomically and Social Security is pitifully inadequate to compensate. Now Social Security is in jeopardy of being thrown into the giant casino of Wall Street. Where does it end?''

Mrs. E.L. Smith of Hanover, Pennsylvania, wrote: ''My husband is a retired United Airline pilot with 33 years of loyal service to the company. He also is a two-tour veteran of the Vietnam War with service to his country. I am a second generation, former United Airlines customer service employee. We have an 18-year-old son starting college and a 9-year-old daughter. The loss of my husband's pension will be very difficult for our family, but the loss of medical care will cripple us. Many retirees are in this position, and due to preexisting medical conditions, they will not be able to afford coverage.

''It is frightening to know that the company that has been the backdrop of our lives for decades would do this to us. For many, this is a life-threatening situation.

''My husband was diagnosed with renal cell carcinoma and had a heart attack in 2002. I was diagnosed with cancer 2 years before that. We have significant out-of-pocket medical expenses at this time, and the pension loss will put us in a very precarious position. We will not be able to afford coverage. Please pass legislation to ensure that they do not terminate our pension.''

These and many other statements, over 2,000, were submitted to our congressional E-hearing at the Committee on Education and Workforce. This is what a real crisis looks like. Now is the time for Congress to act. Now is the time to do that.

I urge my colleagues to join me in passing H.R. 2327, a bill that would put a 6-month moratorium on the pension terminations currently planned by United Airlines. During this 6-month period, Congress must act to stop companies from unfairly dumping their pension losses. This will allow United and its employees to negotiate a solution through the collective bargaining process. We must not let these hard-working Americans down. We must listen to these Americans. We must understand the tragedy that has befallen them and the financial situations that they have been thrust into after a lifetime of hard work on behalf of United Airlines.

KEEPING MARINES LIKE SECOND LIEUTENANT ILLARIO 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, this past Friday I had the pleasure of attending an American Legion fund-raiser in Wilmington, North Carolina, where the guest of honor was Marine Second Lieutenant Illario Pantano. As you know, I have spoken at great length about Lt. Pantano and his dedication and service to the Marine Corps and to our Nation.

Friday was a day of excitement and disappointment for me. I shared in the joy with his family as they celebrated the dismissal of the charges against him. But it was also a bittersweet celebration as Lt. Pantano announced his resignation from the Marine Corps.

I know the future will bring much happiness for him and his beautiful family, but I was saddened to think that the Marines were losing such an outstanding officer because of such an unfortunate situation.

Mr. Speaker, I was overcome with emotion as Lt. Pantano gave me his officer's sword after he announced his resignation. I cannot bring the sword on the floor of the House because of the rules, which I understand. It is an honor I unwillingly accepted but will always treasure.

As I look at the sword, I cannot help but think that this whole matter could have been avoided by a more thorough investigation and appraisal of the charges before an Article 32 hearing was held.

All along, I had confidence that the Marine Corps would ultimately come to the right conclusion and exonerate Lt. Pantano of all charges, and, thankfully, that has indeed happened. My only hope is that, in the future, if any other such allegations are to come forward about another member of our Armed Services, a more efficient and complete investigation will take place before this situation ever gets to the seriousness of an Article 32 hearing.

Mr. Speaker, our men and women in uniform are our Nation's defenders and heroes. We are blessed to have so many young, brave Americans willing to risk their lives in the name of freedom.

Lt. Pantano was an outstanding leader that I would be proud to call my son or son-in-law.

□ 1930

I believe his resignation is a great loss for the Marine Corps and a great loss for America.

Let us make sure that in the future we do not lose any more of our Nation's defenders the way we have lost Lieutenant Pantano.

Mr. Speaker, I will close by asking God to bless our men and women in uniform, I will ask God to please bless the families of our men and women in uniform, and I will ask God to please bless America and the future of this great Nation.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. Mr. Speaker, I am delighted to yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I just want to say that I am sure that the good lieutenant has recognized what a wonderful advocate he has had here on the floor of the House. I think that the gentleman should be commended for his perseverance, for his integrity, and for all that he did, not just for this particular young man, but what the gentleman does in terms of the moral integrity of this institution. I congratulate the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, the gentleman is extremely kind, I thank him very much, and may God bless America.

THE NICS IMPROVEMENT ACT

The SPEAKER pro tempore (Mr. MACK). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, the NICS system, the National Instant Criminal Background Check System, is the database used to check potential firearm buyers for any criminal record or history of mental illness.

In large part, NICS has been a success. Since 1994, more than 700,000 individuals were denied a gun for failing the background check. However, the NICS system is only as good as the information States provide. Twenty-five States have automated less than 60 percent of their felony convictions into the NICS system. In these States, many felons will not turn up on the NICS system and would be able to purchase guns with no questions asked. In 13 States, domestic violence restraining orders are not accessible through the NICS system. Common sense would dictate that you do not sell a gun to someone who has been served with a restraining order. Thirty-three States have not automated or do not share mental health records that could disqualify certain individuals from buying a gun.

Sadly, this particular loophole in the NICS system cost two of my constituents their lives. On March 8, 2002, Peter Troy purchased a .22 caliber semiautomatic rifle. He had a history of mental health problems, and his own mother had a restraining order against him as a result of his violent background. It was illegal for him to purchase a gun; but like so many others, he simply slipped through the cracks of the NICS system. Four days later, Peter Troy walked into Our Lady of Peace Church in Lynbrook, New York, opened fire, and killed the Reverend Lawrence Penzes and Eileen Tosner.

Peter Troy had no business buying a gun, and the system created to prevent him from doing so failed. It is only a matter of time before the system's failings provoke larger tragedies. We must fix the NICS system now.

While we lay the responsibility for the NICS system on the States, many State budgets are already overburdened, which is why I introduced H.R. 1415, the NICS Improvement Act. This legislation would provide grants to States to update the NICS system. States would be able to update the NICS databases to include felons, people with certain mental and emotional disabilities, and domestic abusers. It is actually enforcing the 1962 gun control law.

We need the NICS Improvement Act to become law, and we need more bills like this to be passed. These are ideas that impose no new restrictions on gun owners, but give the government the tools to ensure existing laws are effective and enforceable.

In fact, the NICS Improvement Act already passed the House in the 107th Congress by a voice vote. The bill had the endorsement of the National Rifle Association. Unfortunately, the other body never acted on the bill.

This is commonsense gun legislation we can all agree on. This bill will save lives while not infringing on anybody's second amendment rights.

Mr. Speaker, I call on the Congress to act quickly on H.R. 1415. If we can prevent a tragedy like the one that occurred at the Our Lady of Peace Church with a simple voice vote, why should we not do it right away?

HOWARD DEAN AND WASTE, FRAUD, AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I had planned to come down to the floor tonight and talk a little bit about some of the things that I had heard from the constituents in my district; but before I get to that, I have to address some of the comments that have been made by Democratic National Committee Chairman Howard Dean.

Everyone knows that Mr. Dean has a reputation for making outrageous and inaccurate statements, and that is really no secret. But one would think he would have toned down the false statements and the unfounded insults, given his new role as leader of the Democratic Party.

In the past month, Mr. Dean has said the House majority leader ought to ''go back to Houston where he can serve his jail sentence.'' Mr. Speaker, that is despite the fact that the leader has not been accused or convicted of a crime.

This past week, Mr. Dean said, Republicans never made an honest living in their lives. He actually thought that was a reasonable, responsible comment. And this is just so asinine, so juvenile, that it is hard to believe that the Democratic Party would choose him to lead their party.

Mr. Speaker, the next example is so awful and so incredibly sad, I really hate to repeat it, but sometimes it is the light of truth that is the only thing that will stop people from saying things like this. In February, while addressing a group of African American Democrats, Mr. Dean said, ''You think the Republican National Committee could get this many people of color in a single room? Only if they had the hotel staff in here.''

I cannot fathom what is going through his head when he makes comments like these. It is increasingly apparent that he is out of touch with America and with people who do not march in lockstep with his view. We should not just let these comments slide. He is speaking for one of the Nation's major political parties, and his comments are out of line. I am glad to see that several Democratic Members in the House and Senate have disavowed his remarks, and I would hope that minority leaders PELOSI and REID would join them.

If Mr. Dean would like, maybe we should introduce him to plenty of good, hard-working conservatives who have never been given a single solitary thing, people who have made it on their own; people who have built a business, who talk about the sweat equity that is in their business, because they have not only built it with their heart, they have built that business with their hands. They deserve the same respect any other American deserves, regardless of the party, because they know what a hard day's work is all about.

Mr. Dean's attitude and his comments are exactly why his party has failed for a decade to win back either the White House or Congress.

Mr. Speaker, I do not want to end my comments today without discussing some of the things my constituents and I have been talking about back in Tennessee. Like many of my colleagues, I have spent a great week talking with people in my district and getting their take on what we are doing or not doing here in Washington. This is one of the very best parts of my job.

I learned so much from the listening sessions in my district. We talked about our military; we honored our veterans; and, Mr. Speaker, we talked about issues like government spending, illegal immigration, and waste, fraud, and abuse, which are at the top of the list. And it is waste, fraud, and abuse that I want to touch on tonight for just a few minutes.

I have been working over the past months to target the tremendous number of taxpayer dollars that get wasted each and every year right here in Washington, and I want my colleagues to know that the folks back home are talking about this issue. They want to remind us that government has a spending problem, and that when we spend wisely, we spend less. I heard time and again from my constituents, it is a spending problem, it is a spending problem that you folks in Washington have. You do not know how to say no. They know that when we spend less and when we spend wisely, everybody benefits, especially future generations; and they know there is plenty of room, ample room for reform when it comes to government spending. They support the President's plan to reduce and eliminate underperforming programs and agencies, and they support the budget that this Congress passed that reduces by nearly 1 percent discretionary nonhomeland, nondefense spending. They want us to make even larger strides in that same direction.

We know that rooting out waste, fraud, and abuse is not going to be an easy project; it will be a long-term project, but over the next few months, we will be coming back to the floor to talk just about that issue, and I invite my colleagues to join me.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–105) on the resolution (H. Res. 303) providing for consideration of the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 27, WITHDRAWING THE APPROVAL OF THE UNITED STATES FROM THE AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–106) on the resolution (H. Res. 304) providing for consideration of the joint resolution (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, which was referred to the House Calendar and ordered to be printed.

UNITED AIRLINES PENSION CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, first of all, I will submit for the RECORD an article in the New York Times entitled, ''Pension Loopholes Helped United Hide Troubles.''

The article, by Mary Williams Walsh, discusses loopholes in the current laws that allow corporations to grossly underfund their employees' pensions, and to do so legally. They use accounting tricks to give the appearance of healthy financial standing; and as Senator GRASSLEY says, ''We saw similar practices and events at Enron but, unfortunately, this time it is perfectly legal.''

These companies keep the poor health of their pension funds hidden from the public until they decide to terminate them, as United Airlines currently is doing. United knowingly underfunded its pension fund as it faced bankruptcy, shielding from its workers the truth about their retirement futures.

I would like to share two statements from hard-working people in Illinois who are personally affected by pension-accounting sleight of hand. These statements are from the more than 2,000 dedicated United Airlines employees and retirees who submitted testimony to the online hearing that the

gentleman from California (Mr. GEORGE MILLER) and I held highlighting the United pension crisis and clearly showed just how devastating losing one's retirement security can be.

The first letter is from Joseph Krist, Jr., Schaumburg, Illinois: ''I am 68 years old and worked for United Airlines at O'Hare Field as an aircraft mechanic from September 1959 until October 2000. I was an aircraft mechanic in the United States Air Force from 1954 to 1958.

''My job at United Airlines was very challenging. We accomplished much work outside in all kinds of weather. In the winter months, if the hangars were full, the work was done outside with one man working while another would hold a heater on his hands. We worked with all kinds of hazardous fluids, which has given me and many of my fellow mechanics cancer and other medical problems. My oldest son was a mechanic for United for 11 years when he came down with leukemia and died 9 weeks later at the age of 34.

''Now that the pensions are being dropped by United Airlines, dumping it on the PBGC, we will be losing more of the money promised to us. I do not live high on the hog. We have two older cars and a 28-year-old house in Schaumburg, Illinois, which still carries a $124,000 mortgage on it. We presently have this house on the market, as we will not be able to afford the mortgage and the real estate taxes with the estimated reduction in our pension. How will we pay for the increased cost of gas and other living expenses in the years ahead? How will we pay for medical insurance, treatments, and prescriptions?

''The thousands of people and their families who are being hurt by allowing United Airlines to terminate our pensions will surely snowball and affect everyone in the country as more companies shirk their responsibilities. We need someone to support us and give the retirees who sacrificed and dedicated their lives to making this airline and country great the money they earned by the sweat of their brow.''

Another one from Karen Harvey-Kincaid of Streamwood, Illinois, and she writes to Congressman MILLER:

''I have been a United flight attendant for 20½ years, never missing a trip, never being late for check-in. I have truly been the friendly skies. I am now 46 years old, not old enough to retire from United, and not young enough to start over at another company. The truth is I do not want to work anywhere but United. But will I be able to afford to work there? I am not talking about the financial toll this has taken on me. It's the emotional roller coaster they have put us through for the last 2½ years. I honestly believe my health, sleeping, and eating habits have all suffered.

''I am now divorced after 12 years of marriage. I didn't take half of my husband's pension because I wanted to keep mine. If I only would have known. I lie in bed at night worrying if I will lose my house, thinking how many more trips can I pick up this month, knowing that I am paid $9 per hour less, paying for all of my benefits, losing thousands in vacation pay, and now, a reduced pension.

''I implore you to use this letter as part of your CONGRESSIONAL RECORD. I have tears in my eyes as I write this. I got up at 4:15 a.m. and walked into my house at 7:21 p.m. tonight, after going to San Francisco and back. I welcomed and made happy all 694 passengers today. I only wish I was welcomed and happy at work.''

That is again from Karen Harvey-Kincaid from Streamwood, Illinois, one of the more than 2,000 people who wrote to tell their personal stories, how they are being affected by the loss of their pensions. This may only be the beginning, Mr. Speaker, of what we hope will not be the opening of a floodgate of companies that want to escape their pension responsibilities.

[From the New York Times, Jun. 7, 2005.]

PENSION LOOPHOLES HELPED UNITED HIDE TROUBLES

(By Mary Williams Walsh)

Loopholes in the federal pension law allowed United Airlines to treat its pension fund as solid for years, when in fact it was dangerously weakening, according to a new analysis by the agency that guarantees pensions. That analysis is scheduled to be presented at a Senate Finance Committee hearing today.

A second report, by the comptroller general, found that most companies that operate pension funds are using the same loopholes. Those loopholes give companies ways—all perfectly legal—to make their pension plans look healthier than they really are, reducing the amount of money the companies must contribute.

United's pension fund failure is now the biggest since the government began guaranteeing pensions 30 years ago. Most companies are able to keep their pension plans going, despite the chronic, hidden weakness, because they are generating enough cash to meet their obligations to current retirees. Only when a company files for bankruptcy, as United did in December 2002, and terminates its pension plan, as United has, does the government step in and make the plan's true economic condition apparent.

''We saw similar practices and events at Enron, but unfortunately, this time it's perfectly legal,'' said Senator Charles E. Grassley, the Iowa Republican who is chairman of the finance committee. He said he had scheduled today's hearing because he wanted to find ways to keep pension disasters like the $10 billion failure at United from happening at other companies.

''The rules are full of serious holes that need to be fixed as soon as possible,'' Senator Grassley said. ''No on should make the mistake that this is an airline-only problem. The reality is that companies everywhere have used the same arcane pension-funding rules'' to shrink their contributions.

Many analysts believe that the federal Pension Benefit Guaranty Corporation will one day require a bailout because it has been forced to pick up a number of large failed private pension plans. The more big defaults there are in the meantime, the more the eventual bailout will cost.

The federal pension law was enacted in 1974 after a number of scandals in which companies went bankrupt and their workers discovered there was little or nothing set aside to pay the pensions they had been promised. The law was supposed to make pension failures a thing of the past by requiring companies to set aside money in advance—enough each year to pay the benefits the work force earned that year.

The law also required that if a pension fund got into trouble, its sponsor was to quickly pump in more money, warn its employees about the problem and pay higher premiums to the federal pension insurance program.

United did none of those things, even as its pension fund withered, because its calculations were making the fund look healthy. The fund is made up of four individual plans for various groups of employees.

United's calculations followed the letter of the law until July 2004, when the airline announced that it owed $72.4 million to its pension fund but would not make the contribution. By that time, the company had filed for bankruptcy protection.

The $72.4 million would have done little good by then, because the pension guaranty agency told the bankruptcy court that the pension fund had a shortfall of $8.3 billion.

In its analysis, the Pension Benefit Guaranty Corporation found that in 2002, when United was determining how much it had to contribute to its four plans, it calculated that the plans for its pilots and its mechanics each had more money than needed. It further calculated that the plans for its flight attendants and its managerial workers were close to being fully funded, and did not need any special attention.

On the basis of those calculations, United, a unit of the UAL Corporation, made no pension contributions that year.

Those numbers are on file with the Labor Department. But they do not square with the pension numbers United provided to the Securities and Exchange Commission. That agency requires companies to calculate pension values in a different way. At United, that method showed the four pension plans to be only 50 percent funded; that is, they had only half as much money as they needed to make good on United's promises to its workers.

Pension calculations done for S.E.C. filings have nothing to do with the rules for calculating contributions. But had United been required to use the S.E.C. pension numbers to determine its contribution that year, it would have had to pump money into the plans quickly. The pension law requires companies to make special catch-up contributions any time their pension funds fall below an 80 percent funded level, or even when they fall below 90 percent funded, if they stay at those levels for several years. A plan that was only 50 percent funded would be considered a real emergency.

But the law allowed United to say its pension plans were fully funded, or nearly so, and, therefore, no more money was needed. United's employees were not informed that anything was amiss, as the law requires of badly weakened plans. Nor did United have to pay the higher premiums to the pension guaranty agency that the law expects.

The discrepancy between a company's pension report to the S.E.C. and the Labor Department is but one example of the problems. At today's Senate hearing, David M. Walker, the comptroller general, is expected to testify that companies have so many ways of tweaking their pension calculations that they almost never have to make the special catch-up contributions that Congress required of plans that are slipping.

A recent study by the Government Accountability Office, which Mr. Walker runs, examined eight years of records for the nation's 100 largest pension funds, and found

that only six plans in the entire group ever had to pay the special contributions in that period.

For two of the plans, it was already too late by the time the special contributions came due. Years of insufficient contributions had taken their toll, and those plans collapsed and were taken over by the government.

The G.A.O. study attributes some of the misleading pension math to the use of inappropriate actuarial assumptions in projections and some to a process called ''smoothing,'' in which actuaries attempt to eliminate short-term volatility by spreading changes over several years.

But the pension agency's analysis of United's case shows that the rules for tracking contributions made in prior years have also caused a great deal of trouble. The rules allow companies that put in more than the required minimum in any given year to keep the excess amount on their books and to use it to offset their required contributions in years when cash is tight.

These excess contributions from the past are kept in a running tab called a credit balance.

The trouble is that at United, as at many companies, money contributed in the 1990's was invested in assets that lost value during the bear market that began in 2000. But the pension rules allow companies not only to keep their pension credit balances on the books at the original amount, but they are even permitted to allow their credit balances to compound in value at some interest rate determined by the plan's actuary.

When United's calculations finally began to show that contributions were quickly needed, in 2003, the airline was able to satisfy the requirement with just a small amount of cash and lots of bookkeeping entries from its credit balance.

Senator Grassley said he believed many companies were ''booking phony investment gains to hide that workers' pensions are going down the tubes.''

He said he hoped the hearing would lead to legislation that would eliminate the loopholes that made such maneuvers possible.

In a later session today, the finance committee is scheduled to hear from executives of some of the major airlines, and from the leaders of some of the unions for airline employees.

□ 1945

SALUTING THE DOC AND JOHNNY SHOW

The SPEAKER pro tempore (Mr. MACK). Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, I rise tonight to pay tribute to two central Floridians marking a special anniversary. Doc Holliday and Johnny Magic have been a team on the Orlando airwaves for 15 years now.

In an industry where many hear the words ''you are fired'' more often than Donald Trump's would-be apprentices, the Doc and Johnny Show on XL 106.7 has stood the test of time. These guys are like gum under a bus seat. They have survived four presidents, three hurricanes, and have gotten themselves in trouble too many times to count.

The idea for the Doc and Johnny show came the way many great ideas in this country come about, over a beer. Doc Holliday is a huge sports fan with a reputation for enjoying the big game with a big beverage. Johnny Magic is a single guy in his 40s, loved by the station's female fans, which sort of makes him the Fonz of Orlando.

They have worked together 15 years and are still going strong. And behind one of the most successful morning radio shows in Central Florida are two men who have shown a strong commitment to making my home town of Orlando a better place. Let me give you three examples.

First, in 1991, Doc and Johnny helped 30 needy families make sure they had Christmas presents under the tree for their children. Last year, the Baby DJ Program help make sure 5,000 kids had toys at Christmas. It is a program I am proud to have personally donated to.

Second, after the events of September 11, 2001, Doc and Johnny broke from their regular format and instead had numerous elected and law enforcement officials on their radio show to make sure the people of Orlando had the very latest information on the war in terrorism in what was a very uncertain time for our Nation.

Finally, when my State was hit last summer with hurricane after hurricane, Doc and Johnny's Neighbor Helping Neighbor program set up shop at a local mall and gave listeners a place to donate and pick up hurricane relief supplies, all free of charge.

When I asked their long term sidekick, Grace Vazquez, her favorite memory about Doc and Johnny, she wrote about a time when the show was on the road in Key West. Grace fell off a moped and broke her arm. Through it all she writes, ''One, they never left my side. Two, they still made me laugh. Or maybe it was the painkillers''.

Mr. Speaker, Doc may be a fast-talking guy from New Jersey, and Johnny may be a southerner from North Carolina, but my home town of Orlando, Florida, is a better place because they decided to make their home there. I wish them a happy 15th anniversary on their radio show.

SMART SECURITY AND THE CASE FOR LEAVING IRAQ

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, the common theme to the war in Iraq has been the Bush Administration's ability and willingness to mislead the American people. First, they misled about weapons of mass destruction. Then, nearly 2 years ago, they falsely declared the end of major combat operations.

Now they are openly declaring success of the mission, and President Bush regularly speaks of an increasingly democratic Iraq. This assessment suggests the degree to which the President fails to comprehend the disastrous lack of security that has plagued Iraq over the last 2 years. Personally, I am frightened that our own President has such a failed understanding about the reality of the war that he started.

Just as disturbing were recent comments by the Vice President, DICK CHENEY. In an interview, he said that the Iraqi insurgency was in its last throes. I am not sure which press reports the Vice President has been reading, but somehow I do not think his optimistic assessment of Iraq's insurgency is grounded in fact.

Unfortunately, misleading assessments of the war like these do not magically secure Iraq from the true threats that it faces; and the true threats are an increasingly strengthened Iraqi insurgency, encouraged by the continued U.S. military occupation.

On the ground, a violent wave of car bombings and other attacks killed 80 U.S. soldiers and more than 700 Iraqis in the month of May alone. Vice President CHENEY calls this the last throes?

At some point, the Bush Administration needs to admit what the rest of the American people know, that its current strategy in Iraq is failing. Recent pools show that 58 percent of Americans disapprove of the President's handling of the situation. Now it is time for the President to start listening to the American people.

Members of Congress in both parties understand that our Iraq policy is a disaster. When the House recently debated the Defense Authorization Act for fiscal year 2006, 122 Democrats, 5 Republicans and 1 Independent, totaling 128 Members of Congress, voted in favor of my amendment expressing the sense of Congress that the President should establish a plan for the withdrawal of troops from Iraq.

Mr. Speaker, Americans are less secure, not more secure as a result of the war in Iraq. This war has created a whole new generation of terrorists whose common bond is their hatred for the United States and our aggressive militarism.

Unfortunately, we do not follow a smart plan, but fortunately there is a plan that would secure America for the future, the Smart Security Resolution, H.Con Res 158, which I recently re-introduced with the support of 49 of my House colleagues. Smart is a sensible, multilateral American response to terrorism for the 21st century; and it will help us address the threats we face as a Nation. Smart security will prevent acts of terrorism in countries like Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity, and lack of educational opportunities, as starters.

Instead of rushing off to war under false pretenses, smart security encourages the United States to work with other nations to address the most pressing global issues, dealing with global crises diplomatically instead of resorting to armed conflict.

Instead of maintaining a long-term military occupation in Iraq, our future efforts to help the Iraqi people should follow the smart approach: humanitarian assistance, coordinated with our international allies, to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, the President must create a plan to bring home the hundreds of thousands of U.S. soldiers fighting in Iraq, helping to secure Iraq by giving Iraq back to the Iraqis and saving the lives of thousands of American troops. We must end this long and destructive war.

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.)

RENEGOTIATING CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, at a White House news conference last week President Bush, called on this Congress to pass the Central American Free Trade Agreement this summer.

This morning in this Chamber, next to me, the most powerful Republican in the House, the gentleman from Texas (Mr. DELAY), once again promised a vote, this time by July 4. Actually, a month or so ago the gentleman from Texas (Mr. DELAY) promised that there would be a vote in May, but this time he says he actually means it.

Mr. Speaker, those of us who have been speaking out against the Central American Free Trade Agreement have a message in return. Let us scrap this agreement. Clearly, this Congress does not support it. And let us renegotiate a better Central American Free Trade Agreement.

President Bush signed this agreement fully 1 year and 2 weeks ago. Every trade agreement negotiated by this administration, Morocco, Singapore, Chile, Australia, all trade agreements negotiated by this administration have been ratified by Congress within 65 days of the President affixing his signature to them. CAFTA has languished in Congress now for 54 weeks without a vote because this wrong-headed trade agreement offends Republicans and Democrats alike.

Just look at what has happened with our trade policy in the last decade. 1992, the year I ran for Congress, we had a trade deficit in this country of $38 billion. Today, a dozen years later, last year actually, in 2004, our trade deficit was $618 billion.

From $38 billion, when the gentlewoman from Ohio (Ms. KAPTUR) and others of us in this Chamber opposed the North American Free Trade Agreement, from $38 billion a dozen years ago to $618 billion today.

It is clear our trade policy is not working. Mr. Speaker, opponents of CAFTA know that it is simply an extension of the North American Free Trade Agreement, actually a dysfunctional cousin of NAFTA, which clearly did not work for our country.

Look at the chart. Look at the number of jobs we have seen lost in this country as a result of trade policy.

In the last 5 years, not all of these jobs are trade policy, but many of them are. In the last 5 years, the States in red have lost more than 20 percent of their manufacturing jobs. New York, 222,000. Pennsylvania 200,000. Ohio, 217,000. Michigan, 210,000. North and South Carolina, 306,000 combined. Alabama and Mississippi, another 125,000. State after State after State has lost hundreds of thousands of manufacturing jobs.

It is the same old story. Every time there is a trade agreement, every time there is a trade agreement, the President says it will mean more jobs for Americans, it will mean more exports for the U.S., it will mean more manufacturing done in our country and selling those products overseas, and the President promises it will be better wages for workers in the developing countries.

Mr. Speaker, Ben Franklin said the definition of insanity is doing the same thing over and over and over again and expecting a different outcome. The President makes the same promises on NAFTA, on PNTR, on trade promotion authority, the same promises, every trade agreement. And every time it comes out exactly the opposite. That is why there is overwhelming bipartisan opposition to the Central American Free Trade Agreement.

Since then, the administration and the gentleman from Texas (Mr. DELAY) and Republican leadership have tried every trick in the book to pass CAFTA. The administration started off by linking CAFTA to helping democracy in the developing world. Defense Secretary Rumsfeld, Deputy Secretary of State Zoellick both have said CAFTA will help on the war on terrorism. I am not really sure why, but they said that we need to pass this agreement with Central America to help us in the war on terrorism. But we know 10 years of NAFTA has done nothing to improve security between Mexico and the United States, so that argument simply does not sell.

In May, then, the U.S. Chamber of Commerce set up a junket for the six presidents from Central America and the Dominican Republic, taking them to Cincinnati and Los Angeles and Washington and Albuquerque and around the United States, hoping they might be able to sell the American people the press and the Congress on CAFTA. Again they failed.

Earlier this year, the majority leader, the gentleman from Texas (Mr. DELAY), and the Ways and Means Chairman, the gentleman from California (Mr. THOMAS), said there would be a vote on CAFTA by Memorial Day. Memorial Day came and went without a vote. Why? Because they did not have the votes.

Now we have a new deadline for this failed trade agreement. It is July 4th.

Mr. Speaker, Republicans and Democrats, business and labor groups, farmers, ranchers, faith-based groups, the National Council of Churches, the Latin American Council of Churches, churches, business groups, religious leaders environmental groups, all have said, if CAFTA countries and the U.S. renegotiate CAFTA, we can get a better agreement next time.

□ 2000

KORNER'S FOLLY

The SPEAKER pro tempore (Mr. MACK). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor a unique historic home located in Kernersville in North Carolina's fifth district. It is called Korner's Folly.

Some folks call Korner's Folly the strangest house ever built. Others say they are amazed at its resemblance to a small castle one would more likely find on the banks of the Rhine River. Everyone is certain that few houses equal its unique nature.

Upon entering the building, one walks past the ''witch's corner'' which is complete with fireplace and chimney. Soon, however, one learns that he or she is welcome as the house is square with entrances on each side for visitors to come and go as they wish.

Built first as a carriage house with stables, bachelor's quarters and studio, Korner's Folly stands proudly on Main Street in Kernersville, North Carolina. It was built by Jules Gilmer Korner, an artist and interior designer, who is credited with painting Bull Durham Tobacco signs in many areas of the country.

Although 1880 is given as the completion date, Mr. Korner's zeal for decorating and altering the house is evident. The stables were soon turned into a library. The reception, or ballroom, on an upper level with a 20-foot ceiling is decorated with fresco-type pictures and features two magnificent fireplaces. At the very top, one is amazed to find a theater named Cupid's Park for the paintings of cherubs on the ceiling. With 22 rooms, which have ceiling heights from under 6 feet to over 20 feet, a tour brings many surprises and attests to the creativity of the builder.

This unique building was saved from deterioration in 1971 by a group of public-spirited Kernersville citizens who purchased it and began the process of preservation and restoration. They understood the importance of preserving

this unique building as the cornerstone for tourism in the town of Kernersville. They later gave it to the North Carolina Historical Preservation Society which organized Korner's Folly, Incorporated, in order to continue its preservation.

The home now serves as a wonderful museum and a great place to visit. As the words inscribed on the sidewalk by Mr. Korner say, ''Come in, you are at home.''

I am proud that Korner's Folly is located in Kernersville, North Carolina, and in the Fifth Congressional District which I now represent.

MISMANAGEMENT OF PUBLIC FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, there is a major political scandal that is unfolding in the State of Ohio; and I am sure Americans remember how important Ohio was in this recent Presidential election.

If citizens wish to know more about it, they should go to the Toledo Blade Web site, the major newspaper that has been involved in helping to put information out to the public and help Ohioans and, indeed, people in this country, understand what is happening.

In Ohio what is happening is that the Governor of our State has permitted millions and millions of dollars of workers' money from the Ohio Workers Compensation Fund to be invested in high-risk instruments, coins and we think perhaps what is called collectibles, although we are not sure yet. And these investments are ones that no other State in the Union has allowed. But what happened was that some of these so-called high-risk investments when they went to try to find them, it appears as though millions of dollars of these coins are now missing.

There is a grand jury that has been seated in Ohio now that is beginning to call people forward because some of these same individuals involved in this scandal were used to channel money to the Bush campaign in Ohio. In fact, the President of the United States has already returned $4,000 to one of the givers. We do not know where this is all going to lead, but it is a huge, huge story.

Our Governor, when asked, what do you think about this, that the State of Ohio has taken all of this money, over $50 million initially and given it to this coin dealer to put into these high-risk investments, what do you think of it, the Governor of Ohio said, hey, we are making money on that. I think it is a pretty good idea.

He thought he was making money on it? Well, think about it. How is it secured? No other State in the Union permitted investments in coins and collectibles. He was only looking at what he thought was yield. But the cardinal rules of investing public money are safety first; liquidity, can you get it back over night if you need it; and only running a distant third, yield.

This is a very serious issue and yesterday in the State of Colorado there was a search warrant that was issued on one of the related individuals involved in this scandal, and they were in his house for over 12 hours pulling out investments in cigars, wine, over half a million dollars of wine I guess in that house alone.

The State of Ohio is now, through the Inspector General of Ohio, trying to find where is the workmen's compensation money that was improperly invested by those responsible, who had public responsibility for this.

Then today a story broke in Ohio that this same Bureau of Workers Compensation admitted it has lost $215 million in a high-risk fund that few people knew about. The bureau had invested $355 million with a Pittsburgh investment firm called MDL Capital Management beginning in 1998. But last year after diverting $225 million into a fund that works like a hedge fund, the fund itself lost $215 million. And although the bureau says it knew about the loss since last year, Governor Taft was only notified about it today.

There are investigations going on, including the Ohio Inspector General, the bureau spokesman, Jeremy Jackson told the Toledo Blade today. But the news came to light as a handful of agencies are looking into the bureau and its dealings with the Toledo area coin dealer, Mr. Tom Noe, who is one of the people that took some of this $50 million and put it into coins and purportedly collectibles.

The Ohio Ethics Commission on Monday said it was looking into other investments held by the bureau, the agency charged with providing assistance to injured workers.

This is where I want to say in my district, the ninth district of Ohio, we have had four deaths of people, iron workers trying to build the largest transportation project in Ohio history over the Meumee River. These were unnecessary deaths because the State of Ohio was not inspecting the project properly. In fact, though the project was a year and a half ahead of schedule, they signed an acceleration agreement with the company to try to make the workers finish the project faster, even though it was a year and a half ahead of schedule. And the cranes that were used in this project collapsed because the company was not securing the foot of the cranes properly.

So the State of Ohio not only has taken workers' compensation money and misinvested it, they have not even done their job in protecting the lives of citizens who are trying to build Ohio forward in a very rough economy. It is unbelievable what is going on in our State.

At the center of this new loss of money was a man named Terry Gasper who was the former chief financial officer for Ohio's Bureau of Workers Compensation that is supposed to be there for the workers. The money is set aside by the companies for the workers, not to be put in these crazy investments that can never be recovered, but for workers who are injured on the job.

By the way, on that transportation project in our district, we have many injured workers who would benefit from that money. I will be submitting for the RECORD the most recent article about additional losses from the State of Ohio.

Shame on the Governor of Ohio. Shame on the State officials of the State of Ohio. What a tragedy they have perpetrated on the people of our State.

[From the Blade. June 7, 2005]

(By Mike Wilkinson and James Drew)

COLUMBUS.—The Ohio Bureau of Workers' Compensation admitted today that it lost $215 million in a high-risk fund that few people knew about.

The bureau had invested $355 million with a Pittsburgh investment firm, MDL Capital Management, beginning in 1998.

But last year, after diverting $225 million into a fund that works like a hedge fund, the fund lost $215 million. Although the bureau has known about the loss since last year, Gov. Bob Taft was notified about it today.

''There are investigations going on, including the [Ohio] Inspector General,'' bureau spokesman Jeremy Jackson told The Blade.

The news came to light as a handful of agencies are looking into the bureau and its dealings with Toledo-area coin dealer Tom Noe. The Ohio Ethics Commission on Monday said it was looking into other investments held by the bureau, the agency charged with providing assistance to injured workers.

At the center of the MDL deal were Terry Gasper, the former chief financial officer for the bureau, and Jim McLean, the chief investment officer. In a memo to the governor, Tina Kielmeyer, acting bureau administrator, said Mr. Gasper did not notify former bureau Administrator James Conrad about the investment.

In the wake of the growing Noe scandal, Mr. Conrad resigned two week ago and left the agency on Friday. Mr. McLean was put on paid administrative leave today pending a management review of the situation.

The bureau last year asked the Ohio Attorney General to appoint special counsel in the case and ordered Mr. Gasper to either resign or be fired. He resigned Oct. 6, 2004.

MEDAL OF HONOR FOR DICK WINTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to introduce legislation to authorize and request the President of the United States to award the Medal of Honor to Richard D. Winters of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France while an officer in the 101st Airborne Division.

Mr. Speaker, I do not take this issue lightly. It is with extreme concern that I had to resort to taking this action to right a wrong that occurred 61 years

ago. 61 years ago, Mr. Speaker, on D–Day at a placed called Brecourt Manor, Dick Winters led an ad hoc group of paratroopers, mostly from E Company, 506th Parachute Infantry Regiment, against a numerically superior force of German defenders, manning a battery of four 105-millimeter guns.

These guns were zeroed in on firing on Utah Beach during the initial D–Day seaborne landings. With only 12 men, Dick Winters led the attack that destroyed the German battery, killed 15 Germans, wounded many more, and took 12 prisoners.

The base-of-fire technique that Dick Winters used would become a textbook case for assault on a fixed site and is still taught at West Point.

Winters and his men destroyed these guns during a vicious engagement, lasting over 2 hours against heavy machine gun and infantry fire. This action saved countless American lives on Utah Beach. Dick would later be wounded, refused to be evacuated, maintaining that he would stay with his company.

He was nominated for the Medal of Honor by Colonel Robert Sink, his commanding officer of the 506th Regiment, a West Point graduate. His application for denial of the medal was based on an utterly arbitrary reason. The division commander directed that only one Medal of Honor was permitted to be awarded in the 101st Airborne Division for the Normandy campaign.

Mr. Speaker, it was never the intent of Congress to have an artificial limitation imposed on a solder who committed acts of heroism and bravery as documented by his colleagues, by his subordinates, and by his leaders. Winters was awarded the Distinguished Service Cross, the Nation's second highest military award for his actions. This is a high honor, but he deserves the Medal of Honor as recommended by his commanding officer.

The Army has reviewed the matter and maintains that the Distinguished Service Award is appropriate. Thousands of people worldwide disagree. Again, Mr. Speaker, because of an artificial limitation imposed by the commander of the 101st Airborne that only one medal be given for the Normandy campaign, Dick Winters' recognition and the recognition of those who served with him have been denied.

Dick Winters was immortalized by HBO in the miniseries ''Band of Brothers,'' produced by Tom Hanks and Steven Spielberg. Andy Ambrose, the son of Stephen Ambrose who wrote ''Band of Brothers,'' has publicly supported Winters for the Medal of Honor, and so have thousands of other people all across the country, including every military person that served with Dick Winters and observed his heroism.

The entire Pennsylvania congressional delegation, all 19 members, Democrats and Republicans, including the gentleman from Hershey, Pennsylvania (Mr. HOLDEN), where Dick Winters resides, have signed on as original co-sponsors of this legislation. Both chambers of the Pennsylvania State legislation having agreed and have publicly supported and passed legislation encouraging Congress to take this action.

Dick Winters is a humble man. He did not want this kind of attention. In fact, those who have supported this effort who came to me have said that Dick Winters did not want this to take place. But all of those people who served with Dick Winters, all of those soldiers who were there, who saw, who observed, and who realized his heroism in landing on D–Day and taking Easy Company all the way in to Hitler's headquarters, understand that Dick Winters deserves the Congressional Medal of Honor.

Again, Mr. Speaker, when Congress enacted the legislation creating the Medal of Honor, it did not allow artificial imposition of limitations. It said whatever soldier under any condition that is recognized by his or her peers for their actions should be eligible to receive this commendation.

In the case of Dick Winters, because of an artificial limitation, he has been denied that solemn honor of our country.

My bill does not mandate that the President award this Medal of Honor. It simply authorizes and allows the President to make this honor if he so chooses.

□ 2015

Mr. Speaker, we just celebrated D–Day. Sixty-one years later, when hundreds and thousands of American men stormed the beaches to liberate Europe, one of those bravest heroes, one of those extraordinary of the ordinary people who responded was Dick Winters. I encourage my colleagues to sign on and join us in righting this wrong and providing the support for the President to give Richard D. Winters the Medal of Honor.

The SPEAKER pro tempore (Mr. MACK). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON 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 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 New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE FUTURE OF THIS GREAT COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I address the body tonight about the future of this great country, and the previous speaker said we did just have a chance to celebrate Memorial Day.

In the district that I was in, we recognized the anniversary of the D–Day landing, and we understand that it is with the sacrifices of brave young men and women throughout history that a nation is able to sustain itself, and it is only through those sacrifices in each generation. One generation cannot pay for the next generation.

But, tonight, I would like to look a little bit at the economic future that faces us, both in the world and in this country, and would like to have a discussion about what it is that will allow America to offer its promise into the future so that our sons and daughters, our children and grandchildren, would have the opportunities that our generation has seen.

I am the second-oldest year of the baby boom generation, and I will tell my colleagues that my mother and father grew up in very difficult circumstances in West Texas. When my father graduated from high school, he went to work for a cousin of his farming and actually in the role as a sharecropper.

I recently had a chance to visit with my mom and dad in the place where I was born and lived the first 2 years of my life. They were in circumstances that not many Americans would look to these days and find satisfactory, and yet I had parents that were willing to work through all of the circumstances that faced them to raise six children, to give every one of them the opportunity to attend college and graduate from college.

My mother went back to school when I was starting college. She graduated summa cum laude in 3 years, and I graduated somewhat below that in four and a half years, but their sacrifices in my parents' generation made possible the potentials in my generation. Now then we must look beyond our current circumstances into the future, and that is the discussion that I would like to have tonight.

When I am discussing that, I would, first of all, like to keep track with numbers on the chart and do some recognition there. So we will continue the discussion here much like a chalkboard discussion.

The first number I would put on the chalkboard is the number 2.55. That is the approximate size of our outlays, the approximate size of the budget that the United States has every year. It is the approximate size of the government spending. Now if we need a benchmark, and all numbers are relative, and so a benchmark that is very handy to the 2.55, that is trillion, is also then $11 trillion, and that is the approximate size of our economy. So 2.55 is our government size. Eleven is the size then of our economy.

The important thing to understand about those two numbers is the relationship, and I simply divide the 11 into 2.55, and that equals about 23 percent. The 23 percent then is the most important number in the whole relationship. That is the percent of the 2.55 of our overall budget, and we, in fact, as people in our individual households are concerned about that same relationship.

If we want to know how much money that we are saving, we simply take the amount of money that we earn, we subtract the amount of money that we spend, and then we would have the rest available either for discretionary spending or for savings.

If the United States has one weakness going into the future, it is our savings rate, and that rate generally is about 1 percent. For instance, in comparing that, if one looked into mainland China, we would find that the people there, according to recent reports, save almost 60 percent of their total income. That tells us that there is much money available for reinvesting. There is much money available in times of economic downturns. There is much money there for education. There is much money there for the future.

So as we consider the U.S., we are right now the world's leading economy. We are, in fact, one-quarter of the entire world's whole economy, and so we would say that, with that information, that the U.S. is poised for a good future, and I do not doubt that.

As a business owner, as a person who made payroll checks, who looked into the future to ensure that I could write the payroll checks the next 2 weeks and the next month, I always liked to do forecasting. It is at this point, where we begin to examine some of the relationships that exist, some of the pressures in our economic system, that we begin to have deep understandings about things that we should be doing right now.

Always, wisdom is the taking of a current situation, adding time to it, extending it as far into the future as possible and discerning those things, those outcomes from current situations or current activities.

As we begin to take a look at the competitive pressures that we face in the world, all of us know and we recognize that our $11 trillion economy is under duress. Some would say a lot of duress, some would say less duress. But we would know that China, for instance, is causing great trade to occur between the U.S. and China. When any one of us go to the store, we find certain numbers of goods on the store shelves that actually only originate in China, and we know that with each $15 purchase or each $150 purchase that that money goes towards China. So we would say that China represents a downward pressure on our $11 trillion.

Let us say that the 11 becomes 10. Then the important thing is to understand that we still must do the division. If we have a $10 trillion economy, then our relationship here is 2.55. That is, over 25 percent of our economy at that point would be government spending. So anything that drives our overall economic size, the $11 trillion of our economy, to a lower point are things that put us on an unstable ground. Anything that causes this top figure, the numerator, to increase also are things that push us in an unstable direction.

As we consider the effects, we must understand the relationship of what happens when this number begins to increase and what happens when this number begins to decrease. As the 2.33 gets larger, then we can understand, and economists of all kinds agree, that we move toward stagnation if our relationship gets too large.

We have stagnation if the number becomes larger, and if the number becomes smaller, then we have vitality and growth. So if this number is lesser on the scale of vitality, if this number begins to get larger and larger, then we would see stagnation occur.

There are examples of that in the world right now. Our number is .25; and, of course, we must add State and local taxes, State and local governments. Because the effect is cumulative. That as we consider adding about 16 percent State and local, then our number is actually converted to about .40. Since those State and local taxes and spending are beyond the capabilities of the Federal Government to affect, we simply understand that as we approach .25 in this Nation, we move towards stagnation. As we make the number smaller, we move toward vitality and growth; and so .25, according to many economists, is an extremely important position for us.

Now as we look around the globe, we might want to consider other countries, just to verify the example. Germany is an example, and Germany at this current point has a relationship not of .23 but of .52. If the relationship is actually .52, we would say, well, if this theory holds true, if this economic premise holds true, that we would think that Germany has a more stagnant economy, one that is less vital, one that has less potential to create jobs. The Germans themselves say that they have not created a job in 10 years.

They have economic spending of the government that is too high a relationship to the overall economy, and what that does is it begins to soak out the reinvestment dollars. It soaks away the potential for companies to grow and reinvest in research and development. It soaks away the pay raises so that even the people are stagnant in their incomes, and there is not a growth potential.

So we find that, in fact, this number got larger for the European countries, and Germany is just one of the many European countries that is stuck at a low growth rate and with very limited capability to produce jobs and new industries.

If we look even closer, we would have to consider the former Soviet Union. What Ronald Reagan understood was that the Soviet Union had a number that was very high. It was almost a fully controlled state economy, and he understood that, with just a little bit of pressure, the Soviet Union's economic system would simply collapse. He began to arm us, watching them arm in return, watching them drive their government spending higher and higher, knowing that we could sustain it because we had low percentages and they could not sustain it because they had high percentages. In fact, during Ronald Reagan's tenure as President, the economy in the Soviet Union collapsed, the Wall fell down, and freedom moved to many people.

While an astute observer would ask at this point, what about mainland China? Mainland China has got a state economy that has the Communist Party that runs that government exactly the same way as the Soviet Union. But, in fact, what has happened is that the Chinese have recognized, after the mistakes the Soviets have made, they have, in fact, privatized pieces of their economy. So the estimate for China is actually about .40. Estimates range as high .60, which is not much above Germany, and not everything is known about the Chinese economy, but the estimate is that where we are at .23 and, adding in our State and local economies, about .40, the estimation is that China is very similar to that .40.

So one would ask, what about their economy? The Chinese economy is performing very well. There are pockets of poverty throughout China, but the Chinese economy is growing strongly. They are producing jobs. They are, in fact, showing that this relationship between government spending and the entire economic size is, in fact, a very important measure.

It is not enough to simply know right now what the situation is. We must look forward into the future. We must forecast where we are going, and if we allow our economy to decrease down to 10 or 9 because of the competitive pressures of China, the competitive pressures of the European Union are also well-known, the competitive pressures of India, providing much software, those competitive pressures are all realized as taking pieces of our economy because they are providing as good a product as we are at a better price. Then we realize that the downward, the

long-term trend is for this economy size to decrease, increasing the relationship of government spending to our economy, moving us towards stagnation, moving us toward a point where our children might not have the hopes and the dreams fulfilled that our generation has had.

□ 2030

Now, if the economic size is sustained and we are able to continue our growth and continue to build our economy against this worldwide competition, we also have to worry about the size of our government spending. If we maintain this $11 trillion or even grow it, our number here could increase simply by increasing the size of our government spending. That is a very important function as we consider our relationships right now. We are fighting currently on the Republican side to hold spending back. We are somewhat hampered because of the mandatory spending programs which are allowed to escalate without us being able to give comment on those each year. In this year's budget process, though, those mandatory programs, welfare, Social Security, Medicaid, Medicare, those mandatory programs are actually coming to review to see if we cannot begin to dampen this down because there is great understanding we are facing increasing economic pressures. Also there is understanding if we can reduce spending, there is movement here toward a smaller relationship and toward a more vital economy, giving promise for the future.

So we have to answer the questions, how are we spending the money and to what purpose, and are we actually achieving anything. One of the more distressing things as I look through many of the programs, we are spending lots of money but we are not coming out with outcomes. The outcomes desired maybe are never measured by the bureaucracy that puts the money in. There is not a relationship between money spent and outcomes, so we have to ask ourselves how can we convert to that sort of a system.

There are considerations in this Congress that would allow us to measure benefit for dollars spent and not just talk about the dollars spent. Many times we in this body are simply urged to spend more money to cure the problem. The problem is not that we do not spend enough money, the problem is that we do not always get the outcomes that we would like.

For instance, there are welfare-to-work programs that for $50 per person operate and there are programs that for $500 per person operate, and then we have some programs trying to put some people back to where the expenditure is $30,000 per person. At some point we can no longer just throw money at the $30,000-per-person program saying that it is worth any cost to put people back to work. Instead, we need to put the most people back to work the most effectively for the fewest number of dollars. Those are business decisions that anyone in business would have to make, and they are business decisions that we in this country are going to have to make. We are either going to make those decisions while we have a nice future looking at us, or we are going to wait until we move into stagnation and then try to correct it from a point of weakness.

For myself as a former business owner, I wish we would go ahead as a Congress, both Democrats and Republicans, and recognize that Republicans and Democrats are not enemies of each other. The enemies of the country are those who would decrease our economic size; they are those who would force us into greater spending for no greater output; and they are those, as the terrorists say their ambition is, who would annihilate America. Those are the enemies of America. Republicans and Democrats have different philosophies and different points of view, but in my mind those are simply tensions on the system to pull us back and forth. But we are not enemies; we each want to see our kids and grandkids have a future that we ourselves have seen. That is my commitment in coming to Congress, to see what we can do to ensure that the future of this great country has the vitality and the vibrancy to continue to offer promise for new generations.

If we are going to consider the spending, we have to understand the competitive models of government. We often are very familiar with competitive models in companies. Formerly, much of the retail buying in this country was done at Montgomery Wards, maybe Wacker's if we went back far enough. Today, the great amount of retailing is done by large chains like Wal-Mart and Target. They provide great avenues for shoppers to go and satisfy their daily needs; but those companies came about, replacing other companies that did not see the efficiencies of greater distribution points, the efficiencies of computerization. So each one of us in our own way is familiar with competition that occasionally will drive one company out of business while raising up a new replacement in its place.

If we are familiar with competition among companies, we also to an extent have seen competition among States. One State will offer incentives so that a company would come in and provide jobs in that State. We find States that will simply bid away jobs from another State by offering greater incentives. So in our mind-set, we are very familiar with competition among companies.

We are somewhat familiar with competition among States. What we must begin to be aware of is that there is competition among countries. Entire nations are beginning to compete the cost of government. They are saying we can regulate you in the same way except at a better price. Large international companies are beginning to move around. They have flexibility. The Internet allows the exchange of data freely; and if a company can find a nation that charges a lower tax rate, they are just as liable to go there to find their home as they are to go to a nation that provides higher tax rates.

Now, that all needs to be considered in this entire economic discussion, and so we will flip the chart here. We will begin to look at one nation. Many of us are aware of the Irish miracle, that is the miracle of Ireland where they went from an economy of one size and grew it proportionally larger. What Ireland did was no miracle at all. What Ireland did was they just recognized that companies are looking for competitive governments. Their tax rate internally was very similar to ours, about 36 percent for domestic corporations. They were after the corporations that would come from outside Ireland, and so they offered a 10 percent rate of tax to foreign companies. Foreign companies saw where they could move from the United States, which has a 36 percent Federal tax rate, plus the local and State rates, so companies from many nations began to move to Ireland to take advantage of this low tax rate that was offered to foreign companies.

The European Union saw this as messing up their economic model, and so they browbeat the Irish and said they needed to review that 10 percent tax rate; that 10 percent tax rate needs to be changed. That is, we do not want you competing with us, us European nations. You need to come up to match us, not us begin to figure out how to offer government cheaper.

The Irish, being the Irish, looked at the proposition that they should reconsider their tax rate, and they did. They actually were very accommodating. They went up and said you are correct, the 36 percent is far too high, and they made that 12 percent, creating an economic boom on domestic corporations; and they went to 12 percent here. So we now have, again, the Irish miracle of domestic growth as well as still being extremely competitive with their foreign corporation rate. In fact, this past year, just 5 to 10 miles north of my district in New Mexico, the Irish have come in and are reinvesting in America by building a cheese plant in the area of Portales and Clovis, New Mexico.

Now, the idea that government can and should operate cheaper, just like any company can, is one that is going to affect us. If we as a Nation do not realize that we cannot sustain the high 36 to 45 percent tax rates that we are charging, if we do not realize that and begin to lower this number here, we are going to face a future that moves us toward stagnation and away from economic vitality.

That is extremely important for the next generation, but it is also important for our generation because as 40 million baby boomers move to retirement and we begin to retire in 4 years, 3½ years now, as we begin to move to retirement, we have to understand that Social Security is a pay-as-you-go system, that we do not actually have

money in the bank. We simply have those bonds; but if we do not have workers in the system here providing the jobs locally, then we are going to see that pay-as-you-go system under great duress.

If Social Security comes under duress, it is going to have to be bailed out with more government spending which is going to increase this number. It is going to increase this number, and we are going to move toward stagnation just as the Europeans have and just as the Soviet Union did. The stakes are extremely high for this country to begin to realize that it must know how its money is spent, and it must get the value for the dollars that we spend. No company can stay alive and afloat indefinitely by misspending its money, and now we are into a situation worldwide where governments will compete; and we in the United States have to be willing to compete also. Our government has to run more efficiently, more effectively, and with lower tax rates.

Many of my friends have asked why in the world in a period of deficits did the Congress offer tax cuts. Again, it is very simple. The Democrat Governor of New Mexico said it best, tax cuts create jobs. As we cut the taxes, we were looking at the fact that we only had a couple of options. If we want to change this relationship and run a deficit, we either need to cut spending or increase the size of this economy. That 11 needs to become 12 or 13 or 14. Those are really the primary objectives. Anything else is simply window dressing.

The hope is that in cutting taxes we make this relationship less, it moves us toward vitality growth and gives companies and individuals more income of their own to put back into ventures that are most promising and into ventures that can sustain research and development and growth; and so we gave the tax cuts with the anticipation that we would establish a rate of growth.

The rate of growth that we intended to get was we had hoped for a sustained 4 percent. Now, if this were the target, it would be nice to know exactly what kind of growth rate we did get. It is almost 2½ years since the tax cuts, and the first quarter out after the tax cuts was about 8.25 to 8.5 percent rate of growth. There was understanding there was pent-up demand, so we thought this number would actually settle down; and over time it has settled down into the 4 percent range.

As we face the elapsing, or the phasing out, while the tax cuts were temporary, they expire at the end of the year, as we face those expiring tax cuts, we realize that we are going to have pressure for this number to decrease back down. What we as a Congress need to do is be willing to go ahead and continue to extend the tax cuts in order to give our economy the vitality and the growth that we have seen with the tax cuts.

Now, you would ask what is happening in some of the rest of the world. Again if we look at Europe, all of industrialized Europe is about at the 2 percent range.

□ 2045

So we have been for the last year and a half almost double the rate of growth of the industrialized countries in Europe.

Another factor would have to be the job creation. Initially, our recovery, there was concern that we were not producing enough jobs. That is a valid concern, and so you would have to look at a couple of things. Why did we not create jobs at the beginning of the recovery?

Again, as a business owner, I would tell you that the last thing I wanted to do was hire permanent employees because permanent employees might have to be laid off. As we went through periods of expansion, the first thing we as a company would do was we began to extend overtime hours and asked people to just come in and work a couple of hours a day extra and we will be okay, we will be able to meet the increased demand with that sort of expansion of labor.

When we could no longer ask our employees to work overtime, they all would like to spend time with their families, then the next step that we would do is to hire temporary people, hire people to come in on a part-time basis, people that if the economy began to slow back down, you really have not given them the full promise that they were going to be here for you.

As we then would work our way through temporary employment and still find that we could not solve the demand with overtime and temporary employment, then my wife and I would go out looking for new employees; and then the third step that we would take would be to hire full-time employees.

We were able to do that over a period of years. When we bought the company, we had four employees. We sold the company in late 2003 and we had almost 50 employees. So we had judiciously expanded ourselves through 14 years, one small increment at a time.

One of the most critical times in our business life occurred in the 1999 to 2000 range. We were in the oil and gas business. We did down hole repairs in oil wells. We did not actually own any of the oil wells. We simply repaired them. In 1999 and 2000, the price of oil and gas dropped tremendously. The price of oil in our location had fallen from about $25 down to about $6. Our revenues as a company at one point fell 80 percent. We were working at 20 percent the income rate that previously we had.

It was not just our company. Many companies that were competitors and friends of ours worked in the same industry, and they saw the same 70 and 80 percent declines in their revenues.

We made a decision, my wife and I, that we could not lay off employees, that we would sacrifice the company, if need be, in order to keep the people who had made a promise with us. They had invested their lives with us. We had, in turn, invested our lives with them. So we said, we are not going to lay you off; we will give you 60 days' notice before we actually begin to lay people off or give pay cuts. We continued that line of thinking for almost 11 months.

If companies will take care of their cash, if companies will live within their means, then you have got the capability to do that. But if you have expended every single dime all the way through, then you do not have the means to withstand these deep drains when they occasionally occur.

A nation is exactly the same way. A nation must carefully guard its cash, its reserves. It must carefully, carefully spend its money and understand that it is getting value for every dollar spent, that we are building infrastructure, that we are making our Nation more competitive as a nation and as a government with other governments, because we will at some point in the near future be held to a standard of competing with nations.

Our rate of growth at this point is good, but if we look into the future and see the threats to our economic size, to see the pushes to increase our government spending, then we will understand that there are some dynamics that we must be very aware of because they affect the outcomes of this Nation. Literally the military sacrifices, the sacrifices of our young men and women who are soldiers and who are fighting for freedom, who have fought for freedom in the past, their sacrifices will be somewhat less useful if government does not adequately spend its resources. We must understand that we have got to progress on all fronts and that we simply do not have a path into the future based on what we have done in the past.

If we are to consider another one of the dynamics that is loose in the world today, one of the competitive measures that we have to be concerned with is governments who begin to review their entire government spending, who begin to make changes and make their government more effective. Again, those are competitive pressures from one nation to another. Because a nation that adapts itself to a more lean government, producing the same results with fewer dollars, is going to be a nation that has economic vitality; and a nation that does not carefully marshal its own spending, its own government spending, will be a nation that is moving toward stagnation and toward a noncompetitive situation into the future.

As we consider that particular ramification, one must look at the example of New Zealand. The government in New Zealand several years ago decided to really carefully look at their own situation. As they reviewed industrial economies throughout the world, they said, our economic vitality is not so great. We would like to improve our lot. And they set about having deep

discussions internally about what functions should be in government and what functions should not be in government.

That is a discussion that this Nation needs to engage in heartily. I do not know exactly where the balance is. Government always has a function. There is always the need for regulation. There is always the need for oversight. But sometimes I think that our government is delving into things that are not inherently governmental, and other nations are beginning to sort through those pieces, and we will face the competition.

So New Zealand began to look and in their own circumstance, at the time I forget, the numbers are maybe not exactly correct, but they are close enough. They had between 50 and 60,000 people in the Department of Labor. I often ask my audiences, and I did just this last week when I spoke about this in New Mexico, if you think of a government agency that began to trim away fat, began to push nongovernmental projects outside the government back into the private sector where they belonged, how deeply do you think they would cut? How deep do you think that New Zealand went?

Mr. Speaker, that is a question that we must ask ourselves. I will tell you that the answer is New Zealand cut from between 50 and 60,000 employees in the Department of Labor to one. That, by the way, was the individual doing the study. I suspect if he were not getting his own paycheck he might have even eliminated that. When governments begin to get so efficient that they move from 50,000 down to one, I will tell you that the United States in the long term has to answer that same question. Because if we do not recognize that we are under competitive pressure from other nations, if we do not recognize that and begin to lower our government spending, keeping us in a position of vitality, then we are going to be moved by other nations into stagnation, and our children and grandchildren will find that they just do not have the opportunities that we in my generation have had.

If New Zealand can offer those kinds of benefits, we have to ask ourselves what are we doing in the United States. I will tell you that, in my district, there are many national forests. New Mexico is not often identified as a State with water and forests, but we actually do have many national forests. As I go into the Forest Service and I look and I talk to people who are retired and I talk to current people, I think that we have got great people in the field, but we have adopted and adapted programs and philosophies in our Forest Service that make us not so lean as this.

In fact, if we are to look at one particular office that operates in my district to see the relationship that is going on in the United States, and I have been told by a retired forest ranger, he says that I used to work this whole forest. I cut timber, I provided the restoration, I had projects that would clean up streams, clean up the forest, I had some economic enterprises that were going on in and around that I supervised, and I handled all the grazing. He said, it was myself and one person half time in addition to me.

Now, that was maybe 30 years ago. To find out the benefit that we are reaping today from our efforts to control or not control the size of government, you would ask today what are we doing and how many people is it taking. I would tell you that that gentleman says in the area that he and one half-time person formerly operated that now then there are 142.

So when New Zealand went from 50 to 60,000 down to one, in the U.S. we went from one up to 142, and that has occurred over and over and over again throughout many agencies. So that you can see that maybe we are not 142 times a larger government overall, but we are moving and trending in the wrong way.

If we have gone from one to 142, you would think, well, we are running our forests much better, that our forests now are just the examples of forestry that we would like to have. But I will tell you that the exact opposite is true. That when this gentleman was in charge, we were not burning hundreds of thousands and millions of acres of forest land, but we are today. It is not because we are not spending enough money. It is because we have adopted a philosophy that says that we can no longer cut a tree.

At one point in New Mexico 20 years ago, there were 22 lumber mills; and today there are two. Many of the forests in New Mexico have not had a timber sale in decades. If you have not had a timber sale, that means you have not cut timber. So you would think, well, those trees are out there growing and we are not cutting, so they are probably now becoming crowded and, in fact, that assumption is entirely accurate and valid. The historic function of New Mexico forests had fire cleaning out the forest every 8 years. If we look at the tree rings, you will see about every 8 years a very hot fire would come through and with our arid climate and the fires, we would find that New Mexico generally hosted between 30 and 50 trees per acre.

If New Mexico's 142:1 relationship were to be looked at and you think if we are doing a better job or a worse job, you would want to know how our forests are growing, so historically our arid climate would relate to 30 to 50 trees per acre. And again I ask my constituents when I am in New Mexico, what do you think is the population of trees per acre now? We have got 142 people in this one circumstance to 1½. Are we doing a better job?

Now, then, the average number of trees per acre, 1,500, whereas nature by itself kept that number around 30 to 50. We can look at pictures from 100 years ago and realize that nature had a size or had a population density of trees that its area and its climate would support. But we have now, because we have stopped putting out all forest fires and we have stopped cutting trees, 1,500 trees per acre average and some areas are up to 2,500.

If you had people in the same circumstance crowding in like that, you would expect a couple of things. You would expect nutrition to be decreasing. If we had in the same place 30 people per acre used to live and now 1,500 to 2,500, you would expect that disease would be somewhat more prevalent and you would expect catastrophes to be always on the edge. The same is true with our forests. We have now the threat of disease. We have the threat of malnutrition. The trees are starved for light, so they stay small diameter and they grow toward the same height as the big mature trees; and as they get very tall and very small, they do not have enough nutrients to grow larger and they, in fact, are susceptible to insects, to disease.

But the worst susceptibility that they have is to fire. Previously, a fire that would burn along in the grass underneath and char the trees and leave the tree rings, it showed us that every 8 years a hot fire would come, those trees now have enough kindling, they have enough small diameter trees that any fire becomes explosive. The fire spreads up those small diameters. It burns in the top of the trees now, not in the bottom. So that we have the cap fires that run across the top of the forest killing the green part while leaving the tree standing and we have burned millions of acres.

□ 2100

We are succeeding in this example to make our forests less healthy with 142 workers where formerly we had one. Those kinds of inefficiencies must be dealt with in the long term because as we grow to this proportion and we are finding the New Zealand model that pushes away from 50,000 to one, the relationships back here are influenced and affected so that if we cannot control these costs, we have no economic future. It all begins to relate at some point.

The discussion needs to be even far more complete than this. As we consider the effect of our economic size, we must take a look at the number of workers that we have available. Again, we have got about $11 trillion in our economic size right now. We must understand that 40 million workers, baby boomers, are on the verge of or beginning to retire. As we retire, we have to ask ourselves what about the replacements; do we have enough replacements. I will tell the Members, Mr. Speaker, that everywhere I go, I hear the same comment: we need workers. We need workers who will show up tomorrow. We need workers who can pass a drug screen. We need workers who can read and write, and we need workers who are productive. If we are not

able to provide those workers or if the workers are not capable of doing the jobs and competing with other nations, our 11 becomes smaller, our relationship becomes larger, and stagnation and even economic collapse are all in the potential field of vision.

So as I go around my district, we begin then to talk where are the workers coming from. Now, we have a great discussion right now about immigration, and I have got good conservative friends who say we need to stop the borders, we need to plug off the borders. For me, I am simply looking at our economic future and saying we have got to replace these 40 million workers. We are about 5 percent unemployment right now, and 5 percent unemployment leaves employers everywhere telling me, Please, Congressman, we need workers, we need people who can show up, people who can be productive, people who can reason and think.

If we do not bring workers in, that is called immigration, I will tell the Members that we have one other choice, and we will do that if we do not bring workers in. The other choice is to send the jobs to where the workers are. Companies cannot work without employees. So we understand if we begin to export jobs to where the workers are, our 11 becomes 10, becomes nine, becomes eight; and again the economic promise of our future is limited because we have a budget right now that is providing very much inflexibility and decreasing. We have shown very little capability to decrease this number.

In my freshman year, the first month we were here, Republicans suggested a 1 percent decrease in the discretionary spending, which would not have even been nearly 1 percent of this overall figure, and the outcry from the American public was tremendous: please cut someone else's program; do not cut mine. We have shown a very deep incapability, either Democrats or Republicans, of reducing the size of the budget. If we also begin to export our jobs to where our jobs go to where the employees are rather than bringing employees into this country and providing jobs, our economic life is equally very difficult.

It is not just that we are needing the workers. We do desperately need them. But the new thoughts, the new ideas, the new inventions, that this Nation was built on immigrants and this Nation will continue to be built on fresh, innovative ideas that come in to us, it is that understanding that must drive us to the final conclusion: that for our economic vitality, for our economic future, this Nation must be open to immigration.

Again, looking at the German models, the European models, immigration is not a word that is friendly there. We find that their societies are not replacing themselves any better than we are. Our birth rate is about .8 for every couple of two. We are not even getting the 50 percent replacement rate in our growth, and the European countries are doing somewhat worse, and they are affected with the problem even worse than we are so that their aging generations do not have the hope, unless they change their immigration policies, that they will actually be able to sustain the high cost of retirees, the high cost of the aging on a decreasing economic pie.

As we then look into the future, we see the need for our economy to sustain or to grow. We need the vitality of new ideas and new workers coming into the system. We must explore the ways that we can restrain our spending. We must look at the ways to make departments more effective and efficient. We must realize the mistakes that we are currently making in our policies that move us toward stagnation, and we must differentiate those policies from the ones that would move us toward vitality.

We need to recognize that nations begin to compete with nations. We need to realize the economic model of Ireland in lowering its tax rates to both domestic and external corporations, creating a tremendous boom there. We must understand that if we cut taxes, it helps us to create growth and jobs; and if we raise taxes, it actually decreases our capability to grow the economy and create jobs.

We must look at the economic models of other nations who are beginning to see how they can run government more effectively than any other nation is operating government. Nations will compete just as States have competed, just as companies have competed. This Nation must understand that it will compete. We need to be able to move to that model of competition before we move into stagnation, before we run into the deep budget problems that come if we allow our jobs to continue to be taken away by high tax policies, by anti-growth policies. Finally, we must understand that the climate for businesses is one that is extremely critical.

I met recently in this building with foreign economic chairmen, chairmen of boards, CEOs of nations from outside this country that are operating in this country. They said that the factors that affect them are overregulation, overtaxation; but one of the most important things they said and the most destructive thing they find is the overlitigation, that in this Nation they will find their litigation costs to be tremendously higher. So we as a Nation must look to the economic numbers. We must look to the relationship between the size of government and the size of our economy. But we must also be aware of those factors that would cause people to say, Even in the stable environment of the United States, I am going to operate somewhere else because of the fear of litigation.

And not litigation to hold them responsible for things that they have done wrong. Many times the class action lawsuits are not intended to stop anything. Class action lawsuits have been in order to create a litigation solution. That is, they did not create a solution in operation, but they simply brought an economic solution, which then generally the trial lawyers have benefited from to the tremendous disadvantage of the people for whom they are suing.

That is one reason this body did two things in the early part of this year that have helped the business climate tremendously: we reformed the class action task load. We have reformed the way that class action lawsuits are allowed to come to the courts. We have given people the capability to present their problems without allowing the abuse of the process. And the second thing that we did that is so pro-business is we began to reform bankruptcy. No longer can people hide assets inside their estates and preserve mansions while not paying their bills. These are two things that generally have great effect on the economic promise of this Nation, two changes that were made by this Republican Congress in this year, both of which have been signed by the President.

We have got more work to do. We must deal with health costs, with both health insurance and with the cost of health care in the Nation. I think that we have committees that are working on that. We must deal with the question of extending the tax cuts if we are going to make the tax cuts permanent or if we are going to allow them to phase out and to realize that we are tampering with the future of the economic vitality of this Nation if we do not recognize the value of lower tax rates.

We need to understand that we also should deal with the regulation. Every day I talk to business owners. They tell me that they are overwhelmed with the paperwork of simply meaningless documents that many times are filled out and sent in and sometimes no one ever looks at them.

These are functions that we must review. We must review the cost of our government. We must review the effectiveness of our government. There are always things that we will do by government and we should do by government, but we must understand that we are going to be competing and that those functions must be done properly and with the best resources available, without waste in the governmental process. And at the end of the day I think all of us have the same ambition: to pass along a Nation that is just as vital as the Nation that we inherited.

Mr. Speaker, I appreciate the opportunity to address this body tonight. I appreciate the indulgence in allowing me to speak on such important matters.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced

policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to be before the House of Representatives. I would also like to thank the Democratic leader for allowing the 30-something Working Group to reappear on the floor again for another week to talk about issues that are facing 30-somethings throughout this country and are also facing Americans in general.

When we talk about issues such as Social Security, the debt, national security, health care, education, those are issues that we all care about. And for the last couple of weeks, we have been talking about Social Security, talking about strengthening Social Security, talking about making sure that Social Security is there for not only the 30-somethings but the 20-somethings, those that are receiving survivor benefits, retirees that are receiving benefits from Social Security, the 48 million Americans that we speak of, and also those that are receiving disability because of an injury while they were working.

But it is an honor being here once again with the gentleman from Ohio (Mr. RYAN).

Last week we recessed for Memorial Day, or Memorial week, and I had an opportunity to go to Puerto Rico to speak, along with the Senate president of the Puerto Rican Senate, to put 20-plus names on the wall of proud Puerto Ricans that died in the line of duty defending our great country.

□ 2115

They are great Americans, and I was glad to be there. It was really a moving event for me. They even added the name of a fallen hero from World War II. In Puerto Rico it is kind of hard. Here in the United States they usually say that a person is from the place that they trained or the base where they were assigned, not necessarily where they came from. So the family went through a lot of trouble in trying to get this information up and finally were able to place him on Memorial Wall there by the state capital for Puerto Rico, the capital of that territory.

It is good to see the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, it is good to be back.

Memorial Day is one of the special days. Memorial Day, the 4th of July, Veterans' Day, those are some of the great moments to be a Member of Congress, because you get to go to all the different parades and all the different events and meet some of the great heroes from communities in Florida and Ohio, those people who were just from average homes, average families, and just went and did their duty. I think it is good that several times a year we remind ourselves.

One of the things that I think that generation of soldiers from World War II gave us was a real spirit of what it is like and what it means to be an American. It was great over the past week to have these experiences, because I think in many ways we are losing that, that sense of community, that sense of we are all in this together.

During the war, and I am sure the gentleman has heard stories, as I have, of the kind of sacrifices that each community made, each family made. Some would send soldiers off to fight, some would send soldiers off to be a part of support units, some would serve here at home. But then the women and the mothers had their own roles to play back here at home. Whether it was going to the factory or working in the house or working on the farm or wherever it was, everyone in the country made that sacrifice to have the kind of success we had.

I think if there is one governmental program that is indicative of that spirit, it is the Social Security program. We have been focusing on this for many, many months now, really since the beginning of this Congress, and just trying to hammer away at this issue and trying to get our arms around it.

I think we have come to grips with the fact that this program is not in a crisis state. It is the greatest program that this country runs. It runs at a 1 percent administrative cost. Ninety-nine percent of the money that goes into the system gets back out into the pockets of beneficiaries. Only 1 percent is administrative costs. Even those folks out there that may say government does not run efficiently, and I would agree that there are cases throughout government where programs do not run as efficiently as they should, would say this is efficient.

I think part of what we need to talk about from the Democratic side is about reforming government, about making it run efficiently, about how it should run in an age based on information, with technology and knowledge and communication abilities that we have today. How do we make this government run more efficiently? There is no question that we need to address that problem. Social Security is not one of those programs. Ninety-nine percent of what goes in comes back out and goes to the beneficiary.

One of the kind of myths that we are trying to fight here with our 30-something Working Group is that this program is not in a crisis state. We kind of just want to start the debate from there. We are kind of reacquainting ourselves with this.

Here is a chart for the folks at home to look at. It starts in 2005 and continues to 2070. It basically in the navy blue here, from 2005 to about 2047, 2048, if we do not do anything with Social Security at all, we will still be able to pay 100 percent of the benefits, 100 percent of the benefits. If we do not touch this program, if we do not implement anybody's reform package, we will still be okay until 2047.

Then even after that, to the late 2040s, until 2075 where the light blue is, we are still able to pay 80 percent of the benefits that beneficiaries should be receiving. If we do not touch it, we are 100 percent until 2047 and then still good until 2075.

For the people at home, you make the judgment. Is that a crisis? Is this program being solvent until 2047, 2048, a crisis? That is the real question.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, this is very interesting. I am so glad. For us, we hear it, we know it here in the Halls of this Congress. That is what we were elected for here, to find out this information, to not only share this information with our colleagues in this Chamber and Democrats and Republicans and the one Independent we have here in this House, to share that information with them, but it is important that we do not allow some of these statements that are being made while the President and others are flying around burning all kind of Federal jet fuel saying otherwise, that it is a crisis.

I think the American people know exactly what is going on. It is our job to make sure that in the minority, since we talk about this, we have to explain what the minority-majority issue means. It is important for everyone to know that Democrats, we are in the minority in this House. We cannot agenda bills to come to the floor. We cannot call hearings or committee meetings. All of these privileges are left to the majority, which is the Republican Party at this particular time.

We also have to remember that for many of the issues we are talking about here there are alternatives to those issues. We will be talking about those tonight.

This Federal debt that you have here on the chart right beside you, every American's share of that debt that is on that chart, we had a solution for it and it worked. We were dealing with surpluses. Now we are dealing with that large number.

Mr. RYAN of Ohio. In 1993, a Democratic House, Democratic Senate and Democratic President passed a bill that balanced the budget; and we began to pay down the debt in the country because we were running at the surplus level.

Mr. MEEK of Florida. Reclaiming my time, I will say this: When we balanced the budget, we did it without one Republican vote in this House. Our children did not have to pay $26,349.67. Someone who was just born when we started this Special Order already owes that to the Federal Government. Those are the issues we talk about.

But as relates to Social Security, one may say, what are Democrats standing for? We are standing for strengthening Social Security, bottom line. We stand for what happened when Tip O'Neill was in that Chair and Ronald Reagan was in the White House and how they came together and came up with the bipartisan bill without privatization. That is what we stand for.

We look to go back to the days when we saw the Senate, the other body, voting to adopt a Social Security plan 58 to 14. That is bipartisan, Democrats and Republicans. In 1983, when this House voted to put Social Security where it is now, because, as you mentioned, into 40-plus years, and I would just say 40-plus, even though we know it is higher, 100 percent of the benefits will be provided and then 80 percent after that. But in 1983 this House, and it was a Democratic House at that time, but that did not matter, because we moved in a bipartisan way, some 243 Members of the House versus 102 voted for Social Security. If you want to break it down at the partisan level, it was 80 Republicans that voted for, 48 against; 163 Democrats voted for, 54 against. That is a bipartisan bill that passed this House. The discussion that is going on today is far from that.

To start talking about, well, Democrats, they do not want to do anything, or they just want to keep things in the status quo, well, guess what? My constituents are not calling me complaining about Social Security. I do not think the gentleman's constituents are calling him either. Because it is one of the best Federal programs and initiatives that has ever been launched in this country.

We want to strengthen it. We want to strengthen it without going to privatization. From the beginning they are saying benefits will be cut even if you are not part of the privatization program. If you opt not to be a part of the majority side privatization plan, you still lose benefits. So I do not understand the logic there.

But when I started looking at the information and we started looking at the Congressional Budget Office and what they are saying, the only plus benefit I can see here is $940 billion to Wall Street.

Guess what? I care about the folks that sent me up here from Florida. I care about their well-being. I care about them receiving 100 percent of their benefits versus 70 percent. They paid into it, and they have the right to have their benefits.

Now I just want to say this again, because I want to make sure there is no confusion in this House: To the Members that are watching us, to make sure that they understand that we want to strengthen Social Security without taking us further into debt, and if we have to deal with the whole issue of borrowing the money, at least have a plan to pay it back. That is how we got to that number; not ''we,'' but the majority side, because we have been voting against the budget that they put forth. We have just been spending on a credit card. Where is my credit card? If I can have it, this is the congressional spending credit card right here.

I do not consider myself a hard partisan, because I have some good friends on the other side of the aisle that care about this, that care about this Federal debt. They do not believe in using a credit card to give out all kind of cake and ice cream when we do not need it as relates to the Federal dollar. I am using ''cake and ice cream'' as a metaphor. Because if I was to feed my kids only cake and ice cream, what kind of health will they be in?

If we just spend and borrow and allow foreign countries to hold 44 percent of our debt and say we are a financial superpower, that is a misstatement, because soon it is going to be over 50 percent, if some of the Members of Congress, and I mean some of our Members on the majority side, if they do not go see the wizard and say, ''you know something? I came here as a fiscal conservative and I want to leave here as a fiscal conservative.''

But I can tell you one thing. The leadership on the other side is damaging that image of those individuals that came here. So, obviously, we are in a Federal debt situation, and growing.

We are going to have to make one of two things happen: Either the American people are going to have to rise up and say, enough is enough, we are saying we are going to deal with Social Security for future generations and then we hand our children a debt that as far as the eye can see and say you handle it? When the President marched down this aisle here, went up to the podium and said, if you are over 55, do not worry about it? So now grandparents and parents over 55 are supposed to say to their kids and grandchildren, good luck?

That is the reason why I believe we do not have a bill coming to this floor on Social Security. Yes, there is some discussion, but I believe as long as the majority side leadership and the President are talking about the privatization, the gamble of Social Security, and if you look at some of the articles that are coming out now on this whole issue, you have to be very skeptical of what the President is talking about.

Even the poll that came out, the Washington Post-ABC News poll, I wanted to talk about that, because we are not talking about issues facing Americans.

Health care. When a company's employees come in and start looking at the benefit package, and the small business owner says you will be better off getting Medicaid versus the plan that we offer because the premiums are too high, that is not health care.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will yield further, as the gentleman is saying that, this survey that the gentleman was just talking about, the Washington Post-ABC News poll said that 58 percent of those interviewed said that the President is concentrating mainly in his second term on problems and partisan squabbles that these respondents said were unimportant to them. Four in ten, 41 percent, said the President was focused on important problems, a double-digit drop from 3 years ago.

The people are speaking. They are saying that, as the gentleman said, like this chart that we went over a few weeks ago showed, giving our debt over to these foreign countries, reducing the independence of this country, pushing the burden off on our children and grandchildren, the next generation, and asking them to foot the bill, that is the issue.

Health care. We have had a health care crisis in this country for how many years now? How many years? And now we are talking about an issue that does not present itself for another 40 years?

These are the issues that we need to begin to talk about. We need to begin to talk about the escalating costs of health care, year in and year out, 15 percent, 20 percent; the rising, skyrocketing costs of prescription drugs, 10, 15, 20, 30, 40 percent. The most profitable industry in the world, and we are not talking about it?

These are the issues that we need to focus on. And to have this charade going on on the side, this dog-and-pony show about an issue that does not present itself for another 40 years I think is misleading and not the proper execution of I think the top leader in the country. I just really believe that.

□ 2130

It is time for some real leadership in the country, and we just do not seem to be getting it now. The poll is absolutely right. We get into these partisan squabbles. We want to work. We want to solve some of these problems. We know there are different philosophies, and it is okay to have a fight about it, but at the end of the day, do what is best for the country.

Mr. MEEK of Florida. Mr. Speaker, there is nothing wrong with stating your opinion or my opinion or the gentlewoman from Florida's (Ms. WASSERMAN SCHULTZ) opinion or anyone in the 30-something Working Group's opinion, as long as they have merit and foundation, and that it is meaningful and that it is fair play.

And there is nothing personal about what we are talking about. I mean, one may speak of the President, but the bottom line is that the President is term-limited out. There is not anyone who thinks there is some political motivation here to try to make the President look bad; this is not the intent here. The intent is saying that there are leaders in this House, may they be Democrat or Republican, who are going to have to rise up and say, you know, you are wrong, I am sorry.

We are going to talk a little further about young people and dealing with debt; but before the gentleman takes that chart down, I want to make sure, because we are both on the Committee on Armed Services and we are dealing with the issue of national security, and we are dealing with making sure that our democracy stays strong and we protect the homeland. So I think that chart there is very appropriate that the gentleman has up there.

Mr. RYAN of Ohio. Mr. Speaker, we went over this a few weeks ago, and this is a portion of foreign-owned debt. It rose to 41 percent under the Bush administration. In the far left corner here, we have the year 2000 and over here, 2004. The purple is the debt held by foreigners. The aqua, turquoise, either/or, is domestically held debt and the billions of dollars, which comes to about the trillions. And in the blue, as my colleagues can see, the portion of the debt held by domestic banks, domestic concerns, domestic interests, has flat-lined. The purple is the foreign-held debt, and it begins to increase; it is starting to move up into the main and starting to even break through the border here.

We can see that increase right there, and that is what worries us. It is that increase right there that says we are losing a portion of our independence, because when the Chinese, for example, own a higher and higher and higher portion of our debt, then we have to begin to factor that concern in when we are dealing with North Korea, when we are dealing with the situation in Iraq, when we are dealing with the way they are manipulating their currency.

Right now, the Chinese are manipulating their currency, some say up to 40 percent. And why is the U.S. not taking a stronger stand? Why are we not being firm with the Chinese? Well, it is tough to play hardball with the bank when they are funding your debt; and that is really what is happening right now, is that the bank is becoming China and they are funding our debt, so we have less leverage over them as they begin to wipe out the manufacturing.

So here we go, here is our debt, here is the chart that we are becoming way too familiar with, the national debt of $7.79 trillion, and each person shares $26,000. This is the issue. This is the crisis in this Chamber, and this is the crisis that the country needs to come to grips with.

Mr. MEEK of Florida. Mr. Speaker, I want to make sure because, once again, I believe in third-party validators, and I believe that it is important that if folks want the current number as we stand right now as it relates to the Federal debt and where these numbers come from, I think it is important. I just want to make sure that the Members understand. The U.S. Treasury Web site will give this information also; you can go to www.house.gov/budget/democrats_, just to make sure that you are able to get that information and pull it up for yourselves and share it with your family and friends, and I do mean that in the most serious way. I think it is important that we share that information.

Mr. Speaker, one other thing that the gentleman mentioned before I yield back; there are a number of things that are going on in the economic sense. We talk about Social Security, because it is economics for families. And I think that it really, really hits home when families are going to have to find a way, how they are going to make up for that 30 percent that they are going to lose under the President's plan and the majority's plan.

A part of this effort of coming to the floor every week, our working group meets and we talk about these issues, are for the following reasons: one, we want to let folks know that we want to strengthen Social Security. I do not think there is a Member on the Democratic side, and I will even add some of my friends on the Republican side, who do not want to strengthen Social Security. Folks get elected protecting Social Security. But for the life of me, I do not understand why we do not have more of our Republican colleagues letting the President know we appreciate you on their side of the aisle, we voted for you, but you are wrong. And, I mean, that takes courage, and it takes leadership. I think it is important so that we can move on to issues of dealing with Social Security so we are not stuck in neutral or in park on Social Security because someone has said that is the only way we will deal with Social Security unless the private sector gets its cut. So I think it is important that we understand that.

There is an article today in The Washington Post that is talking about ''big pension plans fall further behind,'' and this is exactly what the President is talking about. I have airline pilots, I fly back and forth from Miami to here, and they are telling me, they used to get $12,000 in pension a month on their pension plans. Now it is down to $2,000. That is what we are going to do with Social Security, which is security, the word security, saying that it will be there for you. So I think that is important.

But I just wanted to share that piece, because I think it is important that we add that information in so folks do not feel that this is the Tim Ryan philosophy or the Kendrick Meek philosophy. This is a bipartisan effort here as it relates to getting the information, especially from the Congressional Budget Office.

Mr. RYAN of Ohio. Mr. Speaker, I think the gentleman is absolutely right. When we check and verify our own statistics here that we are using, again, the poll that we had mentioned talking about really what the main issues facing the people of the country are, a strong majority of self-described political Independents, and this is the ABC News Washington Post poll, 68 percent of self-described Independents say they disagree with the President's priorities. Sixty-eight percent. The hard-core numbers on Social Security and the President's priorities are 30, 35, maybe 40 percent in the grand scheme of things. So we are talking about 60 percent of the country not agreeing with the priorities of the President.

As we talk about what the crises are in the country, one thing that I think ties into what we are talking about, the national debt, the annual deficits, the $26,349 that each citizen owes to that debt, the $500 billion annual deficit that we are running, plus, it kind of feeds into a notion in the whole country about debt. So what the 30-something Group wants to talk about a little bit tonight is the issue of young Americans dealing with debt. Because we are really, by the decisions we are making, putting a $26,000 bounty on the heads of young people, tax bounty on the heads of young people, the minute they are born; and they owe the government that much. Then we begin to look at, project that $26,000 out for another 22 years from the day they were born, and then we begin to deal with young Americans in college. And this was a very interesting statistic that we were able to find in an article last week.

According to a survey released by Sallie Mae, the Nation's largest provider of student loans, college seniors expected to graduate this year, probably right around now, with $28,953 in debt; basically $29,000; $26,000 of it is going to be student loans, and another $2,800 of it is going to be credit card debt. So if you are graduating from college today, you owe the 26 grand already from the debt that we need to pay off, which each citizen owes, and then they owe another $28,000, $29,000 basically in student loans and credit card debt.

And that feeds into a real problem that we have in this country. It is a disincentive to go to school, it is a disincentive for college, and really it traps a young man or a young woman coming out of college with a good education, and all this debt. That is not freedom. And we hear freedom, freedom, freedom, freedom in this Chamber time and time and time again.

Mr. MEEK of Florida. Mr. Speaker, there are even some folks who would start a freedom caucus in the Congress.

Mr. RYAN of Ohio. We have freedom french fries down in the House diner. We do not have French fries, we have freedom fries. Freedom. Is this freedom? Is owing $29,000 when you get out of college freedom? Is owing the government $27,000 freedom? Is that freedom? That is not freedom. So we cannot really just apply freedom to little areas that are convenient. And freedom is economics too, and I believe that we are beginning to get into a situation by letting the credit cards run rampant through this Chamber, letting the spending get out of control in this Chamber, and it takes away the freedom for our young men and women.

Mr. MEEK of Florida. Mr. Speaker, I think it is important, and I am glad that the gentleman shared that information as it relates to the debt that young people are in now. But guess what? Who is going to help them pay that debt? Nine times out of 10 they are going to come out and try to get a job and I guarantee you, dealing with that kind of debt, and we want them to be able to move into a home, I mean they are going to be living with their parents writing their name on orange

juice saying that they will get out of the house some day because they owe so much.

Now, I am going to talk about what Democrats are doing to put money into the pockets of Americans who are going to educate themselves, making this country strong. Are you ready?

Mr. RYAN of Ohio. Ready. Let us do it.

Mr. MEEK of Florida. We spend a lot of time making sure we have answers to problems, and I think it is important that the Members understand, if this was a Democratic House, as it stands now, this would not even be a discussion, this would already be an action, or some of the stuff that is happening to Americans would not be happening.

Now, Democrats in this House, we introduced a bill that would help over 1.3 million Americans as it relates to not losing money in their student loans and Pell grants. We talk about the Bush administration and the majority. Well, I can tell my colleagues that late last year in the 108th Congress, 1.3 million college students will lose Federal scholarships, will be unfairly reduced, their scholarship money will be reduced starting in the 2005–2006 school year due to congressional change that the Bush administration and the majority side made to the formula. And what Democrats are doing, we have put forth a bill to replace those dollars to make sure that young people who are trying to go to college, they will have an opportunity to go and not come out in that kind of debt.

It is going to get worse. Those are numbers under the present situation. The debt ratio on those kids and those young people that are trying to educate themselves, some are men and women that are serving in uniform, some are individuals that are trying to better themselves, these cuts will make over $300 million in a reduction in their scholarship money. So we have legislation that is on the floor now to replace those dollars.

Now, all we can do as Democrats is try to fight through the tall bushes here in the House, here in Washington, D.C., to try to replace that money for these young people. The gentleman talks about freedom. That is definitely not financial freedom, I say to the gentleman.

I will tell my colleague another thing on top of that: we are not only working with what we have and putting forth legislation, but we are also urging young people now, today, now, and parents and Members of this House that have children that have college debt or loans that they owe, to consolidate those loans now before July 1, because on July 1, the interest rate will go up 2 percentage points.

□ 2145

Mr. MEEK of Florida. So you have the opportunity to do it now and work very hard. If you have a problem in getting good information on how to consolidate, there is information on line that they can use to be able to consolidate that information. You can go on the www.pirg.org/consolidation. That is pirg.org/consolidation to learn more. Or you can go on the House Democrat's Web site, which is www.house.gov/Georgemiller, who is our ranking member on education and workforce. That is house.gov/georgemiller.gov.

I think that is important, to be able to share that information. Because this is for real. This is what everyday Americans are facing. This is not fiction. This is not what we should do or what we want to do. This is exposing what is going on here in Washington, D.C., $300 million to kids and young people that are trying to educate themselves.

Better yet, the President comes up here, tells folks over 55, do not worry about the Social Security issue. You will not be affected. We are doing this for future generations. And this is what we are doing to future generations.

So I would say this again to the gentleman from Ohio (Mr. RYAN) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) who is here, that when the rubber meets the road this is what we are doing. Well, when it does meet the road, and which it has met the road now, we have this kind of scenario for young people, coming out with not only student loan debts, but only a Federal debt to the Federal Government, so you might as well make that a little under $50,000, when they come out of college in what they owe.

I am so happy that that my colleague from Florida (Ms. WASSERMAN SCHULTZ) is fighting these battles, who used to be chair of the education, higher education committee in the House of Representatives when we were in the Florida House of Representatives a couple of years, well more than a couple of years ago, but dealt with these issues that are facing young people. And I am so glad you are here.

Ms. WASSERMAN SCHULTZ. I am so glad to be here; and I appreciate the gentlewoman from California (Ms. PELOSI's) willingness to put this group together of the members of the 30-something, 10-year period. We each have a few more years to go.

I want to piggyback on something you were just talking about related to the eligibility bar for financial aid. I can tell you just from personal experience all of the way back to when I was entering college and my parents were applying for financial aid for me; and the calculation, even back then, as to what we were eligible for and what the formula said that my parents could afford to pay and lay out that would come out of their pocket for college costs was unbelievable then.

And now, with the changes in the financial aid formula today, I mean, even, I grew up in a middle-class family, you know, regular, average middle-class family, you know, not wealthy at all, parents who certainly did not live paycheck to paycheck but had a mortgage and car payments and credit card debt and, you know, pretty significant month-to-month bills. And none of that is taken into consideration when you calculate financial aid.

I mean, those major expenses, other than your income, have nothing to do with the formula. So when they say, and back then the numbers were something like, my parents, based on their income, could be expected to pay $16,000 a year for my college education. Now, given all of the bills that they were struggling to pay for, there was no way.

Now, fast forward to 2005; and the bar has been raised even higher. And add the credit card debt that has drastically increased, with the bar on the graph at a steep incline. You add that to parents' credit card debt, you have kids now who are starting out with credit card debt even in high school.

I mean, that was unheard of when we were in high school. I mean, kids did not start college with credit card debt. They certainly did not begin having credit card debt as early as they do now, with credit card companies literally preying on brand-spanking-new college students with offers and, you know, kids who are willing to sign up to get a credit card just to get a cool t-shirt.

These are students that are not financially sophisticated enough to make the kinds of decisions that they are going to have to make so that they will understand the ramifications for themselves financially for themselves down the road. And we have got to have policies that are going to be able to help them get along in the years to come.

Mr. RYAN of Ohio. Another part of the Democratic platform, one that we will be issuing in the next few months, is financial literacy. Combat this at a young age, combat this. These kids are in grade school and high school and teach them about the stock market and compounding interest and all of the different aspects to managing money and being debt free, if you save now, and what it turns into 30 years from now. That is another part of the Democratic proposal. We need to teach these kids how not to get in this position here. We need to teach many leaders in the Congress here how not to get ourselves in this position here as well.

Mr. MEEK of Florida. Or allow Americans to get themselves in that position. I know that this is a country based on freedom but not based on ignorance. It is important that we share this information. If we know better, we will do better.

And the bottom line is, if the leadership was in place here in this House, the $300 million that I spoke of that took place in the 108th Congress in the closing days of the Congress has reduced the amount of money that students are able to get as it relates to their Pell Grants, it never would have

happened if we were in control, if this was a Democratic House.

So the challenge has to be there for the majority side to do better; and the bottom line is, better is not happening when it comes down to those kinds of statistics that you have there, Mr. RYAN, that the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) just spoke about. I think it is important that we remember.

So we talk about solutions. Solutions is making sure that we make good decisions and we have good leaders in place that will allow legislation to either be stopped that is bad, coming from the other body, or recommendations from the White House, just say no, this will not happen. We are looking for future generations, and we are here to protect future generations.

But the bottom line is, if we continue to do this kind of rubber-stamping that is going on here on Capitol Hill, we are going to continue to go on a downward spiral. The deficit will continue to get higher. In the 108th Congress, Ms. WASSERMAN SCHULTZ, I said, well, this is the highest debt in the history of the Republic. How could it get worse? It is worse now, and it will continue to get worse until something different happens here in this Chamber and in this Capitol and in this city. So it is important that we look at these issues.

Mr. RYAN of Ohio. One of the comments that a previous speaker made here not too long ago was that we do not have many options. You can raise taxes or you cut spending or you grow the economy. Well, you cannot grow the economy if you are putting this tremendous burden on students, the next generation of people who are going to go out and create things and not making the proper investment into education as we have talked about before. A lot of our urban areas and a lot of our rural areas, where many of those kids go to school in poverty, do not have health care, are not getting the kind of education that they get in some of the suburban areas.

Those are the kids that we need to fund, educate, and let them go out and create and grow the economy. But you cannot do that by tying a ball and chain around their neck and throwing them over the river, because they sink, and at the same time not make the kind of investments.

Ms. WASSERMAN SCHULTZ. You talk about financial literacy. You are absolutely right. What is happening now, number one, we are not setting the example at the top of the mountain. I mean, what we are doing here is adding to our deficit month after month, year after year.

What kind of message are we sending to generations that are going to come behind us about the importance of minimizing your debt? I mean, we are deficit spending. So why would most Americans think that that is not a normal way, a responsible way to live?

Most Americans, let me not overstate it, many, many Americans live paycheck to paycheck, and they live right to their means. This is a society where, no, I cannot have that now because I cannot afford it right now, is not instilled in people from the time that they are young. That is why financial literacy is so important.

We have a Financial Literacy Caucus. I am on the Financial Services Committee, and we have begun an effort, especially on the Democratic side, to try to educate generations coming up through life that at some point you have to decide what you can afford to have, and there has to be a now and a someday and not everything can be in the now.

That is also a lesson that Congress and the President could learn, too: Not everything can be in the now. Sometimes we have to make some financial decisions that will say, well, it would be nice if we could afford that humongous tax break for the wealthiest few, but in order to be fiscally responsible we cannot have that now.

Mr. RYAN of Ohio. And patriotic. Quite frankly, tell the wealthiest people in the country, we would love to give you a tax cut. Who would not? Who in politics would not like to tell a really rich person I want to give you a tax cut? I mean, that would be great.

But you have to do the right thing, and you have to say, you have to meet your responsibility to society. We cannot afford to give you a tax cut right now, because we have a $7.79 trillion debt. Now you can be selfish and still want one. Why not give the middle-class guy the tax cut, who has all of this debt burden, who is trying to send their kids to school? We cannot afford to give Warren Buffet a tax cut. I am sorry, Warren.

Ms. WASSERMAN SCHULTZ. I represent a district with a pretty sizable percentage of wealthy individuals. And when I am home, I cannot tell you the numbers of people who come up to me and say, you know, I would love to have a tax break, but I care about my children's education a lot more. I care about the Nation's financial and fiscal health a lot more. Keep your tax break. I barely felt it, and it really is not going to make that much difference in my life.

Many, many people who are wealthy and qualify for those tax breaks understand where their priorities are and should be. It seems that only the administration and the leadership of this Congress does not have their priorities straight.

I mean, even Mr. OBEY, when we were considering the Defense Appropriations Bill in the last couple of weeks, when he offered an amendment to reduce the tax break for the wealthiest few Americans, I think it was half a percent. I think it was an incredibly small amount of money, just a little bit less of a tax break, that the wealthiest few would have received in order to expand the inspections, the percentage of inspections that we perform at our ports, for the cargo in ports, and that, even that amendment was rejected.

We chose tax breaks for the wealthy over our homeland security. Now if that is not priorities being out of whack, then I do not know what is.

Mr. RYAN of Ohio. I remember last year as well, we did the same thing for veterans benefits. It was an increase of, I do not remember how many billions of dollars, but it basically made it full funding. But it had to reduce in kind dollar for dollar what would be needed for the veterans from the tax cut that went to the top 1 percent. Voted right down, party line.

Mr. MEEK of Florida. You know, what is very disturbing is when we commemorate or recognize or reflect on those that have fallen for our democracy, our veterans or our past veterans or those that did not even get an opportunity to be a veteran because they were an enlisted person and they died. Right down the street from here is Arlington Cemetery. When their colleagues or comrades that served with them, you know, side by side, and they come to Washington, D.C., to remember those that have fallen and to know when we honor them on one day, even on Veterans Day, we honor them on two days, their sacrifice to our country, and better yet on that next day, that Tuesday, they are waiting 6 months to see the ophthalmologist or they have to pay more on a copayment.

We did not keep up with our end of the promise. You know something, it is even harder to keep up with it because of this Federal debt. But we would much rather make those that have been extremely, extremely successful in this country to save a few more dollars.

There is actually another article that I am going to bring up a little later, but I just want to share this with you all. My uncle served in Korea, and he took a bus up here with some other veterans when we dedicated the World War II Memorial out in the Mall here.

□ 2200

It was a well-attended event, very historic. My mother came, a past Member of this Congress. We sat out there. And they had all the World War II veterans and veterans in general stand up. Some of them could stand. Some of them could only put their hand up in the air.

When you look at what is happening here with the Federal debt, taking this Federal credit card that I keep pulling up and charging it to the American people and to their future for many of the wrong reasons, it cannot help but make you very upset with the individuals that are making the decisions. And that is where the rubber meets the road.

When you start looking at those who have served, who allow us to celebrate the very freedom that we live under right now, and they are having to run around here worrying about if they can make a co-payment or not. You go to the VA hospital, they do not treat.

There are not a lot of veterans, unfortunately, that are Members of Congress, or maybe it would be a lot different in this town. They are waiting and waiting. And some of them call my office. Congressman, this is all I need. Can you help me?

It should not be an act of Congress to get what they need to get out of the VA or veteran benefits in general. And we are about to have a whole other crop of veterans after this war or after some of them leave the military that are going to need those services. And I guarantee you right now there is not an American that I run into that says, Congressman, we are giving the veterans too much. If anything, can you do something. There is a veteran next to me, he is not even part of a meal program because he or she cannot afford to get it.

So I would just leave it at that because I am getting upset talking about it.

Mr. RYAN of Ohio. Look at the numbers here. The reason the gentleman is upset here in trillions of dollars over 10 years, we have a graph. We have to have a graph for everything. Permanent tax cuts, 1.18 trillion over 10 years. Tax cuts for top 1 percent 800 million; VA budget, .3, 300 million. When we need to fully fund this everyone says we do not have the money, but we have the money for this, and we have the money for that. So this is the question.

Mr. MEEK of Florida. I do not want to be greedy on the time, but I just have to say this to my colleagues, what happened? Was it the gentleman from New Jersey (Chairman SMITH) that stood up and said, we are going to do the right thing. A Republican chairman. We are going to do the right thing by our veterans, and I am going to pass a budget that is going to help the veterans.

You know what happened to him. They moved him off the committee. He lost his chairmanship. This is not the Wasserman Schultz/Ryan/Meek story. This happened and veterans throughout this country know it happened.

So when we start talking approximate issues such as Social Security; we start talking about Medicare when we were told $350 billion and now it is up to $724 billion; when we start talking about issues such as Leave No Child Behind authorization bill far beyond what the appropriations actually is, folks have to pay attention to this. And I will guarantee you this, if we had the opportunity to run this House, this would be a nonissue. As a matter of fact, we would be working in a bipartisan way to correct some of these issues. We are not saying Democrats will do it. No. Democrats and Republicans and the one Independent in this House will do it. So this is so very, very important.

You know something, I do not care. I hope that there is a Member in a leadership position right now that is listening that is saying we have got to change this because the pressure is being applied by the Democratic side of this aisle. And if they do not take the leadership responsibility to do what they have to do on behalf of these Americans, then guess what, they may be making a career decision. That is what democracy is all about. So I feel in no way sorry by pointing out the blatant inequities in leadership and being able to provide for those veterans and being able to provide for future veterans when we start talking about Social Security and what we should be doing here in Washington.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we cannot emphasize enough, this is just another example of how the priorities here are out of whack. We had an opportunity a few weeks ago to visit our troops who were injured in fighting in Iraq and Afghanistan at Walter Reed Army Medical Hospital. These were young men, about a dozen of them, that I had an opportunity to visit, the most heart-wrenching stories, many of whom lost their limbs, mostly lost their legs, had their limbs obliterated, defended our country. Every single one of them said to me that all they wanted to do was to go back and they were so sorry to leave their buddies behind.

These are people that when they become veterans we slap them with a disabled veterans tax. We say to them that for every dollar that they earn in disability payments, we are going to deduct a dollar from their pension. That is the reward we are giving them for serving our country and for becoming injured in the line of duty.

Then we are saying to our members from the National Guard that unless you are within, I think it is, 90 or 180 days of being activated for duty, we are not going to pay for your health care. We do not provide health care to our members of National Guard who we know now are going to be activated at some point, who we know are giving up the salaries that they earn in their regular jobs, who are sometimes covered, sometimes not covered by health insurance at their regular jobs. But one of the things that members of the National Guard have to have to worry about is how to even pay for health care for themselves and their families. Yet we are still providing tax break after tax break for the wealthiest few Americans.

I mean, it just is shocking that the top of the priority list is tax breaks and this trickle-down concept that does not ever seem to go away when it comes to the Republican leadership in this Congress, that if we give the tax breaks to the wealthiest few that somehow their investing and spending is going to flow down and help all the little people.

We are at the point in our lives where we are real live grown-ups now. Has it worked in our lifetime? It still is not working, and we are still not providing for the people who really need the help, who are defending our country. Instead, we are taking money back from them.

We talk about the death tax. We should be talking about the disabled veteran tax, because that is what we are doing to our veterans' pensions when they have been injured in the line of due, and it is absolutely unconscionable.

Mr. RYAN of Ohio. The gentleman from Mississippi (Mr. TAYLOR) offered a motion here to recommit a couple of weeks ago.

Ms. WASSERMAN SCHULTZ. What happened?

Mr. RYAN of Ohio. A party-line vote went down. And that was on the health care side of it. That was on making sure our Guards and Reservists have coverage regardless. And the gentleman brought out the numbers and it was maybe a billion dollars, but these men and women are picking up and they are in all our districts, and they pick up and they leave their families and come back and leave and come back.

Ms. WASSERMAN SCHULTZ. They spent 1.8 on tax cuts.

Mr. RYAN of Ohio. Exactly. And we have the money if we wanted it, if we wanted to ask the top 1 percent to make a sacrifice to help fund this. That money will work its way back into the economy anyway. The fact that that is bad for the economy is an argument that I have never bought into. It is the voodoo economics, the trickle-down economics theory. I would rather have it in the hands of people who are making 50, 60, 70, $80,000 a year that go out and invest in their kids and those kinds of things. But to say we do not have the money, I think, is shameful.

These are good people. These are not bad people. But to choose them when you have to make decisions based on the whole society right now over this group, I think, is shameful.

Mr. MEEK of Florida. Let us get into some closing comments because we have about 5 minutes left.

Mr. RYAN of Ohio. I have a couple of e-mails that I would like to share from last week. We asked everyone 2 weeks ago to e-mail us in what they thought their priorities were in the country. If it was Social Security, they could say it was Social Security. If not, tell us what you think the real crises are in the country.

We have Jim Munroe and Nancy Grover from Albuquerque, New Mexico: ''The number one priority has to be turning the deficit around while making the tax system fair and equitable.''

Mari Howells from Erie, Pennsylvania, a 30-something Dem who saw us a couple of weeks ago: ''Health Insurance! Our health care system is awful. It is bringing the whole country down. Number 2: the war. What a mess. Number 3: poorly funded schools.''

I am going to take a minute here to read a beautiful e-mail that we received a couple of weeks ago from a man who saw us three on C–SPAN. He was laid off on September 11, 2002, from

a Fortune 500 company in Dallas, Texas. Informed that his position had been dissolved, ''and since I was one of the highest paid, 38,000 a year, on their help desk, that I had to be one of the first ones to go. I was given 2 weeks severance pay and found out through my network that the company had outsourced the help desk to an overseas vendor. I am a proud veteran of the U.S. Air Force where I served 8 years and received an honorable discharge. Before being unemployed I had great health insurance and I am in fact a cancer survivor, but after losing my job and not being able to afford the $340 monthly payment to COBRA to keep my health insurance, I had no other choice but to go to the Dallas VA hospital to register for my health care.

''I am 41 years young and I have now been unemployed for almost 3 years. My father was forced into early retirement because of his heart and my mother just recently lost her job of many years at a local bank. They could barely make it on their mediocre salary and his Social Security. I do not know what they are going to do now and now I have nothing to help them with because I do no have a savings, checking account or 401(K).

''When I was working, I used to send my mother $250 a month to help her and my father out a little bit, but I cannot do that any more. He has a temporary job at the bank that pays $13 an hour with no benefits, a lot less than I used to make but I am very happy just to be working again. God bless you.''

So these are the real people that I think we need to begin helping.

Ms. WASSERMAN SCHULTZ. There is not a lot more that can be said other than that I think that we need to continue to come to this floor every week and I can commit to you that I will join you and make sure that we can continue to highlight the direction that they are taking this country and the increased debt and the selection of the people who need the least over the people who need the most. And I am not talking about people who are struggling to make ends meet.

You have average working families in America whose priorities include health care and quality education and just making sure that they can stay out of debt. And, instead, the wealthiest few are the priority of the leadership in this Congress.

Mr. RYAN of Ohio. The e-mail is 30somethingdems@mail.house.gov. That is 30somethingdems@mail.house.gov. Send us an e-mail. Tell us what you believe to be the main crises facing this country.

Mr. MEEK of Florida. Www.pirg.org/consolidation. Student loans, get them consolidated before the interest rate goes up almost 2 percent by the first of next month. And 70 percent of our troops are under the age of 30, which is a younger generation right now fighting in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MACK). The Chair would like to remind Members that their remarks in debate should be addressed to the Chair and not to the television audience.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, a couple of weeks ago on this floor there was a very prolonged and serious debate on stem cells. Now that we have had time for emotions to subside, I thought it might be productive to spend a little while this evening talking about the subject of stem cells and why there is so much interest in it across the country.

A few months ago there was so much interest in this subject in California, for instance, that the voters voted favorably for a resolution that would make $3 billion from California taxpayers available to do research on embryonic stem cells.

What are stem cells? We have a chart here which kind of shows this.

□ 2215

There are fundamentally two types of stem cells. There are adult stem cells and there are embryonic stem cells.

I guess the ultimate stem cell is the fertilized ovum, which is referred to here as a zygote, because from that cell develops all the cells of the body. That single cell, produced from the union of the egg and the sperm, divides and divides again and again until finally it is a blastocyst; and then it goes to the gastrula stage, and at that stage the three germ layers begin to sort out the cells that are already differentiating, is the technical term that is used for that.

Every cell in our body, of course, has all of the same gene complement. And by mechanisms that are not clearly understood, during the embryonic process genes get turned on and get turned off, and the cells that are destined to produce your skin, for instance, the genes that are producing all the other tissues of the body are turned off, and only those genes necessary for producing the skin are still active.

Here we have the three germ layers: The ectoderm, which is the outer layer, and from that will develop your skin and your nervous system.

Then we have the mesoderm, that will be the middle layer, meso meaning middle, and from that will develop most of the weight of your body, all of your skeletal muscle, your cardiac muscle, much of the kidney, the blood cells, the smooth muscle in your intestines and stomach and so forth.

Then from the innermost layer of this inner cell mass as it is called here, the mass of cells that differentiates into these three germ layers, the endoderm, the internal layer, produces not very much of the mass of your body, the pancreatic cell and the thyroid gland and the line of the things like your lung and intestines and so forth are produced from the endoderm.

Then, of course, there are the unique germ cells produced, the sperm in the male and the egg or the ova in the female.

The reason for the intense interest in these stem cells is because of the perceived potential for affecting the course of many diseases and hopefully curing many of our diseases.

We have fundamentally two kinds of problems with our health. One is from tissue deficiencies when the tissue no longer does the kind of thing that it was destined to do and this embryonic development is wearing out or diseased. Then we have diseases from pathogens. These are organisms that can be outside that invade us.

Primarily, the hope is that stem cells will be useful in treating diseases of tissue deficiency. Although if the pathogens have destroyed a tissue and then the body has marshaled its resources with the help of the doctors with the antibiotics and so forth so that the pathogen is destroyed, then there is some hope that through the use of stem cells that you might be able to repair or replace the tissue damaged by the pathogen.

There are a lot of examples of diseases that might be amenable to cure or at least assistance through these stem cells. One is diabetes, which is a deficiency of insulin. Insulin is produced by some little cells that look like islands under the microscope because they are very dissimilar to the cells that they find themselves in. These cells are distributed through the tissue of the pancreas.

The pancreas is a big gland that produces a lot of enzymes. When the food leaves the stomach and goes into the small intestine, the pancreas produces enzymes for the digestion of fats, carbohydrates and proteins. So it is a very important digestive gland.

There is no real reason why these little islands of tissues, called the islets of Langerhans, named for the person who first described them, need to be in the pancreas, but that is where they are. They could, in fact, be any part of your body and do the same thing, which is secreting insulin.

We use insulin to treat persons with diabetes, but everyone knows, particularly the family of those and the patients who have diabetes, that insulin does not cure the disease. It simply prolongs life, but, ultimately, even with insulin, many of the people who have diabetes will end up having peripheral vascular problems with maybe amputation of toes or limbs, usually the lower limb, have problems in the eyes with the peripheral vascular there in the eyes and have vision problems.

Diabetes is the most expensive disease that we have. It costs more to

maintain and treat the people with diabetes than any other disease. There is the hope that if we could generate islets of Langerhans cells from these stem cells that you could eradicate diabetes, that you could implant these cells in the body, and it could be in any tissue. It could be in muscle tissue or under the skin. You could implant these islets of Langerhans cells there that produce insulin and whatever else these cells do that is not done simply by replacing the insulin which is lost. We might be able to eradicate diabetes, which, of course, would be an enormous contribution.

This is one of the most heart-wrenching things that the congressmen see, is when these little kids come to your office, they have to prick their finger maybe a dozen times a day, and they need insulin so frequently that they have an embedded little pump under their skin, about the size of a hockey puck. They may have to wake up during the night and prick their finger so that they can set the pump so it produces the right amount of insulin.

This is just one of many diseases that authorities in medicine and the general public believes might be helped with stem cell research: multiple sclerosis, lateral sclerosis, Lou Gehrig's disease.

That is one that I am personally very familiar with. My grandmother died from that disease. This was a long time ago, and it took quite a long time to diagnose that disease. She was falling. For quite a while they did not know why, and finally they diagnosed it as Lou Gehrig's disease, as was the common name for it then. I remember watching my grandmother deteriorate until the only motion that she had left, that she could communicate with us, was blinking her eyes: once for yes and two for no. Then she slowly died when she could no longer eat or drink. She did not want to be force fed.

We did not have any dream then of stem cells and what they might do for that disease, but I can understand the hope that families have who have a loved one who has a disease like this and the hope that they have that there may be a medical advance and a miracle cure for the disease.

Alzheimer's disease, my mother had Alzheimer's disease. How nice it would have been to have turned back the clock in her mind so that she was the mother that I spent the first 60 years with.

Then, of course, there is a very large category of autoimmune diseases. I have a list here of 63 autoimmune diseases. That is an interesting type of disease. When we are developing in our mother's womb very early and our heart is beating and we have a circulatory system and we have white cells, there is a particular kind of white cell called the T cells. Very early in our embryonic development those T cells are imprinted with who we are, and that is very necessary because they have to understand who we are, who you are, who I am, so that if some foreign invader comes in there or virus or bacterium or something, they recognize that as being foreign so that they can reject it.

For reasons that we do not understand, occasionally our autoimmune mechanisms get confused, and they see some of us as not being us, as being foreign, and so they attack it. We call those autoimmune diseases, and there are a lot of those autoimmune diseases: Addison's disease, autoimmune hemolytic anemia, autoimmune hepatitis. It goes on for 63 of these diseases.

Multiple sclerosis is one of those, by the way. Lupus was one of the first of these diseases that was identified as an autoimmune disease. There is a hope that stem cells could be useful in treating all of these diseases.

Then, of course, there are the injuries of central nervous tissue. We have two kinds of nervous tissue in our body, the central nervous tissue that is in our brain and spinal cord and then the peripheral nerves. That is the nerves that run to and from the brain and spinal cord. For reasons that is difficult to understand, they have two very different responses to injury.

Peripheral nerves regrow very easily. There is a classic phenomenon known as Wallerian degeneration and then regeneration of the nerve. If you cut a nerve well up in your leg that goes to your toe, it may be a long while before you get feeling back to your toe, almost always, unless a lot of scar tissue develops where the nerve was cut.

But for some reason that we do not yet understand central nervous tissue has no power to regenerate. Of course, what we are trying to do medically is to find out why central nervous tissue is different than peripheral nervous tissue, but absent finding out why so that you can turn that around there is the hope that with these stem cells we could grow nerve tissue that could then be placed in the body, injected in the body to help repair.

So there are a lot of diseases out there that medical specialists and the public generally believe could be cured or at least the course of the disease quite favorably changed with the use of stem cell technology.

There are, of course, two kinds of stem cells: embryonic stem cells and adult stem cells. Most of the work that we have done so far is with adult stem cells because we have been working with them for over three decades. We have been working with embryonic stem cells just a little over 6 years, and so the techniques for using adult stem cells are far better developed.

So there are more medical applications from adult stem cells than there are from embryonic stem cells, but we have not had enough time working with embryonic stem cells to determine whether or not they have the increased potential that most people believe they should have. The medical specialists believe this. The general public understands this.

If you are dealing with a cell that is not differentiated, that is, that it has not developed far enough along so that genes are turned off, a lot of leads are turned off, it could then develop into anything and everything with proper manipulation in the laboratory. So that if you are using embryonic stem cells there is the hope that they should have a wider application than adult stem cells.

□ 2230

There is another interesting characteristic of embryonic stem cells, and I do not know how important it will be. Only research will determine that.

At least 50 years ago, embryologists had determined that you could take a mother white mouse and a mother black mouse, each of which was pregnant and they have multiple babies in their uterus, and you could go into the uterus of the black mouse and take a little patch of skin out of the black mice, you could sew it into the skin of one of the white mice. When the white mouse is born, it has a little patch of black skin. Quite amazingly, it is not rejected.

Everybody knows when you transplant an organ from one person to another, there is a big rejection reaction to that. So we have a lot of anti-rejection drugs that we give. The person who gets that organ transplant must take those anti-rejection drugs. As soon as they stop taking them, the T-cells recognize this thing as foreign and start to attack it. Its use in the body is destroyed.

I do not know whether this little mouse experiment, whether the miracle of no rejection is a donor phenomenon or host phenomenon; but when you take skin from one embryo to another, there is no rejection. So using embryo stem cells, they might be less rejected. That would be good news.

I would like to spend just a couple of moments reflecting on some of the elements of a debate here in this Chamber. These debates are a bit like a battle. They are a battle; you are fighting for your position. Like all battles, emotions rise and sometimes things are exaggerated a little by one side or another. Now that emotions have subsided and we are dealing with other issues, I thought it might be instructive to look at some of the arguments made on both sides.

The argument on the pro-life side was that life is sacred, that these little embryos are human life, and the President has a position which I very strongly support, that it is just morally wrong to take one life hoping you can help another life. There has got to be another way to do it.

The bill we were debating said we should take some of those 400,000 surplus embryos that were produced in the in vitro fertilization clinics that were going to be discarded anyhow, we should take those embryos and use them to produce embryonic stem cell lines. For the last 4 years we have been dealing with what started out as maybe 60 cell lines, which has now

dwindled down to 22, all of them contaminated with mouse feeder cells so they are only good for research. They would not be good for medical use so there is a need for additional embryo stem cell lines. These are the only stem cell lines we can use Federal money exploring. The private sector can destroy all of the embryos they wish; there is no prohibition. You just cannot use Federal money so there are only 22 cell lines we can use Federal money to explore.

The argument on the pro-life side, and I subscribe to that argument, that for any one embryo, there is no certainty that embryo is going to be destroyed, that it is going to be abandoned. The argument on the other side is there are 400,000 of them. Of course they are, you cannot keep them frozen forever, and by and by they will be discarded. But not all of them, because we now have, I understand, over 100 babies who have been born from adoption of these snowflake embryos.

We have surplus embryos because when you go for in vitro fertilization, under hormone stimulation the mother produces more than one ovum; and they are put in a petri dish and exposed to sperm and fertilized. Then the doctor watches their growth, and the doctor chooses generally several because they do not all adhere to the uterus and grow to become babies, and so he wants to be sure there will be at least a baby. So he implants several in the uterus, and there are several left over that are then frozen in the event none of those take or the mother wants to have a baby later.

I remember when I was running a farm several years ago, I was breeding cattle to a bull that had been dead for 8 years. I do not know how long the sperm and the ovum or these embryos will survive frozen, but they will survive for quite a long time.

The argument on the pro-life side is that for any one of those embryos, it could be adopted; and that is true. If you have a reverence for life, as I do, you need to find another way to pursue embryonic stem cell research without destroying embryos, and we have a bill that does just that. We have talked to experts from NIH and others around the country, and in a few moments I will be talking about that bill.

One of the arguments made by the pro-life people is we have had 58 medical applications from adult stem cells and none from embryonic stem cells, and that is true. But as Paul Harvey would say, the rest of the story is maybe the reason it is true because we have spent 3 decades working with adult stem cells and only about 6 years working with embryonic stem cells, and you will not know if they have the same potential until you have an equivalent amount of time to work with them.

The arguments on the other side were that these cells are going to be thrown away anyhow and why not get some use from them. I have just reiterated my argument, which is the argument of the pro-life community, which is for any one of those embryos, they could be adopted. In fact, some of these snowflake babies came to the White House during this debate, so they can be adopted.

There was another bill that we voted on that night and that was the umbilical cord blood bill which many mothers are now having frozen because there are some stem cell-like cells there that might be useful. But the argument is although they might be useful, they would not be as useful as the embryonic stem cells themselves.

''As a physician-scientist,'' and this is a direct quote from Curt Civin, co-director, Division of Immunology and Hematopoiesis Sydney Kimmel Comprehensive Cancer Center, one of the centers at John Hopkins University School of Medicine, and we are fortunate in our State to have one of the best universities and one of the best medical schools in the world, that is Johns Hopkins, he says, ''As a physician-scientist who has done research involving umbilical blood cord stem cells for over 20 years, I am frequently surprised by the thought from nonscientists that cord blood stem cells may provide an alternative to embryonic stem cells for research. This is simply wrong,'' he says.

By the way, all of the 58 diseases that have had applications from adult stem cells, all of them are represented by organizations that support embryonic stem cell research because the general belief is there ought to be more potential from embryonic stem cells than from adult stem cells.

Just a little history why I am standing here this evening and how I got involved in this. I did not come to this Congress until, and this was 13 years ago, until I was 66 years old, and so I had a former life. In that former life, I was a scientist. I have a Ph.D. in human physiology. I taught medical school and postgraduate medicine and spent a number of years doing research at medical schools and at the National Institutes of Health.

Several years ago, in 2001, I believe it was, there was a little like symposium at the National Institutes of Health where staff and members went out. I went out with a fairly large number of staff members where the experts from NIH were briefing the staff and members who were there on stem cell research. This was just before the President came down with his executive order on stem cells, and this was kind of an educational activity on the part of NIH. There were several researchers there; and as we can see in the next chart, I suggested it ought to be possible to take cells from an early embryo without hurting the embryo and that was because of my knowledge of what happens in twinning.

Now, the first chart here shows the usual type of twinning. That is where you have two zygotes. That is the mother sloughed two ovum, not just one, and both were fertilized and both came down and were implanted in the uterus and they grew two fetuses, and they are called womb mates because they share the womb.

Well, we also can have twins, and the next chart shows identical twins and what happens with identical twins.

This can occur apparently in at least two different stages in the development of the embryo. Here we have the zygote, which is the union of the egg and the sperm, and that then divides to two cells; and they have left out a lot of stages here because there is a lot of stages between the two cell and the inner mass cell stage.

These embryos can split at the two-cell stage or later on when they grow two inner cell masses. You can tell at what time they split by how they present themselves. If they are presented in two placenta, they split early and they go their separate ways. If they split later, they are generally presented at birth in a single placenta so the doctor knows the approximate time they split.

I recognized what was really happening here was in a sense you were taking half of the cells away from the original embryo, and both halves went on to produce a perfectly normal baby. So it seemed perfectly logical to me that you ought to be able to take a cell or two from an early embryo without hurting the embryo. There has been a lot of research since that.

By the way, the experts at NIH said, yes, that should be feasible. I mentioned this to the President at an event where we had just a few moments to talk about it, and he turned the pursuit of this over to Karl Rove who went to NIH and asked them about my suggestion that you might be able to take cells from an early embryo, and he came back and called me and said they tell me they cannot do that.

I said either they did not understand the question or there is some confusion, because these are the same people that can take a single cell and take the nucleus out of that cell and put another one in it. That is what you do in cloning. If you can do that in a single cell, obviously you have the capability of taking a single cell out of a fairly large mass of cells.

So he went back a second time and asked them and they told him the same thing, and so the President came down a few days later with his executive order that all the stem cell lines we have produced by destroying embryos; and since he was opposed to taking one life with the hope that you might help another life, he could not support the destruction of any additional embryos, but that Federal money could be used in pursuing research and medical applications using what he was told was roughly 60 lines of stem cells that were in existence at that time.

□ 2245

Several years later in my office, just this year, as a matter of fact, talking

with the people from NIH, they explained how this misunderstanding occurred. It is awfully easy to have misunderstandings when your backgrounds are very different, which is one of the problems we have in dialogues, of course. You can think that you are carrying on a dialogue when you are really carrying on simultaneous monologues, which was apparently sort of what happened in this discussion between Karl Rove and NIH. Because what they had really told him was that they did not know if they could make a stem cell line from such an early embryo, and that is true, and that is why I wanted animal experimentation to determine whether you could do that or not.

Our next chart shows some of this progression, and it shows what we are talking about and what we were talking about there. This is half of the reproductive life of a mother. It shows an ovary, and there is one on each side, of course. Then it shows a funnel-like thing that sweeps over the ovum, it is called the infundibulum, and then the fallopian tube and down to the uterus. This shows just half of the tract. There is a mirror image of this over on the other side.

By the way, there is an interesting thing that sometimes happens. These sperm are very energetic. They are released, of course, in the vagina of the mother, and they then make their way up into the uterus, through the cervix into the uterus, and then they swim all the way up the fallopian tube, and they can swim out through the end of the fallopian tube out into the body cavity. Sometimes the egg is not picked up by the cilia in the fallopian tube, and it also floats out into the body cavity, and the egg can be fertilized there. We call this an ectopic pregnancy and, of course, the baby cannot grow there, so that has to be removed.

The ovum starts down the fallopian tube and very high up in the fallopian tube, it is fertilized. Then it divides into two cells and four cells and eight cells. It is at the eight-cell stage in the laboratory. This same process of fertilization and growth occurs in the petri dish in the laboratory, and it is at the eight-cell stage in the laboratory that they ordinarily implant the embryos. This goes on, of course, to produce the inner cell mass that we saw in the earlier chart there which then differentiates into the germ layers. It is at these later stages that it actually implants in the mother's uterus.

The convention is ordinarily that implantation is done at the eight-cell stage. So my suggestion was that you could take a cell from the eight-cell stage, and it would not harm the embryo. As a matter of fact, if the embryo splits at this stage or at the two-cell stage or down here at the inner cell mass stage of the two inner cell masses, both groups of cells go on to produce a perfectly normal baby. So, obviously, there was the potential that you could take a cell from an early embryo without harming the embryo.

I have been carrying on this dialogue with the pro-life community and with the scientists at NIH now for these 4 years. During one of these discussions, the representative of the Catholic bishops, Mr. Dorflinger, made a suggestion. There are some things that you see in life that are just so obvious that you say, gee, why didn't I think of that. His contribution was just that kind of thing. He said, in addition to taking a cell out of that inner cell mass, and, by the way, this is now done more than a thousand times around the world. We do not know how many more than a thousand times. But in the laboratory they want to know that this embryo they are going to implant in the mother does not have any genetic defects so that they are going to have a healthy baby. So they take a cell out of the eight-cell stage and they do a preimplantation genetic diagnosis on it and then they implant those remaining cells in the mother and more than a thousand times they have had a normal baby born.

Mr. Dorflinger's suggestion was, and in addition to doing that preimplantation genetic diagnosis that you also establish a repair kit. That is kind of what you hope you are doing when you freeze umbilical cord blood. You hope that there are some stem-cell-like cells in there, that if there are future medical problems and stem cell research development has gone on to the point that you can make some meaningful applications that you could then be using tissues that would not be rejected like the tissues from an embryonic stem cell from another person.

But clearly if the repair kit was established from a cell taken from an early embryo, it would be exactly the genetic composition of the child, of the person, of the adult as they grew, and so any defect could then be very effectively treated with tissues that would not be rejected.

The President has a group of people, the President's Council on Bioethics, and because of the enormous expected potential from stem cell research, they have been looking at alternatives for embryonic stem cell research that might be ethically acceptable and they have just fairly recently issued a report, Alternative Sources of Human Pluripotent Stem Cells. It is called a white paper. In the body of that white paper they describe four different techniques.

The next chart shows a little paragraph from that, and I have highlighted a part of it.

It says it may be some time before stem cells can be reliably derived from single cells extracted from early embryos and in ways that do no harm to the embryo, thus biopsied. But the initial success of the Verlinsky's Group's efforts at least raises the future possibility that pluripotent stem cells could be derived from single blastomeres. A blastomere is simply a cell from the blastula. It merely means a cell removed from the early human embryos without apparently harming them.

Then there is a little asterisk. If you go to the bottom of the page you see, ''A similar idea was proposed by Representative ROSCOE BARTLETT of Maryland as far back as 2001.'' This is the proposal that I made to the President that was pursued by Karl Rove with the misunderstandings that we talked about a few minutes ago.

In the body of their paper, they talk about four different approaches. One of the approaches is to use embryos that obviously are not going to live because they are really bad and they are going to die. You could take cells from them like taking an organ from a person who is brain dead. I would have a little concern, Mr. Speaker, about how good a stem cell I was getting from an embryo that was dead.

Another suggestion is to manipulate the genes of the cells so that if they develop they will never produce a baby. It would be kind of a freak, I guess, and since it is not going to be a baby, then you could take cells from that. Again, I would have a little concern, was I really getting a normal cell when I was taking it from something that was genetically engineered so that it was not going to grow to be a baby?

In the text of their white paper, they do a very good job of talking about developing the repair kit and the fact that the cells could probably be taken without hurting the embryo. They look at all of the pluses and minuses of this.

But then it looks like almost, Mr. Speaker, that somebody else wrote the recommendations, because let me read from the recommendations here. The recommendations say, the second proposal, blastomere extraction from living embryos, we find this proposal to be ethically unacceptable in humans owing to the reasons given in the ethical analysis: We should not impose risk on living embryos destined to become children for the sake of getting stem cells for research.

I agree. That is not what they talked about in the text of their white paper. There they talked about preimplantation genetic diagnosis. This clearly has to be for the benefit of the baby. The mother does not want to have a baby that is going to have a less than optimum opportunity for a good life with a genetic defect, and she has the opportunity to determine that and so she does it. And then they also talk about developing the repair kit.

So what we were proposing is that there would be cells made available, surplus cells from the repair kit, only after the parents had made three decisions which were in the interest of their baby. The first decision was to do in vitro fertilization. I know that there are those who do not believe that we ought to be doing in vitro fertilization. They kind of think that is like playing God. But there is an old axiom that I really subscribe to, Mr. Speaker, and that is that man's extremity is God's

opportunity and God is not going to do for us what we can do for ourselves. And these parents have made the decision they want a baby and in vitro fertilization is the only way they are going to get one, so they have made the decision.

Then they have made the decision they really want a healthy baby, so they are going to do preimplantation genetic diagnosis. And, by the way, they refreeze the embryo that was defective. It could be adopted. There are some families and, God bless them, that are really fulfilled by taking into their home handicapped babies, babies with defects, that they are going to be with them for a lifetime and these people feel fulfilled in taking these children into their homes, children who have HIV, crack cocaine babies and so forth and so these embryos could be adopted.

By the way, this is not genetic engineering. There have been some suggestions that this is an unacceptable technique. Just looking at what kind of genes are there, Mr. Speaker, that is not genetic engineering. That is not a very believable argument against this.

Then the parents have made a third choice, and that is to establish a repair kit for their baby. And only after the parents have made those three what I think are ethical choices, they want to have their own baby, they do not want their baby to have a genetic defect and they want their baby to have a repair kit and only after they have made those three decisions, then we would ask for some surplus cells from the repair kit to establish a new stem cell line.

There are two things that I want to refer to here. One is a letter from Dr. Battey, who is the spokesperson at NIH for stem cell research. He wrote me on May 23, fairly recently, a three-page letter in which he says, live births resulting from embryos which undergo preimplantation genetic diagnosis and are subsequently implanted seem to suggest that this procedure does not harm the embryo. At least for a thousand times we have had a normal baby. They are not adults yet, and so the clock has to run for a while before we determine whether there is any defect.

I would be very surprised, Mr. Speaker, if there is a defect. Because you can take half the cells away from an early embryo to produce identical twins, and both halves produce what looks like perfectly normal people. So I would be surprised if there is any long-term effects from this.

Also, it is not known if the single cell removed from the eight-cell stage human embryo has the capacity to become an embryo if cultured in the appropriate environment.

Then I would like to turn, Mr. Speaker, to the Science section, Monday, June 6, just yesterday, Stem Cell Advances May Make Moral Issue Moot. A Dr. Lanza, and our office has spoken to Dr. Lanza, he is publishing a paper imminently. Some of the details could not be in this article because he was holding those for his paper.

In one approach pioneered by Robert Lanza and colleagues at Advanced Cell Technology in Worcester, Massachusetts, researchers plucked single cells from eight-cell embryos, embryos so young they do not have stem cells yet. Stem cells are ordinarily derived from inner cell mass. I do not understand saying that these are not the conventional stem cells but they certainly, I think, have the capacity to produce stem cells.

Fertility doctors have known for years that early embryos seem unfazed by the removal of any one of their eight virtually identical cells called blastomeres. In fact, it is common today to remove a single representative blastomere from a laboratory conceived embryo and test that cell for diseased genes before deciding whether to transfer that embryo into a woman's womb.

If this technique were applied to humans, and I skipped a couple of paragraphs where he talks about work with animals, if this technique were applied to humans, then a single cell taken from an eight-cell fertility clinic embryo could give rise to a self-replicating line of embryonic stem cells without compromising the donor embryo's odds of someday growing into a baby.

So the thing that Dr. Battey said had not yet been, and he was correct because this paper is yet to be published, I think it may be published today or tomorrow, but he has now in mice, and if it is doable in mice it is probably doable in higher animals, including humans, that they have developed stem cell lines from a single cell taken from an early blastomere.

I would just like to spend a few moments now talking about the bill which we have filed. It has a number of cosponsors, and I am very pleased that several doctors in the House have signed on to our bill.

□ 2300

Our bill really has nothing to do with working on humans because we think that we ought to do some animal experimentation before we start working with humans. So what our bill does is simply to make some moneys available for a several-year study, and we ought to go up to nonhuman primates. These are animals like chimpanzees and the great apes. To make sure that what has been done in mice and what has been done more than 1,000 times in these clinics, and what has been done, of course, is taking cells from an early embryo without apparently hurting the embryo, that we could develop these cells into a stem cell line. That has now been done, as was noted in the paper yesterday. This is the science section of The Washington Post. So the potential is there to do this. And all that our research does is to ask for animal experimentation so that we can check and double-check and make really sure that this is a safe procedure for humans.

I would like to put up the last chart that we are going to refer to now. This is a little bit like one that we looked at previously. This shows again half of the reproductive tract of the female; and, of course, what we are talking about are procedures that are done in the laboratory. But they are mimicking what happens in the body. By the way, when the little baby girl is born, she has in her ovary all of the ova that will ever be there, and they mature generally during her reproductive life, which may span 30, 40 years. They generally mature from one side or the other one a month. But they are all in there. And this shows the development of these ovum. And finally they grow and there is like a little blister on the side of the ovary, and then it breaks and the ovum is free.

In the laboratory, of course, these have been washed out of the reproductive tract of the female, and they are now put in petri dishes and exposed to sperm. In the body, the sperm is deposited in the vagina, makes its way through the cervix, up through the uterus, and swims clear up through the Fallopian tube. In a laboratory, of course, they simply with a pipette put the sperm in the petri dish with the ovum. And there will be many sperm. There are millions of sperm. And really quite a miraculous and very rapid transformation takes place. As soon as one sperm enters the egg, the egg then sets up a defense so that no more sperm can enter because if another sperm were able to make its way in and they had three sets of chromosomes instead of two, that would be fatal.

By the way, in flowers that is not fatal. That is called polyploidi, and that is how we get bigger flowers and better smell and so forth. But plants react very differently to extra hormones than humans do. Tisomy-21 produces mongoloid babies. That is just having one extra of one chromosome. So we do not react well to extra chromosomes; and so the ovum, after one sperm has entered, it sets up this defense so that no more sperm can enter.

The same thing happens in the laboratory. And then it divides, and the doctor watches that division. And down at eight-cell stage, they take a cell out and do preimplantation genetic diagnosis; and as recent research has demonstrated, the paper that is going to be published very shortly by Dr. Lanza, they have done this in mice, but if it is possible there, it ought to be possible in higher animals, and our research would determine that. They have produced stem cell lines from a single cell taken. What this means is, Mr. Speaker, that we now have been able to produce, we will be able to produce, embryonic stem cell lines without harming an embryo.

I have heard people say that they are just unalterably opposed to embryonic stem cell research. I hope that is not what they mean. I hope what they are

mean is that they are unalterably opposed to embryonic stem cell research if it means killing an embryo. I am unalterably opposed to embryonic stem cell research if it means taking one life with the hope that we will be able to help another life. But with these recent advances in medicine and research in the laboratory, there is the real hope that we can take cells from an early embryo to benefit the embryo.

And I would like to say again the reasons that the parents are taking cells from this early embryo, the fundamental reason they are taking the cell is to do a preimplantation genetic diagnosis. And the President's Council on Bioethics mentions the possibility of creating a repair kit, which certainly would benefit the baby. So the parent has now done three things which they think is ethical. I think that they are ethical, and there ought to be surplus cells from the repair kit, and it is those surplus cells that would be made available for additional stem cell lines.

But I want to reiterate again that the bill which we have just looks at animal experimentation. Although human research, human developments, human applications have gone beyond some of the exploration that we have done with animals, we still think that it is prudent to work with animals where we can determine with more cases and more intense experimental observation to make sure that there are no untoward effects of doing this.

I hope that this research can bring the two sides together. We had a couple of weeks ago a very heated debate. The emotions on both sides were rather obvious: those who wanted to take some of these more than 400,000 frozen embryos that they said were going to be discarded anyhow to get some good from them, and they were so convinced of this in California that they voted for $3 billion to proceed with this. The argument on the other side, which position I take, is that morally I have big problems with taking one life, and this little embryo could become under the right circumstances a baby. More than 100 times it has. From these frozen 400,000, there are about 100 or so, we call Snowflake babies, because this is a program to offer these embryos for adoption, and more than 100 times they have been adopted, and the President had some of those babies at the White House a couple of weeks ago when we were having that debate, and they came to the Hill also when we were having that debate here on the floor.

With the ability to take cells from an early embryo not to establish a stem cell line, that is not why the parents took it. They took the cell to do a preimplantation genetic diagnosis. They then would like to establish a repair kit. We know they would like to do that because they are more and more freezing umbilical cord blood, which, as the one doctor I read from said, is a poor second choice to an embryonic stem cell line, but it is better than nothing. So we know that parents would like to do that. And it is only after that if the animal experimentation supported by our bill shows that this is efficacious and will not harm the baby, only after that would stem cell lines be derived from surplus cells from repair kits that the parents had decided to establish for the benefit of their baby.

I think, Mr. Speaker, that this ought to remove all of the ethical objections. But there is just one more, and I just want to spend a moment talking about that, and this is a good chart to talk about it from. Since these cells at the eight-cell stage are quite undifferentiated, which means they have not really decided what they are going to be, it is possible that they might take that one cell and establish another embryo. The President's Council on Bioethics thinks that is very unlikely. But what I would like to see them pursue is the development of stem cell lines and the preimplantation genetic diagnosis from the inner cell mass stage.

Now, that is the stage at which embryonic stem cells are ordinarily taken from when the embryo is destroyed. That is before the embryo is implanted in the normal process. Here is the inner cell mass, and here is where it is implanted a couple of days later, 2 or 3 days later, in the uterus.

□ 2310

Ordinarily, and I am not sure why they use the eight cell stage in the clinical laboratories, but I would like to see cells taken from the inner cell mass. There is no ethical question involved there because these cells in the inner cell mass cannot produce a baby because they have already lost their ability to produce decidua. The decidua is the amnion and chorion which is commonly known as the placenta, and they have lost the ability to do that, so they cannot produce a baby, but they can produce all of the tissues of a person, because these are what produce, back to our first chart that shows the inner cell mass differentiating into these three germ layers.

So the last possible ethical objection to deriving stem cells from pre-implantation genetic diagnosis and the development of a repair kit would be gone if we could take the cell from the inner cell mass, because the inner cell mass, those cells could not possibly produce a baby, because they are sufficiently differentiated that they cannot produce the decidium.

I have used this term ''differentiation'' a number of times, and what we try to do with adult stem cells, because they are already differentiated, we try to de-differentiate them. We try to confuse them with ques, with chemicals, with exposing them to other cells and the products from other cells so that they can kind of forget their development and they now go back to a prior less-differentiated state where they could produce more variety of cells. But you avoid those problems with the embryonic stem cell, because it has the capability to produce any and every cell in the body.

Mr. Speaker, I believe that with these recent medical advances, with the knowledge that we have, that it is perfectly feasible to ethically develop embryonic stem cell lines from embryos which should have, in the view of many of the experts, and clearly in the view of most Americans if you poll them, should have more potential than adult stem cells. Only research will tell that, and only time will tell whether or not that is true.

But with the hope that these large numbers of diseases so devastating to our people could be affected or maybe cured with embryonic stem cells, we really must pursue this, and now we have the opportunity to do that without offending those who have a problem with taking one life so that we might help another life.

I think, Mr. Speaker, that we now are on the cusp of advances that will bring these two sides together. We have enough things to be concerned about and to discuss in our country, we do not need to be discussing this, and I think the two sides with these present advances can come together. I hope that we will have an early vote on our bill and it will reach the President's desk so that he has a bill that he can sign that will promote embryonic stem cell research.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCCOLLUM of Minnesota (at the request of Ms. PELOSI) for today and before 4:00 p.m. June 8 on account of official business.

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 Mr. RYAN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today.

Mr. POE, for 5 minutes, today and June 9.

Mr. JONES of North Carolina, for 5 minutes, today and June 8 and 9.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, June 9.

Mr. KELLER, for 5 minutes, today and June 8.

Mr. BURTON of Indiana, for 5 minutes, today and June 8, 9, and 10.

Mr. SIMMONS, for 5 minutes, June 9.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, June 8.

Ms. FOXX, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, June 8.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the House title, which was thereupon signed by the Speaker:

H.R. 1760. an ACT to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the ''Robert M. La Follette, Sr. Post Office Building''.

A BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on May 27, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 2566. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 8, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2223. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 109–31); to the Committee on Appropriations and ordered to be printed.

2224. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105–261, section 1512; (H. Doc. No. 109–32); to the Committee on International Relations and ordered to be printed.

2225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-73, ''Closing of a Public Alley in Square 527, S.O. 03-1181, Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-74, ''Rental Housing Act Extension Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-75, ''Closing of a Public Alley in Square 342, S.O. 03-5369, Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-89, ''Rental Housing Conversion and Sale Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-76, ''Closing of a Portion of Davenport Street, N.W., abutting Squares 1672 and 1673, S.O. 03-2366, Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-84, ''Victims of Domestic Violence Fund Establishment Temporary Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2231. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-85, ''Local, Small, and Disadvantaged Business Enterprises Certification Temporary Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2232. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2233. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2234. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2235. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2236. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2237. A letter from the Director, Office of White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2238. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2239. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2240. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds; Baltimore Harbor Anchorage Project [CGD05-03-036] (RIN: 1625-AA01) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2004-19525; Directorate Identifier 2004-NM-18-AD; Amendment 39-14026; AD 2005-07-02] (RIN: 2120-AA64) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-20631; Directorate Identifier 2005-NM-025-AD; Amendment 39-14012; AD 2005-06-04] (RIN: 2120-AA64) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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:

[Pursuant to the order of the House on May 26, 2005 the following reports were filed on June 2, 2005]

Mr. HOEKSTRA: Permanent Select Committee on Intelligence H.R. 2475. A bill to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with amendment (Rept 109–101). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. BONILLA: Committee on Appropriations H.R. 2744. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–102). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

[Filed on June 7, 2005]

Mr. BARTON: Committee on Energy and Commerce. House Resolution 169. Resolution recognizing the importance of sun safety, and for other purposes, with an amendment (Rept. 109–103). Referred to the House Calendar.

Mr. BARTON: Committee on Energy and Commerce. H.R. 1812. A bill 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, and for other purposes (Rept. 109–104). Referred to the Committee of the Whole House on the State of the Union.

Mr. PUTNAM: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes

(Rept. 109–105). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 304. Resolution providing for consideration of (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (Rept. 109–106). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following action occurred on May 27, 2005]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration H.R. 22 referred to the Committee of the Whole House on the State of the Union and 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 Mr. HYDE (for himself and Mr. PENCE):

H.R. 2745. A bill to reform the United Nations, and for other purposes; to the Committee on International Relations.

By Mr. HOLT:

H.R. 2746. A bill to amend title XVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. FILNER:

H.R. 2747. A bill to amend title 38, United States Code, to enhance military and veterans' life insurance programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 2748. A bill to condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 on compliance with certain safety standards, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2749. A bill to require cigarette products to be placed under or behind the counter in retail sales; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2750. A bill to amend section 502(h) of the Housing Act of 1949 to improve the rural housing loan guarantee program, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2751. A bill to amend section 526 of the National Housing Act to provide that any certification of a property for meeting energy efficiency requirements for mortgage insurance under such Act shall be conducted by an individual certified by an accredited home energy rating system provider; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2752. A bill to amend chapter 89 of title 5, United States Code, to make available to Federal employees the option of obtaining health benefits coverage for dependent parents; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 2753. A bill to amend the Federal Election Campaign Act of 1971 to provide for public funding for House of Representatives elections, and for other purposes; to the Committee on House Administration.

By Mr. ANDREWS:

H.R. 2754. A bill to amend the Railroad Retirement Act of 1974 to eliminate a limitation on benefits; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2755. A bill to amend the Internal Revenue Code of 1986 to provide for the income tax treatment of legal fees awarded or received in connection with nonphysical personal injury cases; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2756. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury and the Commissioner of Social Security to disclose certain taxpayer returns and return information upon written request by an order from a State or local court in a family law proceeding; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2757. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the dollar limitation on the exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 2758. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of infertility treatment services for individuals entitled to health insurance benefits under that program by reason of a disability; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. ANDREWS:

H.R. 2759. A bill to assure equitable treatment of fertility and impotence in health care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, 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. ANDREWS:

H.R. 2760. A bill to amend title XVIII of the Social Security Act to require the preparation of audit reports based upon the financial auditing of Medicare Advantage organizations and to make such reports available to the public; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. ANDREWS:

H.R. 2761. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class and to amend title XIX of the Social Security Act to provide for coverage of annual screening mammography under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, 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. ANDREWS:

H.R. 2762. A bill to direct the Secretary of Health and Human Services to establish a demonstration project for the use of an Internet-based form for submission of certain claims 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 Mrs. CAPPS:

H.R. 2763. A bill to authorize the Director of the Centers for Disease Control and Prevention to make grants to local educational agencies to support the purchase or lease and use of vending machines that offer for sale healthy foods and beverages in schools; to the Committee on Education and the Workforce, 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. CLAY:

H.R. 2764. A bill to extend the temporary suspension of duty on 2 methyl 5 nitrobenzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2765. A bill to extend the temporary suspension of duty on p-cresidine sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2766. A bill to extend the temporary suspension of duty on 2,4 disulfo benzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2767. A bill to extend the temporary suspension of duty on n ethyl N (3-sulfobenzyl) aniline; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2768. A bill to extend the temporary suspension of duty on m-hydroxy benzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2769. A bill to extend the temporary suspension of duty on 2 amino 5 sulfobenzoic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2770. A bill to extend the temporary suspension of duty on 2 amino 6 nitro phenol 4 sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2771. A bill to extend the temporary suspension of duty on 2,5 bis [(1,3 dioxobutyl) amino] benzene sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2772. A bill to extend the temporary suspension of duty on 4 [(4 amino phenyl) azo] benzene sulfonic acid, monosodium salt; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2773. A bill to suspend temporarily the duty on oleoresin turmeric; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2774. A bill to suspend temporarily the duty on basic yellow 40 chloride based; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2775. A bill to suspend temporarily the duty on direct yellow 119; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2776. A bill to extend the temporary suspension of duty on 4 [(4 amino phenyl) azo] benzene sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 2777. A bill to suspend temporarily the duty on oleoresin paprika; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 2778. A bill to amend the National Voter Registration Act of 1993 to permit a voting registrar to remove an individual from the official list of registered voters for elections for Federal office on the ground that the individual no longer resides in the registrar's jurisdiction if the individual fails to vote in any election held during 2 consecutive Federal election cycles, the registrar sends a notice to the individual at the end of the second cycle, and the individual fails to respond to the notice within 60 days; to the Committee on House Administration.

By Mr. HERGER:

H.R. 2779. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Resources.

By Mr. ISRAEL (for himself and Ms. BEAN):

H.R. 2780. A bill to direct the Assistant Secretary of Homeland Security for the Transportation Security Administration to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, 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 Mrs. JOHNSON of Connecticut:

H.R. 2781. A bill to suspend temporarily the duty on Naugard 412S; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2782. A bill to suspend temporarily the duty on Triacetonamine; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2783. A bill to suspend temporarily the duty on Ipconazole; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2784. A bill to suspend temporarily the duty on Omite Tech; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 2785. A bill to suspend temporarily the duty on Pantera Technical; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself and Mr. THOMPSON of California):

H.R. 2786. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 2787. A bill to amend title 49, United States Code, to restore the mission of the Federal Aviation Administration to promote civil aeronautics; to the Committee on Transportation and Infrastructure.

By Mr. WU (for himself, Mr. DEFAZIO, Mr. BLUMENAUER, and Ms. HOOLEY):

H.R. 2788. A bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H. Res. 305. A resolution supporting the goals and ideals of the National Congenital Heart Defect Awareness Week; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Res. 306. A resolution to recognize and honor the world's nearly 20,000,000 refugees; to the Committee on International Relations.

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. DENT:

H.R. 2789. A bill for the relief of Gabriella Dee; to the Committee on the Judiciary.

By Mr. WELDON of Pennsylvania (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. PETERSON of Pennsylvania, Mr. GERLACH, Mr. FITZPATRICK of Pennsylvania, Mr. SHUSTER, Mr. SHERWOOD, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ of Pennsylvania, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. MURPHY, and Mr. PLATTS):

H.R. 2790. A bill to authorize and request the President to award the Medal of Honor to Richard D. Winters, of Hershey, Pennsylvania, for acts of valor on June 6, 1944, in Normandy, France, while an officer in the 101st Airborne Division; to the Committee on Armed Services.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolution as follows:

H.R. 13: Mr. LIPINSKI and Mr. SNYDER.

H.R. 23: Mrs. NAPOLITANO, Mr. SALAZAR, Mr. COSTA, and Mr. OBERSTAR.

H.R. 41: Mr. YOUNG of Alaska.

H.R. 65: Mr. REICHERT, Mr. BRADY of Texas, Mr. FOLEY, and Mrs. CAPITO.

H.R. 111: Mrs. JONES of Ohio, Mr. BROWN of Ohio, Mr. GOODLATTE, and Mr. GARY G. MILLER of California.

H.R. 115: Mr. COSTELLO.

H.R. 176: Mr. COX, Ms. HARMAN, and Ms. ZOE LOFGREN of California.

H.R. 195: Mr. KOLBE.

H.R. 216: Mr. DANIEL E. LUNGREN of California.

H.R. 224: Mr. CONYERS.

H.R. 282: Mr. JONES of North Carolina, Ms. PELOSI, Mr. GILCHREST, Mr. SMITH of Washington, Mr. SALAZAR, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Mr. LYNCH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Mr. BAIRD, and Mr. PEARCE.

H.R. 302: Mr. CONYERS.

H.R. 303: Ms. ESHOO, Mr. LATOURETTE, Mr. POMBO, Mr. MORAN of Virginia, Mr. KELLER, and Mr. NORWOOD.

H.R. 328: Mr. GILCHREST.

H.R. 333: Ms. ZOE LOFGREN of California.

H.R. 363: Mr. DEFAZIO and Mr. COSTELLO.

H.R. 371: Mr. BRADLEY of New Hampshire, Mr. HINOJOSA, Ms. SCHWARTZ of Pennsylvania, and Mr. LARSEN of Washington.

H.R. 389: Mr. BUYER.

H.R. 448: Mr. GONZALEZ.

H.R. 457: Ms. BALDWIN.

H.R. 463: Mr. FILNER.

H.R. 468: Mr. MCGOVERN.

H.R. 503: Mr. DELAHUNT, Mr. SMITH of New Jersey, Mrs. MCCARTHY, Mr. WEINER, Mrs. MYRICK, and Mr. NEAL of Massachusetts.

H.R. 515: Mr. SHERMAN and Mr. FITZPATRICK of Pennsylvania.

H.R. 543: Mr. FRANK of Massachusetts.

H.R. 551: Mr. JEFFERSON, Mr. FRANKS of Arizona, Mr. SABO, Ms. ESHOO, Mr. MORAN of Virginia, and Ms. CARSON.

H.R. 554: Mr. PRICE of Georgia.

H.R. 558: Ms. KAPTUR.

H.R. 602: Ms. SOLIS, Mr. WELDON of Florida, Ms. WASSERMAN SCHULTZ, and Mr. HAYES.

H.R. 615: Mr. ROTHMAN and Mr. BRADY of Pennsylvania.

H.R. 652: Mr. FORD, Mr. HERGER, and Ms. ROS-LEHTINEN.

H.R. 670: Mr. CUMMINGS and Mr. MOORE of Kansas.

H.R. 676: Ms. CARSON, Mr. EVANS, Mr. LANTOS, Mr. SANDERS, and Mr. ENGEL.

H.R. 699: Mr. POMEROY, Mr. BACHUS, Ms. HARMAN, Mr. PETRI, Mr. LARSON of Connecticut, Mr. RYAN of Wisconsin, Mrs. JONES of Ohio, Mr. STRICKLAND, Mr. PORTER, Mr. ISRAEL, and Mr. BISHOP of Utah.

H.R. 713: Mr. MARSHALL and Mr. DAVIS of Kentucky.

H.R. 736: Mrs. CHRISTENSEN.

H.R. 747: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MENENDEZ.

H.R. 752: Mr. BRADY of Pennsylvania.

H.R. 771: Mr. VAN HOLLEN.

H.R. 780: Mr. HIGGINS and Mr. ISRAEL.

H.R. 783: Mr. CONAWAY, Mr. BOREN, Mr. FRELINGHUYSEN, and Mr. BARTLETT of Maryland.

H.R. 800: Mr. LAHOOD and Mr. STUPAK.

H.R. 801: Mr. BRADY of Pennsylvania.

H.R. 818: Mrs. CHRISTENSEN.

H.R. 820: Mr. HINOJOSA.

H.R. 831: Mr. DAVIS of Illinois.

H.R. 839: Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. TIERNEY, Mr. DEFAZIO, Mr. ETHERIDGE, Mr. FILNER, and Mr. GRIJALVA.

H.R. 864: Mrs. MALONEY, Ms. SCHWARTZ of Pennsylvania, Mr. RAMSTAD, and Mr. BAIRD.

H.R. 865: Mr. PUTNAM.

H.R. 869: Mr. MURPHY.

H.R. 880: Mr. WHITFIELD.

H.R. 887: Mr. BERRY, Mr. HIGGINS, Mr. NORWOOD, Mr. GORDON, and Mr. MCNULTY.

H.R. 896: Mr. FORD, Mrs. JOHNSON of Connecticut, and Mr. ABERCROMBIE.

H.R. 898: Mr. BOSWELL, Mr. RUPPERSBERGER, Mr. BACHUS, Mr. HINOJOSA, Mr. COOPER, Mr. OBERSTAR, Mr. ISRAEL, Mr. PUTNAM, and Mr. LAHOOD.

H.R. 916: Mr. BERRY, Mr. MEEHAN, Mr. MARSHALL, and Mr. PORTER.

H.R. 923: Mr. CARNAHAN, Mr. HOLDEN, Mr. MCNULTY, Mr. CUMMINGS, and Mrs. CAPITO.

H.R. 940: Mr. WAMP.

H.R. 945: Ms. MCKINNEY.

H.R. 963: Ms. ROYBAL-ALLARD.

H.R. 968: Mr. KILDEE, Mr. FORD, Mr. RAHALL, Mrs. DAVIS of California, Mr. CUNNINGHAM, and Mr. TAYLOR of Mississippi.

H.R. 986: Mr. DAVIS of Tennessee.

H.R. 988: Mr. ALLEN and Mr. GRIJALVA.

H.R. 997: Mr. PETERSON of Minnesota.

H.R. 998: Mr. SWEENEY and Mr. LUCAS.

H.R. 1000: Mrs. LOWEY.

H.R. 1010: Mr. RAMSTAD and Mr. BACHUS.

H.R. 1020: Mr. CUMMINGS and Mr. CONAWAY.

H.R. 1079: Mr. BOUSTANY.

H.R. 1102: Mrs. MALONEY.

H.R. 1124: Mr. BOOZMAN.

H.R. 1155: Ms. ESHOO.

H.R. 1156: Mr. WHITFIELD.

H.R. 1157: Mr. DOYLE and Mr. FORD.

H.R. 1175: Mr. MCCOTTER.

H.R. 1204: Mr. ROTHMAN, Mr. SMITH of Washington, Ms. ROYBAL-ALLARD, Mr. REYES, and Mr. LEVIN.

H.R. 1216: Mr. GILLMOR and Mrs. MYRICK.

H.R. 1220: Mr. UDALL of New Mexico.

H.R. 1288: Mr. THORNBERRY, Mr. PICKERING, Mrs. MILLER of Michigan, Mr. LEWIS of Kentucky, Mr. MICA, Mr. CALVERT, Mr. MARCHANT, Mr. RYUN of Kansas, Mr.

MCCRERY, Mr. LATOURETTE, and Mr. BARROW.
H.R. 1299: Mr. WAMP.
H.R. 1352: Mr. INSLEE.
H.R. 1365: Mr. CLYBURN.
H.R. 1376: Mr. WELLER.
H.R. 1390: Mr. ISRAEL.
H.R. 1409: Ms. WOOLSEY, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. ANDREWS, and Mr. MEEK of Florida.
H.R. 1424: Mr. SHERMAN.
H.R. 1471: Mr. HOBSON, Mr. RAHALL, and Mr. SHAW.
H.R. 1505: Mr. ISRAEL and Mr. SHIMKUS.
H.R. 1510: Mr. CANNON.
H.R. 1511: Mr. RAMSTAD.
H.R. 1520: Mr. WALDEN of Oregon.
H.R. 1526: Mr. PAYNE.
H.R. 1547: Mr. DREIER and Mr. RUPPERSBERGER.
H.R. 1558: Mr. SMITH of New Jersey.
H.R. 1585: Ms. GINNY BROWN-WAITE of Florida and Mr. KENNEDY of Minnesota.
H.R. 1592: Mr. MATHESON.
H.R. 1606: Mr. KENNEDY of Minnesota.
H.R. 1607: Mr. WELDON of Florida.
H.R. 1619: Ms. MCCOLLUM of Minnesota.
H.R. 1620: Mr. GREEN of Wisconsin.
H.R. 1642: Mr. INGLIS of South Carolina.
H.R. 1652: Mr. WEXLER, Mr. SCHIFF, Mr. KOLBE, and Mr. SERRANO.
H.R. 1671: Mr. ETHERIDGE and Ms. JACKSON-LEE of Texas.
H.R. 1696: Ms. NORTON, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, and Mrs. LOWEY.
H.R. 1704: Mrs. MCCARTHY.
H.R. 1744: Mr. BROWN of Ohio.
H.R. 1748: Mrs. MUSGRAVE.
H.R. 1791: Mr. CROWLEY and Mr. COOPER.
H.R. 1823: Ms. ZOE LOFGREN of California.
H.R. 1851: Mr. DOOLITTLE.
H.R. 1861: Mr. BRADY of Pennsylvania.
H.R. 1863: Mr. MCCOTTER.
H.R. 1898: Mr. SULLIVAN, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. GORDON, Mr. PITTS, Mr. NORWOOD, and Mr. LINDER.
H.R. 1955: Mr. SCHIFF and Mrs. LOWEY.
H.R. 1973: Mr. MILLER of North Carolina, Mr. WEXLER, Mr. CARDOZA, Ms. LEE, and Mr. RYAN of Ohio.
H.R. 2012: Mr. FEENEY.
H.R. 2017: Mr. CUNNINGHAM.
H.R. 2044: Mr. GRIJALVA, Mr. EVANS, Mr. MCGOVERN, and Mr. WEXLER.
H.R. 2047: Mr. ORTIZ and Mrs. JO ANN DAVIS of Virginia.
H.R. 2061: Mr. MCHENRY, Mr. FEENEY, Mr. PENCE, Mr. EDWARDS, and Mr. CONAWAY.
H.R. 2074: Mr. CONYERS.
H.R. 2076: Mr. FILNER and Mr. NORWOOD.
H.R. 2106: Mr. MANZULLO and Mr. RAMSTAD.
H.R. 2123: Mr. MURPHY.
H.R. 2183: Mr. MENENDEZ and Mr. HOLT.
H.R. 2209: Mr. TAYLOR of North Carolina, Mr. HOLDEN, and Mr. ETHERIDGE.
H.R. 2218: Mr. GENE GREEN of Texas.
H.R. 2338: Mr. PALLONE, Mr. CASE, Mr. MENENDEZ, Ms. ZOE LOFGREN of California, Mr. ORTIZ, and Mr. MARKEY.
H.R. 2290: Mr. KENNEDY of Minnesota.
H.R. 2327: Mr. VAN HOLLEN, Mr. SMITH of Washington, Mr. HONDA, Mr. SCHIFF, Ms. DELAURO, Mr. BLUMENAUER, Mr. BACA, Mr. SCOTT of Virginia, Mr. WEINER, Ms. HARMAN, Mr. WOLF, and Mr. TANCREDO.
H.R. 2328: Mr. STRICKLAND, Mr. DAVIS of Illinos, and Mrs. LOWEY.
H.R. 2331: Ms. WASSERMAN SCHULTZ.
H.R. 2350: Mr. HIGGINS.
H.R. 2355: Mr. STEARNS.
H.R. 2363: Mr. RAMSTAD.
H.R. 2367: Mr. TOWNS, Mr. HONDA, and Ms. JACKSON-LEE of Texas.
H.R. 2369: Mr. DAVIS of Illinois.
H.R. 2370: Mr. DAVIS of Illinois.
H.R. 2423: Mr. KUHL of New York, Mr. WYNN, Mr. BOOZMAN, Mrs. EMERSON, Ms. HERSETH, Mr. ROGERS of Michigan, Mr. KILDEE, and Mr. MURPHY.
H.R. 2427: Mr. BASS, Mr. BARROW, and Mr. ABERCROMBIE.
H.R. 2429: Mr. DINGELL.
H.R. 2457: Ms. MOORE of Wisconsin and Mr. OWENS.
H.R. 2500: Ms. SCHAKOWSKY, Mr. RANGEL, Mr. NEAL of Massachusetts, Mr. PAYNE, Mr. MCGOVERN, Ms. NORTON, Mrs. MALONEY, Mr. KUCINICH. Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Ms. ESHOO, and Mr. OWENS.
H.R. 2526: Mr. ENGEL, Mr. KIRK, Mr. SIMMONS, Mr. KUHL of New York, Mr. FITZPATRICK of Pennsylvania, Mr. HOLDEN, and Mr. STRICKLAND.
H.R. 2533: Mr. SHIMKUS, Mr. YOUNG of Alaska, Mr. BECERRA, and Mr. DAVIS of Illinois.
H.R. 2626: Mr. STUPAK, Mr. BOSWELL, and Ms. JACKSON-LEE of Texas.
H.R. 2641: Mr. SCOTT of Georgia and Mr. PALLONE.
H.R. 2646: Mr. TERRY, Mr. BRADLEY of New Hampshire, Mr. COOPER, Mr. CULBERSON, Mr. OTTER, Mr. PAUL, Mr. WILSON of South Carolina, and Mr. THOMPSON of Mississippi.
H.R. 2648: Mr. BARROW, Mr. CROWLEY, Mr. BURTON of Indiana, Mr. BONNER, Mr. MCNULTY, Mr. PAUL, and Mr. SMITH of New Jersey.
H.R. 2658: Mr. DAVIS of Kentucky.
H.R. 2681: Mr. EMANUEL, Mr. CLYBURN, Mr. FARR, Ms. NORTON, and Mr. DICKS.
H.R. 2688: Mr. WEINER.
H.R. 2694: Mr. STRICKLAND, Mr. GUTIERREZ, Mr. LANGEVIN, Ms. LEE, Mr. MARSHALL, Mr. BACA, and Mr. LARSON of Connecticut.
H.R. 2717: Mr. SCOTT of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mr. POMEROY, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Ms. ROS-LEHTINEN, and Mr. GERLACH.
H.R. 2719: Ms. MCKINNEY.
H.J. Res. 10: Mr. TIBERI, Mr. BISHOP of Utah, and Mr. MORAN of Kansas.
H.J. Res. 22: Mr. EDWARDS and Mr. BROWN of Ohio.
H.J. Res. 37: Mr. LOBIONDO, Mr. HIGGINS, and Mr. PETERSON of Minnesota.
H.J. Res. 38: Mr. FITZPATRICK of Pennsylvania.
H. Con. Res. 71: Ms. SCHAKOWSKY, Mr. FORTUÑO, Ms. ZOE LOFGREN of California, and Ms. BORDALLO.
H. Con. Res. 85: Mrs. CAPITO.
H. Con. Res. 154: Mr. FRANK of Massachusetts.
H. Con. Res. 159: Mr. BILIRAKIS.
H. Con. Res. 160: Ms. MCKINNEY, Mr. BRADY of Pennsylvania, Ms. CARSON, and Mr. MOORE of Kansas.
H. Con. Res. 162: Mr. DENT.
H. Con. Res. 164: Mr. CASE.
H. Con. Res. 172: Mr. SHERMAN, Mr. VAN HOLLEN, and Mr. SIMMONS.
H. Con. Res. 173: Mr. KINGSTON and Mr. OSBORNE.
H. Res. 121: Mr. WEXLER.
H. Res. 146: Mr. MARCHANT.
H. Res. 175: Mr. MCGOVERN.
H. Res. 189: Mr. MCNULTY.
H. Res. 199: Mr. HOYER, Mr. KIRK, Mr. ACKERMAN, Mr. RUSH, and Ms. ZOE LOFGREN of California.
H. Res. 279: Mr. SHAW.
H. Res. 282: Mr. MILLER of Florida and Mr. SCHWARZ of Michigan.

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. 65: Mr. LANGEVIN.

AMENDMENTS

Under clause 8 of Rule XVIII, proposed amendments were submitted as follows:

H.R. 2744

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 1: Page 51, line 21, insert the following before the period at the end:

: *Provided further*, That none of the funds made available under this heading may be expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a)

H.R. 2744

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 2: Page 2, line 19, after the dollar amount insert the following: ''*Provided*, That $875,000 of the funds made available by this appropriation shall not be available until the Secretary of Agriculture submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the National Animal Identification Plan, including the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2005, an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry, and the expected cost of implementing the National Animal Identification System''.

H.R. 2744

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 3: At the end of the bill (before the short title) insert the following new section:

SEC. ____. Not later than 180 days after the date of the enactment of this section, the Secretary of Agriculture shall submit to Congress a report on the National Animal Identification Plan, including—

(1) the lessons learned and the effectiveness of the pilot programs funded in fiscal year 2005;

(2) an analysis of the economic impact of the proposed National Animal Identification System on the livestock industry; and

(3) the expected cost of implementing the National Animal Identification System.

H.R. 2744

OFFERED BY: MR. BACA

AMENDMENT NO. 4: Under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount the following: ''(reduced by $855,000)''.

Under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE'' and ''RESEARCH AND EDUCATION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to an education grants program for Hispanic-serving Institutions, the following: ''(increased by $855,000)''.

H.R. 2744

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 5: At the end of the bill (before the short title), add the following new section:

SEC. 7____. None of the funds appropriated or otherwise made available by this Act may be used to to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) to processors of domestically grown sugarcane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per pound for refined beet sugar.

H.R. 2744

OFFERED BY: MR. CHABOT

AMENDMENT NO. 6: At the end of the bill (before the short title) insert the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

H.R. 2744

OFFERED BY: MR. PLATTS

AMENDMENT NO. 7: Page 5, line 8, after the dollar amount insert the following: ''(reduced by $2,000,000)''.

Page 5, line 13, after the dollar amount insert the following: ''(reduced by $2,000,000)''.

Page 18, line 12, after the dollar amount insert the following: ''(increased by $1,227,000)''.

H.R. 2744

OFFERED BY: MR. REHBERG

AMENDMENT NO. 8: Strike section 759 (page 80, lines 7 through 10), relating to the delay in country of origin labeling for meat and meat products.

H.R. 2744

OFFERED BY: MR. SCHWARZ

AMENDMENT NO. 9: Add at the end (before the short title) the following new section:

SEC. 7____. It is the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by section 442 of the Plant Protection Act (7 U.S.C. 7772) to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in the States of Michigan, Ohio, and Indiana.

H.R. 2744

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses intended for slaughter, horse carcasses, or horse meat under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127).

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, JUNE 7, 2005 No. 74

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN ENSIGN, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of all mercies, open our hearts to the forgiving, healing work of Your Spirit that we may find our greatness in serving You and bringing good into the hearts and homes and work and play of others.

Sustain the Members of this body in their labors today. May they so strive to please You that even enemies will be transformed into friends. Remind them that a love of justice brings true power. Help them to speak with such kindness that others will want to listen. Teach them that though they make important decisions, You alone determine what happens.

God of grace and mercy, so bless our land that the people of the Earth will glorify Your name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN ENSIGN 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 assistant legislative clerk read as follows:

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

To the Senate:

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

TED STEVENS,
President pro tempore.

Mr. ENSIGN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume the debate on Executive Calendar No. 72, the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit. The cloture vote is scheduled for noon today. We will have a debate equally divided until then. I expect that cloture will be invoked, and once that vote is concluded, I will discuss with the Democratic leader a time for the up-or-down vote on Janice Rogers Brown. I remind everyone that following that confirmation vote, we will proceed to the cloture vote on the Pryor nomination.

Again, I hope we can expedite the final vote on each of these nominations once the cloture votes have been completed. We have other nominations to consider this week, including the additional judicial nominations that have time agreements already locked in place.

VISIT BY TURKISH PRIME MINISTER RECEP TAYYIP ERDOGAN

Mr. FRIST. Mr. President, on Wednesday, I will have the honor of meeting with Turkish Prime Minister Recep Tayyip Erdogan here in the Capitol. We will be meeting to discuss the importance of the United States-Turkish relationship and the ways in which we can strengthen that bond to achieve our common goals. I have had the opportunity to meet with the Prime Minister twice before over the past 12 months.

During a trip to the Middle East this spring, I sat down with Prime Minister Erdogan in Jerusalem. Prior to that, we met in Istanbul in the summer of 2004.

I look forward to continuing our dialog on the importance of the Turkish-American relationship. Turkey is a critical NATO ally and an indispensable partner in the global war on terror.

Despite our two countries' strong ties and close cooperation, there have been strains in the recent past that began with the liberation of Iraq in the spring of 2003. Some in the press speculate that Istanbul and Washington are going their separate ways. This is simply not the case.

It is true that March of 2003, the Turkish parliament rejected our request to permit the deployment of U.S. troops to Turkey in order to open a northern front against Saddam's forces. Clearly, we were not pleased. However, Turkey's subsequent offer to send troops to Iraq and President Bush's visit to Turkey last June moved our partnership beyond that matter.

Turkey has granted coalition forces overflight rights through Turkish airspace throughout the war in Iraq and has permitted the use of its ports, airbases, and roads for resupplying coalition troops an supporting reconstruction efforts in Iraq. Because of its proximity, Turkey's Incirlik airbase has also served as a vital transit location for coalition troops rotating in and out of Iraq. In fact, from January to April 2004, half of all U.S. troops rotating in and out of Iraq went through Incirlik, and Turkey recently agreed to allow coalition forces to use the base as a logistics hub. Turkey's assistance and support has been invaluable.

Turkey has also been a leader in Iraq's reconstruction efforts. At the

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2003 Madrid donors' conference, Turkey generously pledged to donate $50 million in aid over 5 years. In addition, Turkish businesses are functioning in Iraq and helping to provide fuel, electricity, and water to the Iraqi people. And many brave Turkish men and women have given the ultimate sacrifice to help build Iraq's nascent democracy. We honor them for their courage.

Turkey's contribution to the reconstruction project in Afghanistan must also not be overlooked. Turkey has taken the lead for the International Security Assistance Force twice in the last 3 years, most recently in February of this year.

And we must not forget that Turkey had been challenged by terrorism at home by the PKK for years before 9/11. Turkey is threatened today as well. Some PKK terrorists are seeking safe haven in northern Iraq, and so I urge the administration and the Iraqi government to take more aggressive action against the terrorists, and deny them any safe haven from which to launch attacks.

Since 9/11, Turkey has also been the target of al-Qaida. In November 2003, 62 people were killed and more than 700 injured in multiple bombings in Istanbul. It was a tragic event that saddened and angered the world, and fortified our resolve to win the war on terror.

Turkey has been a dedicated and reliable ally. Our intelligence communities are in close contact in this war, and Turkey has been instrumental in capturing terrorists, disrupting their logistics and planning, and dismantling their vast financial networks.

I am confident that Turkey will remain determined and resolute in the war on terror, and that enhanced cooperation between our two countries will prove to be fruitful. Turkey's role as a vital and strategic ally can only be enhanced by its membership in the European Union. The United States strongly supports this.

On December 17 last year, EU member states accepted the recommendation of the European commission for the commencement of accession negotiations with Turkey. These talks are scheduled to begin in October. In order to reach this stage, the Turkish government has undertaken sweeping reforms to fulfill the political and economic criteria for membership in the EU.

Since October of 2001, the Turkish parliament has passed nine reform packages to bring Turkish laws into line with EU benchmarks—five under the leadership of Prime Minister Endrogan. Reforms include the legalization of Kurdish broadcasting and education, the enhancement of freedoms of speech and association, greater civilian control over the military, and more thorough and transparent investigations into allegations of human rights abuses. It is crucial that Turkey continue to take steps to meet all of the EU's criteria. This will allow the United States to remain a steady and effective supporter of Turkey's ambitions to join the EU.

Turkey's accession to the EU will have a profound impact on Muslim populations within Europe, in the broader Middle East and beyond. It will further demonstrate that democratic governance and respect for the rule of law are not unique to one religion or one culture, but are the birthright of all peoples everywhere. Just as the people of Iraq, Lebanon, and Afghanistan are setting a remarkable example for the entire Middle East, Turkey's membership in the EU will inspire hope throughout the entire Muslim world.

And, finally, as a secular democracy with a predominantly Muslim population, Turkey's membership in the EU—as in NATO—will demonstrate the United States' and Europe's commitment to diversity and tolerance.

We may not always agree on the same course of action—and sometimes we may not agree on the same ends—but Turkey has, for decades, been a friend. And it has consistently expressed its dedication to the values, ideals, and interests that the United States holds dear.

Like the United States, Turkey is committed to a democratic Iraq that respects the rights of its own people and is at peace with its neighbors. It is committed to a just resolution to the Israeli-Palestinian conflict in which two democratic states, Israel and Palestine, live side-by-side in peace and security. It stands against Iran's nuclear ambitions, and squarely for victory in the war against terror.

The United States and Turkey share the same objectives: peace, security, and the spread of freedom and opportunity.

The partnership between the United States and Turkey has survived disagreements in the past and has been consistently vital in the pursuit of our shared interests. The key has always been strong leadership at the highest levels that articulates our partnership and defends the bilateral ties that help us advance our common goals.

Today, we face a golden opportunity to move beyond recent tensions and strengthen our partnership. The first step is for Prime Minister Erdogan to speak clearly in defense of our partnership, and to dispel a wave of anti-Americanism that runs counter to the last 5 decades of cooperation.

I'm confident that the prime minister will do so during his visit this week, and when he returns home to Turkey. And I'm confident that the United States-Turkish partnership will endure as we confront the challenges of the 21st century together.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Will the Chair inform me as to what the situation is concerning morning business or debate.

The ACTING PRESIDENT pro tempore. We are supposed to go into executive session at this time.

Mr. DURBIN. I thank the Chair.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session to resume consideration of calendar No. 72, which the clerk will report.

The assistant legislative clerk read the nomination of Janice Rogers Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon shall be equally divided for debate between the two leaders or their designees, provided that the last 20 minutes prior to the vote be divided, with 10 minutes under the control of the Democratic leader or his designee, to be followed by 10 minutes under the control of the majority leader or his designee.

The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, under the order, the time is equally divided; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. I seek recognition under the terms of that order.

The ACTING PRESIDENT pro tempore. The Senator from Illinois, the assistant Democratic leader, is recognized.

Mr. DURBIN. Mr. President, I am sorry that this day has come. Janice Rogers Brown is one of President Bush's most ideological and extreme judicial nominees. This is not just my opinion. I invite anyone, please, read her speeches, read her opinions. They reflect the views of a judicial activist and a person who is, in fact, an ideological warrior. They reflect the views of someone who is outside of the mainstream of American thought. They reflect the views of someone who should not be given a lifetime appointment to the second highest court in America—a court second only to the United States Supreme Court.

I am a member of the Senate Judiciary Committee. I served as the ranking Democrat at Justice Brown's hearing in October of 2003. I asked her a lot of questions. Her answers offered little assurance that she will be anything but a judicial activist with a far-right agenda.

She is a very engaging person. She has a great life story. You cannot help but like her when you first meet her. But then, as you read what she has said and ask her questions about it, you cannot help but be troubled, if you are looking for someone who is moderate and centrist and who will be fair in the way they view the most important cases coming before the court.

Do not take my word for that. Listen to the words of George Will, one of the most well-known, conservative voices in America. Two weeks ago in the Washington Post, George Will wrote the following:

> Janice Rogers Brown is out of that mainstream. That should not be an automatic disqualification, but it is a fact: She has expressed admiration for the Supreme Court's pre-1937 hyper-activism in declaring unconstitutional many laws and regulations of the sort that now define the new post-New Deal regulatory state.

I agree with George Will. So do hundreds of other individuals and organizations. Newspaper editorial boards across America are deeply troubled about her nomination by President Bush.

Justice Brown's ideological rants about the role of government in our society are found most often in her speeches. She called the year of 1937 ''the triumph of our own socialist revolution.'' Socialism in America, in the eyes of Justice Brown. Why? Because the Supreme Court decisions that year upheld the constitutionality of Social Security and other major parts of the New Deal. So in the eyes of Justice Brown, the New Deal and Social Security are socialist ideas? That shows how far removed she is from the reality of thinking in America.

She stated:

> Where Government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies.

That is a wonderful line to throw in a novel but to announce that as your philosophy as you take off to preside over a bench making decisions involving the lives of hundreds of thousands of Americans is just too extreme.

Justice Brown has praised an infamous case, Lochner v. New York. It is a 100-year-old case. The Supreme Court struck down maximum-hour laws for bakers and ruled that Government regulations interfered with the constitutional right to ''freedom of contract.'' The Lochner case has been repudiated by both liberals and conservatives. They said it went too far. They believed it was extreme, but not Justice Brown. She not only accepts the Lochner decision, she embraces it.

In another speech, Justice Brown said our Federal Government is like slavery. She said:

> We no longer find slavery abhorrent. We embrace it. We demand more. Big government is not just the opiate of the masses. It is the opiate.

Think about these words. Interesting things to read. You might want to read them from time to time and say, let's see what the far right thinks about things, except these are the words of a woman who is seeking to bring her views to a lifetime appointment on the Federal bench.

She has blasted Government programs that help seniors, and here is what she said:

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much ''free'' stuff as the political system will permit them to extract.

Think about that. Think of the cynicism in that remark and think about whether she is the judge you would want to face with a critical decision involving your life, your family, your community, or our country—Janice Rogers Brown.

She rebuked elected officials for ''handing out new rights like lollipops in the dentist's office.'' She has complained that ''in the last 100 years, and particularly in the last 30, the Constitution has been demoted to the status of a bad chain novel.''

Think about that. Is Roe v. Wade chapter 1 of Justice Brown's bad chain novel? How about Brown v. Board of Education, Justice Brown? Is that another bad chapter in America's novel? How about Miranda, a decision which has now been accepted across America, another bad chapter in America's novel?

Justice Brown just does not get it. America has changed, thank God, in recognizing the right of privacy, in recognizing that we are putting behind us segregation, separate but equal schools, in recognizing that when it comes to the power of the State, there are limitations and there are rights of individuals. For Justice Brown, these are part of a bad chain novel. What a choice of words.

Justice Brown's rhetoric suggests she is guided more by ''The Fountainhead,'' ''Atlas Shrugged,'' and ''The Road to Serfdom'' than by our Constitution and Bill of Rights. And she wants a lifetime appointment on the bench?

The Washington Post asked a question in an editorial this morning of Republicans in the Senate: If you truly want moderate people who are not activist, who do not come to the bench with an agenda, how can you support Justice Brown? When you take a look at what she has done and said, how can you honestly believe she is going to be moderate in her approach on the bench?

The question is whether Republican Senators will march in lockstep because President Bush says take it or leave it. It is Justice Janice Rogers Brown, you have to have her. If they take it, they are basically turning their backs on the fact they have argued against activism on the bench. Hers is activism from the right, not from the left. But if you are opposed to judicial activism, how could you support her based on what she said?

In her confirmation hearing, Justice Brown dismissed her speeches. She said they were just an attempt to stir the pot. They did more than stir the pot. They set the kitchen on fire. Her speeches show she has the temperament and ideology of a rightwing radio talk show host, not of a person we want to serve on the second highest court of the land for a lifetime—a lifetime.

Justice Brown's nomination to the DC Circuit of all courts is particularly troubling. The DC Circuit is a unique court. It is the court that most closely oversees the operations of Government, such as dealing with worker safety and unfair labor practices. It is the only appellate court with exclusive jurisdiction over many aspects of environmental and energy laws. How ironic and unfortunate to have someone considered for that position who is so openly hostile to the role of the Government when it comes to the environment, when it comes to protecting individual rights.

As a member of the California Supreme Court, Justice Brown has put her theories into practice. In case after case, Justice Brown has sided with anti-Government positions, and she has sided consistently against victims seeking rights and remedies. She is a tough judge. Sometimes you want a tough judge, but you also want a balanced judge, one who is going to be fair in what they do on the bench.

Oftentimes she is the loan dissenter—remarkable—because the California Supreme Court has six Republicans and only one Democrat. Senator BARBARA BOXER of California has counted at least 31 cases where Justice Brown was the sole dissenter. Let me give a few examples.

She was the only member of the California Supreme Court to find the California Fair Employment and Housing Commission did not have the authority to award damages to housing discrimination victims.

She was the only member of the court to conclude that age discrimination victims should not have the right to sue under common law, an interpretation directly contrary to the will of the California Legislature.

She was the only member of the California Supreme Court who voted to strike down a San Francisco law that provided housing assistance to displaced low-income, elderly, and disabled people.

In a case last year, Justice Brown was the sole member of her court who voted to strike down a law that required health insurance plans that cover prescription drugs to include prescription contraceptives in that coverage. Her open hostility to access to contraception is particularly worth noting today, June 7, 2005. Today is the 40th anniversary of the landmark Supreme Court case Griswold v. Connecticut, which established a constitutional right to marital privacy. That case really was a watershed decision.

In the State of Connecticut and several other States, a religious group had been successful in convincing the State

legislature to dramatically limit the availability of birth control and contraception. Forty years ago, some of us did not know it was happening, but it was happening. In some States, you could not buy birth control because the legislature said no. That is a decision the State had decided that you could not make as an individual.

The Griswold case overthrew that law and said that your personal right to privacy trumped State rights when it came to access to contraception.

It turns out that Justice Brown's hostility to access to contraception runs counter to 40 years of thinking in America about our rights as individuals to privacy and to make those decisions involving personal responsibility. Justice Janice Rogers Brown might take that right away.

To reward her for this extreme and fringe view, President Bush wants to give her a lifetime appointment to the second highest court of the land. There she will sit day after day, week after week, and month after month making decisions that affect the lives of individuals. It is her point of view that will prevail. She has shown no inclination toward moderation. She will push that agenda on that court, and people will come into that courtroom and wonder what country they are living in, where this court might be meeting because it is so inconsistent with what America has stood for.

In another case, Justice Brown was the only member of the California Supreme Court who voted to make it easier to sell cigarettes to minors. Isn't that perfect? She wants the Government to invade your privacy when it comes to the decisions about birth control and your family, but she does not want the Government to stop the gas station down the street from selling cigarettes to a 12-year-old.

She was the only member of her court who dissented in two rulings that permitted counties to ban guns or gun sales on fairgrounds or other public property.

She was the only member of her court who voted to overturn the rape conviction of a 17-year-old girl because she believed the victim gave mixed messages to the rapist. She was the only member to dissent. She read the facts and concluded that she sided with the rapist and not the victim—the only member to dissent.

She was the only member of her court who concluded there was nothing improper about requiring a criminal defendant to wear a 50,000-bolt stun belt at his trial—the only member of the court, a court of six Republicans and one Democrat. In many of these cases, there were clear precedents, decisions by the court which Justice Brown chose to ignore. Her personal philosophy was more important to her than the law. That is known as judicial activism. That is what Republicans have condemned, and that is what they will endorse if they vote for her nomination.

Why does she ignore the law so often? It gets in the way of her personal beliefs. Those are the most important things from her point of view.

This is not a new revelation about Justice Brown. Back in 1996, the California State Bar Commission rated Justice Brown as ''not qualified''—not qualified—for the California Supreme Court. Here is what they said about her: She had a tendency ''to interject her political and philosophical views into her opinions.'' No surprise. Read what she has done on that court. Read what she said about the law. And do not be a bit surprised when she comes to this DC Circuit Court, if she is approved by the Senate for a lifetime appointment, and does exactly the same thing. It is not as if we can say 2 years from now: Well, we guessed wrong; she is not independent, she is not moderate, she is an activist, we will remove her. No way. This is a lifetime appointment to this court by the Bush administration, just the kind of ideologue they want to put on that bench to influence decision after decision as long as she lives.

Nine years later, the American Bar Association, in evaluating Justice Brown for the position we are voting on today, gave her the lowest passing grade. Several members of the ABA screening committee rated Justice Brown ''not qualified'' again.

In the editorial I mentioned earlier, entitled ''Reject Justice Brown,'' the Washington Post today asserted:

> No Senator who votes for her will have standing any longer to complain about legislating from the bench.

And the Washington Post is right. Do not complain about judicial activism if you vote for Janice Rogers Brown. She is a judicial activist. She has an agenda, and she has been loyal to it on the California Supreme Court. There is no reason to expect anything different on the DC Circuit Court.

A Los Angeles Times editorial entitled ''A Bad Fit for a Key Court'' stated:

> In opinions and speeches, Brown has articulated disdainful views of the Constitution and Government that are so strong and so far from the mainstream as to raise questions about whether they would control her decisions.

That is from a Los Angeles Times editorial which, incidentally, is her home State newspaper. They know her best.

The New York Times stated that Justice Brown ''is an outspoken supporter of a radical movement to take constitutional law back to before 1937, when the Federal Government had little power to prevent discrimination, protect workers from unsafe conditions or prohibit child labor.''

The Detroit Free Press put it this way:

> Since her appointment to the State court in 1996, Brown has all but hung a banner above her head declaring herself a foe to privacy rights, civil rights, legal precedent and even colleagues who don't share her extremist leanings.

Over 100 organizations oppose Justice Brown. It takes something in this town to get 100 groups to oppose someone. She pulled it off, including almost every major African-American organization in America, despite the fact that Janice Rogers Brown is an African American.

Dr. Dorothy Height, the great civil rights leader, recipient of the Congressional Gold Medal, attended a press conference before the Judiciary Committee vote on Justice Brown in November of 2003 and said this:

> I cannot stand by and be silent when a jurist with the record of performance of California Supreme Court Justice Janice Rogers Brown is nominated to a Federal court, even though she is an African-American woman. In her speeches and decisions, Justice Janice Rogers Brown has articulated positions that weaken the civil rights legislation and progress that I and others have fought so long and hard to achieve.

How hard it must have been for Dorothy Height, this great civil rights leader, to come out and publicly say that this African-American woman, Janice Rogers Brown, was not the right choice for the DC Circuit Court, the same city that Dorothy Height calls home.

The Senate rejected the nomination of Janice Rogers Brown in 2003. Her renomination this year is less about confirmation than it is about confrontation. It is evident the White House wants to pick a fight over this nomination. Well, they will get their wish today.

This White House strategy of confrontation does a great disservice to the American people, who have every right to expect their elected representatives to work together to address the real problems facing our Nation, rather than fighting the same battles over and over.

I know my colleagues across the aisle have steadfastly supported President Bush's judicial nominees, but I urge them to at least stand up to the President on this one.

I ask them to consider the story of Stephen Barnett, a distinguished constitutional law professor at the University of California at Berkeley. Professor Barnett enthusiastically endorsed Janice Rogers Brown before her October 2003 hearing, and Senator HATCH specifically mentioned Professor Barnett and his endorsement in his opening statement at Justice Brown's hearing.

But Professor Barnett changed his mind after he learned more about her record. After the Brown confirmation hearing, Professor Barnett sent a letter to Senator HATCH withdrawing his support. Here is what he said:

> Having read the speeches of Justice Brown that have now been disclosed, and having watched her testimony before the Committee on October 22, I no longer support the nomination. Those speeches, with their government-bashing and their extreme and outdated ideological positions, put Justice Brown outside the mainstream of today's constitutional law.

I urge my colleagues across the aisle, who were initially inclined to support

the Brown nomination, like Professor Barnett, to reconsider. Federal judges serve for life. The views of Janice Rogers Brown are too extreme and too radical for a lifetime of service on the second highest court in America.

It is well known that the last time the nomination of Janice Rogers Brown came before the Senate, it was filibustered. I voted to continue that filibuster because I do not believe she is the right person for the job. There was a big controversy over the use of the filibuster, and a decision was reached that Janice Rogers Brown would not be subject to a filibuster when she came up this week. That is an effort to move the Senate forward, to put the nuclear option and that constitutional confrontation behind us.

I urge my colleagues who believe in good faith we need to be bipartisan to show that bipartisanship today. Take an honest look at her record. Understand she is not a good person for a lifetime appointment. Join us in defeating the nomination of Janice Rogers Brown.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise to speak on the same subject as my good colleague from Illinois. I hope everyone heard his outstanding comments on Janice Rogers Brown. If there were ever a nominee who is out of the mainstream of every nominee of all the 219 who have come before us, there is no one more extreme than Janice Rogers Brown.

I have a special plea today. It is to my moderate colleagues across the aisle. They have stood with their party and their President on wanting an up-or-down vote, but that does not mean they have to vote yes. If there was ever a nominee whose views are different from theirs, it is Janice Rogers Brown. She is so far out of the mainstream that conservative commentators such as George Will who have defended the other nominees have said that she is out of the mainstream.

She is so far out of the mainstream that she makes Justice Scalia look like a liberal. She is so far out of the mainstream that she wishes to roll back not 20, not 40, not 60, not 80, but 100 years of law and jurisprudence. She is typical of the kind of nominee we should not have on the bench, whether they be far right or far left, someone who thinks their own views ought to take precedence over the views of the law, over the views of the people, over the views of the legislature and the President.

There is no doubt that Janice Rogers Brown is smart and accomplished. There is no doubt that she rose from humble beginnings, and that is truly impressive, but none of that can offset her radical and regressive approach to the law. None of that can mitigate her hostility to a host of litigants who have appeared before her. The biography, as wonderful as it is, is no justification to put on the courts someone who clearly does not belong there. Particularly to place such a nominee on the DC Court of Appeals, the second highest court in the land, would be one of the worst wrongs we would have done in the short span of the 21st century for which this Congress has met.

To my mind, Janice Rogers Brown is the least deserving of all of President Bush's appeal court nominees. Before I review the reasons I will vote against her, I wish to ask a question that continues to nag at me. I asked it yesterday, but let me ask it again in a different way because I do not have a good answer, and I do not think there is a good answer. Why are even moderate Republican Senators boarding the Brown bandwagon when clearly her views are so far away from what any moderate, Democrat or Republican, believes? A second question: Why are so many self-described conservatives voting for her when she stands against all the things this conservative movement has said they believe in?

Does this nominee embody the conservative ideal of an appellate judge? If the rhetoric from the President and the Republican leadership is to be believed, a conservative nominee must be at least three things: He or she must be a strict constructionist, he or she must be judicially restrained, and he or she must be mainstream.

I ask my friends on the other side of the aisle to take this little multiple-choice quiz before they vote for Janice Rogers Brown. Which of these describes the nominee? Is she a strict constructionist if she says the whole history of the New Deal should be washed away? Is she a strict constructionist if she says zoning laws, which have been with us for over 100 years, are unconstitutional? Is she judicially restrained when she says that the elderly are cannibalizing the young because they want benefits? Is she mainstream when she asks question after question and then takes views that 99.9 percent of the American people would oppose?

I would argue, and I do not think there is very little dispute, that Janice Rogers Brown is not a strict constructionist, is not judicially restrained, and is not mainstream.

Let us see if she is a proud and principled strict constructionist, and let us use President Bush's definition of what a strict constructionist is. It is a judge who will not legislate from the bench. Well, Janice Rogers Brown is no more of a strict constructionist than I am a starting center for the New York Knicks.

Listen to what a conservative commentator, Ramesh Ponnuru of the National Review, wrote about her:

> Republicans, and their conservative allies, have been willing to make . . . lame arguments to rescue even nominees whose jurisprudence is questionable. Janice Rogers Brown . . . has argued that there is properly an extra constitutional dimension to constitutional law. . . .

Well, I say to my conservative strict constructionist colleagues, if they are opening the door to this extra constitutional dimension, they are going to reap what they have sown. They are going to find someone sooner or later put on the court who is way to the left and says there is an extra constitutional dimension. My guess is that some of their allies on the hard right already think that has happened in, say, Justice Kennedy's decision in Lawrence. But what is good for the goose is good for the gander.

Ponnuru goes on to write:

> . . . She has said that judges should be willing to invoke a ''higher law'' than the Constitution.

Let me repeat that. Janice Rogers Brown has said that judges should be willing to invoke a higher law than the Constitution. Does she want a theocracy? Does she want a dictatorship? The Constitution is our highest law. We may have many other beliefs, and the Constitution protects our right to practice those beliefs, but for a judge to say they will invoke a higher law than the Constitution—how can any conservative stand here with a straight face and tell us that they are for Janice Rogers Brown?

Let us look at her own words. Here is what she said about California proposition 209. She decided she should ''look to the analytical and philosophical evolution of the interpretation and application of Title VII to develop the historical context behind proposition 209.

Not what the people voted for, not strict constructionism, but her own view.

Let us go to the next choice. Is she otherwise a dependable warrior against the scourge of conservatives everywhere—judicial activism? Well, here are her own words:

> We cannot simply cloak ourselves in the doctrine of stare decisis.
>
> [I am] disinclined to perpetuate dubious law for no better reason than it exists.

Please. This is not someone who is a strict constructionist. It is somebody who is saying, with, I might say, intellectual arrogance, that her views supersede the views of the law. For those who did not go to law school or school where they learned Latin, ''stare decisis'' means decisions that have been already made by the courts, and they imply a grand tradition often going back to England and Anglo-Saxon law to the 1200s.

We cannot cloak ourselves in the doctrine of stare decisis? Again, what does Janice Rogers Brown want to be nominated for—dictator or grand exalted ruler? Please. How can a conservative who believes we are to follow the rule of law, who believes that there should be strict constructionism and is against activist judges, support someone who says, ''I am disinclined to perpetuate dubious law for no better reason than it exists''?

What arrogance. What gall. And most importantly, why would we even think—why did President Bush think and why do my colleagues think—of

putting someone on the bench who says that? Whether you are the most conservative Republican or the most moderate Republican, whether you are the most liberal Democrat or the most moderate Democrat, we don't believe this. None of us believe this. This is against our entire American tradition, from the Magna Carta, through common law, through our Constitution, through the next wonderful 200 years.

The California State Bar Judicial Nominees Commission, which gave her a ''nonqualified'' rating when she was first nominated to the court in 1996, said that the rating was in part because of complaints that she was ''insensitive to legal precedent.''

Here is what Andrew Sullivan says, another conservative writer. This is not CHUCK SCHUMER, Democrat of Brooklyn, NY. This is Andrew Sullivan, conservative writer. He said there is a very good case to be made for the:

> . . . constitutional extremism of one of the president's favorite nominees, Janice Rogers Brown. Whatever else she is, she does not fit the description of a judge who simply applies the law. If she isn't a ''judicial activist,'' I don't know who would be.

My colleagues, whether you are here in the Senate or out in the conservative movement, you spent a 20-year battle fighting judicial activism, but all of a sudden you are saying: Never mind. If we like the views of the nominee, strict construction goes out the window, and we will put in our own variety of judicial activist.

That is not going to bode well for consistency in your arguments, but more importantly for the Republic, and for the keystone of article 3, the article 3 branch of Government, the judiciary, which is that judges interpret the law and follow the precedent of law and do not make law.

Mr. Ponnuru, the National Review writer, said:

> She has said that judicial activism is not troubling per se. . . .

Here is the point of Mr. Sullivan, who was the author of this other quote. He said:

> I might add, I am not unsympathetic to her . . . views. But she should run for office, not the courts.

I couldn't say it better myself. This is somebody who has such passionate views that she has to take those views, which are so radically different—our Constitution says our way of governing is you do not do that from the bench. You do it by running for office.

My guess is if she actually ran for office—of course she ran for judge, but she was unopposed. I am sure if right now you asked the people of California, Who is Janice Rogers Brown, maybe 3 or 4 percent would know and they might not know her views.

You run for office.

What about her substantive views, are they mainstream? To call Justice Brown mainstream is a distortion of her record. No one is further from the mainstream. I cannot think of a single Clinton nominee who is as far to the left as Janice Rogers Brown is to the right. I cannot think of a single George Bush nominee, George Bush 41; I cannot think of a single Ronald Reagan nominee; I cannot think of a single nominee, in at least my lifetime, who is more out of the mainstream than Janice Rogers Brown.

But don't take my word for it. How about George Will—hardly a leftwing liberal—on the approach of this nominee? Here is what he said:

> Janice Rogers Brown is out of the mainstream of conservative jurisprudence.
>
> It is a fact: She has expressed admiration for the Supreme Court's pre-1937 hyper-activism in declaring unconstitutional many laws and regulations of the sort that now define the post-New Deal regulatory state.

There may be some people who feel we should go back before the New Deal, where the rich and powerful got their way almost all the time. But, again, as was said by Andrew Sullivan, if she believes that, let her run for office. But here is the dirty little secret of those on the hard right who believe, as Janice Rogers Brown does, that the New Deal was wrong, the Commerce Clause should be dismantled and wages and hours laws are unconstitutional. The dirty little secret is they know they cannot win in the court of public opinion, and their plan is to impose their views on the rest of us by capturing the judiciary. Nobody—nobody personifies those views more than Janice Rogers Brown.

Let me go over a few other of her views before I conclude. She has described the New Deal as the ''triumph'' of America's ''socialist revolution.'' Does that place her in the mainstream?

She has said the Lochner case—which said basically that wage-and-hours laws passed by the States are unconstitutional—was correct. Does that place her in the mainstream, taking a case from 1906 that has been repudiated from the 1930s onward and saying that it was correctly decided?

On another occasion she said that:

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit.

I would like the senior citizens of America, whether they be liberal Democrats or conservative Republicans, to answer the question: Is she out of the mainstream? By getting Social Security, is she asking are they cannibalizing the young? Or Medicare? Because I don't know what other benefits senior citizens get.

Janice Rogers Brown, by this quote, seems to believe we should not have Social Security. It is probably part of the New Deal Socialist revolution. We should not have Medicare. That is part of Lyndon Johnson's furtherance of the Socialist revolution. How mainstream is that?

Again, I want to ask my moderate colleagues—not only the 7 who signed the document but the 10 or 12 others—how can you vote for her? I mean, I understand marching in lockstep. I understand we are going to have different views on a whole lot of judges. But how about once—once showing a little independence. Because I know that Janice Rogers Brown's views are not your views. She is not nominated for a district court. She is nominated for the second highest court in the land, where those views will be heard over and over and over again.

I am left with the same question. It is clear that her record shows she is not strict in her constructionism; she is not mainstream in her conservatism; and she is not quiet about her activism. Again, let me ask the question: Why is Janice Rogers Brown touted as the model of a conservative judge when she is anything but conservative in her judicial approach?

I believe there are many Senators across the aisle who would vote against such a candidate because her judicial philosophy could not be more out of sync with theirs. But we know there is tremendous political pressure, party pressure on the moderate Senators.

We have a new chart because we have had a few new votes. Of all the votes we have had on judicial nominees, cloture and up-or-down votes, here is how the Republican side of the aisle has stacked up: 2,811 to 2. Only twice in all the votes, 2,813, has any Member of the other side voted against; once, when TRENT LOTT voted against Judge Gregory, and just last week on Justice Owen, Senator CHAFEE voted against her.

If we want up-or-down votes, doesn't that imply some independence of thought? Doesn't that imply we not march in lockstep? Doesn't that imply, when somebody is so far out of the mainstream, such as Janice Rogers Brown, that there will be some opposition to her from the other side of the aisle?

Senator FRIST, last week, or a few weeks ago, spoke about leader-led filibusters of judges—whatever that means. Is the vote for Janice Rogers Brown not a leader-led rubberstamping of nominees, nominees who have not even convinced conservatives that they belong on the bench?

I continue to believe Judge Brown was the least worthy pick this President has made in the appellate courts, and that is based on her record—not her background, not her story, not her race, not her gender. We should vote for judges based on their record, and I, once again, ask my colleagues across the aisle to look at that record.

If my colleagues across the aisle ask three simple questions—Is the nominee a strict constructionist? Is the nominee a judicial activist? And is the nominee a mainstream conservative?—I don't believe many could bring themselves to vote for Janice Rogers Brown.

I could not support Judge Brown's nomination the first time. I cannot support it now. I urge my colleagues, particularly my moderate friends from the other side of the aisle, to vote against her this afternoon.

I yield the floor and suggest the absence of a quorum and I ask the time of the quorum be charged equally to each side as the quorum moves forward.

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

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

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

Mr. SESSIONS. Mr. President, I would like to share a few thoughts about the nomination of Janice Rogers Brown, one of the best nominations the President has made. She is a woman of integrity and ability, with proven skill as an appellate jurist. She has won the support and admiration of her colleagues on the California appellate courts with whom she served and has won the support of the people of California, as evidenced by her being reelected to the California Supreme Court with 76 percent of the vote.

What do we hear from my colleague, the great advocate that he is, and my friend, Senator SCHUMER? It is sad. He uses words of radicalism to declare that she is outside the mainstream. He says she is far over and out of the mainstream; her radical and regressive approach to the law is so off the charts; she expresses hostility to a host of litigants; the most out of the mainstream; a radical. Everything she believes in is what they believe—he is talking about President Bush, I suppose, and Republicans. He says she is no more a strict constructionist than he is a second baseman for the New York Yankees. This morning he said that she is no more a strict constructionist than he is a center for the New York Jets.

Saying it does not make it so. There has been a systematic effort—and I have watched with amazement—to declare this fine justice on the California Supreme Court an extremist. Get past the allegations of extremism, the charges, and the mud throwing—extremist, radical, out of the mainstream. This morning, Senator SCHUMER used words that were interesting: Did she want to be a dictator? What in her record indicates she wants to be a dictator?

Then he said this: Did she want to be a grand exalted ruler? Was that some reference to the Ku Klux Klan? This African American from my home State of Alabama left as a teenager. I am sure one reason she went to California was for discrimination and segregation that existed in rural Alabama where she grew up at that time. She is the daughter of sharecroppers. To have it suggested that somehow her ideas are consistent with the Ku Klux Klan is offensive. It ought to be offensive to Americans.

Where is the meat? What is it that shows Justice Brown is not fair, that she is incapable? I don't see it. As a matter of fact, they have examined her record in great detail, every speech she has given, everything she has done in her life, remarks she has made, opinions she has written. She is a restrained jurist, respected by her colleagues and the people before whom she practices. She is one of the most deserving nominees. I am proud of her. I am proud she came from Alabama. I am sorry she left the State of Alabama. I am proud of what she has accomplished in the State of California.

She currently serves as an associate justice on the California Supreme Court and has held that job since 1996. Prior to that, she served for 2 years as an associate on the Third District Court of Appeals.

Let me add, if she is such a radical dictator, grand exalted ruler, if that is her mentality and way of doing business, would every member of the Third District Court of Appeals with whom she served and four of her six fellow justices on the California Supreme Court write a letter to Senator HATCH, then Chairman of the Senate Judiciary Committee, saying to confirm this wonderful woman, asking that she be confirmed, and saying glowing things about her? One of the justices on the California Supreme Court who supports her is Justice Stanley Mosk, one of the most liberal justices in America, recognized in that vein throughout the country. Why would Justice Mosk and the others support Janice Rogers Brown if she is such an out-of-the-mainstream radical justice? The truth is, she is not. This has been conjured up by certain groups, left-wing attack groups who have been smearing and besmirching and sullying the reputation of excellent nominees for many years. It is not right what is being done to this lady. She is a person of sterling character. She writes beautifully. She is respected by her colleagues. She is very much appreciated by the people of California. Four judges were on the ballot when she ran for reelection, and she got the highest number of votes of any.

We have Senators from California telling us she is out of the mainstream. Maybe she believes in carrying out the duly elected death penalty statutes of California. Maybe she believes the constitutional amendment they passed, Proposition 209, ought to be enforced. Maybe she believes the Pledge of Allegiance shouldn't be struck down as unconstitutional. Maybe that is what they want. Maybe that is what they think is a mainstream judge. I don't think she is there. She is the kind of judge President Bush promised to appoint. It was an important issue in this past election. The people of America debated and discussed it and spoke clearly in the reelection of President Bush that they want judges who enforce the law and follow the law—not make the law.

They say she is out of the mainstream, but in 2002 on the California Supreme Court—surely everyone recognizes California is not a right-wing State. It is a State in which a higher percentage voted for John Kerry. But in 2002, her colleagues on the California Supreme Court asked her to write the majority opinion for the court more times than any other justice on the court. Why would they do that if she is out of the mainstream? Why would they have written letters on her behalf?

The way it works on the court, the justices meet and they discuss a case, then the justices indicate how they are going to decide the case, what their decision is, a majority gets together, and someone is asked to write the opinion for the majority. The rest of the justices sign onto the majority opinion, if they agree to it. Sometimes they will file a separate occurrence if they do not agree with everything in the opinion. In 2002, she was asked by her colleagues to write more majority opinions than any other justice on the court. That speaks well for the respect they have for her.

There has been much distortion of her record in an attempt to justify these mud-slinging charges that have been made against her. Senator SCHUMER and others have cited the High-Voltage Wire Works case, saying she dissented in this case. They claim that she dissented from it and that shows her to be a radical judge, because it dealt with affirmative action and quotas and the California constitutional amendment that was passed by the people of California to eliminate quotas in California.

Let me state the truth: She did not dissent. She anchored and wrote and authored the unanimous decision of the California Supreme Court. They asked her to write this affirmative action / California constitutional amendment / Proposition 209 opinion. Her colleagues asked her to write it. She wrote it. They all joined in. It was a unanimous opinion. It was based on California Proposition 209 that said:

> The State shall not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

The case involved the city of San Jose. They had a minority contracting program that required minority contractors bidding on the city projects to either utilize a specified percentage of minority and women contractors or document efforts to include women and subcontractors in their bids.

Every judge who reviewed the case, including the trial judge, the intermediate appellate court judges where she previously sat, and the California Supreme Court Justices, agreed that the San Jose program constituted ''preferential treatment'' within the meaning of Proposition 209. They struck down the program.

And they suggest somehow she is against all affirmative action programs in America and that she does not believe in those things. She has explicitly stated otherwise. For example, in the High-Voltage Wire Works opinion she explicitly stated this: ''equal protection does not preclude race-conscious

programs.'' In other words, she is saying that there can be race-conscious programs in legislation under the equal protection clause, but they cannot be too broadly used. It is a dangerous trend. You have to watch it and be careful. This is what the Supreme Court has said about it. She also said there are many lawful ways for businesses to reach out to minorities and women. She favors that. That is mainstream law in America. I don't know what they are talking about when they suggest her opinion, joined by all the justices of the California Supreme Court, was out of the mainstream. That is beyond the pale.

It is suggested she does not believe in stare decisis, the doctrine that courts should tend to follow the previous opinions of courts. But all of us know, and I know Senator SCHUMER and anyone who believes in civil liberties knows, a court opinion is not the same thing as the Constitution of the United States. Some prior court opinions have been rendered and made the law of the land which were not consistent with the Constitution of the United States.

What about Plessy v. Ferguson? Justice Harlan dissented from that opinion, which said separate but equal was constitutional. Justice Harlan believed that separate but equal was unconstitutional. Were the judges who later reversed Plessy v. Ferguson activists? I don't think so. I think they were acting consistent with a clearer understanding of the equal protection clause and the due process clause of the Constitution of the United States than the Court in Plessy. Why attack her on that basis? It is not legitimate.

The twelve judges on the California Third District Court of Appeals wrote on her behalf. They said:

> Justice Brown has served California well. She has written many important decisions establishing and reaffirming important points of law. Her opinions reflect her belief in the doctrine of stare decisis.

So the 12 judges who wrote on her behalf say she is a believer in stare decisis. Yet we have one or two Senators standing up and saying she does not believe in that. Not so. In fact, she has a proven record of following and showing respect for precedent.

For example, in Kasler v. Lockyer, Justice Brown, in a California opinion, wrote the majority opinion for the court upholding an assault weapons ban. She followed a prior decision by the California Supreme Court even though she believed that prior decision was wrongly decided and had dissented in it. But when it came back up, and the case had been decided, she deferred to the California Supreme Court's decision even though that wasn't her personal view. Doesn't that show she is properly respectful of precedent?

Sometimes it is important that cases be challenged and judges overrule a prior decision. Sometimes, even if you think it is wrong, it is better to let it stand just to provide stability in the law. Judges have to make that call frequently.

Senator SCHUMER says Justice Brown is an extremist and ''President Clinton would never have nominated someone like this.'' But he has probably forgotten Judge Paez, who was nominated to the Ninth Circuit Court of Appeals by President Clinton. This is what a real activist is. This speaks to what an activist judge is. This is what Judge Paez, who we confirmed, says about his judicial philosophy: It includes ''an appreciation of the courts to act when they must, when the issue has been generated as a result of the failure of the political process to resolve a certain political question'' because in such instances, Judge Paez says, ''there's no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process.''

I see the Presiding Officer, Senator VITTER, listened to that phrase. That is what activism is. It is a belief that a judge can act even though the legislature does not. It is a belief that if the legislature does not act, the judge has a right to act. That is a stated judicial philosophy of activism. Janice Rogers Brown never said anything like that, nothing close to that.

So I repeat again, this is a nominee with a sterling record. She has served on the Third District Court of Appeals in California. She served in the attorney general's office of the State of California where she wrote appellate briefs to the appellate courts and argued cases involving criminal justice to defend convictions in the State. She now serves on the Supreme Court of California. She was reelected by an overwhelming vote, the highest vote of any judge on the ballot. We have received a letter on her behalf from all of the court of appeals justices who have served with her on the court of appeals, and four of the six justices on the California Supreme Court, including the liberal icon, Justice Stanley Mosk.

I think this is a nominee who is worthy of confirmation. I am disappointed and hurt by some of the mischaracterizations of her record and her philosophy. I believe if Senators review this nominee's record, they will see she will make an outstanding justice. I am pleased she is a native of my State, and I wish her every success.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Massachusetts for allowing me to go out of turn. I will be fairly short.

Mr. President, we have been debating the circuit court nominations of Justice Janice Rogers Brown and too many other nominees for way too long. Justice Brown was first nominated to the DC Circuit Court of Appeals in July of 2003.

Over the years, I have grown accustomed to the talking points of Brown's liberal opposition. I think I have them committed to memory now. Some liberal elitists charge she is extreme. Some liberal elitists charge she is out of the mainstream. Some liberal elitists charge she is a radical conservative.

This same broken record has been spun now for too many years, and with too many nominees. Here is what is left out of this tired song and dance.

Justice Janice Rogers Brown is a proven jurist. Her credentials and her character are beyond reproach. She is a lifetime public servant committed to the extension of civil rights and equal justice under law, and there can be no doubt that these deep commitments grew in part out of a childhood that witnessed the true evil of Jim Crow segregation.

She came up the hard way. She served for 2 years as an associate justice on California's Third District Court of Appeals prior to being appointed to the California Supreme Court.

What has her record been there? To listen to the interest groups, you would think she has led a one-woman crusade to destroy the civil rights of all Californians. Given Justice Brown's background, I have to say this is an astonishing charge.

In order to once again dispel the false charge that Justice Janice Rogers Brown is extreme, consider the following facts.

In 2002, Justice Brown's colleagues on the California Supreme Court turned to her more than any other justice to write the majority opinion for the court. Is this out of the mainstream?

When Justice Brown was retained with 76 percent of the vote in her last election, were the people of California installing a radical revolutionary on the bench? Were there any mainstream Californians who voted for her? That is a pretty impressive majority. After all, the junior Senator from California, who has spoken vociferously against Justice Brown, and many of the other of the President's circuit court nominees, one of Justice Brown's most vocal critics, once, I might say, won reelection with only 53 percent of the vote.

Truth be told, there is nothing radical about Janice Rogers Brown. She refuses to supplant her moral views for the law she is charged with interpreting as a judge. Maybe the refusal to engage in activist decisionmaking is radical at some predominantly liberal law schools, but it is fully within the mainstream of American jurisprudence.

We have heard a lot about the background of Janice Rogers Brown in this debate. I have been at the forefront of discussing her rise from the Jim Crow South to her appointment as the first African-American woman to serve on the California Supreme Court. We talk about her background because her story demonstrates that while America is not perfect, its commitment to the preservation and extension of civil rights is without parallel in the history of the world.

Let me also add that no party has a monopoly on the promotion of diversity. Yet, unfortunately, some of those who frequently speak about the need for diversity on the bench have a rather limited definition of diversity. As we saw with several other recent nominees, apparently some believe only liberal minorities are sufficiently diverse for high Federal office, especially the Federal courts.

In the end, it is hard to avoid the conclusions of Justice Brown's colleagues. I have here a letter written to me in my former capacity as chairman of the Judiciary Committee from a bipartisan group of Justice Brown's colleagues, including all of her former colleagues on the California Court of Appeals and Third Appellate District, as well as four current members of the California Supreme Court.

Let me take a second or two and read you their assessment of Justice Brown.

Dear Mr. Chairman:

We are members of and present and former colleagues of Justice Janice Rogers Brown on the California Supreme Court and California Court of Appeals for the Third Appellate District. Although we span the spectrum of ideologies, we endorse her for appointment to the U.S. Court of Appeals for the D.C. Circuit.

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 that Justice Brown 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. Because of these qualities, she has quickly become one of the most prolific authors of majority opinions on the California Supreme Court.

Although losing Justice Brown would remove an important voice from the Supreme Court of California, she would be a tremendous addition to the D.C. Circuit. Justice Brown would bring to the court a rare blend of collegiality, modesty, and intellectual stimulation. Her judicial opinions are consistently thoughtful and eloquent. She interacts collegially with her colleagues and maintains appropriate judicial temperament in dealing with colleagues, court personnel and counsel.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

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

MCDONOUGH HOLLAND & ALLEN PC
ATTORNEYS AT LAW,
October 16, 2003.

Re Nomination of Justice Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are members of and present and former colleagues of Justice Janice Rogers Brown on the California Supreme Court and California Court of Appeal for the Third Appellate District. Although we span the spectrum of ideologies, we endorse her for appointment to the U.S. Court of Appeals for the D.C. Circuit.

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 that Justice Brown 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. Because of these qualities, she has quickly become one of the most prolific authors of majority opinions on the California Supreme Court.

Although losing Justice Brown would remove an important voice from the Supreme Court of California, she would be a tremendous addition to the D.C. Circuit. Justice Brown would bring to the court a rare blend of collegiality, modesty, and intellectual stimulation. Her judicial opinions are consistently thoughtful and eloquent. She interacts collegially with her colleagues and maintains appropriate judicial temperament in dealing with colleagues, court personnel and counsel.

If Justice Brown is placed on the D.C. Circuit, she will serve with distinction and will bring credit to the U.S. Senate that confirms her. We strongly urge that the Senate take all necessary steps to approve her appointment as expeditiously as possible.

Joining me in this letter are Justices Marvin R. Baxter, Ming W. Chin and Carlos R. Moreno of the California Supreme Court and Presiding Justice Arthur G. Scotland and Justices Rodney Davis, Harry E. Hull, Jr., Daniel M. Kolkey, Fred K. Morrison, George W. Nicholson, Vance W. Ray and Ronald B. Robie of the California Court of Appeal, Third Appellate District.

I am informed that Justice Joyce L. Kennard of the California Supreme Court has already written a letter in support of Justice Brown's nomination.

Chief Justice Ronald M. George and Justice Kathryn M. Werdegar of the California Supreme Court are not opposed to Justice Brown's appointment but it is their long standing policy not to write or join in letters of support for judicial nominees.

Thank you for your consideration of this letter.

Very truly yours,
ROBERT K. PUGLIA,
Retired Presiding Justice, Court of Appeal, Third Appellate District.

Mr. HATCH. Let me put in the RECORD a couple comments by Ellis Horvitz and Regis Lane. Ellis Horvitz, a Democrat, one of the deans of the Appellate Bar in California, has written in support of Justice Brown, noting:

In my opinion, Justice Brown possesses those qualities an appellate justice should have. She is extremely intelligent, very conscientious and hard working, refreshingly articulate, and possessing great common sense and integrity. She is courteous and gracious to the litigants and counsel who appear before her.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

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

HORVITZ & LEVY LLP,
Encino, CA, September 29, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Re Justice Janice Rodgers Brown nomination.

DEAR CHAIRMAN HATCH: This letter is sent in support of President Bush's nomination of Justice Janice Rodgers Brown to the District of Columbia Court of Appeal.

Let me first introduce myself. I have been practicing law in California for more than fifty years, almost all of that time as a civil appellate specialist. Our firm of more than thirty lawyers specializes in civil appeals. We appear regularly in the California Court of Appeal and in the California Supreme Court.

I have followed Justice Brown's career since she was appointed to the California Supreme Court. Our firm has appeared before her on many occasions. I have appeared before her on several occasions. We have also studied her opinions, majority, (concurring and dissenting), in many civil cases.

In my opinion, Justice Brown posses those qualities an appellate justice should have. She is extremely intelligent, very conscientious and hard working, refreshingly articulate, and possessing great common sense and integrity. She is courteous and gracious to the litigants and counsel who appear before her.

I hope your Committee will approve her nomination expeditiously. The President has made an excellent choice.

Very truly yours,
ELLIS J. HORVITZ.

Mr. HATCH. Regis Lane, the executive director of Minorities in Law Enforcement, a coalition of minority law enforcement officers in California, wrote:

We recommend the confirmation of Justice Brown based on her broad range of experience, personal integrity, good standing in the community and dedication to public service. . . .

In many conversations with Justice Brown, I have discovered that she is very passionate about the plight of racial minorities in America, based on her upbringing in the South. Justice Brown's views that all individuals who desire the American dream, regardless of their race or creed, can and should succeed in this country are consistent with MILE's mission to ensure brighter futures for disadvantaged youth of color.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

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

MINORITIES IN LAW ENFORCEMENT,
Sacramento, CA.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Executive Board and members of the Minorities In Law Enforcement organization (MILE), we recommend that you confirm President George W. Bush's nomination of California Supreme Court Associate Justice Janice Rogers Brown to the United States Circuit Court of Appeals for the District of Columbia. MILE is a coalition of ethnic minority law enforcement officers in California dedicated to ensuring brighter futures for disadvantaged youth and ensuring that no child is left behind.

We recommend the confirmation of Justice Brown based on her broad range of experience, personal integrity, good standing in the community and dedication to public service. Justice Brown's powerful and exhilarating display of jurisprudence exhibited in the written legal opinions she has issued as a California Supreme Court justice, is respected by all, regardless of race, political affiliation, or religious background. Justice Brown is a fair and just person with impeccable honesty, which is the standard by which justice is carried out.

In many conversations with Justice Brown, I have discovered that she is very passionate about the plight of racial minorities in America, based on her upbringing in the south. Justice Brown's views that all individuals who desire the American dream, regardless of their race or creed, can and should succeed in this country are consistent with MILE's mission to ensure brighter futures for disadvantaged youth of color.

It is with great honor and pleasure that MILE and our members urge you to confirm President Bush's nomination of California Supreme Court Associate Justice Janice Rogers Brown to the United States Circuit Court of Appeals for the District of Columbia.

Respectfully submitted,

REGIS LANE,
Executive Director.

Mr. HATCH. Well, she is not, as represented, a radical revolutionary bent on undoing the American dream. Who are you going to believe? I say you should believe those who served with her on the bench in California, and that is over a period of years.

Because of the astonishing failure to give Justice Brown an up-or-down vote, I have had ample time to review her record, and it is clear to me, without any doubt, that those who worked with her every day on these courts have it right. She is a model jurist. You cannot have anybody who has been in court as long as she has that somebody cannot pluck cases out of the air and distort them or find some fault with them. I am sure I can find fault with some of her cases. But the point is, this is a woman who does what is right.

Justice Brown would be a welcome addition to the DC Circuit Court of Appeals. I look forward to finally closing the debate on this nomination, bringing her nomination to a vote, and seeing her on the Federal bench.

Now, let me close by saying that voting for cloture is the right thing to do on the nomination of Justice Janice Rogers Brown and the rest of the President's judicial nominees. Allowing an up-or-down vote on these nominees will return us to the Senate's 214-year tradition. So I ask my colleagues to vote yea on cloture, and hopefully we can have an up-or-down vote in a short time after that.

Mr. President, again, I thank my colleague and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, there is 7 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself all 7 minutes, and I ask if the Chair will be kind enough to let me know when there is 1 minute left.

The PRESIDING OFFICER. The Chair will so notify.

Mr. KENNEDY. Mr. President, I think it is important for those watching the debate to understand this decision is not a decision about the life history of Janice Rogers Brown. What we are voting on in this particular decision is, on the DC Circuit Court, whether the nominee is going to speak for the struggling middle class of Americans, whether they are going to speak for minorities who have been trying to be a part of the American dream, whether they are going to speak for the rights and liberties of working families, particularly those who are covered by the Occupational Safety and Health Act who work hard every day and have had their lives threatened with inadequate kinds of protection, whether that voice is going to be standing up for children whose lives are going to be affected by the Clean Air Act, or whether they are going to stand up for the children whose lives will be affected by the Clean Water Act.

So many of the important decisions that we have addressed in the Senate over the last 30 years, in order to make this a fairer country, a more just Nation, to advance the cause of economic progress and social justice, ultimately come to the DC Circuit. In many instances, the DC Circuit is the final arbiter of these issues. That is why this is so important. Any judge is important, but I think, for most of us, we raise the level when we consider who is going to serve on the Supreme Court, since that will be a defining aspect of the laws of this country, and a defining voice in terms of the rights and liberties of this Nation as defined in the Constitution of the United States.

It seems to me it is fair enough to ask someone who wants a job on the DC Circuit whether they have a core commitment to these fundamental acts of fairness and justice and basic liberty, and if there are indications during their service on the court that this jurist has demonstrated a hostility toward these basic principles.

That is really the basic issue. I am going to have more time this afternoon to get into the particulars, but it is enormously important that the American people understand that this is not just another circuit court, as important as that is. This is the very specialized DC Circuit Court that has special responsibilities in interpreting the laws, many cases of which never go to the Supreme Court, and, therefore, we should take a careful view of this nominee. When we take a careful view of the nominee, we find that this nominee fails the standard by which we ought to judge advancement to the second most important and powerful court in the land, and that is the DC Circuit Court.

That is true on the issue of civil rights. No one can seriously contend that the overwhelming opposition to her nomination from the African-American community is motivated by bias against Blacks. She is opposed by respected civil rights leaders, including Julian Bond, Chairman of the NAACP; by Dorothy Height, President Emeritus of the National Council of Negro Women, a leader in the battle for equality for women and African Americans over her lifetime, an outstanding and distinguished American who happens to be Black but has struggled to make this a fairer and more just country—for Black women in particular—for all Americans. She is universally admired and respected by Republicans and Democrats. She believes that we would make a major mistake by promoting this nominee to the DC circuit.

She is opposed by the Reverend Joseph Lowery, President Emeritus of the Southern Christian Leadership Conference, who was there with Dr. Martin Luther King, Jr., during the most difficult and trying times in the late 1950s and the early 1960s. I believe, unless I am wrong, he was there at the time of Dr. King's death. He is one of the giants in awakening America to be America by knocking down walls of discrimination. Joseph Lowery believes we should not promote this individual. He has been a leader in the civil rights movement and has worked tirelessly for many years to make civil rights a reality for all Americans.

She is opposed by the Congressional Black Caucus, the Leadership Conference on Civil Rights, and many others concerned with the rights of minorities.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute remaining.

Mr. KENNEDY. Mr. President, I will have the opportunity to go into the reasons these individuals and organizations take exception to this nominee. It isn't just those I have mentioned but other important leaders who have a keen awareness and understanding of the record and history of the decisions of this jurist. I do not believe she has demonstrated the kind of core commitment to constitutional values which are so essential on such a major and important court. She fails that test. She should not be promoted. There are other distinguished jurists across the country of all different races, religions, and ethnic backgrounds who have demonstrated a core commitment to these values over a long time and are in the mainstream of judicial thinking. We ought to have such a nominee. This nominee does not meet that criteria and, therefore, should not be accepted.

The PRESIDING OFFICER. The time of the minority has expired. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, it is often said that politicians are out of touch with the average citizen. In fact, media outlets have been reporting that

Congress's approval ratings are at record lows. I am not one to put much stock in one poll or another, but I do believe Americans are frustrated with politics here in our Nation's Capital. Americans are dealing with record gas prices, yet Congress can't find the time to debate and pass an energy bill that was proposed years ago. Americans see weekly reports about scandals and backroom deals at the United Nations, yet we can't find the time to vote yes or no on the President's nominee to the United Nations. And a strong majority of Americans who just elected President Bush to a second term now cannot understand why his judicial nominees can't get a timely up-or-down vote.

A perfect example of the frustration the American people have with Congress can be found in the nomination of Justice Janice Rogers Brown. Justice Brown is the daughter of a sharecropper who grew up in rural Alabama and attended segregated schools. She went on to become the first African-American woman to serve on the California Supreme Court after being overwhelmingly elected by more than three-quarters of California voters. Despite this extraordinary success story, Democrats have used filibusters for more than a year and a half to deny Justice Brown a simple and fair vote.

I am pleased that a few of my colleagues on the other side choose to allow a vote on Justice Brown. Now I hope we can give her actual record a fair assessment instead of relying on the heated rhetoric of the past year and a half.

Justice Brown recently stated:

> It may sound odd to describe a judge as both passionate and restrained, but it is precisely this apparent paradox—passionate devotion to the rule of law and humility in the judicial role—that allows freedom to prevail in a democratic Republic.

This paradox is a good description of our Nation's leading jurists, including, in my opinion, Justice Brown. I believe men and women of intellectual and judicial passion are necessary to the continued strength of our legal system. Those jurists whose names still ring through history—Marshall, Holmes, Cardozo—suffered no shortage of passion. Yet, as Justice Brown reminds us, such passion would corrupt the very system it sustains were it not tempered by restraint and humility.

The tension between passion and restraint has been a feature of our legal system since its beginning. In fact, it was enshrined in the Constitution itself. The Founders created the framework for a Federal judiciary that would be unaffected by the political storms raging at any given time. Thanks to their lifetime appointment, Federal jurists are free to interpret and apply the laws of this land without fear of political repercussions. At first glance, such an arrangement places a great deal of power in the hands of a select few who attain the Federal bench. The Founders, however, were mindful of such concerns. They placed two popularly elected institutions at the gates of the Federal bench so that admission would be denied to those who would use their judicial power to override Congress's exclusive power to create the law. They invested the President with the power to nominate individuals worthy of the Federal bench. They endowed Congress's deliberative body, this very Senate, with the responsibility to review the President's nominees and consent to the confirmation of only those with properly restrained judicial passions.

When in the past a President has nominated an individual of unchecked passion, it has fallen to the Senate to deny his or her confirmation. This is how our constitutional system has functioned for over 200 years. Unfortunately, the nomination and appointment of Federal jurists has recently become a game of political dodge ball, with Democrats throwing heated rhetoric at nominees, hoping to take them out of the game.

As the deliberation over judicial nominees has boiled over, the term ''judicial activist'' has surfaced as the preferred slur used by critics harboring political animosity toward a particular nominee, regardless of whether that nominee is objectively qualified for the job. In my mind, the term ''judicial activist'' signifies one who has or would use the bench as a platform for promoting their own agenda and personal opinions. Such a person is in need of the restraint identified by Justice Brown and is, therefore, unsuited for the Federal bench. The nomination of a judicial activist is a nomination that deserves the opposition of every Member of this body, regardless of the political connection between the nominee and any particular Member. According to the Constitution, we as Senators stand here to guard the Federal bench from the confirmation of any judicial activist who would seek to infringe upon our constitutional role.

I believe Justice Brown has proven she is not an activist judge. Her critics have labeled her such simply because she has deeply held personal beliefs that are not shared by many Democrats. This is precisely the type of partisan game that is causing Americans to become disinterested and disillusioned with politics in Washington. Americans fairly elected President Bush, and his nominations deserve a fair debate and a fair vote.

People sitting at home watching the nomination process on TV see that it has gotten out of control. If we allow the President's judicial nominees to continue to be blocked and delayed because they have deeply held beliefs, many good judges will be disqualified, and many more will refuse to be considered. A person with strong beliefs and personal convictions should not be barred from being a judge. In fact, I would rather have an honest liberal serve as a judge than one who has been neutered by fear of public opinion. We need judges who have demonstrated integrity in how they live their lives as well as consistency in how they interpret the law.

Justice Brown has demonstrated this kind of integrity. I believe she should be confirmed immediately. Some Democrats may enjoy calling Justice Brown an activist for the media sound bite it creates, but calling the Earth flat does not make it so. There is overwhelming evidence that during her time on the California Supreme Court, Justice Brown has exercised her judicial authority with restraint and humility. While she would likely describe herself as a person who believes in small government and limited regulations, she regularly votes against her personal beliefs when justice and legal precedent require her to do so.

For example, Justice Brown has voted consistently to uphold economic, environmental, consumer, and labor regulations. She joined in an opinion upholding the Safe Drinking Water and Toxic Enforcement Act of 1986 and interpreted the act to allow the plaintiffs to proceed with their case. She upheld the right of a plaintiff to sue for exposure to toxic chemicals using the Government's environmental regulations. She joined in an opinion validating State regulations regarding overtime pay. She upheld California's very stringent standards for identifying and labeling milk and milk products, thereby ensuring that the government has a role in protecting the safety of children.

It is fundamental to the judicial structure to have judges who respect the Constitution and judicial precedent. Justice Brown believes that the role of courts and the rule of law are deeply rooted in the Constitution.

In a recent column, law professor Jonathan Turley, a self-described prochoice social liberal, points out that ''Brown's legal opinions show a willingness to vote against conservative views . . . when justice demands it.''

In a letter to the Senate Judiciary Committee, 12 bipartisan judges who served on the bench with Justice Brown said the following:

> 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. Because of these qualities, she has quickly become one of the most prolific authors of the majority opinions on the California Supreme Court.

Arguments that Justice Brown is a judicial activist amount to nothing more than empty rhetoric. She is a jurist of great intelligence and achievement, with views about interpreting the law that are sensible and reliable.

After many hours of debate, the main criticisms I have heard of Justice Brown have nothing to do with her judicial decisions but with her personal beliefs that have been expressed in speeches and comments outside the courtroom. This Senate should not confirm or reject judges based on their personal beliefs. We should confirm

Justice Brown based on the fact that her judicial performance has been documented by colleagues and critics alike and because she understands that her job is to interpret the law, not to invent the law.

Americans are tired and frustrated with Congress spending its time on partisan games. They want the Senate to give the President's judicial nominees a timely up-or-down vote.

Justice Brown's nomination has been pending for more than a year and a half without any evidence that she lacks integrity, intellect, or experience. There has been plenty of time for debate, and now it is time to vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BURR. Mr. President, I rise today in support of Janice Rogers Brown to the DC Appellate Court. I also rise today as a proud North Carolinian of those who served in this Chamber before me. In the heat of debate, Senator SCHUMER from New York suggested that Senator Helms, our former Member from North Carolina, was a racist; that, in fact, he objected to the nomination of Roger Gregory to the appellate court, the Fourth Circuit Court in Richmond, because he was a minority.

It is unfair to characterize that of Senator Helms. I am personally offended by the comments of Senator SCHUMER, and so are North Carolinians.

At the time of Roger Gregory's nomination to the Fourth Circuit Court in Richmond, the Fourth Circuit Court had the largest makeup of minorities of any appellate court in the country. The seat for which Roger Gregory was nominated was intended to be filled by a North Carolinian. There is only one problem—Roger Gregory was from Virginia, and he was so thought of that he was even introduced by Senator George Allen in his first speech on the Senate floor.

Roger Gregory was not from North Carolina, he was from Virginia. Senator Helms argued that North Carolina was underrepresented on the Fourth Circuit Court and that if any nominee was necessary for the Fourth Circuit Court, he or she should come from North Carolina. Senator Helms opposed Roger Gregory because Senator Helms had nominated Terrance Boyle, and that nomination had been blocked for several years at that time by Democrats. Terrance Boyle was originally nominated by George H. W. Bush, 41, long before Roger Gregory was nominated.

I might add, Terrance Boyle still is a judicial nominee judge for the Fourth Circuit Court. He has never made it through this process.

Former Judiciary Chairman HATCH, who spoke earlier, maintained at the time that judicial nominees favored by each party should have to move forward together and that political games should not be played with judicial nominees. Senator Helms agreed there should be no movement on other judges until Judge Boyle received the attention of this body, the Senate.

How did it end up? President Clinton, bypassing Congress, made a recess appointment of Roger Gregory, and it was seen as a swipe to Senator Helms.

I am not here today to suggest Roger Gregory was not a good pick. I am here to tell you we have an obligation on this floor to speak factually. History does not prove that Senator Helms' objection was over anything other than to receive the attention of his nominee to the Fourth Circuit Court, to allow North Carolina, which was underrepresented, to be represented fully on the Fourth Circuit Court.

Today I am proud to suggest that we should all support Janice Rogers Brown. We should have her confirmed, not because she is minority, but because she is qualified, because she meets the threshold of what America expects out of the judges who sit on the bench.

I am confident this body will do the right thing on cloture, and I am confident she will serve on the DC Circuit Court.

I thank the President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, recently 14 of our colleagues brought to us a bipartisan plan to avoid what I thought was the majority leader's shortsighted bid for one-party rule. As part of the plan to avert the nuclear option, which would have changed more than 200 years of Senate tradition and precedent, rules protecting minority rights and checks and balances, those Senators have agreed to vote for cloture on this controversial and divisive renomination. I have no doubt they will follow through on their commitment, but in all likelihood, it is going to result in the appointment for life of a judge for Court of Appeals for the DC Circuit whose disturbing view of the Constitution would set back life for American workers and consumers more than 100 years and remove protections for people and their communities we now take for granted. The preservation of our system of checks and balances in connection with the appointment of lifetimers to the Federal judiciary requires that all Senators, both Republicans and Democrats, take seriously the Senate's constitutionally mandated role as a partner in making these determinations.

So again I urge all Senators of both parties to take these matters seriously and vote their conscience. Senators need to evaluate with clear eyes the fitness of Justice Janice Rogers Brown for the lifetime appointment. My opposition to her, as it has always been, has been based on her long and troubling record. I will be speaking about this more in the future, but apparently she will be treated far more fairly than President Clinton's nominees to the court.

The Senate has already considered one of the three controversial nominees mentioned in part IA of the Memorandum of Understanding our colleagues brought us. We are now beginning consideration of the second, and I expect the third will follow shortly. What I do not expect is any repeat by Democrats of the extraordinary obstruction by Republicans of President Clinton's judicial nominees. For example, I do not expect any of the tactics used by Republicans during the extensive delay in Senate consideration of the Richard Paez nomination. Judge Paez waited more than 4 years before we were able to get a vote on his confirmation, and even then Republicans mounted an extraordinary motion after the filibuster of his nomination was broken to indefinitely postpone the vote—a last-ditch, unprecedented effort that was ultimately unsuccessful.

More than 60 of President Clinton's moderate and qualified judicial nominations were subjected to a Republican pocket filibuster, including nominees to the DC Circuit. First we were told by the Republicans that we do not need more judges added, but that changed dramatically once they had a Republican President in power. But they also blocked by committee filibusters highly qualified people for that circuit. Allen Snyder, for example, who was nominated by President Clinton, was a former clerk to Chief Justice Rehnquist—no wide-eyed liberal, he—and he was a widely respected and highly regarded partner at the law firm of Hogan & Hartson. He was filibustered by pocket filibuster by the Republicans and not allowed to come to a vote. Elena Kagan was pocket filibustered by the Republicans, not allowed to have a vote for the DC Circuit. Her qualifications: She is now a dean of the most prestigious law school in this country, Harvard Law School. They were each nominated to vacancies on the DC Circuit. They were not allowed to have either a committee vote or Senate consideration.

The bipartisan coalition of Senators who joined together last month to avert an unnecessary showdown in the Senate over the White House-inspired effort to invoke the nuclear option was right to include in the agreement the following provision:

We believe that under Article II, Section 2, of the United States Constitution, the word

''Advice'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

I agree with their fundamental point. I have served here with six Presidents. Five of them did consult on major judicial nominations. They consulted with members of both parties. That included President Ford, President Carter, President Reagan, former President Bush, and President Clinton. In this case, there was no meaningful consultation with the nomination of Janice Rogers Brown. Maybe that is one reason neither of her home State Senators support her. In the past, Republicans always said if home State Senators do not support a nominee, we cannot go forward. All of these rules changed with a different President. There was no consultation with these Senators in this case.

But I am hoping things may be better. I was pleased to see President Bush respond to a question in a news conference last week. He has agreed to consult with the Senate about his nomination should a vacancy arise in the Supreme Court. I see that as a positive development, and I am hoping that now that he has been reelected, he may take the opportunity to be a uniter and not a divider on these issues. Certainly I, as one on this side of the aisle, will be happy to work with him in that regard. If he does, as the other five Presidents I have served with have done, I believe it would be a good sign for the country but especially for our Federal judiciary.

In advance of any vacancy on the Supreme Court, I would urge the President to follow through on his commitment to consult with the Senate. In the next few weeks, the U.S. Supreme Court will complete its current term. Speculation will soon accelerate, again, about the potential for a Supreme Court vacancy this summer. In advance of any such vacancy, I urge the President to follow through on his commitment to consult with the Senate. As I said, previous Presidents of both parties have set constructive and successful examples by engaging in meaningful consultation with the Senate, including both Republicans and Democrats, no matter who was in the majority or the minority, before deciding on nominees. It would be shortsighted to ignore such an established and successful precedent.

It would be wise for the President to follow the precedent set by distinguished Presidents of both parties, and I stand ready to work with him in that regard. I stand ready to work with the President to help select a nominee to the Supreme Court who can unite Americans. I know that the Democratic leader is likewise ready to be helpful. After all, Senator REID and I joined in an April 11 letter to the President offering our help in facilitating his identification, selection, and nomination of lower court judges to the 28 vacancies without a nominee that then existed throughout the Federal judiciary. Regrettably, the President did not respond to our previous offer, and the vacancies without a nominee have since grown to 30.

Some Presidents, including most recently President Clinton, found consultation with the Senate in advance of a nomination most beneficial in helping pave the way for a smooth and successful process. President Reagan, on the other hand, disregarded the advice offered by Senate Democratic leaders and chose a controversial, divisive nominee who was ultimately rejected by the full Senate.

In his book ''Square Peg,'' Senator HATCH tells how, in 1993, as the ranking minority member of the Senate Judiciary Committee, he advised President Clinton about possible Supreme Court nominees. In his book, Senator HATCH recounts that he warned President Clinton away from a nominee whose confirmation he believed ''would not be easy.'' Senator HATCH goes on to describe how he suggested the names of Stephen Breyer and Ruth Bader Ginsburg, both of whom were eventually nominated and confirmed ''with relative ease.'' Indeed, 96 Senators voted in favor of Justice Ginsburg's confirmation, and only 3 Senators voted against; Justice Breyer received 87 affirmative votes, and only 9 Senators voted against.

In its report on the Supreme Court appointment process, the Congressional Research Service of the Library of Congress has long noted:

It is common practice for Presidents, as a matter of courtesy, to consult with Senate party leaders as well as with members of the Senate Judiciary Committee before choosing a nominee.

What I am suggesting has been standard and accepted practice. Thorough bipartisan consultation would not only make the choice a better one, it would also reassure the Senate and the American people that the process of selecting a Supreme Court Justice has not become politicized. The Supreme Court often serves as a final arbiter and protector of our individual rights and freedoms. Decisions regarding nominees are too important to all Americans to be unnecessarily embroiled in partisan politics.

Though the landscape ahead is sown with the potential for controversy and contention over vacancies that may arise on the Supreme Court, confrontation is unnecessary and consensus should be our goal. I would hope that the President's objective will not be to send the Senate nominees so polarizing that their confirmations are eked out in narrow margins. This would come at a steep and gratuitous price that the entire Nation would have to pay in needless division. It would serve the country better to choose a qualified consensus candidate who can be broadly supported by the public and by the Senate.

The process begins with the President. He is the only participant in the process who can nominate candidates to fill Supreme Court vacancies. If there is a vacancy, the decisions made in the White House will determine whether the nominee chosen will unite the Nation or will divide the Nation. The power to avoid political warfare with regard to the Supreme Court is in the hands of the President. No one in the Senate is spoiling for a fight. Only one person will decide whether this will be a divisive or unifying process and nomination. If consensus is a goal, bipartisan consultation will help achieve it. I believe that is what the American people want and what they deserve.

Over the last several years I have stressed the need for consultation and moderation as two guiding principles for selecting judicial nominees. I have been largely disappointed up to this point, but if there is a vacancy on the Supreme Court of the United States, I hope that the President will live up to his pledge to consult with Senators of both parties to identify consensus nominees who will unite us instead of divide us. There is no need to pit Republicans against Democrats or to divide the American people.

This is a difficult time for our country and we face many challenges. Providing adequate health care for all Americans, improving the economic prospects of Americans, defending against threats, the proliferation of nuclear weapons, the continuing upheaval and American military presence in Iraq, are all fundamental matters on which we need to improve. It is my hope that we can work together on many issues important to the American people, including our maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work together. The American people we represent and serve are entitled to no less.

The decisions of the Supreme Court have a lasting effect on the meaning of the Constitution and statutes intended by Congress to protect the rights of all Americans, such as the right to equal protection of the laws and the right to privacy, as well as the best opportunity to have clean air and clean water ourselves and in future generations. This is the forum where Federal regulations protecting workers' rights will be upheld or overturned, where reproductive rights will be retained or lost and where intrusive Government action will be allowed or curtailed. This is the Court to which thousands of individuals will appeal in matters affecting their health, their lives, their liberty, and their financial well-being.

If the President chooses a Supreme Court nominee because of that nominee's ideology or record of activism in the hopes that he or she will deliver predetermined political victories, the President will have done so with full knowledge that he is starting a confirmation confrontation. The Supreme Court should not be an arm of the Republican Party, nor should it be a wing of the Democratic Party. If the right-wing activists who were disappointed that the nuclear option was averted convince the President to choose a divisive nominee in order to tilt the ideological balance on the Supreme Court, they will not prevail without a difficult Senate battle. And if they do, what will they have wrought? While they would celebrate the ideological takeover of the Supreme Court, the American people will be the losers: The legitimacy of the judiciary will have suffered a damaging blow from which it may not soon recover. Such a contest would itself confirm that the Supreme Court is just another setting for partisan contests and partisan outcomes. People will perceive the Federal courts as places in which ''the fix is in.''

Our Constitution establishes an independent Federal judiciary to be a bulwark of individual liberty against incursions or expansions of power by the political branches. The independence of our Federal courts has been called by Chief Justice Rehnquist the crown jewel of our justice system, but that independence is at grave risk when a President seeks to pack the courts with activists from either side of the political spectrum. One of the most serious mistakes a President can make is the partisan engineering to take over the Supreme Court. Even if successful, such an effort would lead to decision-making based on politics and forever diminish public confidence in our justice system.

I urge, respectfully but emphatically, that the President in advance of any nomination consult with Senators from both parties and seek consensus. The American people will cheer if the President chooses someone who unifies the Nation. This is not the time and a vacancy on this Supreme Court is not the setting in which to accentuate the political and ideological division within our country. In our lifetimes, there has never been a greater need for a unifying pick for the Supreme Court. The independence of the Federal judiciary is critical to our American concept of justice for all. We should expect and accept nothing less. We all want Justices who exhibit the kind of fidelity to the law that we all respect. We want them to have a strong commitment to our shared constitutional values of individual liberties and equal protection. We expect them to have had a demonstrated record of commitment to equal rights. There are many conservatives who can meet these critieria and who are not rigid ideologues.

Two years ago, I was invited to address the National Press Club on this topic and noted that the Supreme Court confirmation process does not have to be a political Armageddon. I continue to believe that and I urge the President to take the course that would better serve the American people and the Supreme Court. I was encouraged by the President's recent statement indicating he will consult with leaders in the Senate on both sides of the aisle in advance of a nomination. That should allow him to bring forward a consensus nominee able to unite all Americans and who could be confirmed by the Senate with 95 to 100 votes. At a time when too many partisans seem fixated on devising strategies to force the Senate to confirm the most extreme candidate with the least number of votes possible, I have been urging cooperation and consultation to bring the country together. There is no more important opportunity than this to lead the Nation in a direction of cooperation and unity. I hope this President heeds the lesson of history set by his predecessors who chose the good of the country over the good of a political party.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in a few moments, we will vote to conclude debate on the nomination of Janice Rogers Brown to serve on the Court of Appeals for the DC Circuit. I do want to thank the chairman and ranking member for getting us to this point. It has taken awhile for us to reach this point, and I am pleased that in an orderly process and regular order, we are on the way to getting an up-or-down vote for Janice Rogers Brown.

It has been nearly 2 years since President Bush first nominated Justice Brown as a Federal judge. During those 2 years, she has been thoroughly debated, exhaustively investigated in committee and on the Senate floor. She has endured more than 5 hours of committee hearings, answered more than 180 questions, submitted 33 pages of responses to an additional 120 written questions, has set aside weeks at a time to personally meet with individual Senators, has waited patiently while the Judiciary Committee debated and voted on her nomination. On the Senate floor, we have debated her nomination for over 50 hours. That is more time than the Senate debated any one of the current Supreme Court Justices, but still as of yet she has not received an up-or-down vote on her nomination on the floor, not one. Why? Because of an orchestrated campaign of obstruction that has denied her that up-or-down vote until now. So she has been waiting for far too long for a simple up-or-down vote on the Senate floor. As a matter of principle, as a matter of fairness, as a matter of our constitutional duties as Senators to give up-or-down votes, it is time to bring the debate to a close and to vote.

Fairness is not just about the process of a vote. It is about treating a good, decent, hard-working American with the respect and the dignity she deserves.

Justice Brown is an inspiration. All of us have heard her story, how she was born the daughter of an Alabama sharecropper and educated in segregated schools; how she worked her way through college and law school; how she has dedicated her life to public service and to others, having spent all but 2 years of her 26-year legal career as a public servant; how she is the first African-American woman to serve as an associate justice on the California Supreme Court, the State's highest court. We have heard about her exemplary qualifications and credentials, including her 8 years of experience on the California appellate bench. We have heard about her impressive record and her commitment to judicial restraint and the rule of law. We have heard the bipartisan praises of Justice Brown from those who know her best: her current and former colleagues on the California Supreme Court and California Court of Appeals. They agree that Janice Rogers Brown is a superb judge and have said she is a jurist who applies the law without favor, without bias, and with an even hand.

We have heard the people of California speaking with their votes. As a justice on the California Supreme Court, she was retained by 76 percent of the electorate, the highest vote percentage of all justices on the ballot. If 76 percent of the people of California voted for Janice Rogers Brown, how can she be considered out of the mainstream, as some of our colleagues on the other side of the aisle have suggested? Are 76 percent of the California voters out of the mainstream? Janice Rogers Brown is in the mainstream.

The overwhelming support of the people of California and the support of her colleagues proves her nomination transcends partisan labels and ideology. Janice Rogers Brown is a distinguished mainstream jurist. She deserves to be treated fairly. She has been investigated and debated thoroughly. Now she deserves the courtesy of a vote. Vote yes or no. Vote to confirm or reject, but let us vote.

I remain optimistic the Senate is moving in a new direction on judicial nominees, rejecting the partisan obstructionism of the past and embracing the principle that all judicial nominees deserve a fair up-or-down vote. I urge my colleagues to join me in bringing debate on this nomination to a close and ensuring that Judge Brown will get an up-or-down vote.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. Under the previous order, the hour of 12 noon having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of Senate, do hereby move to

bring to a close debate on Executive Calendar No. 72, the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia.

Bill Frist, Arlen Specter, Trent Lott, Lamar Alexander, Jon Kyl, Jim Talent, Wayne Allard, Richard G. Lugar, John Ensign, C.S. Bond, Norm Coleman, Saxby Chambliss, James Inhofe, Mel Martinez, Jim DeMint, George Allen, Kay Bailey Hutchison, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of Senate that debate on Executive Calendar No. 72, the nomination of Janice R. Brown, of California, to be the U.S. circuit judge for the District of Columbia Circuit, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS), the Senator from Wisconsin (Mr. KOHL), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 65, nays 32, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—65

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Pryor
Brownback	Frist	Roberts
Bunning	Graham	Salazar
Burns	Grassley	Santorum
Burr	Gregg	Sessions
Byrd	Hagel	Shelby
Carper	Hatch	Smith
Chafee	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Inouye	Stevens
Cochran	Isakson	Sununu
Coleman	Kyl	Talent
Collins	Landrieu	Thomas
Conrad	Lieberman	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
DeMint	McCain	

NAYS—32

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murray
Bayh	Feingold	Obama
Biden	Feinstein	Reed
Bingaman	Harkin	Reid
Boxer	Johnson	Rockefeller
Cantwell	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Corzine	Leahy	Stabenow
Dayton	Levin	Wyden
Dodd	Lincoln	

NOT VOTING—3

Jeffords	Kohl	Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Republican whip.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 today and that the time during the recess count under the provisions of rule XXII; provided further that the vote on the confirmation of the Brown nomination occur at 5 p.m. tomorrow, Wednesday, with all time until then equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. THUNE).

EXECUTIVE SESSION

NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA—Continued

The PRESIDING OFFICER. The Senator from North Carolina.

NATIONAL HUNGER AWARENESS DAY

Mrs. DOLE. Mr. President, for the past two years I have come to the Senate floor on National Hunger Awareness Day to talk about the battle against hunger, both here in America and around the world. In fact, I reserved my maiden speech for this topic—one of my top priorities as a U.S. Senator. I have stated over and over again that the battle against hunger is one that can't be won in a matter of months or even a few years but it is a victory that we can claim if we continue to make the issue a priority.

As Washington Post columnist David Broder said about hunger, ''America has some problems that seem to defy solution. This one does not. It just needs caring people and a caring government, working together.'' I could not agree more.

Last year on Hunger Awareness Day, Senators SMITH, DURBIN, LINCOLN, and I launched the Senate Hunger Caucus, with the express purpose of providing a bi-partisan forum for Senators and staff to engage each other on national and international hunger and food insecurity issues. By hosting briefings and disseminating information, the caucus has been striving to bring awareness to these issues, while at the same time finding ways to collaborate on legislation. I want to thank 34 of my colleagues for joining the Senate Hunger Caucus and their staffs for their diligent work. In addition, I am excited to see our friends in the House of Representatives start their own Hunger Caucus and I look forward to working with them as both houses of Congress continue to find solutions to eliminating hunger.

It is truly astounding how so many of our fellow citizens go hungry or are living on the edge of hunger each and every day. Thirteen million of these hungry Americans are deemed to be children.

As we know, when children are hungry they do not learn. This is a travesty that can and should be prevented. Currently over 90,000 schools and 28 million children participate each school day in the School Lunch Program. The children of families whose income levels are below 130 percent of poverty are eligible for free school meals and those families whose income levels are between 130 percent of poverty and 185 percent of poverty are eligible for reduced price meals.

Unfortunately, many State and local school boards have informed me that parents are finding it difficult to pay the reduced fee, and for some families the fee is an insurmountable barrier to participation. That is why I am a strong supporter of legislation to eliminate the reduced price fee and harmonize the free income guideline with the WIC income guideline. I am proud to say that a pilot program to eliminate the reduced price fee in up to five states was included in last year's reauthorization of Child Nutrition and WIC. I have encouraged the Appropriations Committee to include funding for this pilot program, and I look forward to working with them on this very important issue which touches so many families going through difficult times.

In my home State of North Carolina, more than 900,000 of our 8.2 million residents are dealing with hunger, according to the most recent numbers from the U.S. Department of Agriculture. Our State has faced significant economic hardship over the last few years as once thriving towns have been hit hard by the closing of textile mills and furniture factories. And this story is not unlike so many others across the country.

Many Americans who have lost their manufacturing jobs have been fortunate enough to find new employment in the changing climate of today's workforce. Simply being able to hold down job doesn't necessarily guarantee your family three square meals a day. But there are organizations who are addressing this need as a mission field.

Groups like the Society of St. Andrew, the only comprehensive program in North Carolina that gleans available produce from farms, and then sorts, packages, processes, transports and delivers excess food to feed the hungry. In 2004, the Society gleaned more than 4.2 million pounds of food—or 12.8 million servings. Incredibly—it only costs one penny a serving to glean and deliver this food to those in need. And all of this work is done by the hands of the 9,200 volunteers and a tiny staff.

Gleaning is a practice we should utilize much more extensively today. It's astounding that the most recent figures available indicate that approximately 96 billion pounds of good, nutritious food—including that at the farm and retail level—is left over or thrown

away. A tomato farmer in western North Carolina sends 20,000 pounds of tomatoes to landfills each day during harvest season.

This can't be good for the environment. In fact, food is the single largest component of our solid waste stream—more than yard trimmings or even newspaper. Some of it does decompose, but it often takes several years. Other food just sits in landfills, literally mummified. Putting this food to good use through gleaning will reduce the amount of waste going to our already overburdened landfills. And I am so appreciative of my friends at Environmental Defense for working closely with us on this issue.

Like any humanitarian endeavor, the gleaning system works because of cooperative efforts. Clearly private organizations and individuals are doing a great job, but they are doing so with limited resources. It is up to us to make some changes on the public side and help leverage scarce dollars to feed the hungry.

I continue to hear that transportation is the single biggest concern for gleaners. I am proud to say that with the help of organizations such as the American Trucking Association, the Society of Saint Andrew and America's Second Harvest, we are taking steps to ease that transportation concern. In February of this year, I reintroduced a bill that will change the tax code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. I am proud to have the support of my colleagues, Senators DODD, BURR, LUGAR, ALEXANDER, SANTORUM, DURBIN, LAUTENBERG, and LINCOLN, original cosponsors, and I look forward to working with them on passage of this important bill.

I am also privileged to work with Senators LINCOLN and LAUTENBERG on a soon-to-be-introduced bill to provide up to $200,000 per fiscal year to eligible entities willing to carry out food rescue and job training. Entities like the Community Culinary School of Charlotte, a private, non-profit organization in my home State that provides training and job placement in the food service industry for people who are employed or underemployed.

Here is how it works. The Community Culinary School recruits students from social service agencies, homeless shelters, halfway houses and work release programs. They then work in collaboration with food rescue agencies in the area to provide meals to homebound individuals and to local homeless shelters. The food they rescue is donated and picked up from restaurants, grocers and wholesalers. The students then prepare nutritious meals using the donated food while at the same time developing both culinary and life skills.

Take a young lady from this program named Sibyl. After years of drugs, prisons and unplanned pregnancies, Sibyl entered the Community Culinary School of Charlotte. Her willingness and determination made her the top student of her class and she is today working full time as a chef.

Or take Bobby, who also graduated from the program. Bobby went from unemployment and homelessness to becoming a top graduate, now working two jobs and living independently. Our bill is intended to complement these kinds of private efforts that support food rescue and job skills that can make the greatest impact on individual lives.

In Deuteronomy 15:7, the Bible tells us, ''If there is among you a poor man, one of your brethren, in any of your towns within your land which the Lord your God gives you, you shall not harden your heart or shut your hand against your poor brother.'' So, as our fellow citizens in the private sector continue to be a giving people, let us find ways as public servants to once again harness the great public-private effort, and fight as one to end hunger in America. I again thank my colleagues who have worked so hard to build these partnerships. And I implore our friends on both sides of the aisle—as well as the good people throughout this great country—to join in this heartfelt mission—this grassroots network of compassion that transcends political ideology and will provide hope and security not only for those in need today—but for future generations as well. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, due to his graciousness, I ask unanimous consent that Senator KENNEDY be allowed to speak directly after I complete my remarks.

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

Mrs. LINCOLN. Mr. President, I want to pay a tremendous compliment with a huge sense of gratitude to my colleague from North Carolina for her tirelessness with regard to this issue. She has been such an incredible fighter against the issue of hunger among Americans and really among her fellow man globally. I compliment her and thank her so much for the opportunity to work with her on something in which she has been a true leader. I am looking forward to many more things that we can do together, but she has made a huge effort in eliminating hunger.

We are here today to refocus ourselves and rededicate ourselves to bringing about a tremendous awareness to hunger as it exists in our Nation and certainly as it exists among our fellow man across the globe. I thank the Senator from North Carolina for all of her hard work.

I do come to the floor to join my colleague from North Carolina on an issue that I take very seriously. Thirty-six million Americans, including 13 million children, live on the verge of hunger. It is absolutely phenomenal to me, growing up as a farmer's daughter in the Mississippi Delta where there was such plenty in the fields, as I drive past them, to think that there are Americans, particularly American children, who go hungry every day not because we don't have the means but because we don't organize ourselves and set the priority of making sure these future generations, the future leaders of this great Nation, can at least have their tummies full enough that they can pay attention in school, grow healthy to become the kind of leaders that we want and need for our great Nation.

Today is National Hunger Awareness Day. It is a time when Americans are called to remember the hungry children and adults living across our Nation. We have all just come from our weekly caucus lunches. We have had plenty at this time. We are thinking about the opportunities that lie ahead of us, particularly the fun things that children do in the summertime. Yet we forget that there are many who have not had a good lunch today, or perhaps we forget that as school is letting out, those children who normally get a nutritious meal at school will not be getting those nutritious meals during the summertime while school is out.

Most importantly, it is a day when we are called to put our words into action, to help end hunger in our communities and across this great land.

At this time last year, Senators SMITH, DURBIN, DOLE, and myself formed the Senate Hunger Caucus to forge a bipartisan effort to end hunger in our Nation and around the world. I am so proud to be working with these three other Senators in moving this caucus forward. Our staffs have worked tirelessly in bringing us together, along with the other Members of the Senate, in order to make a difference. We are working with local, State, and national antihunger organizations to raise awareness about hunger, build partnerships, and build solutions to end hunger.

We have many challenges that face our Nation, and so many challenges that face this body itself. Yet this is one problem we know has an answer. And we know how to end hunger.

Recently I introduced, with Senators DURBIN, SMITH, and LUGAR, the Hunger-Free Communities Act of 2005. This bill calls for a renewed national commitment to ending hunger in the United States by 2015, reaffirms our congressional commitment to protecting the funding and integrity of Federal food and nutrition programs, and it creates a national grant program to support community-based antihunger efforts. I urge all of our colleagues to support this worthy and commonsense legislation. It sets a goal for a monumental concern and problem that we have in this Nation. It presents the answer, and it sets the time in which we want to reach that goal.

Mr. President, I want to take this opportunity to talk about the 36 million Americans, including 13 million children, who live on the verge of hunger.

Some people may ask—what can I do to help end hunger in America? I want to talk about some of the ways Americans can help join the hunger-relief effort. Acting on this call to feed the hungry requires the effort of every American and every sector of the economy.

The backbone of this effort is the willingness of Congress and the American people to support the Federal food and nutrition programs. These programs provide an essential safety net to working Americans, preventing the most vulnerable among us from suffering, and even dying, from malnutrition. Our continued investment in these programs is vital to the health of this nation.

The most significant of these programs, the Food Stamp Program, provides nutritious food to over 23 million Americans a year. More Americans find themselves in need of this program every year. Despite this growing need, the Administration proposes to cut the Food Stamp Program by $500 million over the next 5 years by cutting more than 300,000 low-income people off the program in an average month.

I understand our current budget constraints. However, even in these tight fiscal times, I believe that we must maintain our commitment to feed the hungry.

Therefore, we must first protect programs like the Food Stamp Program, the National School Breakfast and Lunch Program, Summer Feeding Program, WIC, and the Child and Adult Care Food Program. I urge Americans to contact their congressional representatives to voice their support for these programs. I urge my colleagues to support these programs and protect them from cuts and structural changes that will undermine their ability to serve our Nation's most vulnerable citizens.

In addition to the Federal food programs, eliminating hunger in America requires the help of community organizations. Government programs provide a basis of support, but they cannot do the work alone. Community and faith-based organizations are essential to locating and rooting out hunger wherever it persists. We rely on the work of local food banks, food pantries, soup kitchens, and community action centers across America to go where government cannot. I will do all I can to provide the resources these community organizations need to continue with the difficult but necessary work they perform.

Private corporations and small businesses also have a role to play in eliminating hunger in America. Our corporations and small businesses generate most of our Nation's wealth and have throughout history supported many of our greatest endeavors. Many corporations and businesses already contribute to efforts to eliminate hunger, and I hope others will begin to participate as opportunities to do so present themselves in the future.

A great example of how businesses and non-profits can partner to feed hungry people occurred this past Friday in Little Rock. Arkansas-based Tyson Foods and Riceland Foods, along with Jonesboro's Kraft Foods Post Division and Nestle's Prepared Foods Facility, donated truck loads of food as a special donation in honor of National Hunger Awareness Day. This food will go to the Arkansas Rice Depot, Potluck, Inc. and the Arkansas Hunger Relief Alliance, which represents six food banks located across Arkansas. These organizations will in turn use the food to help feed hungry Arkansans. I am grateful to these companies and non-profit organizations for their leadership in this effort to feed the over 450,000 Arkansans who have limited access to food.

Ending hunger in America requires the commitment of individual Americans. Our greatest national strength is the power that comes from individual initiatives and the collective will of the American people. I believe we are called by a higher power to care for our fellow men and women, and as a part of my Christian faith I know we are called to serve the poor and the hungry. I know it is a common denominator among almost all of our faiths that it is those, the poor and the hungry, the orphaned and the widowed, whom we are here, as our fellow man, to take care of, to help to lift them up.

If we believe in this call, we must live it every day—in our schools and in our homes, in our workplaces, our places of worship, in our volunteering, and, yes, in our prayers. This personal responsibility is a great one, but it holds tremendous power. It is a common denominator that can bring us together, the one problem that we all agree on and to which we know there is a solution. For as we have seen throughout American history, when individuals in this Nation bind together to serve a common cause, they can achieve the greatest of accomplishments. By sharing the many blessings and resources our Nation provides, I am confident that we can alleviate hunger at home and abroad.

I thank the Chair. I yield the floor.

Mr. KENNEDY. Mr. President, today is National Hunger Awareness Day, and it is an opportunity for all of us in Congress to pledge a greater effort to deal effectively with this festering problem that shames our Nation and has grown even more serious in recent years. It is a chance to live out our moral commitment to care for our neighbors and fellow citizens who have fallen on hard times.

The number of Americans living in hunger, or on the brink of hunger, now totals 36 million, 3 million more since President Bush took office. That total includes 13 million children, 400,000 more since 2001.

Day in and day out, the needs of millions of Americans living in hunger are widely ignored, and too often their voices have been silenced. Their battle is a constant ongoing struggle. It undermines their productivity, their earning power, and their health. It keeps their children from concentrating and learning in school. We all need to do more to combat it—government, corporations, communities, and citizens must work together to develop better policies and faster responses.

In Massachusetts, organizations such as the Greater Boston Food Bank, Project Bread, the Worcester County Food Bank, and many others serve on the frontlines every day, and they deserve our full support, but they should not have to wage the battle alone.

In 1996, the Clinton administration pledged to begin an effort to cut hunger in half in the United States by 2010, and the strong economy enabled us to make significant progress toward that goal. Hunger decreased steadily through 2000. We now have 5 years left to fulfill that commitment.

The fastest, most direct way to reduce hunger in the Nation is to improve and expand current Federal nutrition programs. Sadly, the current Administration and the Republican Congress propose to reduce, not increase, funds for important programs such as Food Stamps, and the Community Nutrition Program.

The Food Stamp Program is designed to be available to all eligible individuals and households in the United States. It provides a basic and essential safety net to millions of people. In 2003, on average, over 21 million Americans received food stamp benefits. Over half of all food stamp recipients are children.

Now, the administration plans to reduce, or even cut off, food stamps for recipients who rely on Medicare to afford the prescription drugs they need.

That is why I have introduced legislation to ensure that individuals who receive Medicare prescription drug benefits do not lose their food stamps. This legislation ensures that seniors do not have to choose between food and medicine. I urge my colleagues to support this important legislation.

It is time to do more for the most vulnerable in our society. National Hunger Awareness Day is our chance to pledge to eradicate hunger in America and to mean it when we say it.

Mr. President, I would like to congratulate Senator DOLE and Senator LINCOLN for giving focus and attention to National Hunger Awareness Day and for all they do on this particular issue. I had the opportunity yesterday to visit The Greater Boston Food Bank in Massachusetts—a successful food bank. We have 517,000 people who are hungry in eastern Massachusetts alone, over 173,000 of those individuals are children, and over 50,000 are elderly.

One thing we know how to do in this country is grow food. We can do that better than any other place in the world. Secondly, we know how to deliver packages of food with Federal Express, other kinds of delivery services, virtually overnight. The fact that we

have hunger in this Nation, we have children who are hungry, frail elderly who are hungry, working families who are hungry, or other homeless people who are hungry, we as a nation are failing our humanity. We know what can be done. It needs the combination of a governmental framework, private framework, and a very important involvement from the nonprofit framework and other groups at the local level, religious groups that have done such important work.

So I commend my friends and colleagues for bringing focus and attention to this issue. It has enormous implications. We find out in terms of education provided to the children, the needy children at breakfast for them early in the morning, the results in terms of their willingness, ability, and interest in cooperating with their teacher and learning go up immensely. We have information that documents all of that. Try to teach a hungry child to learn, and any teacher will tell you the complexities and difficulties and the frustrations in doing that.

I thank my two friends and others who are part of this movement. I look forward to working with them on a matter of enormous importance and consequence.

Mr DURBIN. Mr. President, I rise today to note National Hunger Awareness Day.

I am meeting today with 35 people here from Illinois who came to Washington to remind us that hunger is not a Democratic or Republican issue.

Basic sustenance ought to be a guarantee in a civilized society, not a gamble.

If children—or adults—are hungry in America, that's a problem for all of us. And it is a problem we can do something about.

For instance, we know that Federal nutrition programs work. WIC, food stamps, school lnch and breakfast programs, and other Federal nutrition programs are reaching record numbers of Americans today, and making lives better.

The problem is we are not reaching enough people. There are still too many parents in this country who skip meals because there is not enough money in the family food budget for them and their children to eat every night.

There are still too many babies and toddlers in America who are not getting the nutrition their minds and bodies need to develop to their fullest potential. There are still too many seniors and children who go to bed hungry.

There are 36 million Americans who are hungry or at risk of hunger. In the richest Nation in the history of the world, that is unacceptable.

Last week, I joined with several of my Senate colleagues to introduce the Hunger-Free Communities Act.

The bill is designed to promote local collaboration in the fight against hunger. But it also reminds us that we as a country are committed to ending hunger. We know how. We need to muster the political will.

We started this week by challenging our own offices to participate in a Senate food drive. I commend Senators LINCOLN, SMITH, and DOLE for their help in collecting food that will be donated to the Capitol Area Community Food Bank.

I look forward to working with people in the anti-hunger community and with my colleagues to eliminate domestic hunger in our lifetime.

Mr. SALAZAR. Mr. President, I rise to commend the efforts of our Nation's civic, business and faith leaders to call attention to the increasing number of Americans who are unable to put food on their tables. Today, on National Hunger Awareness Day, I am proud to join with communities in every region of my State that are taking on the charge to end hunger in the United States.

Growing up in Colorado's San Luis Valley, one of the poorest regions in the country, my family did not have electricity or running water in our home. But our family farm ensured that my brothers and sisters and I never went to bed hungry or arrived at school on an empty stomach. My classmates were not always as fortunate. Sadly, not much has changed since my youth.

Currently, in Conejos County, where my family's farm is located, one in four residents are living in poverty. That is twice the national average, and three times our State poverty rate. And increasingly, the stories behind these numbers are of working poor households who struggle to pay their mortgages, escalating electricity bills and fuel costs. In Colorado Springs, the Care and Share Food Bank estimated that close to 50 percent of the households receiving their emergency food assistance last year had at least one working parent. More and more, these families need to turn to their local food bank or church pantry in the very same communities where food is harvested; serving as a sad reminder that there is much more work to be done.

When speaking with hunger relief organizations throughout Colorado, they express concern when forced to turn families away, and the number of people they cannot help continues to grow. For example, the Marian House, which is operated by Catholic Charities of Colorado Springs, serves approximately 600 meals. Over the past several years, they have seen the daily number of people coming into food banks nearly double.

Unfortunately, their stories of growing demands reflect the problems facing much of the rural West. In fact, according to the U.S. Department of Agriculture, 16 percent of households in this region did not know where their next meal would come from—that is the highest rate of so-called ''food insecurity'' in any region of the country.

In the face of these staggering statistics, Coloradans are doing their part to eliminate hunger. Whether it is organizing a food drive in their school or office, volunteering at a soup kitchen, or donating to their local food bank, they are answering the call to reduce the number of hungry Americans. In Denver, where poverty is also on the rise, groups like the Food Bank of the Rockies have stepped up their food distribution. In 2004, hard-working, committed workers and volunteers distributed over 16 million pounds of food and essential household items, more than ever before.

However, today is a special day, where national, regional and local organizations collectively are raising awareness of hunger in America. I am particularly proud that National Hunger Awareness Day events have been organized in communities throughout Colorado, including Colorado Springs, Denver, Fort Collins, Grand Junction, Greeley, and Hot Sulphur Springs. I applaud Coloradans involved in these activities, and all those participating in the day's related events. I look forward to working with the Senate Hunger Caucus and the Senate Agriculture Committee in the movement to end hunger.

Mr. SMITH. Mr. President, I rise today to speak about a problem impacting communities across the United States and throughout the world. As many of my colleagues know, today is National Hunger Awareness Day. It is a day meant to focus our attention on those for whom putting food on the table continues to be a daily struggle.

For the last several years, my home State of Oregon has been at or near the top of repeated nationwide studies of hunger and food insecurity in the United States. While we have made some progress in fighting hunger in Oregon, there is still a long way to go to ensuring that children and families in my State and around the country do not go to bed hungry. According the U.S. Department of Agriculture's Economic Research Service, in 2003, approximately 36.3 million Americans lived in households that at some point during the year did not have access to enough food to meet their basic needs. Of those 36.3 million, 3.9 million were considered hungry.

In 2003, Oregon State University published a study on food insecurity and hunger in Oregon. The study found that pressures related to the high-cost of housing, health care, and the high-level of unemployment all contribute to food insecurity and hunger in our State. One of the more striking findings in the report is that underemployment is also a major factor leading to hunger and food insecurity; working families throughout Oregon are having a difficult time accessing food.

On the horizon, Oregon's economy appears to be brightening. While there are no quick fixes, I believe that solving hunger is within our grasp. Federal nutrition programs certainly serve an important safety net role in combating hunger; however, they are only one

piece of the puzzle. Community organizations, churches, business groups, and private citizens all have a part to play. Ultimately, winning the fight against hunger in Oregon and around the country requires that families are able to provide for themselves—that means having access to living wage jobs.

Many of my colleagues will remember that last year I asked them to join me in forming a Senate caucus devoted to raising awareness of the root causes of hunger and food insecurity. I appreciate very much the work of my Senate Hunger Caucus cochairs Senator LINCOLN, Senator DOLE, and Senator DURBIN—in helping to get the caucus off the ground. I am proud to say that today, the Senate Hunger Caucus counts 34 members, with both Republicans and Democrats.

This is clearly not a battle that will be won overnight, but it is something about which our conscience calls us to act. If we are to end hunger, we must work to address its root causes. Being successful in this mission will require that we are innovative and find new ways of doing things. I look forward to continuing to work with my colleagues in Congress and groups in Oregon to win this fight.

UPWARD MOBILITY

Mr. KENNEDY. Mr. President, before speaking on what I want to address to the Senate, and that is the pending business on the nominee, I want to bring to the attention of my colleagues an excellent editorial in the New York Times today: ''Crushing Upward Mobility.'' It is basically an analysis of a regulation that was put forward by the Department of Education that will save the Department of Education some resources, but at the cost of those middle-class families, working families, who are eligible for student loan programs. That is not the direction in which we should be going.

At the current time, we have a number of these young students who are paying 9.5 percent on guaranteed student loans. Can you imagine having a deal like that? You put out money and the Federal Government guarantees that you have nothing to lose, and it still costs these students 9.5 percent. We ought to be doing something about that, like taking the profits and making a difference in terms of lowering the burden on working families and middle-income families who are trying to help their children go on to college, rather than put more burden on them.

This is an excellent article. I ask unanimous consent that the editorial 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]

CRUSHING UPWARD MOBILITY

The United States is rapidly abandoning a long-standing policy aimed at keeping college affordable for all Americans who qualify academically. Thanks to a steep decline in aid to poor and working-class students and lagging state support for the public college systems that grant more than two-thirds of the nation's degrees, record numbers of Americans are being priced out of higher education. This is an ominous trend, given that the diploma has become the minimum price of admission to the new economy.

Greg Winter of The Times reported yesterday that the federal government has rejiggered the formula that determines how much families have to pay out of pocket before they become eligible for the student aid package, which consists of grants and low-interest loans. The new formula, which will save the government about $300 million in federal aid under the Pell program, will cause some lower-income students to lose federal grants entirely. The families of others will have to put up more money before they can qualify for financial aid. Perversely, single-parent household will have to pay more than two-parent households before they become eligible.

The federal Pell Grant program, which is aimed at making college possible for poor and working-class students, has fallen to a small fraction of its former value. The states, meanwhile, have trimmed aid to public colleges, partly as a consequence of soaring Medicaid costs. The states have deepened the problem by shifting need-based tuition to middle-class and upper-class students under the guise of handing out so-called merit scholarships.

The political clamor around the new formula is likely to lead to changes, but they will be aimed at upper-income families who are most able to pay. Tinkering with formulas in Washington will not solve this problem. The nation as a whole has been disinvesting in higher education at a time when college has become crucial to work force participation and to the nation's ability to meet the challenges of global economic competition.

Until the country renews its commitment to making college affordable for everyone, the American dream of upward mobility through education will be in danger of dying out.

Mr. KENNEDY. Mr. President, I intend to introduce later on in the afternoon the technical language and legislation that will block that particular provision by the Department of Education from going into effect.

Mr. President, Janice Rogers Brown's nomination to the DC Circuit is opposed more strongly by civil rights organizations than almost any other nominee I can recall to the Federal courts of appeals.

She is opposed by respected civil rights leaders, including Julian Bond, the chairman of the NAACP, and Reverend Joseph Lowery, president emeritus of the Southern Christian Leadership Conference, who worked with Dr. Martin Luther King, Jr., in the civil rights movement, and who has fought tirelessly for many years to make civil rights a reality for all Americans.

Her nomination is also opposed by the Congressional Black Caucus, the National Bar Association, the Coalition of Black Trade Unions, the California Association of Black Lawyers, and Delta Sigma Theta Sorority, the second oldest sorority founded by African-American women.

Justice Brown's nomination is opposed by Dorothy Height, president emeritus of the National Council of Negro Women, and a leader in the battle for equality for women and African Americans. Dr. Height has dedicated her life to fighting for equal opportunities for all Americans. She is universally respected by Republicans and Democrats, and last year she received the Congressional Gold Medal, and President Bush joined Members of Congress in honoring her service.

In opposing Justice Brown's nomination, Dr. Height says:

I have always championed and applauded the progress of women, and especially African American women; but I cannot stand by and be silent when a jurist with a record of performance of California Supreme Court Justice Janice Rogers Brown is nominated to a Federal court, even though she is an African American woman. In her speeches and decisions, Justice Janice Rogers Brown has articulated positions that weaken the civil rights legislation and progress that I and others have fought so long and hard to achieve.

Justice Brown's nomination is opposed equally strongly by over 100 other organizations, including 24 in California, representing seniors, working families, and citizens concerned about corporate abuses and the environment.

Some of Justice Brown's supporters suggest that she should be confirmed because she is an African-American woman with a compelling personal story. While all of us respect her ability to rise above difficult circumstances, we cannot confirm nominees to lifetime positions on the Federal courts because of their backgrounds. We have a constitutional duty to confirm only those who would uphold the law and would decide cases fairly and reject those who would issue decisions based on personal ideology.

It is clear why this nomination is so vigorously opposed by those who care about civil rights. Her record leaves no doubt that she would attempt to impose her own extreme views on people's everyday lives instead of following the law. The courts are too important to allow such persons to become lifetime appointees as Federal judges.

Janice Rogers Brown's record makes clear that she is a judicial activist and would roll back not only civil rights but laws that protect public safety, workers' rights, and the environment, as well as laws that limit corporate abuse, which are precisely the cases the DC Circuit hears most often.

Our decision on this nomination is profoundly important to America's everyday life. All Americans, wherever they live, should be concerned about such a nomination to the DC Circuit, which interprets Federal laws that protect our civil liberties, worker safety, our ability to breathe clean air and drink clean water in our communities.

The DC Circuit is the crown jewel of Federal appellate courts and has often been the stepping stone to the Supreme Court. It has a unique role among the Federal courts in interpreting Federal power. Although located here in the District of Columbia, its decisions have national reach because it has exclusive

jurisdiction over many laws that protect consumers' rights, employees' rights, civil rights, and the environment. Only the DC Circuit can review the national drinking water standards under the Safe Drinking Water Act to ensure clean water for our children. Only the DC Circuit can review national air quality standards under the Clean Air Act to combat pollution in our communities. This court also hears the lion's share of cases involving the rights of workers under the Occupational Safety and Health Act which helps ensure that working Americans are not exposed to hazardous conditions on the job. It has a large number of cases under the National Labor Relations Act. As a practical matter, because the Supreme Court can review only a small number of lower court decisions, the judges on the DC Circuit often have the last word on these important rights.

Because of the court's importance to issues that affect so many lives, the Senate should take special care in appointing judges for lifetime positions on the DC Circuit. We must be completely confident that appointees to this prestigious court have the highest qualifications and ethical standards and will fairly interpret the laws, particularly laws that protect our basic rights.

The important work we do in Congress to improve health care, reform public schools, protect working families, and enforce civil rights is undermined if we fail in our responsibility to provide the best possible advice and consent on judicial nominations. Needed environmental laws mean little to a community that cannot enforce them in Federal courts. Fair labor laws and civil rights laws mean little if we confirm judges who ignore them.

In the 1960s and 1970s, the DC Circuit expanded public access to administrative proceedings and protected the interests of the public against the egregious actions of many large businesses. It enabled more plaintiffs to challenge agency decisions. It held that a religious group, as a member of the listening public, could oppose the license renewal of a television station accused of racial and religious discrimination. It held that an organization of welfare recipients was entitled to intervene in proceedings before a Federal agency. These decisions empowered individuals and organizations to shine a brighter light on governmental agencies. No longer would these agencies be able to ignore the interests of those they were created to protect.

But in recent years, the DC Circuit has begun to deny access to the courts. It held that a labor union could not challenge the denial of benefits to its members, a decision later overturned by the Supreme Court. It held that environmental groups are not qualified to seek review of Federal standards under the Clean Air Act. These decisions are characteristic of the DC Circuit's flip-flop.

After decades of landmark decisions allowing effective implementation of important laws and principles, the court now is creating precedence on labor rights, civil rights, and the environment that will set back these basic principles for years to come. It is, therefore, especially important to ensure that judges appointed to this important court will not use their position to advance an extreme ideological agenda.

Janice Rogers Brown would be exactly that kind of ideological judge. How can we confirm someone to the DC Circuit who is hostile to civil rights, to workers' rights, to consumer protections, to governmental actions that protect the environment and the public in so many other areas—the very issues that predominate in the DC Circuit? How can we confirm someone who is so deeply opposed to the core protections that the DC Circuit is required to enforce? It is hard to imagine a worse choice for the DC Circuit.

Perhaps most disturbing is the contempt she has repeatedly expressed for the very idea of democratic self-government. She has stated that where government moves in, community retreats, and civil society disintegrates. She has said that government leads to families under siege, war in the streets. In her view, when government advances, freedom is imperiled, and civilization itself is jeopardized. These views could hardly be further from legal mainstream. They are not the views of someone who should be confirmed to the second most important court in the land and the court with the highest frequency of cases involving governmental action. Congress and the White House are the places you go to change the law, not the Federal courts.

She has criticized the New Deal which gave us Social Security, the minimum wage, and the fair labor laws. She questioned whether age discrimination laws benefit the public interest. She has even said that today's senior citizens blithely cannibalize their children because they have the right to get as much free stuff as the political system will permit them to extract. No one with these views should be confirmed to any Federal court, and certainly not to the Federal court most responsible for cases respecting governmental action. It is no wonder that an organization seeking to dismantle Social Security is running ads supporting her nomination to the second most powerful court in the country.

Of course, like every nominee who comes before the Senate, Justice Brown assures us that she will follow the law. But merely saying so is not enough when there is clear and extensive evidence to the contrary. The Senate is more than a rubberstamp in the judicial confirmation process. We must examine the record and vote our conscience.

Justice Brown and her supporters ask us to believe that her contempt for the role of government and government regulation and her opinions against workers' rights and consumer protections are not an indication of how she would act as a Federal judge. It is hard to believe that anyone would repeatedly use such extreme rhetoric and not mean it. It is even harder to believe that her carelessness and intemperance somehow qualify her to be a Federal judge.

Moreover, Justice Brown's decisions match her extreme rhetoric. She has written opinions that would undermine these basic protections. I was especially troubled by her opinion in a case in which ethnic slurs have been proven to create hostile working conditions for Latino workers. Justice Brown wrote that the first amendment prevents courts from stopping ethnic slurs in the workplace even when those slurs create a hostile work environment, in violation of job discrimination laws.

Her opinion even went beyond the State law involved in the case and suggested that title VII and other Federal antidiscrimination laws may not prohibit this kind of harassment in the workplace. Her opinion contradicts decades of precedent protecting workers from harassment based on race, gender, ethnicity, and religion. Fortunately, a majority of California's Supreme Court disagreed with her views.

We cannot risk giving Justice Brown a lifetime appointment to a court on which she will have a greater opportunity to apply her extreme views on our Federal civil rights laws. This Nation has made too much progress toward our shared goal of equal opportunity to risk appointing a judge who will roll back civil rights.

Other opinions by Justice Brown would have prevented victims of age and race discrimination from obtaining relief in State court. She dissented from a holding that victims of discrimination may obtain damages from administrative agencies for their emotional distress. Time and again, she has issued opinions that would cut back on laws that rein in corporate special interests. When there is a choice between protecting the interests of working Americans and siding with big business, Janice Rogers Brown sides with big business, and she does so in ways that go far beyond the mainstream conservative thinking.

She wrote an opinion striking down a State fee requiring paint companies to pay for screening and treating children exposed to lead paint. Most of us are familiar with the dangers of lead paint. It is a contributing cause to mental retardation with regards to children. Many of the older communities all over this country have paint that has a lead content, and children have a habit of picking off the pieces. Even if it is in playgrounds, they have a way of ingesting these pieces. We find that children develop severe illness and sickness and in too many instances mental retardation. We tried here for years to eliminate the issues of lead in paint.

We have made some important progress.

As I understand it, one of the proposals was a small State fee requiring paint companies to pay for screening and treating children exposed to lead paint, and she struck down that State fee. Fortunately, she was unanimously reversed by the California Supreme Court. But because the United States Supreme Court hears so few cases, there is no guarantee that her mistakes will be corrected if she receives a lifetime position on the DC court.

In another case, she wrote a dissent urging the California Supreme Court to strike down a San Francisco law providing housing assistance to low-income elderly and disabled people.

Justice Brown has also clearly demonstrated her willingness to ignore established precedent. She wrote a dissent, arguing that the California Supreme Court ''cannot simply cloak ourselves in the doctrine of stare decisis,'' which is the rule that judges should follow the settled law. That is the basic concept of upholding the law, interpreting law, stare decisis, following the law which currently exists.

She wrote a dissent urging the California Supreme Court, saying we cannot simply cloak ourselves in that doctrine.

She again showed her willingness to disregard legal precedent just this year. In People v. Robert Young, Justice Brown tried to overturn a precedent protecting the rights of racial minorities and women not to be eliminated from juries for discriminatory reasons. In a concurring opinion not joined by any of her colleagues, she criticized the precedent stating that for the purposes of deciding whether a prosecuting attorney had discriminated in selecting a jury, black women could not be considered a separate group. The California Supreme Court had held two decades ago that prosecutors may not exclude jurors solely because they are black women.

Justice Brown argued that this precedent should be overruled because she saw no evidentiary basis that black women might be the victims of a unique type of group discrimination justifying their designation as a cognizable group.

It is not just Senate Democrats who are troubled about the record of Janice Rogers Brown. Conservatives have also expressed concern about the judicial activism of Janice Rogers Brown. The conservative publication National Review had this to say:

> Janice Rogers Brown . . . has said that judicial activism is not troubling per se; what matters is the ''worldview'' of the judicial activist. If a liberal nominee to the courts said similar things, conservatives would make short work of her.

Even conservative columnist George Will has said that Janice Rogers Brown is out of the mainstream.

In the past, some members of the press, and even some in Congress, have accused us of bias when we raise questions about a nominee. That is nonsense. Justice Brown has received the same treatment as other nominees. We have asked about her record, looked at her statements, and reviewed her opinions. We have raised questions when her record cast doubt on her commitment to the rule of law.

During the recent debate on judicial nominees, almost all of us, Republicans and Democrats, have emphasized that we want an independent judiciary. If that is truly what we believe, we must vote no on the nomination of Janice Rogers Brown. She opposes many of our society's most basic values shared by both Republicans and Democrats.

Throughout its history, America has embraced the ideals of fairness, opportunity, and justice. We all believe our laws are there to help ensure everyone can share in the American dream and that everyone should be free from discrimination. Janice Rogers Brown has expressed hostility to some of the protections most important to the American people, including those that protect workers, civil rights, and the environment. We believe that judges should be impartial, not beholden to powerful corporate interests. If we believe in these basic protections, it makes no sense to confirm a judge who would undermine them and turn back the clock on many of our most basic rights.

The Senate's role in confirming judges to the Federal courts is one of our most important responsibilities under the Constitution. We count on Federal judges to be openminded, fair, and respect the rule of law. Despite what Justice Brown thinks, laws passed by Congress to give Government a role in protecting the environment, immigrants, workers, consumers, public health and safety, have helped to make America a stronger, better, and more fair country. A nominee so deeply hostile to so many basic laws does not deserve to be appointed to such an important Federal court.

Last month, we celebrated the 51st anniversary of the Supreme Court's landmark decision in Brown v. Board of Education. Nothing can be a more important reminder of the role of our courts in upholding individual rights. In confirming Federal judges, we must ensure that they will uphold the progress our country has made in so many areas, especially in civil rights.

Justice Brown's record and her many intemperate statements give me no confidence that she will do so, and I urge my colleagues to vote against her nomination.

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

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

BIRTH CONTROL

Mr. DURBIN. Mr. President, today is a very important day in American history. On June 7, 1965, 40 years ago today, the U.S. Supreme Court struck down a Connecticut law making it a crime to use or prescribe any form of birth control or even to give advice about birth control. Forty years ago it was a crime to prescribe any form of birth control in the State of Connecticut, or to use it, or to give advice about it: 40 years ago.

It is hard to imagine, isn't it? Even married couples in Connecticut could be convicted of a crime, fined, and sentenced to up to a year in prison for using forms of birth control. Doctors who prescribed contraceptives, pharmacists who filled the prescriptions, even people who simply provided advice about birth control, could be charged with aiding and abetting a crime, fined, and sent to prison for up to a year.

But 40 years ago today, just across the street, by a vote of 7 to 2, the Supreme Court struck down the Connecticut law. The case was called Griswold v. Connecticut, a famous case. The Court's ruling held for the first time in our Nation's history that the Constitution guarantees all Americans the right to privacy in family planning decisions. Such decisions were so intensely personal, their consequences so profound, the Court said the State, the Government, may not intrude, it may not impose its will upon others.

You can search our Constitution, every single word of it, as short a document as it is, and never find the word ''privacy'' in this document. Yet the Supreme Court said they believed the concept of our privacy was built into our rights, our individual rights and liberties.

I referred briefly to this landmark ruling earlier today in remarks opposing the nomination of Janice Rogers Brown to serve as a Federal circuit court judge in the District of Columbia. That nomination is before the Senate at this moment. It is for a lifetime appointment. Janice Rogers Brown is a justice in the California Supreme Court who has stated explicitly her own personal philosophy, her own judicial philosophy, and it runs counter to many of the concepts and values I will be discussing as part of this commemoration of the Griswold decision.

I am glad there is a bipartisan resolution sponsored by my colleague from Illinois, Senator BARACK OBAMA, and Senator OLYMPIA SNOWE of Maine, calling on the Senate to celebrate the 40th anniversary of the Griswold decision. In that resolution, my two colleagues, one Democrat, one Republican, ask the Senate to renew its commitment to make sure that all women, including poor women, have access to affordable, reliable, safe family planning.

Right at the heart of the Griswold decision, the right to make the most intimate personal decisions about our lives in private, without Government

interference, we find the foundation for future decisions that expanded reproductive rights. In 1972, in Eisenstadt v. Baird, the Supreme Court granted unmarried people in America access to family planning and contraception—1972—and, in 1973, the famous case, Roe v. Wade, a 7-to-2 decision by the Supreme Court said that women have a fundamental right to decide whether to continue a pregnancy, depending on the state of the pregnancy. Supreme Court Justice Harry Blackmun was nominated to serve on the Supreme Court by Richard Nixon—obviously a Republican President. Justice Blackmun had been on the Court less than a year and a half when he was assigned to write the majority opinion in Roe v. Wade.

There is a brilliant new biography called ''Becoming Justice Blackmun'' by Linda Greenhouse. I finished it and recommend it to my colleagues. Justice Blackmun served on the Court at several different levels and kept copious notes. From those notes, which were donated, they have derived this biography, which I recommend to anyone, regardless of your political background, to understand what happens behind those closed doors at the Supreme Court.

Justice Blackmun revealed in this book how he struggled with the assignment of writing the majority opinion on Roe v. Wade. You see, he had been the general counsel for the Mayo Clinic, one of the most outstanding hospitals in America, which happens to be in the State of our Presiding Officer, Minnesota, in Rochester. So Justice Blackmun left Washington and went back to the library of the Mayo Clinic as he wrote this decision. He worked for long periods of time, plowing through books and articles on the whole question of abortion. He listened to a lot of people, including his own daughter, who dropped out of college in her sophomore year after becoming pregnant.

In his notes for the Roe decision, Justice Blackmun made two predictions. Here is what he said. The Court will be excoriated at first for its decision. Then, he went on to say, there will be an unsettled period for a while as States brought their laws into compliance with the Roe v. Wade decision.

The first prediction proved accurate; the second, overly optimistic. Thirty-two years after the Roe decision, 40 years after the Griswold decision, America today remains unsettled, not only about reproductive rights, but about many other fundamental matters of conscience as well. We are struggling today with a question that is as old as our democracy itself: What is the appropriate, what is the proper relationship between personal religious belief and public policy? How many battles, how many debates do we struggle through that go to that single issue? When should one group in America be able to impose its own moral code on the rest of society?

It is worth remembering that the Griswold decision overturned Connecticut's version of a Federal law called the Comstock Act. In 20 years on Capitol Hill, I have never heard anyone refer to the Comstock Act. Listen to the history. This law was named after its author, Anthony Comstock, a morals crusader and a zealot anti-abortion advocate.

In 1868, Anthony Comstock was the driving force behind a State anti-obscenity law in New York. In 1873, he brought his crusade to Washington. He lobbied Congress to pass a Federal law making it a crime to advertise or mail not only ''every lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character'' but also any information ''for preventing conception or producing abortion.''

Congress passed the Comstock law unanimously, with little debate. It then commissioned—this is something I find almost hard to believe—it commissioned Anthony Comstock as a special agent of the U.S. Post Office, gave him the power under the law to define what should be banned in America, and also vested in Mr. Comstock the power of arrest and gave him a huge travel budget. Imagine that: Mr. Comstock spent the next 30 years crisscrossing America, enforcing his law as he saw fit.

Two years before he died in 1915, Anthony Comstock bragged that he had been personally responsible for the criminal conviction of enough people to fill a 61-car passenger train. He prosecuted Margaret Sanger, the family planning pioneer, on eight counts of obscenity because she published articles on birth control. Druggists were punished and criminalized for giving out information to Americans about family planning and contraception. Publishers revised their texts and books so as to avoid the wrath of Mr. Comstock and his law, deleting banned words such as ''pregnant,'' and Americans lived with his censorship of the mail.

The Irish playwright George Bernard Shaw dismissed the Comstock Act as ''a standing joke at the expense of the United States.'' There was nothing funny about the Comstock Act, nothing funny to those who were forced by the law to conform with Anthony Comstock's rigid personal moral code. The penalty for violating the Comstock Act was up to 5 years in prison at hard labor and a fine of up to $2,000. For every victim who was prosecuted, there were untold others whose lives, health, and family suffered as a result of being denied basic information about family planning.

Linn Duvall Harwell is one of those who suffered. Miss Harwell now lives in New Hampshire. She is 82 years old. In 1929, when she was 6 years old, her mother, who was then 34 and pregnant for the eighth time, lost her life. She tried to abort her own pregnancy using knitting needles and bled to death, leaving behind a husband and five small children. Linn Duvall Harwell has spent her life trying to spare other women her mother's fate by protecting women's right to safe and legal contraception and abortion.

In 1958, Linn Harwell moved to Connecticut. A woman at her church asked her to volunteer for Planned Parenthood. She and other young mothers were trained in medical understanding of birth control by Estelle Griswold, the director of Planned Parenthood in Connecticut, and Charles Lee Buxton, the league's medical director. These were the two people who brought the lawsuit that later became the Griswold case before the Supreme Court. Years before the Court struck down Connecticut's Comstock law, Linn Duvall Harwell defied the law to teach poor women in housing projects about birth control and family planning.

Yesterday, the Chicago Sun-Times carried an article written by Miss Harwell about her life's work and the renewed threats today to the rights identified in Griswold and Roe. In her op-ed, Miss Harwell recalled a woman she met in 1968 named Rosie. Rosie was 32 years old. She and her husband, a short-order cook, were the parents of 11 children.

Miss Harwell wrote:

> By the time I met Rosie and her family, I could not help her, for she had so many children already. She and her family were imprisoned in poverty because she was unable to access the preventive medicine that I easily obtained.

She added:

> The Comstock law denied health care to millions of Rosies because of religious bigotry, legalized injustice and ignorance.

Today, it is estimated that 95 percent of American women will use birth control during their childbearing years. Reliable birth control is now a critical part of preventive health care for women. And Roe, although it has been weakened, is still the law of the land.

The widespread use of birth control has helped reduce maternal and infant mortality by an astonishing two-thirds in the last 40 years. Since Griswold, we have reduced infant and maternal mortality in America by two-thirds. In 1999, the U.S. Centers for Disease Control and Prevention included family planning on the list of ''Ten Great Public Health Achievements in the 20th Century.''

But Comstockery seems to be making a return. You can see it in efforts to impose gag rules on doctors and other measures designed to make it harder for women to get information and services related to family planning and abortion. You can see it in the stories of women who are harassed by pharmacists when they attempt to fill prescriptions for contraceptives—in some cases, even after these women have been victims of sexual assault.

A chill wind blows for reproductive rights and possibly other issues of conscience as well. You can hear that wind in the rhetoric of extremists who rail

about the ''culture war'' in America and misrepresent legitimate political debate as attacks on people of faith.

We heard the chill wind of religious intolerance in some of the sad debate over the tragedy of Terri Schiavo. We heard it in the dangerous, vitriolic condemnations of judges, like George Greer, the judge in the Schiavo case, who dared to enforce the law as he believed the Constitution required.

We can hear that chill wind of religious and social intolerance today in the debate over stem cell research. Once again, as with the Comstock laws, a passionate group who sees itself as the moral guardians of America would use the power of our Government to deny life-saving medical care to those who need it. They believe that a cell blastocyst deserves the same legal standing and protections as a full-grown child or adult suffering from Parkinson's or diabetes or terrible injury to their spinal cords. I respect their opinion. I respect their religious beliefs. In most cases, I don't share them. Neither do most Americans. I don't believe this vocal minority, no matter how well intentioned they may be, no matter how moral they believe themselves to be, should have a veto power over medical research that offers apparently unlimited potential to heal broken bodies and minds and save lives.

Will our courts continue to recognize the constitutional right to privacy on family planning and other profoundly personal issues? Or will we fill the Federal bench with judicial activists who see themselves as soldiers in a cultural war, who want to put their own agendas ahead of the Constitution? That is one of the questions that is at the heart of the debate on the Federal judges.

The filibuster debate is not about old Senate rules. It is about whether self-described cultural warriors can use our Government to impose their personal moral agenda on America.

In April, a group of organizations held a televised rally to condemn the Senate filibuster rule as a weapon against people of faith. They called it ''Justice Sunday.'' That day, Janice Rogers Brown, the nominee now before the Senate, gave a speech in which she argued that ''people of faith are embroiled in a war against secular humanists.'' According to newspaper accounts, she went on to say:

> [T]here seems to have been no time since the Civil War that this country was so bitterly divided. It's not a shooting war, but it's a war.

Mr. President, Americans are not at war with one another. We are at war in Afghanistan and Iraq, wars, sadly, fueled by religious extremism in many respects. Expressing honest, fundamental differences of opinion on political and social questions here at home is not an act of war. It is an act of democracy. It is our democratic process and our Constitution at work.

I respect the right of every person to express his or her beliefs about religion or anything else. That is part of the beauty of being a citizen in this great Nation. But we cannot allow the beliefs of a majority, or even a vocal minority, to determine moral choices for every American. As the Supreme Court ruled so wisely 40 years ago, there are decisions that are so intensely private that the Government has no right to intrude.

Soon I hope we take up the issue which the House considered just several days ago on stem cell research. It strikes me as strange, maybe unfair, that some believe we should oppose in vitro fertilization in every circumstance. I have friends of my family, friends for years, who have spent small fortunes in the hopes that a mother and father who cannot conceive by natural means can use this process to have a child whom they will rear and love all of their lives. One of my friends has spent $80,000 in two separate, thank goodness successful, efforts, and she has two beautiful children to show for it.

I cannot imagine why that is an immoral act, when a husband and wife will go to those extremes to bring a life into this world that they will love and nurture. But we know, just as in normal conception, there will be, during the process, some of the fertilized eggs that will not lodge in a mother's womb and lead to human life. That is the natural thing that occurs.

The same thing happens during in vitro fertilization. If they are successful in creating this fertilized egg, and then implanting it in a woman's womb so she can have a baby, it is a miracle, but as part of that miracle there will be some of these fertilized eggs which cannot be used.

So the question before us in stem cell research is very clear: Should stem cells from blastocysts be used to save others' lives, to prevent disease, to give someone hope and a future? That is what it is about. There are some who say no, some who would say we should not allow in vitro fertilization, and others who say, if you allow it, you should never allow those discarded blastocysts to be used for medical research.

The position of the Bush administration is close to that. The President, in August of 2001, said he would approve certain stem cell lines being used for research but no others. Well, it turns out those stem cell lines were very limited in their number and quality, and scientists and medical researchers have told us that the President's approach is not going to give us the opportunity we need to develop these stem cells into cures for diseases. So many of us believe we should move forward.

We should have strict rules against cloning. I do not know of a single Member of Congress, of either political party, who supports human cloning. We are all opposed to that. It should be condemned, and we should have strict ethical guidelines on the use of these stem cells so that they are used legitimately for research, not for profit or commercialization, but legitimately used for research to try to find the cures to these vexing diseases.

Many of us believe that this is as pro-life as it gets. If you can take stem cells that would be otherwise discarded and never used for any purpose and use them for the purpose of giving a youngster who has to inject with insulin three times a day a chance to be rid of diabetes, if you can use it for a person afflicted in their forties or fifties with Parkinson's disease, which is a progressively degenerative disease in most instances, if you can use it to try to regenerate the spinal column and all the things that are necessary so someone can walk again after a spinal cord injury—how in the world can that be wrong?

That strikes me as promoting life. Yet some will come to the floor, even threatening a filibuster, saying that we cannot do this because it violates their personal moral and religious beliefs. Well, I understand that. And that is how they should vote. But to stop the rest of the Nation—because of their personal moral and religious beliefs—from this type of medical research seems to me to be counterproductive, if you are truly committed to life and the health of those who surround us.

Forty years ago, the decision was made across the street that there are certain elements of privacy, there are certain elements of personal decisions made by individuals and families which the State, the Government cannot overrule because of anyone's personal religious, moral belief. They said that privacy is critically important in America. Those private decisions should be protected.

Every nominee for the Supreme Court I have heard in recent times has faced a Judiciary Committee question from some member, Democrat or Republican: Do you still agree with the Griswold v. Connecticut decision? Do you still believe that, even though this Constitution does not include the word ''privacy,'' that is part of what we have as Americans as part of our individual rights and liberties? The only one who tried to, I guess, split the difference and find some way to argue around it was Robert Bork. His nomination was ill-fated after he made some of those statements.

I believe most Americans feel we should be personally responsible, that we should be allowed to have our own personal religious beliefs, but they also think we should stay away from the Government imposing religious beliefs on one group or the other. That is what happened with the Comstock laws. That is what led to the laws in Connecticut, which were stricken in Griswold. Sadly, that is part of the debate today when it comes to stem cell research.

I am urging Senator FRIST, a medical doctor, one I greatly respect, to bring this bill up and bring it up quickly. I know there is a feeling by the White

House, and maybe even by some in Congress, that we should avoid this stem cell research debate. But when you think of the millions of Americans and their families who are counting on us to move medical research forward, is there anything more important on our political agenda?

I sincerely hope President Bush, who made an exception for some stem cell lines for research, will understand that you cannot take an absolute position on this issue. It is a tough issue. It is one where we should draw good, ethical guidelines for the use of this research, but not prohibit it, not close the door to this research and the cures that could emanate from it. That, I think, would be a lesson well learned, a lesson consistent with the decision made by the Supreme Court 40 years ago today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would like to get us back on the topic at hand. It is a topic that has been denied for some period of time. It is the Honorable Janice Rogers Brown nomination to the U.S. Court of Appeals for the DC Circuit. ''Justice delayed is justice denied'' is an old saying under the law. This lady has been delayed a long time. It is time to get this nomination through.

I am glad to see the cloture vote move us forward. She is going to be now approved, I believe, by a majority vote and a majority opinion. And I think if the country had to vote on Janice Rogers Brown, it would be a 90-plus percent vote for this lady, given her background, given her judicial expertise, given her demeanor, given her nature.

I think the country would look at this lady, whom I have a picture of here, and say: That is the type of person I want on the bench. This is a good, honorable person, with a great heart, a well-trained mind, who is thoughtful, with great experience. This is the type of person we ought to have on the bench. Yet we have just heard litany after litany of excuses, the dissecting of cases that you try to then parse to say she should not be on the bench for whatever reason.

I want to go through some of what has been stated previously. I want to go through, again, her background to get us back on topic. And then I want to go through some of the specifics.

She is currently serving as an associate justice on the California Supreme Court. She has held that position since 1996. She is the first African-American woman to serve on the State's highest court. She was retained with 76 percent of the vote in the last election. Certainly, that does not seem to be the sort of extreme case anyone can come up with; that 76 percent of Californians think she should be retained on the court. If she is so extreme, if she is so off the mark, if she is so out of the mainstream, why, in California, wasn't she voted off the bench?

Why didn't at least 24 percent of Californians or more than 24 percent vote her off the bench? Why didn't she have a much closer election than that? Where is the beef, an old advertising phrase?

In 2002, Justice Brown's colleagues relied on her to write the majority opinion for the court more times than any other justice. Prior to appointment and confirmation to the California Supreme Court, Justice Brown served from 1994 to 1996 as an associate justice on the Third District Court of Appeals, an intermediate State appellate court.

Justice Brown enjoys bipartisan support from those in California who know her best. A bipartisan group of 15 California law professors has written to the Senate Judiciary Committee in support of Justice Brown. The letter notes that:

> We know Justice Brown to be a person of high integrity, intelligence, unquestioned integrity, and evenhandedness. Since we have differing political beliefs and perspectives, Democratic, Republican and Independent, we wish especially to emphasize what we believe is Justice Brown's strongest credential for appointment on the D.C. Circuit Court: her open-minded and thorough appraisal of legal argumentation—even when her personal views may conflict with those arguments.

This is a bipartisan group that says she is open-minded and thorough in her appraisal of legal arguments.

A bipartisan group of Justice Brown's current and former judicial colleagues has also written a letter in support of her nomination. Twelve current and former colleagues noted in a letter to the committee that:

> 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 that Justice Brown 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.

This doesn't sound like the same lady who is being discussed on this floor by some of my colleagues on the other side.

Ellis Horvitz, a Democrat and one of the deans of the appellate bar in California, has written in support of Justice Brown noting that:

> . . . in my opinion, Justice Brown [possesses] those qualities an appellate jurist should have. She is extremely intelligent, very conscientious and hard working, refreshingly articulate, and possessing great common sense and integrity. She is courteous and gracious to the litigants and counsel who appear before her.

Regis Lane, director of Minorities in Law Enforcement, a coalition of ethnic minority law enforcement officers in California, wrote:

> We recommend the confirmation of Justice Brown based on her broad range of experience, personal integrity, good standing in the community, and dedication to public service . . . In many conversations with Justice Brown, I have discovered that she is very passionate about the plight of racial minorities in America, based on her upbringing in the south. Justice Brown's views that all individuals who desire the American dream regardless of their race or creed can and should succeed in this country, are consistent with [that group's] mission to ensure brighter futures for disadvantaged youth of color.

These are some of the people who know her the best. These are the statements they make about her. This is why she should be on the DC appellate court.

Justice Brown is an outstanding and highly qualified candidate as evidenced by her background, credentials, and training. This has been covered and covered. But she is a sharecropper's daughter, born in Greenville, AL, in 1949. During her childhood she attended segregated schools, came of age in the midst of Jim Crow policies in the South. She grew up listening to her grandmother's stories about NAACP lawyer Fred Gray, who defended Dr. Martin Luther King, Jr., and Rosa Parks. Her experience as a child of the South motivated her desire to be a lawyer. Her family moved to Sacramento, CA, when Justice Brown was in her teens. She later received a B.A. in economics from California State in Sacramento in 1974, and her J.D. from UCLA School of Law in 1977. She also received honorary law degrees from Pepperdine University Law School, Catholic University, and Southwestern University School of Law.

She has dedicated all but 2 years of her 26-year legal career to public service. For only 2 years has she not been in public service, 24 years of public service. Where is the person who is out of the mainstream? Where is the person who is irrational? Where is the person who doesn't hold or have the judicial temperament or doesn't have the intellect or the open-mindedness to be a judge in all of this? She has dedicated most of her life, 24 years, to public service.

Prior to more than 8 years as a judge in State courts, Justice Brown served from 1991 to 1994 as legal affairs secretary to California Governor Pete Wilson where she provided legal advice on litigation, legislation, and policy matters. From 1987 to 1990, she served as deputy secretary and general counsel to the California Business, Transportation, and Housing Agency where she supervised the State banking, real estate, corporations, thrift, and insurance departments.

From 1972 to 1987, she was deputy attorney general of the Office of the California Attorney General where she prepared briefs and participated in oral arguments on behalf of the State in criminal appeals, prosecuted criminal cases, and litigated a variety of civil issues. She began her legal career in 1977, when she served 2 years as deputy legislative counsel in the California Legislative Counsel Bureau. She has a broad base of experience from which to

draw to be an excellent person to sit on the Federal appellate court bench.

She has participated in a variety of statewide and community organizations dedicated to improving the quality of life for all citizens of California. Justice Brown has served as a member of the California Commission on the Status of African-American Males—the commission was chaired by now-U.S. Representative BARBARA LEE—and made recommendations on how to address inequalities in the treatment of African-American males in employment, business development, the criminal justice, and health care systems.

She is a member of the Governor's Child Support Task Force, which reviewed and made recommendations on how to improve California's child support enforcement laws. She serves as a member of the Community Learning Advisory Board of the Rio Americano High School and developed the Academia Civitas Program to provide government service internships to high school students in Sacramento. She has also assisted in the development of a curriculum to teach civics and reinforce the values of public service.

She has volunteered time with the Center for Law-Related Education, a program that uses moot courts and mock trials to teach high school students how to solve everyday problems. She has taught Sunday school class at Cordova Church of Christ for more than 10 years. That is Justice Janice Rogers Brown. Those are the facts. That is who she actually is.

So why has it taken that long a period of time for us to be able to get her to the floor? Why is there such consternation about her becoming a DC appellate court judge? Why have we spent years to get her to the point where we will vote on—I would love to see it today, but at least this week—her approval to the DC appellate court bench? I think it goes to the fact that she is a lady, nominated by President Bush, who will strictly construe the Constitution, stay within the bounds of the document, not try to write new opinion as to a new constitutional right or a new issue that is not within the Constitution or not within the law. She is what lawyers would call a strict constructionist. She says if the law says this—and it was passed to say that—that is what we enforce, if that is what the Constitution says.

It is not the living, breathing document of let's try to create another right or privilege here and take three or four of the amendments to the Constitution, provisions of the Constitution, frame them together, and then let's find a new right in the Constitution because we think this is good for the country. If it is a change to the Constitution that needs to happen, then it should happen. And it should go through this body with a two-thirds vote. It should go through the House with a two-thirds vote. It should go to the State legislatures for a three-fourths vote. It should not be a majority opinion of a bench somewhere.

She says she will stay within the confines of the law. That is what the President is trying to nominate, judges who will stay strict constructionists within the confines of the law and be what judges should be, interpreters of the law, enforcers of the Constitution as it is written, not as they wish it were written. That is what this nomination is about.

Others want to see a court that will expand and look and read different things in, even if it doesn't pass through this body or doesn't pass through the legislature or isn't signed into law by the President. We really are at a point of what it is that the judiciary is to be about in America. You are seeing the face of somebody who is a strict constructionist, saying that this is what it is about.

The judiciary has a role. It has a constitutional role. It is an extraordinarily important role. But it is defined and it is set. She believes it should stay within. That is why we have had so much trouble with so many of these judicial nominations.

During the first 4 years of the Presidency of George W. Bush, the Senate accumulated the worst circuit court confirmation record in modern times, thanks to partisan obstruction. Only 35 of President Bush's 52 circuit court nominees were confirmed, a confirmation rate of 67 percent. To give you a comparison on that:

People have said that is not so low; we approved a number of these lower court judges. But let's take President Johnson's term in office. There was a Democrat Senate and a Democrat President. What was his circuit court nomination rate? It was 95 percent.

President Bush: Republican Senate, Republican Presidency, 67 percent.

What about President Carter? Democratic President, Democratic Senate, and 93 percent of his circuit court nominees were approved.

President Bush: 67 percent.

What has taken place is a filibuster of good people, such as Janice Rogers Brown, who has served honorably most of her professional career in public service but does believe there are confines within which they rule. It is in the Constitution or it is not; it is in the law or it is not; it is constitutional or it is not. It is not what I wish it were, it is what is actually there. It is what the precedents have said that matters.

The average American may not be familiar with Senate rules on cloture or on the unprecedented low confirmation rate of President Bush's circuit court nominees, but the average American can tell you one thing: that the Constitution and common sense require the Government to be accountable to the people for its actions. This is especially the case of what we do in the House and the Senate as we move forward in this country.

I want to address some of the items that have been coming up in some of these debates. Various Members have raised specific points, and I want to address a few of those points.

Certain liberal special interest groups have tried to distort Janice Rogers Brown's decision when she served on the State court of appeals in the case of Sinclair Paint Company v. Board of Equalization. They claimed she was insensitive to the legislature's desire to protect children from lead poisoning.

What was really at issue in the case was the respect for the will of the California voters who wanted to make it more difficult for the California Legislature to raise taxes.

California proposition 13—people remember that—enacted in June of 1978, requires a two-thirds vote of the legislature to increase State taxes. That is what proposition 13 did. In 1991, the California Legislature voted by a simple majority to assess fees on manufacturers engaged in commerce involving products containing lead in order to fund a program to provide education, screening, and medical services for children at risk for lead poisoning. Justice Brown simply held for a unanimous court of appeals—a unanimous court of appeals—in affirming the judgment of the trial court that the assessment constituted a tax within the meaning of proposition 13 and thus had to be passed by a two-thirds vote.

That seems to be pretty basic and pretty common sense and not about her insensitivity to cases involving lead poisoning but simply what her role is under the law and her role as a jurist.

Under applicable California case law where payment is exacted solely for revenue purposes and its payment gives the right to carry on the business without any further conditions, the payment constitutes a tax. The Childhood Lead Poisoning Protection Act did not require the plaintiff to comply with any other conditions. It was merely required to pay its share of the program cost. Justice Brown reasonably concluded the assessment was a tax.

There are several other cases that have been brought up that I want to address.

Several liberal interest groups have attacked Justice Brown's dissent in Aguilar v. Avis Rent-a-Car Systems in which she argued racial discrimination in the workplace, even when it rises to the level of illegal race discrimination, cannot be prohibited by an injunction under the first amendment. I want to talk about this.

Justice Brown, as I have cited, is the daughter of a sharecropper from rural Alabama. She grew up under the shadow of Jim Crow laws. I think she understands the lingering effects of racial classification. In light of her personal history, the allegation she is insensitive to discrimination is absurd.

Notwithstanding her personal experiences with racism, Judge Brown's role as a judge has been to apply the law which she has done faithfully and rigorously. As I discussed earlier, it is the

role of the judge to apply the law and apply the Constitution, not rewrite the law the way they wish it were, not to rewrite the Constitution the way they think it ought to be, but to apply it in a particular case. And this is a case she could have looked at from her background and said: I understand this situation. I have been in this situation. Yet what does the law itself say?

Judge Brown's opinions demonstrate her firm commitment to the bedrock principle of civil rights. Discrimination on the basis of race is illegal, it is immoral, unconstitutional, inherently wrong, and destructive of a democratic society. Those are her statements.

In the Aguilar case, Justice Brown described the defendants' comments as disgusting, offensive, and abhorrent, and she voted to permit a large damage award under California's fair employment law to stand. Her dissent only pertained to an injunction that placed an absolute prohibition on speech. This is commonly called a prior restraint which most free speech advocates strenuously oppose.

Justice Brown's opinions demonstrate her firm commitment to the first amendment. She cited a long line of Supreme Court cases for the proposition that speech cannot be banned simply because it is offensive.

Justice Brown's opinions also demonstrate her commitment to equality in the workplace. Justice Mosk and Justice Kennard, considered one of the most liberal members of the California Supreme Court, also dissented on first amendment grounds.

Here we see the core of the person, the commitment to the law and to the rule of law. Here was something she had experienced, she understood, and yet had to say: OK, what does the law actually say, and what are the first amendment rights? Then she applied them in the case. That is the type of justice who looks at what is their role and what is it that they are required to do under the Constitution.

Judge Brown's opinion was so powerful that it prompted one member of the U.S. Supreme Court to take the unusual step of publishing an opinion dissenting from the denial of certiorari.

I find it amazing that the very same liberal outside groups who never hesitate to level accusations of censorship, perhaps, against the administration or even Congress are attacking Justice Brown for standing up for what she interpreted and looked at clearly as a first amendment issue which she had to stand by even though she found the comments herself so offensive and wrong.

Justice Brown has been attacked as being insensitive on women's issues because she has voted to strike down a State antidiscrimination law that provided a contraceptive drug benefit to women. Some have claimed her to be hostile to these women's issues.

What one has to do is look at the actual case, the actual facts, the actual law in front of her because her role as a justice is to take the law and the facts applied in this particular case, not what she wished it was, not what she hoped it would be, not what she thinks it should be in a perfect world, but what is it.

The law involved in the case actually required health and disability insurance policies to cover contraceptives. Justice Brown did not vote to strike down the law, she simply argued that the law should not be applied to force a religious institution—here Catholic Charities of Sacramento—to do something that violated its religious beliefs. This case was about religious freedom under the first amendment, not about gender discrimination or revisiting the right to contraceptives. It is about discrimination based on religion, and Justice Brown stood against this discrimination. Telling us about this case without saying a word about religious freedom on the issue misinforms people totally about this particular case and this person.

Justice Brown has been attacked for rendering opinions that have been considered outside the mainstream. These allegations are spurious. As I have stated, she has been affirmed by the population, the public voting in California, with a 76-percent approval rating. If her opinions are so out of the mainstream and so wrong, why weren't more Californians than roughly 25 percent concerned about this?

The flip side of this is that I have never won an election by a 75-percent margin. I would love to win an election by that margin. This is a confirmation election. It is different than what we face in the Senate.

Still, as somebody who has run for elections, when you get up to that three-fourths mark, that is really good, standing in front of the public and asking them to endorse your status, endorse your position, particularly if this allegation were true. If it were true that she is way out of the mainstream of public opinion in California and she is way out, on a consistent basis, so that her opinions are in the paper all the time and they are way out there, contrary to California public opinion, would you not think more than 25 percent of Californians would say, I am going to vote against confirming this lady?

I think probably a lot of people would look down the ballot box on judges and say, Which ones can I vote against because I am used to voting for all of them, particularly if somebody was so out of the mainstream on such a consistent basis that she is in the papers all the time about being in this dissent or being overruled in this case, that there would be some recognition of her and more people would be concerned. Yet that is not the case. I submit it is because it is just not true. She is not outside the mainstream.

I believe the criticism is utterly baseless. Among the eight justices who served on the California Supreme Court between 1996 and 2003, Justice Brown tied with another judge as the author of the second most majority opinions for the court. Only the chief justice wrote more majority opinions. Now, those are her colleagues on the bench saying: We think you are the right person to write this opinion. You are expressing the opinion for most of us. You are a hard worker. You are intelligent. You are an excellent wordsmith. These are all traits we would want in a justice.

Justice Brown also ranked fourth among the eight justices for the number of times she dissented alone. This puts her squarely in the middle, certainly not on either fringe in that category. It is wrong for Justice Brown's opponents to throw out numbers without offering any basis for comparison on her court.

I wish to talk about a particular case, the case of People v. McKay. Justice Brown stood alone among her colleagues in arguing for the exclusion of evidence of drug possession that was discovered after the defendant, Conrad McKay, was arrested for riding his bicycle the wrong way on a residential street. Her dissent is remarkable for its pointed suggestion of the possibility that the defendant was a victim of racial profiling.

Justice Brown commented:

> Questions have been raised about the disparate impact of stop-and-search procedures of the California Highway Patrol. The practice is so prevalent, it has a name: ''Driving While Black.''

This is somebody who is insensitive? I do not think that is the case with Justice Brown.

I will go on and read from the conclusion of her dissent. She added the following stirring comments:

> In the spring of 1963, civil rights protests in Birmingham united this country in a new way.

This is a native of Alabama.

> Seeing peaceful protesters jabbed with cattle prods, held at bay by snarling police dogs, and flattened by powerful streams of water from fire hoses galvanized the nation. Without being constitutional scholars, we understood violence, coercion, and oppression.

These are the words of Justice Janice Rogers Brown. And I continue:

> We understood what constitutional limits are designed to restrain. We reclaimed our constitutional aspirations. What is happening now is more subtle, more diffuse, and less visible, but it is only a difference in degree. If harm is still being done to people because they are black, or brown, or poor, the oppression is not lessened by the absence of television cameras.
>
> I do not know Mr. McKay's ethnic background. One thing I would bet on: he was not riding his bike a few doors down from his home in Bel Air, or Brentwood, or Rancho Palos Verdes—places where no resident would be arrested for riding the ''wrong way'' on a bicycle whether he had his driver's license or not. Well . . . it would not get anyone arrested unless he looked like he did not belong in the neighborhood. That is the problem.

That was her dissenting opinion, a stirring opinion, quoting things that in her growing up and in her childhood

she had witnessed. She is very sensitive on racial issues.

Last month, Ginger Rutland, who is on the editorial board of the Sacramento Bee, wrote this in her newspaper about Justice Brown's judicial courage:

> I know Janice Rogers Brown, and she knows me, but we're not friends. The associate justice on the California Supreme Court has never been to my house, and I've never been to hers. Ours is a wary relationship, one that befits a journalist of generally liberal leanings and a public official with a hard-right reputation fiercely targeted by the left. . . . I find myself rooting for Brown. I hope she survives the storm and eventually becomes the first black woman on the nation's highest court.

In describing Justice Brown's position in the McKay case that I quoted Justice Brown earlier, Rutland, the editorialist from the Sacramento Bee, says the following:

> Brown was the lone dissenter. What she wrote should give pause to all my friends who dismiss her as an arch conservative bent on rolling back constitutional rights. In the circumstances surrounding McKay's arrest, the only black judge on the State's highest court saw an obvious and grave injustice that her fellow jurists did not. . . . In her dissent, Brown even lashed out at the U.S. Supreme Court and—pay close attention, my liberal friends—criticized an opinion written by its most conservative member, Justice Antonin Scalia, for allowing police to use traffic stops to obliterate the expectation of privacy the Fourth Amendment bestows.

This is an admitted liberal editorial writer talking about Brown's courage.

This is a lady who is going to do an outstanding job on the DC Circuit Court of Appeals. The only tragedy is that she has not been there years earlier. The tragedy is that she has been held up because she looks at doing her job for what it is, which is staying within the Constitution and enforcing it, looking at the law and enforcing it; or if it goes against what is in the Constitution, ruling it unconstitutional, but not looking at the Constitution as she hoped it would be or mixing together a series of ideas in the Constitution and finding a new right; or looking at the law and thinking it should be this way or that and expanding it that way. This is a person who looks at her job as being a judge, in an honorable role, but it is a role that has a set to it and a way, and she is upholding that.

I believe that is really what is at the cornerstone of this debate. Unfortunately, we get it mired so often in personalities and accusations and hyperbole, comments of a personal nature toward an individual that are simply not true, when really what we are talking about is the role of courts.

Courts, like every institution, are people. People are on the courts. We have judges who are appointed to the courts, and they have their views and they have a way of looking at the Constitution or they have a way of looking at various documents or laws. She looks at it as more of a strict constructionist. That is an honorable way to look at it. I believe it is the right way to look at it. Yet she gets painted with all the other sorts of accusations that are simply not based on fact but are a disguise for what the real debate is about, which is the role of the judiciary in America today.

We are having a rolling debate about that issue. We are having a lot of discussion about that. We are having discussions in various States and in the Nation about what is the appropriate role of the judiciary. I believe this is a lady who would stand by that role.

Those are a series of issues. I may visit some others later on, but this is a lady who is eminently qualified, will do a wonderful job. I support her nomination, and I hope we can get to a strong vote fairly soon on it.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is a debate that is worth having. There has been a great deal of discussion about this nominee for the lifetime appointment to the Federal bench.

There is no entitlement, of course, to a lifetime appointment to the Federal bench. The Constitution provides how this is done. First, the President shall nominate a candidate for a lifetime service on the Federal courts, and, second, the Congress shall provide its advice and consent, and determine whether to confirm the nominee. So the President nominates, sends a name, and the Congress does what is called in the Constitution advise and consent, says yes or no.

In most cases, the Congress says yes. This President, President George W. Bush, has sent us 218 names of people he wanted to send to the Federal courts for a lifetime. This Congress has said ''yes'' to 209 of the 218. That is pretty remarkable, when you think about it—209 out of 218 we have said ''yes.'' There are a few we have delayed and held up and have been subject to cloture votes. Some have said they haven't gotten a vote. Yes, they have gotten a vote. The procedure on the floor, of course, is there is a cloture vote, and they didn't get the 60 votes, but 60 votes is what requires consensus in the Senate. It has been that way for decades and decades.

I have voted for the vast, vast majority of the 209 Federal judges that the President has nominated, including, incidentally, both of the Federal judgeships in North Dakota which were open. Both of which are now filled with Republicans. I was pleased to support them. I think they are first-rate Federal judges. I am a Democrat. The names that came down from the President to fill the two judgeships in North Dakota were names of Republicans. I am proud of their service. I testified in front of the Judiciary Committee for both of them and introduced both of them.

So the fact is this is not about partisanship. It is about nominating good people, nominating people in the mainstream of political thought here in this country.

I take no joy in opposing a nominee, but I do think that if Members of the Senate will think carefully about the views of this nominee, they will decide that she really ought not be put on the second most important court in this country for a lifetime of service. Let me go through a few things that this nominee, Janice Rogers Brown, has said.

Let me say to my colleague who was speaking when I came in, this is not innuendo, not argumentative; these are quotes from the nominee. Facts are stubborn things. We are all entitled to our own opinions, but we are not all entitled to our own set of facts. Let me read the facts, and let me read the quotes that come from this nominee.

This nominee, Janice Rogers Brown, says that the year 1937 was ''the triumph of our own socialist revolution.'' Why? In 1937, that is when the courts, including the Supreme Court, upheld the constitutionality of Social Security and the other major tenets of the New Deal. The triumph of socialism? I don't think so. What planet does that sort of thinking come from, a ''triumph of socialism''?

This nominee says that zoning laws are a ''theft'' of property, a taking, under the Constitution; therefore, a theft of property. Well, we have zoning laws in this country for a reason. Communities decide to establish zoning laws so you don't build an auto salvage yard next to a church, and then have somebody move in with a porn shop next to a school and a massage parlor next to a funeral home. But this nominee thinks zoning is a theft of property. It is just unbelievable, it is so far outside the mainstream thought.

Here is what she says about senior citizens in America.

> Today's senior citizens blithely cannibalize their grandchildren because they have a right to get as much free stuff as the political system will permit them to extract.

I guess she is talking about maybe Social Security and Medicare. I don't know for sure. All I know is that a good many decades ago, before there was Social Security and Medicare, fully one-half of all elderly in this country lived in poverty.

Think of that. What a wonderful country this is. This big old planet spins around the Sun, we have 6 billion neighbors inhabiting this planet called Earth, and we reside in the United States of America. What a gift and blessing it is to be here. But think, in 1935, one-half of America's elderly, if they were lucky enough to grow old, to age to the point where they were called elderly, one-half of them lived in poverty. One-half of them lived in poverty. So this country did something important, very important. We put together a Social Security Program and a Medicare Program. What did this nominee say about that? She said:

> Today's senior citizens blithely cannibalize their grandchildren because they have a

right to get as much free stuff as the political system will permit them to extract.

Really? I wish perhaps she could have been with me one evening at the end of a meeting in a small town of about 300 people. A woman came up to me after the meeting and she grabbed a hold of my elbow. She was probably 80 years old. She said: Mr. Senator, can you help me?

I said I would try.

Then her chin began to quiver and her eyes welled up with tears and she said: I live alone. And she said: My doctor says I have to take medicine for my heart disease and diabetes, and I can't afford it. I don't have the money. Then she began to get tears in her eyes.

I wish perhaps Janice Rogers Brown understood something about that. She thinks this old lady, this elderly woman, struggling to find a way to pay for medicine to keep her alive, is cannibalizing somebody? I don't think so. I think it is incredible that someone would say this.

Now the President wants to put this nominee on the second highest court in the land for a lifetime of service.

She says again:

We are handing out new rights like lollipops in the dentist's office.

I guess I never thought the basic rights that we have in this country ought to be antithetical to what we believe is most important in America. I have traveled over most of this world and been in countries where there aren't rights. I have been in a country where, if people have the wrong piece of paper in their pocket and they are picked up, they are sent to prison for 12 years. I have seen the tyranny of dictatorships and the tyranny of communism. I happen to think basic rights that exist in this country for the American people are critically important; that ''We the people,'' the first three words of that document that represents the constitutional framework for this country's governance, is not something that ought to be taken lightly.

Let me read a couple of other things that this nominee has said. She was the only member of the California Supreme Court to conclude that age discrimination victims should not have the right to sue under common law. Age discrimination victims should not have the right to sue?

She was the only member of the California Supreme Court who voted to strike down a San Francisco law that provided housing assistance to displaced and low-income and disabled people.

I don't understand the President sending us this nominee. Is it the case that this administration really wants to put on the Federal bench for a lifetime someone who is opposed to the basic tenets of the New Deal that have lifted so many people out of poverty in this country, that represents, in many cases, some of the best in this country—telling old folks that when you reach that retirement age you don't have to lay awake at night worrying about whether you are going to be able to go to the doctor when you get sick because there will be Medicare; or telling people that Social Security will be there when you need it—you work, you invest in it, when you retire, you can collect it. Do we really want to put someone on this circuit court who believes that is a triumph of socialism? I don't think so.

There is a kind of arrogance here these days that is regrettable. I was here in the 1990s, and I watched 60 Americans who were nominated for judgeships never even have the courtesy of a day of hearings, let alone get to the floor of the Senate for a cloture vote or a vote up or down—60 of them. We are not even given the courtesy of a day of hearings. The President sends the name down in the 1990s. The majority party said, tough luck, we don't intend to do anything about it; you will not have a hearing; you will not have a vote. This name will not advance.

We did not do that. This caucus has not done that; in fact, just the opposite. Of the 218 names that have been sent to this Congress from this President, the Senate has approved 209 of them. Those who did not get confirmed had a cloture vote in the Senate. They had a day of hearings. They had an opportunity to testify before the Judiciary Committee. Their name was brought to the floor. We had cloture votes.

Now we have Members coming to the Senate on the other side saying, look, our policy is, everyone needs an up-or-down vote; not a cloture vote, an up-or-down vote. These Members did not hold that view at all in the 1990s. In fact, they did exactly the opposite. There are terms for that which I shall not use here.

The fact is, we are proceeding on the Janice Rogers Brown nomination because of an agreement made 2 weeks ago. I hope, however, having read what I have read about her views on a wide range of issues, that we will have sufficient colleagues in the Senate to say to this President, this is so far outside the mainstream, we will not approve this nominee.

It is not unusual for a political party to tell its President that you cannot pack the court. The members of Thomas Jefferson's own political party told Thomas Jefferson that. Members of the political party of Franklin Delano Roosevelt did the same thing, in his attempt to pack the Court.

My hope with respect to this nominee is that we will have sufficient numbers on the majority side—moderates and others—who will take a look at this record and say this is not the kind of record that we believe should commend someone for a lifetime of service on the DC Circuit. This is not what we should be doing.

I conclude as I started. I take no joy in coming to the Senate and opposing someone. I would rather be here speaking for a proposition, speaking for someone. It was Mark Twain who once was asked if he would engage in debate. He said, sure, as long as I can take the negative time. He was told, we didn't tell you the subject. He said, the negative side will take no preparation.

I am mindful that it is very easy to oppose. Let me say this: On this issue, on this nominee, this is not a close call. This is not a close call. I wish I could be here to support this nomination. I will not support the nomination of someone who believes the elements of that which has made this country such a wonderful place in which to work and live represents a triumph of socialism. It is not the triumph of socialism. It is a reflection of the interests of this country, we the people of this country who said we will lift the senior citizens of this country out of poverty. And we have done that. We went from 50 percent in poverty to less than 10 percent in poverty. Why? Because we did something important in this country, Social Security and Medicare.

With respect to environmental issues, with respect to workers' rights, with respect to a whole series of issues, this nominee is profoundly wrong. She has a record, a long record, an aggressive record of activism in support of what are, in my judgment, outdated and discredited concepts.

My hope is that in the remaining hours in this debate—I think we will vote on this tomorrow—my hope is there will be sufficient moderates on the other side who will understand this record does not justify confirmation to the Federal bench for a lifetime. I hope the next time I come to the Senate to speak on a judicial nomination, I will be able to speak in favor of a nomination that is a strong candidate.

This President has nominated some good people. I mentioned two from my State. I will say it again: both Republicans, both terrific people, both people I was proud to introduce to the Judiciary Committee and proud to support. While we might disagree on some issues, these are extraordinary jurists. I am proud they are Federal judges in my State. I felt the same way about some of the other nominees.

But this President has sent us a handful of nominees who do not deserve the backing and support of this Congress. It is long past the time for this Congress to stand up and speak with an independent voice. This Congress is not some sort of subsidiary of the White House. It is not an adjunct to the Presidency. This Congress is a separate branch of Government under this Constitution. The President nominates but we advise and consent. It is up to the Senate to determine whether judicial nominees are confirmed or not. My hope is we will make the right decision with this nomination.

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.

Mr. THOMAS. 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. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

ROLE OF THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, I know it has been a busy day and we are very much involved, of course, in moving forward with the judge arrangement, as we should be.

I spent a week in my home State. I guess we always come back with different ideas. I spent the whole time talking with people and having town meetings and those kinds of things, and in certainly a little different atmosphere.

People see a great deal in the news media about what is happening here, but, of course, what they get is what the media is intending for them to get, and somehow it is a little bit different. So frankly, people are a little impatient that we are not moving forward as much as we might. Certainly, we are working hard here, but the fact is, we have not moved to many different issues. I believe many of us want to do so.

I think we have spent an awful lot of time on internal kinds of issues that do not mean a lot to people out in the country. I understand that. I realize the way things are done here is important to us, such as changing procedures and all those things. But folks are talking about energy, folks are interested in a highway bill, people are interested in health and the cost of health care, such as what you do in rural areas with health care. There are a lot of these things that are so very important to people on the ground, and here we are continuing to talk about how we are going to vote on judges. So they get a little impatient. I understand that. So I hope we are in the process of doing something about that.

There is also a great deal of concern, of course, in Government spending and the deficit. I certainly share that concern. I have been more and more concerned about it as time has gone by. We have Social Security before us, about which we need to continue to do something.

Interestingly enough, the issue that came up most often when I was home in Wyoming is the idea of illegal aliens and illegal immigration and the great concern about that. I share that concern. Most people here do. Of course, we are seeking to do something. But perhaps we need to focus on some of those issues a little more.

I particularly will talk a little bit about spending and about the deficit. I think that is one of our most important issues. In relation to that, it seems to me we need to get some sort of an idea of what we think the role of the Federal Government is. We have kind of gotten in the position that for anything that is wanted by anyone, why, let's get the Federal Government to do it. Then we have somebody here on the Hill who will introduce a bill to do that, and perhaps it has very little relationship to what we normally think is the role of the Federal Government.

I think most people would agree with the notion we want to limit the size of the Federal Government, that we, in fact, want Government to be as close to the people as can be, and that the things that can be done at the State level and the county level, the city level, should be done there, the things that can be done in the private sector should be done there. I would hope we could come up with some kind of general idea, an evaluation, of what we think the role of the Federal Government specifically should be.

The other thing I will comment on a little bit is having some kind of a system for evaluating programs. We have programs we put into place when there is a need. Hopefully, there is a need for them. I think it is also apparent that over a period of time that need may change. But yet, once a program is in place and people are involved, they build a constituency around it. It stays in place without a good look at it to see whether it still belongs there.

These are some of the issues of concern. I think the first step toward reducing the $400 billion deficit is eliminating waste. Of course, what is waste to one person may not be waste to another. But there has to be, again, some definition as to how important things are relative to our goals and to assess programs that stay in place because they are there or that are not managed as well as they might be. I think we have some responsibility to try to ensure that we take a look at that issue.

There are serious problems facing our Nation today, of course. The President's budget that he put out proposes eliminating 150 inefficient and ineffective Government programs. You can imagine what that is going to mean to people who are involved. ''Something in my town? Something in my State? We are not going to mess around with that.''

There needs to be some kind of a relatively nonpolitical idea as to how you do that and what the purposes are. Of course, I see some of that right now in the military changes that obviously need to be made. They are difficult to make. So I hope the administration will pursue this idea of setting up some kind of a program—and I am here to support it—that evaluates those programs that are in place to see if, indeed, they are still as important as they were in the beginning.

We have to even go further than that, of course, to curb runaway spending. I think we can consolidate a number of the duplicative programs that are out there and save money and make it more efficient in their services. There are organizations that could manage a number of programs, each of which now has its own bureaucracy, and to put them together to make it efficient. I know you will always have people who say: Well, you are taking away jobs. That is not the purpose of programs. The purpose of programs is to deliver a service, and to do it in a way that is as efficient as it can be.

Of course, there are programs that should be eliminated. They have accomplished what they were there for. We need to have a system. I hope and I am interested in helping to put together a program that would do that. There is probably some merit in having a termination to a program so that after 5 or 10 years, it has to be reevaluated to be extended. That is one way of doing it. I don't know if it is the only way. That is something we are going to do, and I would like to do some of that.

The role of the Federal Government, again, if you talk in generalities, if you talk to people in terms of philosophy, most would say, we want to keep the Federal Government small. How many times do you hear people saying: Keep the Federal Government out of my life? Yet at the same time we have created this kind of culture where whenever anything is needed or wanted, mostly money, then let's get the Federal Government to do it.

If we step back and take a look at it and say: Wait a minute, is this the kind of thing the Federal Government should be involved in or is this something that could be done more efficiently by a government closer to the people, I believe we ought to do that.

Some lawmakers here believe the Government is the solution to all of society's ills. I don't agree with that. I don't believe that. Our role in the Federal Government is a limited role. Our role is to provide opportunities, not to provide programs for everything.

Ronald Reagan said: Government is not the solution to our problem. Government often is the problem. That is true. That doesn't mean there isn't a role. There is a role, an important role. But we need to help define that somehow. That vision of limited government has, to a large extent, been lost. We need to debate. We need to have some discussion, some idea as to what that role is.

Unfortunately, sometimes the politics of government are are you going to do everything for everybody because it is good politics. Politics is not our only goal here. Our goal is to limit government, to provide services, to provide them efficiently, and to evaluate them as time goes by.

Unfortunately, when a program gets put into place, it becomes institutionalized. It is there often without sufficient change. It is a real challenge. Something we need to do is to develop a plan, a consistent and organized plan to evaluate programs, to determine whether they are outdated, to determine whether they are still necessary, to determine if they could be done in a

little different way to be more efficient and more effective.

Clearly the Federal Government does have a role. It has a role in many matters. So our challenge is to determine what the roles are and then to set it up so that we are as efficient as can be. I know I am talking in generalities, but I believe these are some things that are basic to some of the ideas we ought to be talking about and evaluating. I sense that doesn't happen very much. We sort of are challenged to see how many programs we can get going. We seem to be challenged to see how much money we can spend.

I appreciate what the administration is seeking to do to try and reduce some of the spending. That is very difficult. You can see what kind of reaction you get cutting back on programs or changing them. Our budget group is working on doing some of that. We need to be more involved in that.

As I mentioned, evaluating programs is something we should do. We have a constitutional obligation to appropriate hard-earned tax dollars in the most efficient manner we possibly can. New government programs get institutionalized. They go on forever. So I think there are some things we could do that would be important, and that we should.

There will be some proposals coming from OMB. I intend to seek to help put them into place if we can and have a system that deals with efficiency, a system that deals with identifying what the proper role of the various levels of government is. We will hear the States saying: We need more money. That is probably true. But nevertheless, we ought to have some other definitions besides where the money will go.

I hope we have one where we can review some things. I know these are general ideas. I have not gotten into the specifics. But from time to time, I think we have to look at ourselves and say: How do we deal with some of these issues? Clearly, everyone would agree we have to do something about spending. We have to do something about the deficit. We have to look at the future as to how we are going to make this thing work.

You can take a look at Social Security. In about 10 years, we will have to take trillions of dollars out of the general fund to put them back where they belong in the Social Security fund. That is going to be very difficult. It is a tremendous amount of money. But that is what we have done, of course, and it is reasonable because that money has to be drawing interest and it is drawing interest. But those things are going to be more and more difficult.

We are seeking to try and review and renew the Tax Code so it can be simpler and more efficient and hopefully provide better opportunities for the economy to grow and have incentives for growing by being able to put that money into developing jobs as opposed to coming into the Federal Government.

These are real challenges, but they are worthwhile: the challenge of evaluating government programs to see if they are still important, to see if they are still being done the way they were designed to meet the needs they were designed to meet when they were first there, to do something about the idea of controlling spending and the size of the Federal Government so that doesn't continue to expand into every area that is open. We ought to take a look at all the programs that are in place, that we are talking about putting in place, all the bills that are brought in here, and see what a wide breadth of subjects we talk about. Some you could make a pretty good case are not within the area of normal recognition of Federal Government activity.

I hope the role of the Federal Government is something we could talk about. We ought to talk about it with the State leadership and get a little clearer idea of how we define these things and get some kind of a measurement against these roles.

There are lots of challenges. I will be happy when we can move on through this judicial debate. It is very important, but we should not be spending all this much time on it in terms of how we do these things and get on with the things that have an impact on what we are doing out in the country.

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.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I want to take up the discussion of Justice Janice Rogers Brown and her qualifications for serving on the DC Circuit Court of Appeals and some of the accusations and charges that have been brought against her. There have been a number that have been put forth. I had a lengthy discussion earlier about what I think this is really about, that it is about her being a strict constructionist, wanting to stay within the confines of the Constitution and the law and her interpretation rather than an expansive reading of it. I think that is really what is at the root of this, but people bring forth all sorts of allegations and charges, and I want to address some of them.

One of them is on a particular case, the Lochner case. As it might be described, this is getting into the weeds and details of some items, but I think it is meritorious to raise. She has been charged by some of our colleagues that in the Santa Monica Beach v. Superior Court case that Justice Brown called the demise of the Lochner decision, which was overruled in 1937, the revolution of 1937, and ''she wants to undo'' this overruling. A couple of my colleagues on the other side of the aisle said that Justice Brown believes in Lochner and wants the New Deal undone. That is the charge against Janice Rogers Brown. I want to talk about that particular charge because the opposite is what is actually true. This is the opposite of what Justice Brown said, and I want to go through her words of what she said to refute that particular case.

They are accusing her of wanting to undo the New Deal and the legislation that has been in place surrounding and regarding the New Deal.

In the Santa Monica case, which is the case that is cited for her opinion that she wants to undo the New Deal legislation of Roosevelt—FDR—she clearly criticized Lochner as wrongly decided:

> [T]he Lochner court was justly criticized for using the due process clause as though it provided a blank check to alter the meaning of the Constitution as written.

It was in the very next sentence that Justice Brown mentioned ''revolution of 1937.'' In context, it is clear that Brown felt the end of Lochner was a good thing, that the end of Lochner was a good thing, and she says that. Moreover, the ranking member of the Senate Judiciary Committee flatly asked Justice Brown at the hearing—we are at her confirmation hearing—this issue has been put forward. This charge has been made that you want to undo the New Deal legislation, that you want to overturn FDR, and the legacy of FDR. That is what you want to do. The ranking member of the Senate Judiciary Committee flatly asked Justice Brown at her confirmation hearing:

> Do you agree with the holding in Lochner?

She answered just as directly, ''No.'' This evidence is out there for all to see.

Why pretend it is not there is what I would say. She says no, she does not want to undo the New Deal legislation. She said it in sworn testimony at the Senate Judiciary Committee. She says that in her opinion in the Santa Monica Beach case. She does not want to overrule the case.

Others have attacked Justice Brown's speech to the Federalist Society when she lamented the demise of the Lochner era, in which the Supreme Court violated property or other economic rights. That is the allegation.

Justice Brown's speeches illustrate her personal views. To suggest that her critique of the Holmes dissent in Lochner is evidence of how she would rule in a certain case belies the facts. Indeed, Justice Brown has taken issue with the Lochner decision, criticizing the Supreme Court's ''usurpation of power,'' stating the Lochner court was justly criticized for using the due process clause:

> . . . as though it were a blank check to alter the meaning of the Constitution as written.

That is what she actually said.

Discussing the history of the judiciary, which Hamilton stated was to be

the branch ''least dangerous to the political rights of the Constitution,'' Justice Brown has stated her personal views that judges too often have strayed from this framework and engaged in judicial activism.

That is something we have talked about a lot, about judicial activism. She believes that too often judges have strayed from this framework and engaged in judicial activism. It was in this context that Justice Brown stated the standards of scrutiny employed by the judiciary, which are not enumerated in the Constitution, often are used by judicial activists to reach the results they want.

Justice Brown's record shows she is committed to following precedent, even when she might personally disagree with it. Partisan attack groups, lacking evidence that Brown is unable to follow precedent, have indicated their opposition stems from Justice Brown's supposed incorporating her personal views into judicial decision-making. They assert she injected her personal views on property rights into judicial opinions, but nothing could be further from the truth.

The two cases cited by the attack groups in this context deal with the Takings clause. The groups fail to point out the Supreme Court itself expressed the view that Justice Brown herself is now accused of advocating, that property rights were intended to carry the same import as other rights in the Constitution.

In Dolan v. City of Tigard, the Supreme Court majority wrote:

> We see no reason why the Takings Clause of the Fifth Amendment, as much a part of the Bill of Rights as the First Amendment or Fourth Amendment, should be relegated to the status of a poor relation in these comparable circumstances.

That is a 1994 case.

The reason I point these out is I want people to know the factual setting here, that she does not support an opinion to overrule New Deal legislation.

She has been attacked on her judicial qualifications, which I covered in an earlier presentation, but I want to also state here clearly and for the record, the ABA recently found Justice Brown qualified and concluded—this is from the ABA, the American Bar Association—that Justice Brown:

> . . . meets the Committee's very high standards with respect to integrity, professional competence and judicial temperament and that the Committee believes that the nominee will be able to perform satisfactorily all of the duties and responsibilities required by the high office of a federal judge.

If we are going to consider outside evaluations of judges, I would think the ABA's assessment that she is fit to serve on the DC Circuit is far more relevant than any others that might come forward.

I mentioned these to address some of the attacks on her that I think are based on her more limited strict constructionist view than on what others are basing their attacks, by trying to piece things together. Justice Brown is enormously qualified by her set of personal experiences, public service, good legal mind, good legal temperament, sound training and abilities to serve on the DC Circuit Court of Appeals. She will make an outstanding judge on that court of appeals.

Mrs. CLINTON. Mr. President, while I commend my colleagues for the compromise that momentarily spared this body from the so-called nuclear option, their agreement did nothing to change the fact that several of President Bush's judicial nominees fall well outside the mainstream and the parameters of what is an acceptable jurist. This nominee in particular, Janice Rogers Brown, has shown a disdain for the rule of law and precedent and is undeserving of lifetime tenure on the Federal bench.

The administration's agenda has become evident throughout the course of the debate over judicial nominees. The President, the Republican leaders, and their supporters have turned our Federal judiciary into their own personal political battleground. To satisfy the demands of their most ardent right wing supporters, the Republicans have not chosen to appoint capable Federal jurists but rather the political activists willing to contort the law, precedent, and the Constitution in order to promote their own conservative political agenda.

Our Federal courts have drifted well to the right in the past two or three decades. Today's so-called moderates would have been called conservatives in the 1970s. And while I personally think that this drift is not in the best interest of our country, I understand and accept that the President is certainly entitled to nominate conservatives to the bench. In fact, I have voted for the vast majority of this President's judicial nominees despite the fact that they maintain a conservative philosophy and support positions on issues that I do not necessarily agree with. I have done so because these nominees have demonstrated a respect for justice and the rule of law.

But even accounting for this drift, some of his nominees, such as Janice Rogers Brown, are far outside of even today's conservative mainstream.

Justice Brown is an agenda driven judge who, usually as a lone dissenter, shows little respect for the considered policy judgments of legislatures, repeatedly misconstrues precedent and brazenly criticizes U.S. Supreme Court rulings. She has a record of routinely voting to strike down property regulations, invalidate worker and consumer protections and restrict civil rights laws.

What makes Justice Brown particularly ill suited for a lifetime appointment to District of Columbia Court of Appeals is her disdain for Government. Among other things, she has long advocated for the demise of the New Deal. She equates democratic Government with ''slavery,'' claims that the New Deal ''inoculated the federal Constitution with a kind of collectivist mentality,'' calls Supreme Court decisions upholding the New Deal ''the triumph of our own socialist revolution,'' accuses social security recipients of ''blithely cannibaliz[ing] their grandchildren because they have a right to get as much 'free' stuff as the political system permits them to extract,'' and advocates returning to the widely discredited, early 20th century Lochner era, where the Supreme Court regularly invalidated economic regulations, like workplace protections.

''Where government moves in,'' Justice Brown has stated, ''community retreats, civil society disintegrates, and our ability to control our own destiny atrophies. The result is: families under siege; war in the streets; unapologetic expropriation of property; the precipitous decline of the rule of law; the rapid rise of corruption; the loss of civility and the triumph of deceit. The result is a debased, debauched culture which finds moral depravity entertaining and virtue contemptible.'' Justice Brown's contempt for government runs so deep that she urges ''conservative'' judges to invalidate legislation that expands the role of government, saying that it ''inevitably transform[s] . . . democracy . . . into a kleptocracy.''

Furthermore, Justice Brown takes issue with one of the basic tenets of our entire judicial system—precedent. When she does not like the result established case law dictates, Justice Brown tries single-handedly to change it. In one dissent, she proclaimed, ''(w)e cannot simply cloak ourselves in the doctrine of stare decisis.''

These and other comments have prompted her colleagues on the California Supreme Court to criticize her for ''imposing . . . [a] personal theory of political economy on the people of a democratic state.'' Her fellow justices have taken her to task for asserting ''an activist role for the courts.'' They have noted that she ''quarrel[s] . . . not with our holding in this case, but with this court's previous decision . . . and, even more fundamentally, with the Legislature itself.'' And finally, they contend that Justice Brown's brand of judicial activism, if allowed, would ''permit a court . . . to reweigh the policy choices that underlay a legislative or quasi-legislative classification or to reevaluate the efficacy of the legislative measure.''

Justice Brown's nomination makes clear that we have entered an era in which conservative politicians are seeking to nominate and confirm judges who read the Constitution and the law to coincide with the Republican Party's platform. The expectation is that these judicial appointees will toe the party line. This politicization of the judiciary carries disastrous consequences. Because when our judges are viewed as politicians, it diminishes the influence and the respect afforded our courts, which is the lifeblood of their efficacy. Our independent judiciary is the most respected

in the world, and our courts' ability to reach unpopular but just decisions is made possible only because of the deep wells of legitimacy they have dug.

I urge my colleagues to take the longer view for the good of the American people. Think carefully about what the result to our judiciary will be if we continue to pack our courts with extremists who ignore justice and the law. I implore my colleagues to take seriously their constitutional charge of advice and consent and to reject the nomination of Janice Rogers Brown.

Mr. JOHNSON. Mr. President, I rise today in opposition to President Bush's nomination of Janice Rogers Brown to be United States Circuit Court Judge to the Court of Appeals for the DC. Circuit.

This morning, the Washington Post editorialized against the nomination of Justice Brown, writing that she ''is that rare nominee for whom one can draw a direct line between intellectual advocacy of aggressive judicial behavior and actual conduct as a judge,'' I agree with this respected newspaper's assessment and ask unanimous consent that this editorial be printed in the RECORD at the end of my statement.

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

(See exhibit 1.)

Mr. JOHNSON. I have several concerns about Justice Brown's ability to serve on this important court. On the California Supreme Court, Justice Brown has proven to be an activist judge when it suits her political agenda. Consistently, and despite precedent to the contrary, Justice Brown has ruled on the side of corporations. For example, in a cigarette sales case, she ignored relevant law and protected corporations in lieu of protecting minors. In other cases she has placed corporate interests above law that intended to shield consumers and women.

Justice Brown has also attempted to remove protections for teachers, and has been hostile to such New Deal era programs as Social Security. She has called government assistance programs ''[t]he drug of choice for . . . Midwestern farmers, and militant senior citizens.'' These views are out of touch with most Americans and South Dakotans.

During today's debate, colleagues argued that because Justice Brown has been reelected by California voters by a 76 percent margin, she should not be considered ''out of the mainstream.'' This argument is misplaced. First, many other judges get reelected at a higher rate. It should also be noted that her retention reelection took place only 1½ years into her tenure on the California Supreme Court, at a time before her extreme views and activist agenda could have been known by voters.

Both the American Bar Association and the California Judicial Commission have questioned Justice Brown qualifications to serve on the bench. The California Judicial Commission specifically noted questions about her deviation from precedent and her ''tendency to interject her political and philosophical views into her opinions.'' We should note their concerns and seriously consider them.

Justice Brown's views and history of judicial activism is especially dangerous in the DC Circuit. She is a nominee who is far outside of the mainstream. For these reasons, I stand in opposition of the confirmation and lifelong appointment of Janice Rogers Brown.

REJECT JUSTICE BROWN

[From the Washington Post, June 7, 2005]

The Senate filibuster agreement guaranteeing up-or-down votes for most judicial nominees creates a test for conservatives who rail against judicial activism. For decades, conservative politicians have objected to the use of the courts to bring about liberal policy results, arguing that judges should take a restrained view of their role. Now, with Republicans in control of the presidency and the Senate, President Bush has nominated a judge to the U.S. Court of Appeals for the D.C. Circuit who has been more open about her enthusiasm for judicial adventurism than any nominee of either party in a long time. But Janice Rogers Brown's activism comes from the right, not the left; the rights she would write into the Constitution are economic, not social. Suddenly, all but a few conservatives seem to have lost their qualms about judicial activism. Justice Brown, who serves on the California Supreme Court, will get her vote as early as tomorrow. No senator who votes for her will have standing any longer to complain about legislating from the bench.

Justice Brown, in speeches, has openly embraced the ''Lochner'' era of Supreme Court jurisprudence. During this period a century ago, the court struck down worker protection laws that, the justices held, violated a right to free contract they found in the Constitution's due process protections. There exist few areas of greater agreement in the study of constitutional law than the disrepute of the ''Lochner'' era, whose very name—taken from the 1905 case of Lochner v. New York—has become a code word for judicial overreaching. Justice Brown, however, has dismissed the famed dissent in Lochner by Justice Oliver Wendell Holmes, saying it ''annoyed her'' and was ''simply wrong.'' And she has celebrated the possibility of a revival of ''what might be called Lochnerism-lite'' using a different provision of the Constitution—the prohibition against governmental ''takings'' of private property without just compensation.

In the context of her nomination, Justice Brown has trivialized such statements as merely attempts to be provocative. But she has not just given provocative speeches; ''Lochnerism-lite'' is a fairly good shorthand for her work on the bench, where she has sought to use the takings doctrine aggressively. She began one dissent, in a case challenging regulation of a hotel, by noting that ''private property, already an endangered species in California, is now entirely extinct in San Francisco.'' Her colleagues on the California Supreme Court certainly got what she was up to. In response, they quoted Justice Holmes's Lochner dissent and noted that ''nothing in the law of takings would justify an appointed judiciary in imposing [any] personal theory of political economy on the people of a democratic state.''

Justice Brown is that rare nominee for whom one can draw a direct line between intellectual advocacy of aggressive judicial behavior and actual conduct as a judge. Time was when conservatives were wary of judges who openly yearned for courts, as Justice Brown puts it, ''audacious enough to invoke higher law''—instead of, say, the laws the people's elected representatives see fit to pass. That Justice Brown will now get a vote means that each senator must take a stand on whether some forms of judicial activism are more acceptable than others.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PENSION SECURITY

Mr. REID. Mr. President, throughout this Congress, I have argued that the Senate ought to spend less time debating radical judges and more time focusing on issues that can improve the lives of working Americans. One such issue is the gradual erosion of retirement security. Instead of working to replace Social Security's guaranteed benefit with a risky privatization scheme, we should work to strengthen retirement by shoring up our pension system. In no industry is this looming pension crisis more acute than the airline industry. The Finance Committee held a hearing on pension problems facing the airline industry this morning, and I hope that the committee will move soon on legislation to fix those problems.

Last month we learned just how worrisome this issue is, as the Pension Benefit Guaranty Corporation and United Airlines agreed to terminate the four pension plans maintained by the airline as that company struggles to emerge from bankruptcy. At the same time, Northwest, Delta and American Airlines face similar pension liabilities and are requesting Congress' help so that they can avoid bankruptcy. To their credit they are fighting to preserve their workers' pensions but need some time to allow them to recover from the effects of the post-9/11 travel downturn.

While the pension funding problems facing the airline industry are substantial, the industry is not alone in inadequately funding their employee pension plans. Congress needs to carefully review the rules that apply to the broad spectrum of employers that offer pension plans to their employees. Congress needs to make sure that those rules are strengthened to require greater funding for the pension promises

being made. Let me be very clear about one thing; the pension promises made by companies to their employees carry with them an obligation to make sure those promises are kept. An employer's obligation is to have sufficient funds set aside to meet the pension promises it has made, not merely to have met the minimum funding requirements of the tax code or ERISA.

As Congress strengthens the pension funding rules, we also need to be cognizant of the potential negative consequences of these changes. Pension plans, like all employee benefits, are voluntarily offered by employers. Congress created tax and other incentives that encourage companies to offer pension plans because it believes these are important benefits for employees. Many of the administration's proposals go too far and will discourage companies from maintaining and offering these important benefits. The proposal Congress considers must be more balanced. We should join together to enhance retirement security for all Americans by strengthening Social Security, shoring up our pension system and encouraging more Americans to save.

ADMINISTRATIVE SUBPOENAS AND PATRIOT ACT REAUTHORIZATION

Mr. KYL. Mr. President, I understand that the senior Senator from Oregon, Mr. WYDEN, spoke yesterday regarding the reauthorization of the USA PATRIOT Act. I look forward to the Senate acting later this year on PATRIOT Act reauthorization, but today I just want to address one aspect of the Senator's speech, his opposition to administrative subpoena power.

In his speech, the Senator argued that any reauthorization should not extend those subpoena powers to FBI terrorism investigators. He correctly noted that Intelligence Committee Chairman ROBERTS has held hearings about extending this authority, which is common within the Government, to FBI agents investigating terrorism. I was happy to see Chairman ROBERTS do this because last year I cosponsored S. 2555, the Judicially Enforceable Terrorism Subpoenas Act. On June 22, 2004, I chaired a hearing in the Judiciary Subcommittee on Terrorism, Technology, and Homeland Security that examined this subpoena power and heard testimony regarding how the subpoenas work and how the government protects civil liberties when using them.

One of the things that struck me as I learned about administrative subpoena power was how widespread it is in our Government and how unremarkable a law enforcement tool it really is. It was for that reason that I asked the Senate Republican Policy Committee, which I chair, to examine this issue in greater detail, to study the constitutional and civil liberties questions that critics have raised, and to identify the other contexts where the Federal Government has this power. The resulting report was consistent with my previous research and the testimony that I had heard during my subcommittee hearings. We give this subpoena power to postal investigators and Small Business Administration bank loan auditors and IRS agents, and we do not have a problem with Government abuse or deprivation of civil liberties. Shouldn't we also give it to those who are charged with rooting out terrorism before it strikes our neighborhoods?

I look forward to the upcoming debate on PATRIOT Act reauthorization, and I certainly intend to support it. At the same time, I commend Chairman ROBERTS for his efforts and hope that we will have the opportunity to ensure that our FBI terrorism investigators are not hamstrung as they continue to work to protect our Nation.

I ask unanimous consent that this policy paper, dated September 9, 2004, be printed in the RECORD.

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

SHOULD POSTAL INSPECTORS HAVE MORE POWER THAN FEDERAL TERRORISM INVESTIGATORS?

INTRODUCTION

Congress is undermining federal terrorism investigations by failing to provide terrorism investigators the tools that are commonly available to others who enforce the law. In particular, in the three years after September 11th, Congress has not updated the law to provide terrorism investigators with administrative subpoena authority. Such authority is a perfectly constitutional and efficient means to gather information about terrorist suspects and their activities from third parties without necessarily alerting the suspects to the investigation. Congress has granted this authority to government investigators in hundreds of other contexts, few of which are as compelling or life-threatening as the war on terror. These include investigations relating to everything from tax or Medicare fraud to labor-law violations to Small Business Administration inquiries into financial crimes. Indeed, Congress has even granted administrative subpoena authority to postal inspectors, but not to terrorism investigators.

This deficiency in the law must be corrected immediately. Postal inspectors and bank loan auditors should not have stronger tools to investigate the criminal acts in their jurisdictions than do those who investigate terrorist acts. The Senate can remedy this deficiency by passing legislation like the Judicially Enforceable Terrorism Subpoenas (JETS) Act, S. 2555. The JETS Act would update the law so that the FBI has the authority to issue administrative subpoenas to investigate possible terrorist cells before they attack the innocent. The Act would ensure more efficient and speedy investigations, while also guaranteeing that criminal suspects will have the same civil liberties protections that they do under current law.

TERRORISM INVESTIGATORS' SUBPOENA AUTHORITY IS TOO LIMITED

Federal investigators routinely need third-party information when attempting to unravel a criminal enterprise. In the context of a terrorism investigation, that information could include: financial transaction records that show the flow of terrorist financing; telephone records that could identify other terrorist conspirators; or retail sales receipts or credit card statements that could help investigators uncover the plot at hand and capture the suspects. When third parties holding that information decline to cooperate, some form of subpoena demanding the information be conveyed must be issued. The Supreme Court unanimously has approved the use of subpoenas to gather information, recognizing that they are necessary and wholly constitutional tools in law enforcement investigations that do not offend any protected civil liberties. [See unanimous decision written by Justice Thurgood Marshall in *SEC* v. *Jerry T. O'Brien, Inc.*, 467 U.S. 735 (1984).]

There are different kinds of subpoenas, however, and under current law, the only way that a terrorism investigator (typically, the FBI) can obtain that third-party information is through a ''grand jury subpoena.'' If a grand jury has been convened, investigators can usually obtain a grand jury subpoena and get the information they need, but that process takes time and is dependent on a number of factors. First, investigators themselves cannot issue grand jury subpoenas; instead, they must involve an assistant U.S. Attorney so that he or she can issue the subpoena. This process can be cumbersome, however, because assistant U.S. Attorneys are burdened with their prosecutorial caseloads and are not always immediately available when the investigators need the subpoena. Second, a grand jury subpoena is limited by the schedule of a grand jury itself, because the grand jury must be ''sitting'' on the day that the subpoena demands that the items or documents be returned. Grand juries do not sit at all times; indeed, in smaller jurisdictions, the only impaneled grand jury may meet as little as ''one to five consecutive days per month.'' [See United States Dept of Justice, Federal Grand Jury Practice, at §1.6 (2000 ed.). For example, in Madison, Wisc., the federal grand jury only meets a few days every three weeks. See Clerk of the Court for the Western District of Wisconsin, ''Grand Jury Service,'' revised April 15, 2004.]

The following hypothetical illustrates the deficiency of current law. Take the fact that Timothy McVeigh built the bomb that destroyed the Oklahoma City Federal Building while he was in Kansas; and take the fact that under current practices, grand juries often are not sitting for 10–day stretches in that state. If FBI agents had been tracking McVeigh at that time and wanted information from non-cooperative third parties—perhaps the supplier of materials used in the bomb—those agents would have been unable to move quickly if forced to rely on grand jury subpoenas. McVeigh could have continued his bomb-building activities, and the FBI would have been powerless to gather that third-party information until the grand jury returned—as many as 10 days later. [Information on Kansas federal grand jury schedules provided to Senate Republican Policy Committee by Department of Justice. In addition, Department of Justice officials have testified to another scenario: even where grand juries meet more often (such as in New York City), an investigator realizing she urgently needs third-party information on Friday afternoon still could not get that information until Monday, because the grand jury would have gone home for the weekend. See Testimony of Principal Deputy Assistant Attorney General Rachel Brand before the Senate Judiciary Subcommittee on Terrorism, Technology and Homeland Security on June 22, 2004.]

The current dependence on the availability of an assistant U.S. Attorney and the schedule of a grand jury means that if time is of the essence—as is often the case in terrorism

investigations—federal investigators, lacking the necessary authority, could see a trail turn cold.

THE BETTER ALTERNATIVE: ADMINISTRATIVE SUBPOENA AUTHORITY

The deficiency of grand jury subpoenas described above can be remedied if Congress provides ''administrative subpoena'' authority for specific terrorism-related contexts. Congress has authorized administrative subpoenas in no fewer than 335 different areas of federal law, as discussed below. [See U.S. Department of Justice, Office of Legal Policy, Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities, May 13, 2002, at p. 5 (hereinafter ''DOJ Report'').] Where administrative subpoena authority already exists, government officials can make an independent determination that the records are needed to aid a pending investigation and then issue and serve the third party with the subpoena. This authority allows the federal investigator to obtain information quickly without being forced to conform to the timing of grand jury sittings and without requiring the help of an assistant U.S. Attorney. And, as simply another type of subpoena, the Supreme Court has made clear that it is wholly constitutional. [See *Jerry T. O'Brien*, 467 U.S. at 747–50.]

The advantages of updating this authority are substantial. The most important advantage is speed: terrorism investigations can be fast-moving, and terrorist suspects are trained to move quickly when the FBI is on their trail. The FBI needs the ability to request third-party information and obtain it immediately, not when a grand jury convenes. Moreover, this subpoena power will help with third-party compliance. As Assistant Attorney General Christopher Wray stated in testimony before the Senate Judiciary Committee, ''Granting [the] FBI the use of [administrative subpoena authority] would speed those terrorism investigations in which subpoena recipients are not inclined to contest the subpoena in court and are willing to comply. Avoiding delays in these situations would allow agents to track and disrupt terrorist activity more effectively.'' [Assistant Attorney General Christopher Wray, in testimony before the Senate Judiciary Committee, October 21, 2003.] Thus, Congress will provide protection for a legitimate business owner who is more than willing to comply with law enforcement, but who would prefer to do so pursuant to a subpoena rather than through an informal FBI request.

CONSTITUTIONAL PROTECTIONS

It is important to note that nothing in the administrative subpoena process offends constitutionally protected civil liberties, as has been repeatedly recognized by the federal courts.

First, the government cannot seek an administrative subpoena unless the authorized federal investigator has found the information relevant to an ongoing investigation. [See S. 2555, §2(a) (proposed 18 U.S.C. §2332g(a)(1)). The Attorney General has the authority to delegate this power to subordinates within the Department of Justice. See 28 U.S.C. §510.] The executive branch—whether Republican or Democrat—carefully monitors its agents to ensure that civil liberties are being protected and that authorities are not being abused. [See, for example, Executive Order Establishing the President's Board on Safeguarding Americans' Civil Liberties (August 27, 2004), detailing extensive interagency oversight of civil liberties protections for Americans.]

Second, the administrative subpoena is not self-enforcing. There is no fine or penalty to the recipient if he refuses to comply. Thus, if the recipient of an administrative subpoena believes that the documents or items should not be turned over, he can file a petition in federal court to quash the subpoena, or he can simply refuse to comply with the subpoena and force the government to seek a court order enforcing the subpoena. And, as one federal court has emphasized, the district court's ''role is not that of a mere rubber stamp.'' [*Wearly* v. *Federal Trade Comm'n*, 616 F.2d 662, 665 (3rd Cir. 1980).] Just as a grand jury subpoena cannot be unreasonable or oppressive in scope [Federal Grand Jury Practice, at §5.40], an administrative subpoena must not overreach by asking for irrelevant or otherwise-protected information.

The Supreme Court has addressed the standards for enforcing administrative subpoenas.

In United States v. Powell, the Supreme Court held that an administrative subpoena will be enforced where (1) the investigation is ''conducted pursuant to a legitimate purpose,'' (2) the subpoenaed information ''may be relevant to that purpose,'' (3) the information sought is not already in the government's possession, and (4) the requesting agency's internal procedures have been followed. [379 U.S. 48, 57–58 (1964); see also *EEOC* v. *Shell Oil*, 466 U.S. 54, 73 n.26 (1984) (citing Powell in EEOC context and adding that the request for information cannot be ''too indefinite'' or made for an ''illegitimate purpose''); *Jerry T. O'Brien*, 467 U.S. at 747–48 (reaffirming Powell in context of SEC administrative subpoena).] In addition, the Supreme Court has stated that the recipient may challenge the subpoena on ''any appropriate ground'' [*Reisman* v. *Caplin*, 375 U.S. 440, 449 (1964)]. which could include a privilege against self-incrimination, religious freedom, freedom of association, attorney-client privilege, or other grounds for resisting subpoenas in the grand jury context. [See cases collected in Graham Hughes, Administrative Subpoenas and the Grand Jury: Converging Streams of Civil and Compulsory Process, 47 Vand. L. Rev. 573, 589 (1994), cited in DOJ Report, at p. 9 n.19.] This ''bifurcation of power, on the one hand of the agency to issue subpoenas and on the other hand of the courts to enforce them, is an inherent protection against abuse of subpoena power.'' [*United States* v. *Security Bank and Trust*, 473 F.2d 638, 641 (5th Cir. 1973).]

Third, where the authorized agent has not specifically ordered the administrative subpoena recipient not to disclose the existence of the subpoena to a third party, the recipient can notify the relevant individual and that individual may have the right to block enforcement of the subpoena himself. [In Jerry T. O'Brien, the Supreme Court noted that a ''target may seek permissive intervention in an enforcement action brought by the [Securities & Exchange] Commission against the subpoena recipient'' or may seek to restrain enforcement of the administrative subpoena. 467 U.S. at 748.] In many cases the ''target'' (as opposed to the recipient) will have full knowledge of the subpoena.

However, this is not always the case; sometimes the administrative subpoena authority includes a provision prohibiting the recipient from discussing the subpoena with anyone other than his or her attorney. Some critics have argued that federal investigators should not be able to gather information related to an individual without notifying that individual, and that every person has an inherent right to know about those investigations. [See generally *Jerry T. O'Brien*, 467 U.S. at 749–50 (rejecting demand that SEC must notify any potential defendant of existence of pending administrative subpoena).] But, as the Supreme Court has held, there is no constitutional requirement that the subject of an investigation receive notice that the administrative subpoena has been served on a third party. Justice Thurgood Marshall wrote for a unanimous Court that a blanket rule requiring notification to all individuals would set an unwise standard. [Id. at 749–51. The issue in that case was the nondisclosure provisions of the administrative subpoena authority used by the SEC when investigating securities fraud.] He explained that investigators use administrative subpoenas to investigate suspicious activities without any prior government knowledge of who the wrongdoers are, so requiring notice often would be impossible. [Id. at 749.] Moreover, granting notice to individuals being investigated would ''have the effect of laying bare the state of the [government's] knowledge and intentions midway through investigations'' and would ''significantly hamper'' law enforcement. [Id. at 750 n.23.] Providing notice to the potential target would ''enable an unscrupulous target to destroy or alter documents, intimidate witnesses,'' or otherwise obstruct the investigation. [Id. at 750.] The Court further emphasized that where ''speed in locating and halting violations of the law is so important,'' it would be foolhardy to provide notice of the government's administrative subpoenas. [Id. at 751.]

MOST GOVERNMENT AGENCIES HAVE ADMINISTRATIVE SUBPOENA AUTHORITY

Given these extensive constitutional protections, it is unsurprising that Congress has extended administrative subpoena authority so widely. Current provisions of federal law grant this authority to most government departments and agencies. [DOJ Report, at p. 5. See appendices A–C to DOJ Report that describe and provide the legal authorization for each of these administrative subpoena powers.] These authorities are not restricted to high-profile agencies conducting life-or-death investigations. To the contrary, Congress has granted administrative subpoena authority in far less important contexts. For example, 18 US.C. §3061 authorizes postal inspectors to issue administrative subpoenas when investigating any ''criminal matters related to the Postal Service and the mails.'' One can hardly contend that federal investigators should be able to issue administrative subpoenas to investigate Mohammed Atta if they suspect he broke into a mailbox but should not have the same authority if they suspect he is plotting to fly airplanes into buildings.

It is not just postal inspectors who have more powerful investigative tools than terrorism investigators. Congress has granted administrative subpoena authorities for a wide variety of other criminal investigations. A partial list follows:

Small Business Administration investigations of criminal activities under the Small Business Investment Act, such as embezzlement and fraud. [Congress granted administrative subpoena authority to the Small Business Administration through section 310 of the Small Business Investment Act of 1958. Delegation to investigators and other officials is authorized by 15 U.S.C. §634(b). Relevant criminal provisions also include the offer of loan or gratuity to bank examiner (18 U.S.C. §212), acceptance of a loan or gratuity by bank examiner (18 U.S.C. §213), and receipt of commissions or gifts for procuring loans (18 U.S.C. §215).]

Internal Revenue Service investigations of such crimes as tax evasion. [Congress granted administrative subpoena authority to the Small Business Administration through section 310 of the Small Business Investment Act of 1958. Delegation to investigators and other officials is authorized by 15 U.S.C. §634(b). Relevant criminal provisions also include the offer of loan or gratuity to bank examiner (18 U.S.C. §212), acceptance of a

loan or gratuity by bank examiner (18 U.S.C. §213), and receipt of commissions or gifts for procuring loans (18 U.S.C. §215).]

The Bureau of Immigration and Customs Enforcement investigations of violations of immigration law. [See 8 U.S.C. §1225(d)(4) (granting administrative subpoena power to ''any immigration officer'' seeking to enforce the Immigration and Naturalization Act).]

Federal Communications Commission investigations of criminal activities, including obscene, harassing, and wrongful use of telecommunications facilities. [See 47 U.S.C. 409(e) (granting subpoena authority to FCC); 47 U.S.C. §155(c)(1) (granting broad delegation power so that investigators and other officials can issue administrative subpoenas); 47 U.S.C. §223 (identifying criminal provision for use of telecommunications system to harass).]

Nuclear Regulatory Commission investigations of criminal activities under the Atomic Energy Act. [See 42 U.S.C. §2201(c) (providing subpoena authority to Nuclear Regulatory Commission); 42 U.S.C. §2201(n) (empowering the Commission to delegate authority to General Manager or ''other officers'' of the Commission).]

Department of Labor investigations of criminal activities under the Employee Retirement Income Security Act (ERISA). [See 29 U.S.C. §1134(c) (authorizing administrative subpoenas); Labor Secretary's Order 1–87 (April 13, 1987) (allowing for delegation of administrative subpoena authority to regional directors).]

Criminal investigations under the Export Administration Act, such as the dissemination or discussion of export-controlled information to foreign nationals or representatives of a foreign entity, without first obtaining approval or license. [See 50 App. U.S.C. §2411 (granting administrative subpoena authority for criminal investigations).]

Corporation of Foreign Security Holders investigations of criminal activities relating to securities laws. [See 15 U.S.C. §77t(b) (granting administrative subpoena authority in pursuit of criminal investigations).]

Department of Justice investigations into health care fraud [See 18 U.S.C. §3486(a)(1)(A)(i)(I) (granting administrative subpoena authority).] and any offense involving the sexual exploitation or abuse of children. [See 18 U.S.C. §3486(a) (granting administrative subpoena authority).]

Moreover, Congress has authorized the use of administrative subpoenas in a great number of purely civil and regulatory contexts—where the stakes to the public are even lower than in the criminal contexts above. Those include enforcement in major regulatory areas such as securities and antitrust, but also enforcement for laws such as the Farm Credit Act, the Shore Protection Act, the Land Remote Sensing Policy Act, and the Federal Credit Union Act. [DOJ Report, App. A1 & A2.]

Nor are these authorities dormant. The Department of Justice reports, for example, that federal investigators in 2001 issued more than 2,100 administrative subpoenas in connection with investigations to combat health care fraud, arid more than 1,800 administrative subpoenas in child exploitation investigations. [DOJ Report, at p. 41.] These authorities are common and pervasive in government—just not where it arguably counts most, in terrorism investigations.

S. 2555 WOULD UPDATE THE ADMINISTRATIVE SUBPOENA AUTHORITY

S. 2555, the Judicially Enforceable Terrorism Subpoenas Act of 2004 (the ''JETS Act''), would enable terrorism investigators to subpoena documents and records in any investigation concerning a federal crime of terrorism—whether before or after an incident. As is customary with administrative subpoena authorities, the recipient of a JET subpoena could petition a federal district court to modify or quash the subpoena. Conversely, if the JET subpoena recipient simply refused to comply, the Department of Justice would have to petition a federal district court to enforce the subpoena. In each case, civil liberties would be respected, just as they are in the typical administrative subpoena process discussed above.

The JETS Act also would allow the Department of Justice to temporarily bar the recipient of an administrative subpoena from disclosing to anyone other than his lawyer that he has received it, therefore protecting the integrity of the investigation. However, the bill imposes certain safeguards on this non-disclosure provision: disclosure would be prohibited only if the Attorney General certifies that ''there may result a danger to the national security of the United States'' if any other person were told of the subpoena's existence. [S. 2555, §2(a) (proposed 18 U.S.C. §2332g(c)).] Moreover, the JET subpoena recipient would have the right to go to court to challenge the nondisclosure order, and the Act would protect the recipient from any civil liability that might otherwise result from his good-faith compliance with such a subpoena.

Given the protections for civil liberties built into the authority and its widespread availability in other contexts, there is little excuse for failing to extend it to the FBI agents who are tracking down terrorists among us.

CONCLUSION

Congress is hamstringing law enforcement in the war on terror in failing to provide a proven tool—administrative subpoena authority—for immediate use for the common good. Federal investigators should have the same tools available to fight terrorism as do investigators of mail theft, Small Business Administration loan fraud, income-tax evasion, and employee-pension violations. S. 2555 provides a means to update the law and accomplish that worthy goal.

40TH ANNIVERSARY OF GRISWOLD V. CONNECTICUT

Ms. CANTWELL. Mr. President, I rise today to commemorate the 40th anniversary of the Supreme Court's crucial decision in Griswold v. Connecticut.

Forty years ago, Estelle Griswold and Dr. Lee Buxton were arrested and convicted for counseling married couples on birth control methods, and prescribing married couples contraceptives. They challenged their convictions, and the Supreme Court overturned them, ruling that the Connecticut law under which they were charged was unconstitutional. The Court found that the Government had no place in interfering in the intimately private marital bedroom. Justice William O. Douglas, in writing the Court's opinion, scoffed at the notion of police searching private bedrooms for evidence of contraceptive use. This landmark decision, cited in countless numbers of decisions since then on the constitutional right to privacy, guarantees the right of married couples to use birth control.

Yet the relevance of this decision goes far beyond contraceptive use. In rendering its decision, the Court recognized a ''zone of privacy'' arising from several constitutional guarantees. The Court acknowledged that while the right of privacy is not enumerated specifically in anyone place, it is inherent in several areas within the Bill of Rights and throughout the Constitution. This very American notion of privacy served as a cornerstone of precedent, paving the way for other decisions and further solidifying as established law the constitutional right to privacy. Roe v. Wade, guaranteeing a woman's right to choose, was a logical application of Griswold.

Today, Americans' privacy rights are threatened on many fronts. The Government is asserting greater and greater investigative powers. Some pharmacists are refusing to fill prescriptions for legal contraceptives. The anniversary of Griswold gives us all an opportunity to reflect on the importance of preserving our privacy rights. The Court recognized that we are born with privacy rights as Americans, and we have a particular responsibility as Senators to protect these rights for our constituents.

MORT CAPLIN ON THE NATION'S TAX SYSTEM

Mr. KENNEDY. Mr. President, earlier this year, Mort Caplin, a founding partner of the law firm Caplin & Drysdale in Washington, DC, and the outstanding IRS Commissioner under President Kennedy, delivered the Erwin Griswold Lecture at the annual meeting of the American College of Tax Counsel, which was held in San Diego.

In his eloquent and very readable address, Mr. Caplin summarizes the evolution of our modern tax system, the current challenges it faces, the recent efforts by Congress to achieve reform, the alarming drop in compliance and revenue collection, and the ethical responsibilities of the tax bar.

Mr. Caplin's remarks are especially timely today as Congress struggles to deal with its own responsibility for the effectiveness, integrity and fairness of our tax laws. All of us in the Senate and House can benefit from his wise words, and I ask unanimous consent that his lecture be printed at this point in the RECORD.

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

[From the Virginia Tax Review, Spring 2005]

THE TAX LAWYER'S ROLE IN THE WAY THE AMERICAN TAX SYSTEM WORKS

(By Mortimer M. Caplin)

It is a high privilege to be asked to deliver this Erwin N. Griswold Lecture and a treat too to see so many old friends and meet so many new ones. In honor of our namesake, I would like to touch on four matters of relevance: (1) Dean Griswold's impact on the tax law, (2) the role of the U.S. Tax Court, (3) the role of the IRS, and (4) the tax lawyer's role in the way the American tax system works.

My first contact with the Dean was in my early days as a young law professor at the University of Virginia School of Law—struggling in the classroom using Griswold, Cases and Materials on Federal Taxation. Not that the casebook was entirely new to me; for, with the good help of the G.I. bill, I'd become well-acquainted with it at N.Y.U. in my post-World War II doctoral efforts. It's hard to believe, but the Griswold casebook was the first ever devoted entirely to federal income taxation; and it proved a godsend to me as I segued from New York law practice to teaching at UVA in the fall of 1950.

Erwin Griswold and I met at law professor gatherings and bar meetings, especially in the early 1950's at American Law Institute sessions in Washington as members of ALI's Tax Advisory Group. We both were hard at work on its comprehensive tax report, which later became part of the 1954 Code. Never did I tell him though that, in using his casebook, my custom was to try a personal touch by distributing mimeograph materials that totally rearranged the order of presentation and reading assignments. Nor did I ever hint that, after a year or two, I switched entirely to his major competitor, the more comprehensive Surrey and Warren. He probably learned about it faster than I thought skimming through his royalty reports—reports which he undoubtedly scrutinized with great care.

He had graduated from Harvard Law School in 1929, and his first real contact with the tax law was during his five-year stint as a fledgling attorney in the Office of the Solicitor General of the United States. Federal tax rates and tax receipts were at a low point then and handling tax cases was not the most sought after assignment. By default, he soon became the office's tax expert, arguing the bulk of its tax cases both in the U.S. Supreme Court and the U.S. Courts of Appeals. I should mention that, just before leaving the S.G.'s office, he was instrumental in the rule change that allowed appeals in tax cases to be made under the general title ''Commissioner of Internal Revenue,'' without the need to specify the name of the incumbent. That's why you see older tax cases bearing the names of particular Commissioners—David Burnet or Guy T. Helvering, for example—and, later, hardly any with names like Latham, Caplin, Cohen, Thrower and the like. Let me mournfully add: ''Sic transit gloria mundi''—so passes away the glory of this world!

Erwin Griswold left the S.G.'s office in 1934 to become a Harvard Law School professor for 12 years, and then dean for the next 21. He had a major influence on tens of thousands of law students as well as lawyers throughout the world. As years went by, he reminisced that he found ''less exhilaration'' in teaching the federal tax course as ''the tax law had become far more technical and complicated . . . In the early days, the statute was less than one hundred pages long and the income tax regulations . . . were in a single, rather slight, volume.'' Oh, for the good old days!

In the fall of 1967, he returned to the S.G.'s office, but this time as the Solicitor General of the United States—a position he held for six years. He'd been appointed by President Lyndon B. Johnson during the last years of his administration, and in 1969 was reappointed by President Richard M. Nixon. President Nixon for his second term, however, preferred as his S.G. a Yale law professor, Robert H. Bork, someone more closely in tune with his philosophy. Erwin Griswold's duties ended in June 1973, at the close of the Supreme Court's term, well in time to avoid the heavy lifting of Watergate and the ''Saturday Night Massacre.'' Although, he later said that he would not have followed Solicitor General Bork in carrying out the President's order to fire Special Watergate Prosecutor Archibald Cox.

Shortly after leaving office, he joined Jones, Day, Reavis & Pogue as a partner and engaged in law practice and bar activities for some 20 years, until his death in 1994 at the age of 90. Erwin Griswold was honored many times over, not only for his innumerable contributions to the law, but for ''his moral courage and intellectual energy . . . meeting the social responsibilities of the profession.''

I always suspected that any special feeling the Dean may have had for me had roots in my strong backing of his plea for a single federal court of tax appeals—to resolve conflicts and provide ''speedier final resolution of tax issues.'' He observed, ''The Supreme Court hates tax cases, and there is often no practical way to resolve such conflicts''; and he anguished over the practicing bar's opposition to his proposal, convinced that ''the real reason is that tax lawyers find it advantageous to have uncertainty and delay''—a preference for forum-shopping, if you will. But in the end, in his 1992 biography, Ould Fields, New Corne, he sounded a bit more hopeful: ''Eventually, something along the lines proposed will have to come as it makes no sense to have tax cases decided by thirteen different courts of appeals, with no effective guidance on most questions from the Supreme Court.''

One Supreme Court Justice, who'd had hands-on experience in tax administration, and well understood weaknesses in our appellate review system, was former Justice Robert H. Jackson. The Court's most informed member on taxation, he had previously served successively as ''General Counsel'' of the Bureau of Internal Revenue (succeeding E. Barrett Prettyman), Assistant Attorney General in charge of the Tax Division, Solicitor General, and then Attorney General of the United States. In 1943, in his famous Dobson opinion, Justice Jackson made a determined effort to strengthen the Tax Court's status in the decision-making process so as to minimize conflicts and attain a greater degree of uniformity. To these ends, he laid down a stringent standard in appellate review of Tax Court decisions:''

[W]hen the [appellate] court cannot separate the elements of a decision so as to identify a clear-cut mistake of law, the decision of the Tax Court must stand . . . While its decisions may not be binding precedents for courts dealing with similar problems, uniform administration would be promoted by conforming to them where possible.''

The message was straightforward and seemingly clear; but it didn't cover District Court decisions or those of the Court of Federal Claims. Also, other problems were encountered by judges and members of the bar, and dissatisfaction was high. Ultimately this led to the 1948 statutory reversal of Dobson by enactment of the review standard now in the Internal Revenue Code, which requires U.S. Courts of Appeals to review Tax Court decisions ''in the same manner and to the same extent as decisions of the district courts in civil actions tried without a jury.'' And that's where the situation lies today—save for those still aspiring, as Erwin Griswold did for the rest of his life, for greater uniformity and earlier resolution of conflicts.

Justice Jackson never did change his view about the critical importance of the Tax Court. In his 1952 dissent in Arrowsmith v. Commissioner, he underscored this in strikingly poignant fashion, saying: ''In spite of the gelding of Dobson v. Commissioner . . . by the recent revision of the Judicial Code . . . I still think the Tax Court is a more competent and steady influence toward a systematic body of tax law than our sporadic omnipotence in a field beset with invisible boomerangs.''

Members of the tax bar readily endorse this strong vote of confidence in the role of the Tax Court. As our nationwide tax tribunal for over 80 years, it has served effectively and with distinction as our most important court of original jurisdiction in tax cases.

Today's tax system has its genesis in World War II when income taxes rapidly expanded from a tax touching the better off only, to a mass tax reaching out to the workers of America. Revenue collection was turned upside down with Beardsley Ruml's ''pay-as-you-go,'' collection-at-the-source, withholding and estimated quarterly payments, and floods of paper filings. Commissioner Guy Helvering said it couldn't be done. And, in fact, the old Bureau of Internal Revenue, with its politically-appointed Collectors of Internal Revenue, was not fully up to the task. Subcommittee hearings chaired by Congressman Cecil R. King, D-California, revealed incompetence, political influence and corruption; and directly led to a total overhaul under President Harry Truman's 1952 Presidential Reorganization Plan. New district offices and intermediate regional offices, replaced the old Collectors' offices; and, except for the Commissioner and Chief Counsel, who still require presidential nomination and Senate confirmation, the entire staff was put under civil service. The last step a year later was the official name change to ''Internal Revenue Service.''

The new IRS made remarkable headway turning itself completely around by the end of the 1950's; and it was not long before it was recognized as one of government's leading agencies. In the early 1960's, new heights were reached through a fortunate confluence of events, strong White House endorsement and unflagging budgetary support. President John F. Kennedy had a special interest in tax law and tax administration and almost immediately called on Congress for anti-abuse tax legislation and strengthening of tax law enforcement, including Attorney General Robert F. Kennedy's drive against organized crime. Of key importance was the final congressional go-ahead for installing a nationwide automatic data processing system (ADP), backed by approval of individual account numbers and a master file of taxpayers housed in a central national computer center. IRS had entered the modern age. But it is this same ADP design, now badly out-of-date, which is still in use, albeit patched with additions and alterations. And it is the dire need to modernize this 44-year old system which is IRS' chief challenge today.

Starting in the 1970's, IRS began to encounter its present serious difficulties. A series of complex legislative changes, tightened budgets, an exploding workload, and expensive failures to complete its ''tax systems modernization'' (TSM) project— all contributed to weakened performance and heightened congressional oversight. In 1995 and 1996, Congress created the National Commission on Restructuring the Internal Revenue Service ''to review the present practices of the IRS, and recommend how to modernize and improve the efficiency and productivity of the IRS while improving taxpayer services.'' A year later, the Commission issued its report, ''A Vision for a New IRS,'' which led to the enactment of the Internal Revenue Service Restructuring and Reform Act of 1998 (RRA 98).

The report centered chiefly on governance and managerial type changes, including IRS modernization, a publicly-controlled Oversight Board, a business-type Commissioner of Internal Revenue, electronic filing and a paperless tax system, taxpayer rights, and finally—and of primary importance—changing

IRS' culture and mission so as to place emphasis on enhanced ''customer service'' and functioning like ''a first rate financial institution.'' Congress was asked to do its part too: simplified tax legislation; complexity analyses reports; multiyear budgeting; joint hearings and coordinated reports of the different oversight committees. To the more sophisticated, the suggestions to Congress appeared more aspirational than realistic.

The House largely followed the Commission's recommendations (H.R. 2676). But the legislation found itself pending at a tumultuous time, when the air was filled with words of U.S. Senators—if you can believe it—like: ''end the IRS as we know it,'' ''tear the IRS out by the roots,'' ''drive a stake in the heart of the corrupt culture at the IRS,'' and ''stop a war on taxpayers.'' At this point, Senator William V. Roth, Jr., R-Delaware, Senate Finance Committee Chairman, took over and ran a series of dramatic, highly televised hearings, carefully prepared by his staff, and featuring a handful of allegedly abused taxpayers and IRS employees who gave testimony that shocked the nation. Never at the time did the IRS have the opportunity to tell its side of the story; nor was the testimony tested for accuracy or placed in proper context. Later, however, after enactment of RRA 98, court proceedings and various government reports by the GAO and Treasury Inspector General for Tax Administration (TIGTA) clearly established that much of the testimony was not only misleading but false; IRS may have made mistakes, but they were not malicious or systemic. Numerous corrective news stories began to appear with sharp headlines like the following: ''IRS Abuse Charges Discredited''; ''Highly Publicized Horror Story That Led to Curbs on IRS Quietly Unravels''; ''IRS Watchdog Finds Complaints Unfounded''; ''Court is Asked to Block False Complaints against IRS''; ''Secret GAO Report is Latest to Discredit Roth's IRS Hearings.'' But publication came too late; the damage was already done.

Congress, the public and ultimately the Clinton administration had all been outraged by the Senate testimony and, almost overnight, sweeping support was given to Senator Roth's proposed highly stringent treatment of the IRS. His Senate version added some 100 new provisions to the House bill. Some are praiseworthy and reasonably protective of taxpayer rights, but others step over the line, unduly micromanaging IRS daily operations and laying the groundwork for serious delaying tactics by taxpayers and damage to the administrative process. In the end, the legislation was adopted by an overwhelming vote. One of the most criticized provisions is the ''10 Deadly Sins'' sanction in section 1203 of RRA 98. This peremptory discharge procedure, which directs the Commissioner to terminate an employee for any one of certain specified violations, is deeply disturbing to IRS personnel. Some hesitate to enforce the tax law because of possible unfair exposure to complaints by disgruntled taxpayers. Both Commissioner Mark W. Everson and former Commissioner Charles O. Rossotti have noted this erratic impact and have requested modification. In my mind, there is little doubt that section 1203 should be totally repealed.

Commissioner Rossotti very ably captained the transition to the new culture. But with Congress' continuing emphasis on the ''customer service'' aspect of tax administration, it was not until his last years that the word ''enforcement'' began to trickle out, along with warnings of the ''continuing deterioration'' and ''dangerous downtrend in the tax system.'' This shift in emphasis was quickly hastened by new Commissioner Mark Everson, who early announced: ''At the IRS our working equation is service plus enforcement equals compliance.'' (This to me is the basic ''S-E-C of taxation.'') He underscores repeatedly the significant ''diminution of resources''; the continuing fall in audits, collection, notices to non-filers; the 36 percent drop in enforcement personnel since 1996; and, since 1998, the audit rate drop of 57 percent!

Perhaps of even greater importance is the negative impact this weakened enforcement has had on compliance and self-assessment. Commissioner Everson often quotes President Kennedy's admonition: ''Large continued avoidance of tax on the part of some has a steadily demoralizing effect on the compliance of others.'' Indeed, the annual tax gap continues to grow: Last reported as a $311 billion tax loss each year—from underreporting, nonpayment and non-filing—new findings of a major increase are anticipated in the IRS study now underway

With repeated annual deficits and a burgeoning national debt, the Commissioner recently confessed: ''The IRS, frankly speaking, needs to bring in more money to the Treasury.'' The White House had confirmed this by supporting a 2005 budget increase and allocating to enforcement alone an increase of 11 percent. But this was not to be. For in the cut-back in the increase, House majority leader Tom DeLay, R-Texas, commented rather imprudently: ''I don't shed any tears for the IRS. Our priority as far as the IRS is concerned is to put them out of business.'' So much for the looming crisis in meeting the revenue needs of our democracy!

IRS' final 2005 appropriation reflected hardly a one percent increase—an overall grant of $10.3 billion, almost $400 million below the President's request. This tight squeeze tells clearly why IRS went along with outsourcing to private debt-collection agencies the collection of certain delinquent tax accounts. The statutory authorization to pay outsiders up to 25 percent of tax debts collected is technically ''off-book''; and through this backdoor financing, IRS' appropriations takes no direct hit.

This then is the very serious state of affairs confronting those directly concerned with the fair and balanced administration of our tax law.

The proper functioning of our tax system is largely dependent upon the quality and responsible involvement of well-trained tax practitioners, primarily tax lawyers and tax accountants. Well over half the public seeks their help for tax advice and return preparation—inquiring, time and again, about the ''rules of the road,'' what's right and what's wrong, what's lawful and what's not. The integrity and standards of these tax professionals serve as the nation's guideposts, with direct impact on taxpayer compliance and the self-assessment concept itself. The significance of their good faith practices cannot be overstated.

Recent congressional and IRS investigations, however, have identified an alarming spread of extremely questionable practices, some approaching outright fraud, by a number of previously well-regarded tax practitioners. The Senate Finance Committee has zeroed in directly on practitioners as a whole, emphasizing the ''important role tax advisors play in our tax system.'' Chairman Charles Grassley, R-Iowa, caustically observed: ''At the heart of every abusive tax shelter is a tax lawyer or accountant.'' In full agreement, Senator Max Baucus, D-Montana, the committee's ranking minority member, added: ''Let's stop these unsavory practices in their tracks by restoring integrity and professionalism in the practitioner community.'' In their follow-up letter to the Treasury Secretary John N. Snow, they called for reinvigoration of IRS' Office of Professional Responsibility (OPR), for its proper funding, and for extension of the authority of its new head, Cono Namorato. Much has happened since, legislatively and administratively.

Taking the lead, the American Jobs Creation Act of 2004 greatly enhances OPR's effectiveness through a series of new provisions that expand Circular 230's reach: (1) confirming authority to impose standards on tax-shelter opinion writers, (2) clarifying authority to ''censure'' practitioners, as well as to suspend or disbar them, (3) granting authority, for the first time, to impose monetary penalties on individual practitioners, as well as on employers or entities for which they act, and (4) granting injunction authority, for the first time, to prevent recurrence of Circular 230 violations.

In turn, publication of Treasury's long-awaited Circular 230 amendments on tax-shelter opinion writing puts OPR's momentum in high gear. The official release advises that these ''final regulations provide best practices for all tax advisors, mandatory requirements for written advice that presents a greater potential for concern, and minimum standards for other advice.'' No doubt is left, however, that the amendments' underlying intent is to ''Promote Ethical Practice,'' ''improve ethical standards,'' and ''restore and maintain public confidence in tax professionals.'' Highlighted too is the caution that ''one of the IRS' top four enforcement goals'' is ''[e]nsuring that attorneys, accountants and other tax practitioners adhere to professional standards and follow the law.''

This is a harsh estimate of tax practitioners in general. As members of the profession of tax lawyers, it is difficult to ignore our collective responsibility to respond. What do we do about it? Certainly the tax bar has not been asleep. Both the ABA Tax Section and the AICPA separately have been working on standards of practice for over 40 years; and each has published a series of guiding principles which continue as works in progress. The issue remains, however, whether the tax bar has probed deeply enough.

Have we been willing to grapple with more subtle, more difficult issues? Have we articulated what we regard as ''best practices'' for tax lawyers, keeping in mind that Circular 230 applies to a broad range of ''practitioners''? Tax lawyers are clearly quite distinguishable from other ''practitioners'' and, indeed, from lawyers in general. And it seems fair to ask: Which practices are acceptable to the tax bar, and which are not? At what point does the tax bar regard tax advice or tax practice as crossing the line? As ''too aggressive''? As ''things that are not done''?

These questions, of course, transcend the current concern with tax shelters only. It may not be long, in my view, before we will be asked to revisit a broader question: ''Whether, in a system that requires each taxpayer to self-assess the taxes that are legally due, a tax lawyer can properly advise a client that he or she may take an undisclosed tax return position absent the lawyer's good faith belief that the position is 'more likely than not' correct?'' In considering the issue some 20 years ago, ABA Formal Opinion 85–352 crafted as a more flexible answer the ''realistic possibility of success'' test, which later became a touchstone used by Congress and the Treasury in assessing certain penalties. In light of unacceptable developments since then, it would seem timely for the entire subject matter to undergo a thorough review.

In his speech on The Public Influence of the Bar, Supreme Court Chief Justice Harlan F. Stone addressed the same theme of lawyers' ethics in relation to the great Wall

Street stock market crash. Critical of ''clever legal devices,'' and critical of lawyers having done ''relatively so little to remedy the evils of the investment market,'' he observed that ''whatever standards of conduct in the performance of its function the Bar consciously adopts must at once be reflected in the character of the world of business and finance.'' In his view, ''the possibilities of its influence are almost beyond calculation''; and he went on to advise, ''It is needful that we look beyond the club of the policeman as a civilizing agency to the sanctions of professional standards which condemn the doing of what the law has not yet forbidden.''

The point is: Though we are a long-recognized profession, allowed the privilege of autonomy and essentially self-regulation, no insurmountable barriers exist to prevent encroachment on this privilege, or even its end, if our practices or standards are regarded as inadequate or unrealistic. Today, we already see a gradual erosion flowing from a series of new governmental rules—by Congress, for example through the Internal Revenue Code or legislation like Sarbanes-Oxley, or by the SEC or Public Company Accounting Oversight Board (''Peekaboo''), or by Treasury through Circular 230 or other regulations.

Our profession of tax lawyers must take the initiative and become more intently involved—more proactive and not simply defensive. Problems need be identified and solutions developed by ourselves, and where necessary recommended for implementation by the bar in general or by appropriate governmental bodies. We cannot wait for others to compel answers. Nor can we move at the pace of the ALI project that required 13 years to complete a two-volume Restatement of the Law Governing Lawyers. Ours would naturally be more immediate in time and focus, and might well look to the leadership of the ABA Section on Taxation, this organization, the American College of Tax Counsel, or some other concerned and qualified group.

As tax lawyers, we face many different responsibilities daily—to our clients, to the profession, to the public, to ourselves. How we maintain our own self-respect as lawyers; how we desire to be viewed by others; and how we use our special skills to improve the nation's revenue raising system—are all questions crossing our minds every day, some at times in conflict and in need of balancing as we confront different tasks. In this regard, Dean Griswold counseled us to preserve our ''independence of view''—separating our representation of clients from our role as public citizens seeking to improve the functioning of government.

The one exemplar he acclaimed is Randolph E. Paul, Treasury's General Counsel and tax policy leader during World War II, whom the Dean refers to as ''one of the early giants in the tax field.'' Randolph, with whom I practiced during my beginning days as a lawyer, asserted this individual independence throughout his entire career, while he developed a remarkable tax practice. In the closing lines of his classic Taxation in the United States, he makes these seminal observations on ''the responsibilities of tax experts'':

''The most I can say is that I do not think surrender needs to be unconditional . . . I know tax advisers who accomplish the double job of ably representing their clients and faithfully working for the tax system taxpayers deserve . . . At another level I venture the opinion that they lead a more comfortable life than do many of their colleagues. Of one thing I am very sure—that both taxpayers and the government need many more of these independent advisers.''

Tonight this room is filled with many of these independent, responsible advisers—some surely to become the giants we will salute in the future. I am certain that together we will overcome our present challenge ''to restore and maintain public confidence in tax professionals.'' At the same time, I have no doubt too that we will not fail in our ongoing commitment to better the way in which our nation's needs for revenue are fulfilled, fairly and honorably.

ADDITIONAL STATEMENTS

RETIREMENT OF 10 UTICA COMMUNITY SCHOOL ADMINISTRATORS

• Mr. LEVIN. Mr. President, I take this opportunity to recognize 10 individuals in Michigan for their dedication and service to public education. The Utica Community School District can be proud of these men and women for their devotion to improving the lives of countless young people.

The Utica Community School District encompasses Utica, most of Sterling Heights, Shelby Township and parts of Ray, Washington, and Macomb Townships. It is the second largest school district in Michigan, with a current enrollment of over 29,000 students. Utica takes pride in its educational standards, dedication, and service to its students. These goals would not have been possible without the efforts of the following 10 school administrators who have a combined 300-plus years of service and have collectively touched the lives of more than 500,000 children over the course of their careers. The accomplishments and the impacts on public education these individuals have had over the years are numerous and impressive.

Each of these individuals has played a vital role in building strong relationships with students, parents, teachers, and the community at large in this diverse and vibrant region of southeast Michigan. They exemplify the necessary dedication, determination, and professionalism to foster individualized attention to each student. I am pleased to honor each of them:

David A. Berube, Assistant Superintendent of Human Resources; Vivian V. Constand, Director of Elementary Education; Joseph F. Jeannette, Assistant Director of Elementary Education; Susan E. Meyer, Director of Secondary Education; Glenn A. Patterson, Director of Human Resources; Diane M. Robinson, Supervisor of Employee Benefits; Nancy M. Searing, Assistant Director of Secondary Education; Linda M. Theut, Administrative Assistant to the Superintendent, Judith M. Wagner, Supervisor of Special Education; and John S. Zoellner, Director of Fiscal Services.

On July 1, 2005, these individuals will retire from their respective careers in education, and their leadership and talents will surely be missed. I know my Senate colleagues join me in congratulating these 10 distinguished individuals for their many efforts throughout the years, and to recognize their record of service to the Utica community schools and to the surrounding community.•

TRIBUTE TO GEORGE DEMENT, MAYOR OF BOSSIER CITY, LOUISIANA

• Mr. VITTER. Mr. President, I rise today to recognize George Dement, mayor of Bossier City, LA. Mayor Dement will retire from office on June 30, 2005, after 16 years of service to northwest Louisiana. Mayor Dement is retiring from public service on the same date he was inaugurated 16 years earlier. Today, I take a moment to offer warm thanks for his years of service to Bossier City and best wishes for his coming commendation ceremonies.

A native of Princeton, LA, Mayor Dement served in the U.S. Submarine Service in both the Atlantic and Pacific Theaters during WorId War II and was present when the Japanese surrendered at Tokyo Bay. After 5 years of military service, he attended Centenary College and Louisiana State University Shreveport. Upon completing his studies, Mayor Dement began a 22-year tenure with Holiday Inn and was named Innkeeper of the Year in 1976. In 1989, he was elected mayor of Bossier City where he has been reelected three times—all with large margins of victory.

As mayor, Mr. Dement will be remembered for his leadership and accessibility. During his tenure, Mayor Dement led the way on four different phases of the Arthur Ray Teague Parkway and also poured large amounts of energy into revitalizing key areas of Bossier City.

Fondly referred to as ''the people's mayor,'' Mr. Dement is known for his honesty and commonsense approach to governing. I come to the Senate floor today to join the residents of Bossier City in personally commending, honoring, and thanking him for his 16 years of service to northwest Louisiana.•

RESCUE AND RESTORE PROGRAM

• Mr. BROWNBACK. Mr. President, I rise to mark the occasion of the 500th nonprofit and faith-based group joining Rescue & Restore Victims of Human Trafficking, an initiative by the U.S. Department of Health and Human Services. Rescue & Restore is a project to help protect the victims of trafficking in human beings.

After years of working on a bipartisan level with colleagues to pass the Trafficking Victims Protection Act of 2000, it is my distinct pleasure to commemorate this landmark achievement. Rescue & Restore is a multicity, decentralized national coalition to find, identify and rescue victims of human trafficking in the United States and restore them to a condition of human dignity. The program does this through the engagement of thousands of individuals and hundreds of government and community organizations. TVPA

was designed to protect the victims of involuntary servitude, sexual exploitation, forced labor and other forms of a contemporary slave trade.

Since the launch of the first Rescue & Restore city coalition in 2004, the rate of trafficking victims rescued has more than doubled over the previous reporting period—from 107 victims receiving certification letters, to 224. More victims are being identified every day. There are now more than 10,000 ''boots on the ground'' in 14 cities and trained advocates actively seeking out trafficking victims.

Today, June 7, a statewide Rescue & Restore coalition is set to be launched in Illinois in cooperation with the administration of Governor Rod Blagojevich. The Chicago rollout is a true watershed in the mission to locate, identify, rescue, and restore trafficking victims to a condition of human dignity. This is a statewide endeavor, the first of its kind, involving the full panoply of Illinois state and local government law enforcement and health and human welfare agencies working in a coalition with more than 60 nongovernmental and social welfare organizations, child advocates, and health care professionals mobilized to combat trafficking. Other coalition launches are planned for Long Island NY, Houston, and Los Angeles later this year for a total of 17 geographical regions to be served.

Human trafficking is the fastest growing criminal industry in the world today, affecting as many as 900,000 victims worldwide. The CIA estimates that as many as 17,500 men, women and children are brought into the U.S. annually by force, fraud or coercion as victims of human trafficking. Others are victimized right here in America, trafficked into prostitution or forced labor. Many of the victims are women or children who are forced into prostitution; others are pressed into labor slavery such as sweatshops, peonage, or domestic servitude.

Rescue & Restore coalition partners are using their existing channels of communication and growing public awareness to help Americans recognize the existence of human trafficking. They are educating their associates and constituents on how to identify and assist trafficking victims. We now have taken vital steps toward wiping the scourge of human trafficking from our shores.●

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–2452. A communication from the Director, Office of Executive Secretariat, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Conforming Amendments to Implement the No Child Left Behind Act of 2000'' (RIN1076–AE54) received on June 6, 2005; to the Committee on Indian Affairs.

EC–2453. A communication from the Director, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Veterans Education: Non-payment of VA Educational Assistance to Fugitive Felons'' (RIN2900–AL79) received on June 3, 2005; to the Committee on Veterans' Affairs.

EC–2454. A communication from the Chairman, National Endowment for the Arts, National Foundation on the Arts and the Humanities, transmitting, the Foundation's Annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–2455. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Testing for Rapid Detection of Adulteration of Food''; to the Committee on Health, Education, Labor, and Pensions.

EC–2456. A communication from the Acting Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Oregon State Plan; Final Approval Determination'' (RIN1218–AC13) received on June 2, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2457. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Disability and Rehabilitation Research Projects and Centers Programs—Rehabilitation Engineering Research Centers'' received on June 1, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2458. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Disability and Rehabilitation Research Projects—Knowledge Dissemination and Utilization Projects'' (RIN1820–ZA36) received on June 1, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–2459. A communication from the Chief of Staff, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the Agency's annual reports for fiscal years 2003 and 2004, four issues of the Quarterly Journal of the Office of the Comptroller of the Currency (OCC) for calendar year 2003 and one for calendar year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–2460. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Community Planning and Development, received on June 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2461. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Housing/Federal Housing Commissioner, received on June 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2462. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the Commonwealth of Massachusetts as a result of the record/near record snow on January 22–23, 2005, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2463. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of Indiana as a result of the record/near record snow on December 21–23, 2004, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–2464. A communication from the Secretary of the Treasury, transmitting, pursuant to the National Emergencies Act, a report relative to the national emergency that was declared in Executive Order 13047 of May 20, 1997 with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC–2465. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Dealers in Precious Metals, Stones, or Jewels'' (RIN1506–AA58) received on June 6, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2466. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. nuclear power reactors for 2004; to the Committee on Energy and Natural Resources.

EC–2467. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices of Interstate Natural Gas Pipelines'' (RIN1902–AC63) received on June 6, 2005; to the Committee on Energy and Natural Resources.

EC–2468. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Amendment of Lower St. Johns River Manatee Refuge in Florida'' (RIN1018–AU10) received on May 26, 2005; to the Committee on Energy and Natural Resources.

EC–2469. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, a report relative to probable violations of the Antideficiency Act; to the Committee on Appropriations.

EC–2470. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report on violations of the Antideficiency Act; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 714. A bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions (Rept. No. 109–76).

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. DEMINT:

S. 1173. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1174. A bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 1175. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 1176. A bill to improve the provision of health care and services to veterans in Hawaii, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 1177. A bill to improve mental health services at all facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MARTINEZ:

S. 1178. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Finance.

By Mr. KENNEDY:

S. 1179. A bill to amend title SVIII of the Social Security Act to ensure that benefits under part D of such title have no impact on benefits under other Federal programs; to the Committee on Finance.

By Mr. OBAMA:

S. 1180. A bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself, Mr. LEAHY, Mr. FEINGOLD, and Mr. ALEXANDER):

S. 1181. A bill to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 1182. A bill to amend title 38, United States Code, to improve health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Ms. STABENOW, Mr. DURBIN, and Mr. ALLEN):

S. 1183. A bill to provide additional assistance to recipients of Federal Pell Grants who are pursuing programs of study in engineering, mathematics, science, or foreign languages; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 1184. A bill to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; to the Committee on Foreign Relations.

By Mr. DODD:

S. 1185. A bill to protect United States workers from competition of foreign workforces for performance of Federal and State contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. COCHRAN, Mr. ALLARD, and Mr. COLEMAN):

S. 1186. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. ALLEN:

S. 1187. A bill for the relief of James Symington; to the Committee on the Judiciary.

By Mr. ALLEN:

S. 1188. A bill for the relief of Fereshteh Sani; to the Committee on the Judiciary.

By Mr. SALAZAR:

S. 1189. A bill to require the Secretary of Veterans Affairs to publish a strategic plan for long-term care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 1190. A bill to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 1191. A bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

S. 1192. A bill to amend section 51 of the Internal Revenue Code of 1986 to expand the eligibility for the work opportunity tax credit to all disabled veterans; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. SCHUMER):

S. 1193. A bill to direct the Assistant Secretary of Homeland Security for the Transportation Security Administration to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 161. A resolution honoring the life of Robert M. La Follette, Sr., on the sesquicentennial of his birth; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. OBAMA, Mr. CORZINE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. HARKIN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. REID, Mr. FEINGOLD, and Mr. JEFFORDS):

S. Res. 162. A resolution expressing the sense of the Senate concerning Griswold v. Connecticut; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 65, a bill to amend the age restrictions for pilots.

S. 98

At the request of Mr. ALLARD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 104

At the request of Mr. TALENT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 104, a bill to amend the Internal Revenue Code of 1986 to provide tax-exempt financing of highway projects and rail-truck transfer facilities.

S. 151

At the request of Mr. PRYOR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 181

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles.

S. 340

At the request of Mr. LUGAR, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 350

At the request of Mr. LUGAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 369

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 369, a bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media.

S. 390

At the request of Mr. DODD, the name of the Senator from Illinois (Mr.

OBAMA) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 392

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor 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 West Virginia (Mr. BYRD) 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. 489

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 549

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 549, a bill to extend a certain high priority corridor in the States of Colorado, Nebraska, South Dakota, and Wyoming.

S. 580

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 603, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor 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. 750

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 750, a bill to amend the Internal Revenue Code of 1986 to allow look-through treatment of payments between related foreign corporations.

S. 756

At the request of Mr. BENNETT, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors 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. 828

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 859

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

S. 863

At the request of Mr. CONRAD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 877

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 980

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 980, a bill to provide state and local governments with financial assistance that will increase their ability and effectiveness in monitoring convicted sex offenders by developing and implementing a program using global positioning systems to monitor convicted sexual offenders or sexual predators released from confinement.

S. 1002

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1022

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1057

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1076

At the request of Mr. TALENT, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1104

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI

of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 1123

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1123, a bill to suspend temporarily the duty on certain microphones used in automotive interiors.

S. 1160

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1160, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plan.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. CON. RES. 24

At the request of Mr. GRAHAM, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 24, a concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. COBURN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 134

At the request of Mr. SMITH, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 134, a resolution expressing the sense of the Senate regarding the massacre at Srebrenica in July 1995.

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. SALAZAR), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEMINT:

S. 1173. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEMINT. Mr. President, today I introduce the Secret Ballot Protection Act, a measure that would amend the National Labor Relations Act, NLRA, to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board, NLRB, when deciding whether to be represented by a labor organization.

The legislation would prohibit a union from being recognized based on a ''card check'' campaign. Under a card check system, a union gathers authorization cards purportedly signed by workers expressing their desire for the union to represent them. By their very nature, card checks strip employees of the right to choose freely, safely, and anonymously, whether to unionize and leave them open to harassment, intimidation, and union pressure.

The bill also addresses the increasing pressure faced by employers from union bosses to recognize unions based on a card check campaign and forego the customary secret ballot election supervised by the National Labor Relations Board, NLRB, which gives workers the ability to vote their conscience without fear of reprisal.

Under current law, employers may voluntarily recognize unions based on these card checks, but are not required to do so. However, threats, boycotts, and other forms of public pressure are increasingly being used to force employers to recognize unions based on a card-check rather than the customary secret ballot election. The need for legislation to protect workers' rights could not be more clear.

It is no secret that hostile campaigns against American businesses to discredit employers have become a key organizing tactic used by union bosses across the country. These and other pressure tactics are often designed to hurt employers, their workers, and the economy, unless the demands of union leaders are met. It is wrong that union bosses are using these types of tactics at the expense of secret ballot elections, depriving rank-and-file workers of the ability to freely vote their conscience without fear of retaliation.

The Secret Ballot Protection Act will preserve the integrity of workers' freedom of choice and the right to a secret ballot election; it will protect workers from fear, threats, misinformation, and coercion by a union or coworkers to sign union authorization cards; and it will eliminate a union's ability to coercively terrorize an employer into recognition under duress. These fundamental protections can be achieved by simply requiring unions to win a majority of worker support in an anonymous, secret ballot election which eliminates the shroud of union intimidation tactics.

Supporting the right to a private vote and outlawing the corrupt card check practice of allowing union thugs to bully, harass, and scare workers who object to union membership is absolutely critical to democracy and freedom of choice.

Secret ballots are an absolutely essential ingredient for any functioning democratic system. The lack of secret ballot elections is how oppressive regimes manage to stay in power without majority support. Repelling such oppression hinges on the ability to walk into a voting booth, pull the curtain, and vote for anyone or anything we please with confidence the vote will be counted but never revealed to anyone who could use the knowledge to retaliate.

Evidence clearly demonstrates that secret ballot elections are more accurate indicators than card checks of whether employees actually wish to be recognized by a union. Numerous court decisions echo this fact. For example, in the case NLRB v. S.S. Logan Packing Co., the court said:

> It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a card check, unless it were an employer's request for an open show of hands. The one is no more reliable than the other.

There is no question that card checks leave employees open to harassment, intimidation, and union pressure. Workers' democratic rights should be protected, and the Secret Ballot Protection Act will make sure that happens by preserving the secret ballot election process. This important measure would guarantee workers the right to an anonymous, secret ballot election conducted by the NLRB and eliminate the use of intimidation and threats by organizers to coerce workers into joining a union.

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. 1173

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 ''Secret Ballot Protection Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. 3. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: ''or to recognize or bargain collectively with a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking ''Representatives'' and inserting ''(1) Representatives'';

(2) by inserting after ''designated or selected'' the following: ''by a secret ballot election conducted by the National Labor Relations Board in accordance with this section''; and

(3) by adding at the end the following:

''(b) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2005.''.

SEC. 4. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this Act.

By Mr. AKAKA:

S. 1176. A bill to improve the provision of health care and services to veterans in Hawaii, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the ''Neighbor Islands Veterans Health Care Improvements Act.'' My State of Hawaii is home to 115,000 veterans, nearly 18,000 of whom avail themselves of VA health care. Unfortunately, the level of care provided to those living on Oahu and the Neighbor Islands—Kauai, Molokai, Lanai, Maui, and the Big Island—is not at the optimal level. My legislation would significantly improve the level of care the veterans residing in Hawaii have so bravely earned.

Hawaii is undoubtedly an exceptional place to make one's home, and its population continues to grow each year. As such, the number of veterans seeking VA health care has grown. However, the level of services provided to Hawaii's veterans has failed to keep pace. Additionally, each day more veterans are returning home to Hawaii from the Global War on Terror, including Operations Enduring and Iraqi Freedom. It is critical that these brave men and women receive adequate care. It is equally critical that today's veterans receive needed long-term care and mental health care.

My bill would ensure that care and facilities are optimized, that the burden of VA personnel is diminished, and that veterans throughout the state receive specialized care. Specifically, my legislation calls for new Community Based Outpatient Clinics and Vet Centers in areas that desperately need additional health care facilities, as well as expanding services at those already in existence. Satellite clinics providing both medical care and mental health counseling would be opened on the islands of Molokai and Lanai, which currently lack VA facilities. Staff levels at existing clinics and Vet Centers would be increased to compensate for these new clinics and to provide needed community-based long-term care, such as home care. My legislation also authorizes the construction of a $10 million mental health center on the grounds of Tripler Army Medical Center, which will include an inpatient Post-Traumatic Stress Disorder residential treatment program.

That our veterans receive the long-term care to which they are entitled is of major concern to me. In fact, the Committee on Veterans' Affairs, of which I am Ranking Member, held a hearing on the potential demand for long-term care just this May. I would like to point out that the VA Center for Aging in Honolulu—the only VA nursing home in the State—has a mere 60 beds. This is nowhere near sufficient to care for the number of veterans who reside there. Furthermore, community nursing home beds are limited. Given the dearth of nursing home beds, both VA and community, the Neighbor Islands Veterans Health Care Improvements Act authorizes a medical care foster program on the Island of Oahu. Modeled on the successful Medical Care Foster Program at the Central Arkansas Veterans Health Care System, such a system places veterans in a permanent foster home, allowing them to remain in the community while receiving the care they need.

Because I believe specialized care, such as orthopedics and opthamology, are limited on the neighbor islands, the bill directs that VA fully study the provision of such care. VA would then be required to make a formal determination as to the adequacy of specialized care. I may seek to direct improvements in this area at a later date.

This bill is vital to those veterans residing in Hawaii. Though they may live far from the other veterans on the mainland, they are just as entitled to quality health care.

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:

(The bill will be printed in a future edition of the RECORD.)

By Mr. AKAKA:

S. 1177. A bill to improve mental health services at all facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today to introduce legislation that would enhance the Department of Veterans Affairs' (VA) ability to provide mental health and other specialized services to its patients. At a time when our Nation is at war, it is imperative that we ensure that all veterans have access to top quality mental health care, whether they visit a VA hospital or clinic.

At the time of its creation, the VA health care system was tasked with meeting the special needs of its veteran patients. Those veterans who suffered from spinal cord injuries, amputations, blindness, Post-Traumatic Stress Disorder, substance abuse, and homelessness required unique forms of treatment and rehabilitation. During the past few decades, VA has emerged as the industry leader in providing specialized services to these types of patients. Much of VA's expertise in these areas remains unparalleled in the larger health care community—particularly with regard to mental health care.

However, it is with great dismay that I rise today, as VA's specialized programs are in jeopardy due to budget constraints. Increased demand and flatline budget increases over the past

few years have literally starved the system. Sadly, this problem is not a new one. Back in 1996, Congress recognized the merits of these specialized programs and that they could be vulnerable to cuts because of their smaller scale. As such, we enacted legislation that required VA to retain its capacity to provide specialized services at the levels in place at the time of the bill's passage in 1996, and to annually report as to the status of its compliance with this requirement.

Despite this effort by Congress and the actions of my predecessors on this Committee to subsequently strengthen the original legislation to protect VA's specialized services, VA continues to underfund and cut back resources for these vital programs. Additionally, VA has employed measures such as counting dollars according to 1996 levels to appear as if they are in compliance. In the area of mental health care, this has been especially true. My proposed legislation amends the statute to ensure that capacity funding levels are adjusted for inflation. We need to be talking about real dollars—not 1996 dollars—to get a true sense of VA's capacity to care for veterans with mental health needs.

This legislation would also mandate that VA carry out a number of measures designed to improve mental health and substance abuse treatment capacity at Community-Based Outpatient Clinics and throughout the VA system. Currently, many clinics do not even provide mental health services at all. My bill would ensure that at least 90 percent of all clinics can provide mental health services, either onsite or through referrals. Furthermore, it would establish more comprehensive performance measures to provide incentives for clinics to maintain mental health capacity, for primary care doctors to screen patients for mental illness, and require that every primary health care facility be able to provide at least five days of inpatient detoxification services.

Finally, the bill seeks to foster greater cooperation between VA and the Department of Defense (DoD) in treating servicemembers and subsequently veterans who suffer from some form of mental health or readjustment disorder. It has been estimated that anywhere from 20 to 30 percent of the men and women who are currently serving in Iraq and Afghanistan will require treatment for a mental health issue. The bill would direct the two Departments to agree upon standardized separation screening procedures for sexual trauma and mental health disorders, as well as establish a joint VA-DoD Workgroup to examine potential ways of combating stigma associated with mental illness, educate servicemembers' families, and make VA's expertise in the field of mental health more readily available to DoD providers.

We still have much work to do in the area of mental illness associated with service in the armed forces. But this bill is a step in the right direction. I ask my colleagues for their support of this bill, for it not only seeks to combat disorders that can be very debilitating, but it also would protect specialized services that are at the heart of VA's mission.

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

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

S. 1177

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 ''Veterans Mental Health Care Capacity Enhancement Act of 2005''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Mental health treatment capacity at community-based outpatient clinics remains inadequate and inconsistent, despite the requirement under section 1706(c) of title 38, United States Code, that every primary care health care facility of the Department of Veterans Affairs develop and carry out a plan to meet the mental health care needs of veterans who require such services.

(2) In 2001, the minority staff of the Committee on Veterans' Affairs of the Senate conducted a survey of community-based outpatient clinics and found that there was no established systemwide baseline of acceptable mental health service levels at such clinics.

(3) In 2004, the Department of Veterans Affairs workgroup on mental health care, which developed and submitted a Comprehensive Mental Health Strategic Plan to the Secretary of Veterans Affairs, found service and funding gaps within the Department of Veterans Affairs health care system, and made numerous recommendations for improvements. As of May 2005, Congress had not received a final report on the workgroup's findings.

(4) In February 2005, the Government Accountability Office reported that the Department of Veterans Affairs had not fully met any of the 24 clinical care and education recommendations made in 2004 by the Special Committee on Post-Traumatic Stress Disorder of the Under Secretary for Health, Veterans Health Administration.

SEC. 3. REQUIRED CAPACITY FOR COMMUNITY-BASED OUTPATIENT CLINICS.

(a) STRENGTHENING OF PERFORMANCE MEASURES FOR MENTAL HEALTH PROGRAMS.—Section 1706(b)(6) of title 38, United States Code, is amended by adding at the end the following:

''(D) The Under Secretary shall include, as goals in the performance contracts entered into with Network Directors to prioritize mental health services—

''(i) establishing appropriate staff-patient ratio levels for various programs (including mental health services at community-based outpatient clinics);

''(ii) fostering collaborative environments for providers; and

''(iii) encouraging clinicians to conduct mental health consultations during primary care visits.''.

(b) INFLATIONARY INDEXING OF CAPACITY REQUIREMENTS.—Section 1706(b) of title 38, United States Code, is amended by adding at the end the following:

''(7) For the purposes of meeting and reporting on the capacity requirements under paragraph (1), the Secretary shall ensure that the funding levels allocated for specialized treatment and rehabilitative services for disabled veterans are adjusted for inflation each fiscal year.''.

(c) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—Section 1706(c) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

(2) by adding at the end the following:

''(2) The Secretary shall ensure that not less than 90 percent of community-based outpatient clinics have the capacity to provide onsite, contract-referral, or tele-mental health services—

''(A) for at least 10 percent of all clinic visits by not later than September 30, 2006; and

''(B) for at least 15 percent of all clinic visits by not later than September 30, 2007.

''(3) The Secretary shall ensure that not less than 2 years after the date of enactment of this paragraph—

''(A) each primary care health care facility of the Department has the capacity and resources to provide not less than 5 days of inpatient, residential detoxification services onsite or at a nearby contracted or Department facility; and

''(B) a case manager is assigned to coordinate follow up outpatient services at each community-based outpatient clinic.''.

(d) REPORTING REQUIREMENT.—Not later than January 31, 2008, the Secretary of Veterans Affairs shall submit a report to Congress that—

(1) describes the status and availability of mental health services at community-based outpatient clinics;

(2) describes the substance of services available at such clinics;

(3) includes the ratios between mental health staff and patients at such clinics; and

(4) includes the certification of the Inspector General of the Department of Veterans Affairs.

SEC. 4. COOPERATION ON MENTAL HEALTH AWARENESS AND PREVENTION.

(a) AGREEMENT.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a Memorandum of Understanding—

(1) to ensure that separating servicemembers receive standardized individual mental health and sexual trauma assessments as part of separation exams; and

(2) includes the development of shared guidelines on how to conduct the assessments.

(b) ESTABLISHMENT OF JOINT VA–DOD WORKGROUP ON MENTAL HEALTH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall establish a joint workgroup on mental health, which shall be comprised of not less than 7 leaders in the field of mental health appointed from their respective departments.

(2) STUDY.—Not later than 1 year after the establishment of the workgroup under paragraph (1), the workgroup shall analyze the feasibility, content, and scope of initiatives related to—

(A) combating stigmas and prejudices associated with servicemembers who suffer from mental health disorders or readjustment issues, through the use of peer counseling programs or other educational initiatives;

(B) ways in which the Department of Veterans Affairs can make their expertise in treating mental health disorders more readily available to Department of Defense mental health care providers;

(C) family and spousal education to assist family members of veterans and servicemembers to recognize and deal with signs of potential readjustment issues or other mental health disorders; and

(D) seamless transition of servicemembers who have been diagnosed with mental health disorders from active duty to veteran status (in consultation with the Seamless Transition Task Force and other entities assisting in this effort).

(3) REPORT.—Not later than June 30, 2007, the Secretary of Defense and the Secretary of Veterans Affairs shall submit a report to Congress containing the findings and recommendations of the workgroup established under this subsection.

SEC. 5. PRIMARY CARE CONSULTATIONS FOR MENTAL HEALTH.

(a) GUIDELINES.—The Under Secretary for Health, Veterans Health Administration, shall establish systemwide guidelines for screening primary care patients for mental health disorders and illnesses.

(b) TRAINING.—Based upon the guidelines established under subsection (a), the Under Secretary for Health, Veterans Health Administration, shall conduct appropriate training for clinicians of the Department of Veterans Affairs to carry out mental health consultations.

By Mr. OBAMA:

S. 1180. A bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes; to the Committee on Veterans' Affairs.

Mr. OBAMA. Mr. President, the Department of Veterans Affairs estimates that on any given day, as many as 200,000 veterans are homeless. That is 200,000 men and women who have fought for this country who will go without the comfort of knowing that they will have a roof over their head and a place to call home.

If 200,000 of our Nation's veterans will go homeless tonight, the VA estimates that about twice as many veterans will experience homelessness this year. Again, that is 400,000 men and women who defended this great Nation, who will be left out on the streets at some point this year.

I hope my colleagues are as distressed as I am by these numbers, and I hope my colleagues will join me in supporting the bill I introduce today—the Shelter All Veterans Everywhere or ''SAVE'' Reauthorization Act of 2005.

This bill reauthorizes many of the soon-to-expire homeless veterans programs currently serving this needy population, including the Homeless Providers Grant and Per Diem Program and the Homeless Veterans Reintegration Program. These programs work to provide much-needed services to homeless veterans so that they can find jobs and ultimately find a stable home. These programs deserve to be continued. The SAVE Reauthorization Act actually expands the reach of the Homeless Veterans Reintegration Program, which provides job placement and training assistance, to include those veterans at risk of homelessness as well as those actually homeless, so that we can work to prevent homelessness before it happens.

At a time when so many of my colleagues are working to ensure that our Nation's veterans receive the benefits and services they have earned and deserve, we cannot forget the neediest of our veterans—the homeless veterans. I hope my colleagues will join me in supporting these worthy programs.

Mr. CORNYN (for himself, Mr. LEAHY, Mr. FEINGOLD, and Mr. ALEXANDER):

S. 1181. A bill to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, on February 16, shortly before the President's Day recess, the Senator from Vermont and I introduced the OPEN Government Act of 2005 (S. 394)—bipartisan legislation to promote accountability, accessibility, and openness in government, principally by strengthening and enhancing the Federal law commonly known as the Freedom of Information Act. s

When I served as Attorney General of Texas, it was my responsibility to enforce Texas's open government laws. I am pleased to report that Texas is known for having one of the strongest sets of open government laws in our Nation. And since that experience, I have long believed that our Federal Government could use ''a little Texas sunshine.'' I am thus especially enthusiastic about the OPEN Government Act, because that legislation attempts to incorporate some of the most important principles and elements of Texas law into the Federal Freedom of Information Act. And I am gratified that Senators ALEXANDER, FEINGOLD, ISAKSON, and NELSON of Nebraska are cosponsors of the bipartisan Cornyn-Leahy bill.

This legislation enjoys broad support across the ideological spectrum. Indeed, since its introduction on February 16, the legislation has attracted additional support. In particular, I am pleased to report the endorsements of three conservative public interest groups—one devoted to the defense of property rights, Defenders of Property Rights, led by Nancie G. Marzulla, one devoted to the issue of racial preferences in affirmative action programs, One Nation Indivisible, led by Linda Chavez, and one devoted to the protection of religious liberty, Liberty Legal Institute, led by Kelly Shackelford. I ask unanimous consent that their endorsement letters be printed in the RECORD at the close of my remarks. The point of including these letters in the RECORD, of course, is not that these groups are right or wrong in the pursuit of their respective causes, but that the cause of open government is neither a Republican nor a Democrat issue—neither a conservative nor a liberal issue—rather, it is an American issue.

I would like to take a few moments to emphasize one particular provision of the Cornyn-Leahy bill—section 8. It is a common sense provision. This provision should not be at all controversial, and indeed, I am not aware of any opposition whatsoever to it. The provision would simply help to ensure an open and deliberate process in Congress, by providing that any future legislation to establish a new exemption to the Federal Freedom of Information Act must be stated explicitly within the text of the bill. Specifically, any future attempt to create a new so-called ''(b)(3) exemption'' to the Federal FOIA law must specifically cite section (b)(3) of FOIA if it is to take effect. The justification for this provision is simple: Congress should not establish new secrecy provisions through secret means. If Congress is to establish a new exemption to FOIA, it should do so in the open and in the light of day.

A recent news report published by the Cox News Service amply demonstrates the importance of this issue, and specifically emphasizes the need for section 8 of the Cornyn-Leahy bill. I ask unanimous consent that a copy of this news report be printed at the close of my remarks.

Senator LEAHY and I firmly believe that all of the provisions of the OPEN Government Act are important—and that, as the recent Cox News Service report demonstrates, section 8 in particular is a worthy provision that can and should be quickly enacted into law. We note that July 4 is the anniversary of the 1966 enactment of the original Federal Freedom of Information Act. Accordingly, we plan to devote our efforts this month to getting section 8 approved by Congress and submitted to the President for his signature by that anniversary date.

Toward that end, we rise today to introduce separate legislation to enact section 8 of the OPEN Government Act into law. We ask our colleagues in this chamber to support this measure, first in the Senate Judiciary Committee, and then on the floor of the United States Senate. And we look forward to working with our colleagues in the House—including Representative LAMAR SMITH, the lead sponsor of the OPEN Government Act in the House, H.R. 867, as well as Chairman TOM DAVIS, who leads the House Committee on Government Reform, and Chairman TODD PLATTS, who leads the House Government Reform subcommittee that recently held a hearing to review the Federal FOIA law.

Section 8 of the Cornyn-Leahy bill is a common-sense, uncontroversial provision that deserves the support of every member of Congress. It simply provides that, when Congress enacts legislation—specifically, legislation to exempt certain documents from disclosure under FOIA—it do so in the open. After all, if documents are to be kept secret by an act of Congress, we should at least make sure that that very act of Congress itself not be undertaken in secret.

A Senate Judiciary subcommittee held a hearing on the OPEN Government Act on March 15. I hope that at least section 8 of the legislation can be enacted into law quickly, and that Congress will then move to consider the other important provisions of the bill.

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

MAY 25, 2005.

Hon. JOHN CORNYN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: On behalf of the Defenders of Property Rights, I would like to commend you on your introduction of the Openness Promotes Effectiveness in our National Government Act of 2005 (OPEN Government Act). With this legislation, Americans can have confidence that their government is operating honestly and efficiently.

This proposed bill would be invaluable in aiding our quest to protect the private property rights of all Americans. The bill is beneficial for property rights plaintiffs—it puts teeth into the requirement that the government timely respond to requests while still protecting private property rights. For instance, under the bill, if an agency does not respond within the required 20 days, the agency may not assert any exemption under subsection (b) of the bill unless disclosure would endanger national security, ''disclose personal private information protected by section 552a or proprietary information,'' or would otherwise be prohibited by law. The bill also provides for better review of agencies' responses to FOIA requests and for disciplinary actions for arbitrary and capricious rejections of requests. If passed, this bill would surely help private property owners obtain faster access to information regarding actions that have taken their property—and provide better enforcement if they do not.

Your bill has our full and enthusiastic endorsement. We thank you for your steadfast commitment to liberty, open government, and constitutionally guaranteed property rights.

Yours truly,

NANCIE G. MARZULLA,
President.

ONE NATION INDIVISIBLE,
May 19, 2005.

Senator JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I am writing to tell you that One Nation Indivisible supports the OPEN Government Act of 2005. Good luck with its passage.

Sincerely,

Linda Chavez.

LIBERTY LEGAL INSTITUTE,
June 1, 2005.

Re: ''OPEN Government Act'' bill

Hon. JOHN CORNYN,
U.S. Senate, Washington, DC.

DEAR SENATOR CORNYN: We are fully on board with your efforts on Freedom of Information Act improvements. The government should be open to its people. This is a core requirement in any free society.

FOIA currently has little enforcement capability and was also hurt by the wrongly decided Buckhannon decision. Citizens deserve the protection of FOIA and the changes you are proposing.

Please put us on your endorsement list for the ''OPEN Government Act'' bill. In fact, we strongly believe the Buckhannon error needs to be corrected for all §1983 cases.

Last, even more abusive recently is the abuse of Rule 68 to threaten and intimidate citizens already victimized once by government officials. The idea that civil rights victims, who win their suit (usually for just nominal damages), may have to pay the government's costs is obscene and a complete violation of Congressional intent. I hope we can fix this as well.

Thank you for your service to all Texans.

Sincerely,

KELLY SHACKELFORD,
Chief Counsel, Liberty Legal Institute.

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

[From the Cox News Service, June 3, 2005]

CONGRESS CLOAKS MORE INFORMATION IN SECRECY

(By Rebecca Carr)

WASHINGTON.—Few would argue with the need for a national livestock identification system to help the federal government handle a disease outbreak such as mad cow.

But pending legislation calling for the nation's first electronic livestock tracking system would prohibit the public from finding out anything about animals in the system, including the history of a cow sick with bovine spongiform encephalopathy.

The only way the public can find out such details is if the secretary of agriculture makes the information public.

That's because the legislation, sponsored by Rep. Collin C. Peterson, D-Minn., includes a provision that exempts information about the system from being released under the Freedom of Information Act.

Formally called the ''third exemption,'' it is one of nine exemptions the government can use to deny the release of information requested under the FOI Act.

Open government advocates say it is the most troubling of the nine exemptions because it allows Congress to cloak vital information in secrecy through legislation, often without a public hearing or debate. They say Congress frequently invokes the exemption to appease private sector businesses, which argue it is necessary to protect proprietary information.

''It is an easy way to slap a secrecy stamp on the information,'' said Rick Blum, director of openthegovernment.org, a coalition of more than 30 groups concerned about government secrecy.

The legislative intent of Congress is far more difficult to challenge than a federal agency's denial for the release of information, said Kevin M. Goldberg, general counsel to the American Society of Newspaper Editors.

''This secrecy is often perpetuated in secret as most of the (third exemption) provisions consist of one or two paragraph tucked into a much larger bill with no notice that the Freedom of Information Act will be affected at all,'' Goldberg said.

There are at least 140 cases where congressional lawmakers have inserted such exemptions, according to a 2003 Justice Department report.

The report notes that Congress has been ''increasingly active in enacting such statutory provisions.''

The exemptions have become so popular that finding them in proposed legislation is ''like playing a game of Wackamole,'' one staffer to Sen. Patrick Leahy, D-Vt., joked. ''As soon as you handle one, another one pops up.''

Congress used the exemption in its massive Homeland Security Act three years ago, granting businesses protection from information disclosure if they agreed to share information about the vulnerabilities of their facilities.

And in another twist on the exemption, Congress inserted a provision into the Consolidated Appropriations Act of 2004 that states that ''no funds appropriated under this or any other act may be used to disclose'' records about firearms tracking to the public.

Government agencies have also sought protection from information disclosure.

For example, Congress passed an amendment to the National Security Act in 1984 that exempted the CIA from having to comply with the search and review requirements of the FOI Act for its ''operational files.''

Most of the information in those files, which included records about foreign and counterintelligence operations was already protected from disclosure under the other exemptions in the FOI Act.

But before Congress granted the exemption, the agency had to search and review each document to justify withholding the information, which cost time and money.

Open government advocates say many of the exemptions inserted into legislation are not justified.

''This is back door secrecy,'' said Thomas Blanton, executive director of the National Security Archive at George Washington University, a nonprofit research institute based in Washington.

When an industry wants to keep information secret, it seeks the so-called third exemption, he said.

''It all takes place behind the sausage grinder,'' Blanton said. ''You don't know what gristle is going through the sport, you just have to eat it.''

But Daniel J. Metcalfe, co-director of the Justice Department's Office of Information and Privacy, said the exception is crucial to the FOI Act's structure.

In the case of the animal identification bill, the exemption is critical to winning support from the cattle industry and on Capitol Hill.

''If we are going to develop an animal ID system that's effective and meaningful, we have to respect participants' private information,'' said Peterson, the Minnesota lawmaker who proposed the identification system. ''The goal of a national animal I.D. system is to protect livestock owners as well as the public.''

As the livestock industry sees it, it is providing information that will help protect the public health. In exchange for proprietary information about their herds, they believe they should receive confidence that their business records will not be shared with the public.

''The producers would be reluctant to support the bill without the protection,'' said Bryan Dierlam, executive director of government affairs at the National Cattleman's Beef Association.

The animal identification on bill provides the government with the information it needs to protect the public in the event of an disease out break, Dierlam said. ''But it would protect the producers from John Q. Public trying to willy-nilly access their information.''

Food safety experts agree there is a clear need for an animal identification system to protect the public, but they are not certain that the exemption to the FOI Act is necessary.

''It's sad that Congress feels they have to give away something to the cattle industry to achieve it,'' said Caroline Smith DeWaal, director of the food safety program at the Center for Science in the Public Interest, a nonprofit organization based in Washington.

Slipping the exemption into legislation without notice is another problem cited by open government advocates!.

It has become such a problem that the Senate's strongest FOI Act supporters, Sen.

John Cornyn, R-Texas, and Sen. Patrick Leahy, D-Vt., proposed that lawmakers be required to uniformly identify the exemption in all future bills.

''If Congress wants to create new exemptions, it must do so in the light of day,'' Cornyn said. ''And it must do so in a way that provides an opportunity to argue for or against the new exemption—rather than have new exemptions creep into the law unnoticed.''

Leahy agreed, saying that Congress must be diligent in reviewing new exemptions to prevent possible abuses.

''In Washington, loopholes tend to beget more loopholes, and it's the same with FOI Act exemptions,'' Leahy said. ''Focusing more sunshine on this process is an antidote to exemption creep.''

Mr. LEAHY. For the third time this year, Senator CORNYN and I have joined to introduce common sense proposals to strengthen open government and the Freedom of Information Act, or FOIA. The Senator from Texas has a long record of promoting open government, most significantly during his tenure as Attorney General of Texas. He and I have forged a valuable partnership in this Congress to support and strengthen FOIA. We introduced two bills earlier this year, and held a hearing on our bill, the Open Government Act, issues during Sunshine Week in March.

The bill we introduce today is simple and straightforward. It simply requires that when Congress sees fit to provide a statutory exemption to FOIA, it must state its intention to do so explicitly. The language of this bill was previously introduced as section eight of S. 394, the Open Government Act.

No one argues with the notion that some government information is appropriately kept from public view. FOIA contains a number of exemptions for national security, law enforcement, confidential business information, personal privacy, and other matters. One provision of FOIA, commonly known as the (b)(3) exemption, states that records that are specifically exempted by statute may be withheld from disclosure. Many bills that are introduced contain statutory exemptions, or contain language that is ambiguous and might be interpreted as such by the courts. In recent years, we have seen more and more such exemptions offered in legislation. A 2003 Justice Department report stated that Congress has been ''increasingly active in enacting such statutory provisions.'' A June 3, 2005, article by the Cox News Service titled, ''Congress Cloaks More Information in Secrecy,'' pointed to 140 instances ''where congressional lawmakers have inserted such exemptions'' into proposed legislation. I commend this article to my colleagues and understand that Senator CORNYN has placed a copy in the RECORD.

Our shared principles of open government lead us to believe that individual statutory exemptions should be vigorously debated before lawmakers vote in favor of them. Sometimes such proposed exemptions are clearly delineated in proposed legislation, but other times they amount to a few lines within a highly complex and lengthy bill. These are difficult to locate and analyze in a timely manner, even for those of us who stand watch. As a result, such exemptions are often enacted with little scrutiny, and as soon as one is granted, others are requested.

The private sector has sought many exemptions in exchange for agreeing to share information with the government. One example of great concern to me is the statutory exemption for critical infrastructure information that was enacted as part of the Homeland Security Act of 2002, the law that created the Department of Homeland Security. In this case, a reasonable compromise, approved by the White House, to balance the protection of sensitive information with the public's right to know was pulled out of the bill in conference. It was then replaced with text providing an overly broad statutory exemption that undermines Federal and State sunshine laws. I have introduced legislation, called the Restoration of Freedom of Information Act, to revert to that reasonable compromise language.

Not every statutory exemption is inappropriate, but every proposal deserves scrutiny. Congress must be diligent in reviewing new exemptions to prevent possible abuses. Focusing more sunshine on this process is an antidote to exemption creep.

When we introduced the Open Government Act in February, we addressed this matter with a provision that would require Congress to identify proposed statutory exemptions in newly introduced legislation in a uniform manner. Today, we introduce that single section as a new bill that we hope can be enacted quickly.

I want to thank the Senator from Texas for his personal dedication to these issues. I urge all members of the Senate to join us in supporting this bill.

By Mr. CRAIG:

S. 1182. A bill to amend title 38, United States Code, to improve health care for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I seek recognition today to introduce legislation that will expand the services available to our Nation's veterans and their dependents, and improve the ability of the Department of Veterans Affairs (VA) to provide health care services to this same group of deserving Americans. I take a few moments now to explain the provisions of this legislation.

First, the bill would, in section 2, exempt veterans enrolled for VA care from all copayments for hospice care services provided by VA. Over the past several years, VA has greatly expanded its efforts to provide compassionate end-of-life care for our Nation's heroes. Last year, Congress made efforts to ensure that the surviving spouses and children would not receive bills for such services following the deaths of such veterans who were in the hospice program. Unfortunately, last year's legislation did not go far enough, and today some veterans' families are still paying for this care. This provision would end that practice in all hospice care settings.

Section 3 of the bill would exempt former Prisoners of War from copayments that are applicable to care in a VA extended care facility. Congress has already exempted this deserving group of veterans from other VA medical copayments, and this provision would complete the range of services available to these veterans free of charge. In addition, this section bill would remove the requirement that VA maintain the exact number of nursing home care beds in VA facilities as it had during fiscal year 1998. Now before some suggest that I am advocating the reduction in services available to veterans, I'd like to explain how the current requirement came about and why I believe it should be reconsidered.

The requirement that VA maintain a specified level of nursing home beds was inserted into the law in 1999 when Congress enacted legislation to expand options for non-institutional, long-term care services available to veterans. At that time, some felt that by growing the non-institutional care program, VA would seek simply to shut all of its institutional care capacity. So in a compromise, Congress decided that fiscal year 1998 would be the year against which changes in the institutional care program would be measured. And then it required that VA maintain all of the beds it had in 1998.

Since 1998, VA has increased the number of veterans it treats by nearly 2 million. Yet, year after year, VA reports to Congress that it does not need to maintain the number of nursing home beds required by law. Does that mean VA is closing beds unnecessarily? No. It means VA has followed the progress of medicine and is offering tens-of-thousands of veterans non-institutional care services while keeping them at home rather than in VA nursing home beds. I do not believe that Congress should continue to mandate the maintenance of an arbitrarily-determined number of beds in a system that is trying to effectively use every dollar it can to provide real and needed services to our veterans. This provision reflects that belief.

The fourth section of the legislation, if enacted, would ensure that veterans who seek emergency medical services at the nearby community medical facilities are treated no differently financially than if the care had been provided at a VA medical facility. This is an important issue in the provision of quality health care for our veterans. VA has some evidence that veterans who need emergency services are bypassing local medical facilities, and are attempting to ''make it'' to a VA facility even in the face of an emergency, because of concerns that VA's reimbursement policies for non-VA provided

emergency care will result in the veteran paying more out-of-pocket costs. Clearly, that is not the kind of behavior Congress wants to encourage in our veterans. Nor is it good medicine. This provision would clarify once and for all that veterans will be treated equally regardless of where emergency care treatment is sought.

Section 5 of the bill would authorize VA to provide or pay for up to the first fourteen days of care for a newborn child of an enrolled female veteran who delivers her baby under VA provided, or VA financed, care. As most of my colleagues know, VA provides what it calls a ''comprehensive package of health benefits for eligible veterans.'' Unfortunately, for the increasing number of female veterans enrolling for VA care, the word ''comprehensive'' does not include coverage for a newborn's first few days of needed care. This type of arrangement is common in the private sector. In my judgment, this is an issue we must address to assure our female service members that, as more and more of them join the service and change the face of the American military, we will make certain that the face of VA changes right along with it.

Section 6 would allow private health care providers to recoup costs for care provided to children afflicted with spina bifida of Vietnam veterans—children who are, by law, entitled to VA-provided care—when the costs are not fully covered by VA reimbursements. This so-called ''balance billing'' authority would prohibit charging individual patients or veterans themselves. Only a beneficiary with private insurance could have his or her insurance cover charges not covered by VA. This provision is important because it will provide a financial incentive to many providers who, unfortunately in some cases today, are not willing to provide the very specialized services needed by these children because some costs are not reimbursed by VA at a sufficient rate.

Section 7 of this bill would increase the authorized level of funding for the Homeless Grant and Per Diem Program at the Department of Veterans Affairs. I know all of my colleagues would agree that any man or woman who served this country in uniform should not be among the unfortunate Americans who find themselves on the street without shelter. VA has made tremendous strides in this area by providing grant programs, health care services, mental health treatment, and other assistance to those veterans who do find themselves on the street. This provision would ensure that good programs remain on track for the foreseeable future.

The eighth section of this bill would authorize VA medical centers to employ Marriage and Family Therapists. I realize that to some of my colleagues this may sound as though VA is beginning to become a family health care system and not a veterans' health care system. I want to assure any who harbor such concerns that this is not the intention or the purpose of this proposed authority. Rather, this proposal seeks to recognize that for some veterans, the trauma and experiences of war may lead to troubles at home. Often in these situations, treatment as a family is more effective for the betterment of the veteran. Of course, preservation of the family is an extremely important byproduct of this treatment approach as well. I do not believe it is incompatible with the mission of treating our veterans to focus on their family well-being when it is appropriate. The military is offering many of these services already to those who are returning from overseas. These programs are receiving good reviews from those in the mental health and counseling professions. It seems only logical that we extend successful ideas from the military experience to our veterans.

Section 9 would provide pay equity for the national Director of VA's Nursing Service. Currently, this position is paid at a rate that is less than all of the other service chiefs at VA's Central Office. I believe correcting this inequity is not only a matter of fairness, but a long overdue recognition that VA's nursing service is just as important to the provision of health services for our veterans as the pharmacy service, the dental service, and other such services within VA.

Section 10 of this bill would allow VA to conduct cost-comparison studies within its health care system. Mr. President, such studies are invaluable tools for government to measure whether its current workforce has identified the most efficient and effective means of delivering services to our veterans, and value to the taxpayers. In my opinion, any organization that fails to measure its performance against others in the same field will quickly cease to be an effective organization. VA is—and it must continue to be—an effective and efficient health care provider. This small change in the law will provide one additional tool to ensure that is the case far into the future.

Section 11 of my legislation would focus on an area of great importance to many members of the Senate: The treatment of mental health issues for those returning from service in Operations Iraqi Freedom and Enduring Freedom. I know many of us have read reports that estimate that as many as 20 percent of those serving overseas will need some mental health care services to cope with the stress of serving in a war zone. First, I want to say to my colleagues that the Department of Veterans Affairs already has in place numerous programs and services to respond to the needs of those veterans seeking care for mental health issues. Still, as Chairman of the Veterans' Affairs Committee, I believe it is important that we assure our brave servicemen and women, and the American people, that we are not satisfied with merely maintaining VA's ability to provide mental health services. Rather, we must assure that VA continues to improve and expand the treatment options available.

This section of the bill would authorize $95 million in both fiscal years 2006 and 2007 to improve and expand the mental health services available to our Nation's veterans. The Secretary of Veterans Affairs would be required to devote specific resources to certain important areas of treatment including, but not limited to $5 million to expand the number of clinical teams devoted to the treatment of Post-Traumatic Stress Disorder; $50 million to expand the services available to diagnose and treat veterans with substance abuse problems; $10 million to expand telehealth capabilities in areas of the country where access to basic mental health services is nearly impossible; $1 million to improve educational programs available for primary care providers to learn more about diagnosing and treating veterans with mental illness; $20 million to expand the number of community-based outpatient clinics with mental health services; and $5 million to expand VA's Mental Health Intensive Case Management Teams.

I want to make it clear to my colleagues that I am taking this approach because I am concerned about the availability of these services as much as anyone in the Senate. But, I am also concerned about recent moves to ''micro-manage'' the VA health care system by requiring, for example, that certain percentages of VA's budget be spent on one service or another, or that every VA facility have some certain clinical service available. These approaches, while well-intentioned, run the risk of diverting important resources away from services that are extremely important to our veterans. My approach is to put Congress on record as expecting improvements and expansion in certain important programs, attaching a reasonable amount of money to those efforts, and then monitoring the progress closely from the Veterans' Committee.

Section 12 addresses a point of legal contention that has restricted the sharing of medical information between the Department of Defense and VA. As a result, record transfers for patients who would be VA patients are not arriving in VA hands as quickly and as seamlessly as they should. This provision would make clear that DoD and VA may exchange health records information for the purpose of providing health care to beneficiaries of one system who seek to quickly move to the other for services.

Section 13 of the bill would direct VA to expand the number VA employees dedicated to serving the Veterans Readjustment Counseling Service's Global War on Terrorism (GWOT) Outreach Program. The Committee on Veterans' Affairs held a hearing earlier this year at which two GWOT counselors testified on the numerous services their program provides to returning service

members, specifically Guardsmen and Reservists coming back from Iraq and Afghanistan. In many cases, these GWOT counselors are the first VA officials to welcome home our troops at the airport, provide them with their first briefing on VA benefits and services, and steer those in need to counseling services and health care centers. This is a creative, vibrant program with only 50 employees that is just now beginning to reach its peak effect on returning combat veterans. I believe VA should expand its efforts in this area to ensure we are reaching everyone we can.

Section 14 of this bill would require VA to expand the number of Vet Centers capable of providing tele-health services and counseling to veterans returning from combat. Currently there are 21 Vet Center facilities that maintain this capability. And while that is a laudable effort, I believe we can do better. Tele-medicine offers a tremendous opportunity to bring many health services, particularly mental health services, to veterans who reside in areas of the country where those services would not otherwise be available. Practitioners are showing great results with tele-health services for mental health treatment, and our veterans are getting the services they need, closer to home, in a more timely fashion. Expansion of such success only seems logical.

Finally, section 15 of this bill would require the Secretary of Veterans Affairs to submit a report on all of the mental health data maintained by VA, including the actual geographic locations of collection and whether all of these points of data should continue to be collected.

Over the next several weeks, the Committee on Veterans' Affairs will be taking testimony on this bill and other legislation introduced by Senators to improve the range of services and benefits available to our Nation's veterans. I look forward to working with my colleagues throughout the rest of this session of Congress on these and other important efforts.

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. 1182

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Health Care Act of 2005''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. COPAYMENT EXEMPTION FOR HOSPICE CARE.

Section 1710 is amended—

(1) in subsection (f)(1), by inserting ''(other than hospice care)'' after ''nursing home care''; and

(2) in subsection (g)(1), by inserting ''(other than hospice care)'' after ''medical services''.

SEC. 3. NURSING HOME BED LEVELS; EXEMPTION FROM EXTENDED CARE SERVICES COPAYMENTS FOR FORMER POWS.

Section 1710B is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and.

(3) in subsection (b)(2), as redesignated—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

''(B) to a veteran who is a former prisoner of war;''.

SEC. 4. REIMBURSEMENT FOR CERTAIN VETERANS' OUTSTANDING EMERGENCY TREATMENT EXPENSES.

(a) IN GENERAL.—Subchapter III of chapter 17 is amended by inserting after section 1725 the following:

''§ 1725A. Reimbursement for emergency treatment expenses for which certain veterans remain personally liable

''(a)(1) Subject to subsection (c), the Secretary may reimburse a veteran described in subsection (b) for expenses resulting from emergency treatment furnished to the veteran in a non-Department facility for which the veteran remains personally liable.

''(2) In any case in which reimbursement is authorized under subsection (a)(1), the Secretary, in the Secretary's discretion, may, in lieu of reimbursing the veteran, make payment—

''(A) to a hospital or other health care provider that furnished the treatment; or

''(B) to the person or organization that paid for such treatment on behalf of the veteran.

''(b) A veteran referred to in subsection (a) is an individual who—

''(1) is enrolled in the health care system established under section 1705(a) of this title;

''(2) received care under this chapter during the 24-month period preceding the furnishing of such emergency treatment;

''(3) is entitled to care or services under a health-plan contract that partially reimburses the cost of the veteran's emergency treatment;

''(4) is financially liable to the provider of emergency care treatment for costs not covered by the veteran's health-plan contract, including copayments and deductibles; and

''(5) is not eligible for reimbursement for medical care or services under section 1725 or 1728 of this title.

''(c)(1) Any amount paid by the Secretary under subsection (a) shall exclude the amount of any payment the veteran would have been required to make to the United States under this chapter if the veteran had received the emergency treatment from the Department.

''(2) The Secretary may not provide reimbursement under this section with respect to any item or service—

''(A) provided or for which payment has been made, or can reasonably be expected to be made, under the veteran's health-plan contract; or

''(B) for which payment has been made or can reasonably be expected to be made by a third party.

''(3)(A) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment shall, unless rejected and refunded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment.

''(B) The absence of a contract or agreement between the Secretary and the provider, any provision of a contract or agreement, or an assignment to the contrary shall not operate to modify, limit, or negate the requirement under subparagraph (A).

''(4) In accordance with regulations prescribed by the Secretary, the Secretary shall—

''(A) establish criteria for determining the amount of reimbursement (which may include a maximum amount) payable under this section; and

''(B) delineate the circumstances under which such payment may be made, including requirements for requesting reimbursement.

''(d)(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section if, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

''(2) Any amount paid by the United States to the veteran, the veteran's personal representative, successor, dependents, or survivors, or to any other person or organization paying for such treatment shall constitute a lien in favor of the United States against any recovery the payee subsequently receives from a third party for the same treatment.

''(3) Any amount paid by the United States to the provider that furnished the veteran's emergency treatment shall constitute a lien against any subsequent amount the provider receives from a third party for the same emergency treatment for which the United States made payment.

''(4) The veteran or the veteran's personal representative, successor, dependents, or survivors shall—

''(A) ensure that the Secretary is promptly notified of any payment received from any third party for emergency treatment furnished to the veteran;

''(B) immediately forward all documents relating to a payment described in subparagraph (A);

''(C) cooperate with the Secretary in an investigation of a payment described in subparagraph (A); and

''(D) assist the Secretary in enforcing the United States right to recover any payment made under subsection (c)(3).

''(e) The Secretary may waive recovery of a payment made to a veteran under this section that is otherwise required under subsection (d)(1) if the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

''(f) For purposes of this section—

''(1) the term 'health-plan contract' includes—

''(A) an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement, under which health services for individuals are provided or the expenses of such services are paid;

''(B) an insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of that Act (42 U.S.C. 1395j);

''(C) a State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.); and

''(D) a workers' compensation law or plan described in section 1729(A)(2)(B) of this title;

''(2) the term 'third party' means—

''(A) a Federal entity;

''(B) a State or political subdivision of a State;

''(C) an employer or an employer's insurance carrier; and

''(D) a person or entity obligated to provide, or pay the expenses of, such emergency treatment; and

''(3) the term 'emergency treatment' has the meaning given such term in section 1725 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1725 the following:

''Sec. 1725A. Reimbursement for emergency treatment expenses for which certain veterans remain personally liable.''.

SEC. 5. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE .

(a) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following:

''§ 1786. Care for newborn children of women veterans receiving maternity care

''The Secretary may furnish care to a newborn child of a woman veteran, who is receiving maternity care furnished by the Department, for not more than 14 days after the birth of the child if the veteran delivered the child in a Department facility or in another facility pursuant to a Department contract for the delivery services.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1785 the following:

''Sec. 1786. Care for newborn children of women veterans receiving maternity care.''.

SEC. 6. ENHANCEMENT OF PAYER PROVISIONS FOR HEALTH CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) HEALTH CARE FOR SPINA BIFIDA AND ASSOCIATED DISABILITIES.—Section 1803 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) If a payment made by the Secretary for health care under this section is less than the amount billed for such health care, the health care provider or agent of the health care provider may, in accordance with paragraphs (2) through (4), seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent would be eligible to receive payment for such health care from such third party.

''(2) The health care provider or agent may not impose any additional charge on the beneficiary who received the health care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(3) The total amount of payment a health care provider or agent may receive for health care furnished under this section may not exceed the amount billed to the Secretary.

''(4) The Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

(b) HEALTH CARE FOR BIRTH DEFECTS AND ASSOCIATED DISABILITIES.—Section 1813 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) If payment made by the Secretary for health care under this section is less than the amount billed for such health care, the health care provider or agent of the health care provider may, in accordance with paragraphs (2) through (4), seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent would be eligible to receive payment for such health care from such third party.

''(2) The health care provider or agent may not impose any additional charge on the beneficiary who received health care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(3) The total amount of payment a health care provider or agent may receive for health care furnished under this section may not exceed the amount billed to the Secretary; and

''(4) The Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

SEC. 7. IMPROVEMENTS TO HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM.

(a) PERMANENT AUTHORITY.—Section 2011 (a) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraph (2).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2013 is amended to read as follows:

''§ 2013. Authorization of appropriations

''There are authorized to be appropriated $130,000,000 for fiscal year 2006 and each subsequent fiscal year to carry out this subchapter.''.

SEC. 8. MARRIAGE AND FAMILY THERAPISTS.

(a) QUALIFICATIONS.—Section 7402(b) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

''(10) MARRIAGE AND FAMILY THERAPIST.—To be eligible to be appointed to a marriage and family therapist position, a person must—

''(A) hold a master's degree in marriage and family therapy, or a comparable degree in mental health, from a college or university approved by the Secretary; and

''(B) be licensed or certified to independently practice marriage and family therapy in a State, except that the Secretary may waive the requirement of licensure or certification for an individual marriage and family therapist for a reasonable period of time recommended by the Under Secretary for Health.''.

(b) REPORT ON MARRIAGE AND FAMILY THERAPY WORKLOAD.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Under Secretary for Health, Department of Veterans Affairs, shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the provisions of post-traumatic stress disorder treatment by marriage and family therapists.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the actual and projected workloads in facilities of the Veterans Readjustment Counseling Service and the Veterans Health Administration for the provision of marriage and family counseling for veterans diagnosed with, or otherwise in need of treatment for, post-traumatic stress disorder;

(B) the resources available and needed to support the workload projections described in subparagraph (A);

(C) an assessment by the Under Secretary for Health of the effectiveness of treatment by marriage and family therapists; and

(D) recommendations, if any, for improvements in the provision of such counseling treatment.

SEC. 9. PAY COMPARABILITY FOR CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES.

Section 7404 is amended—

(1) in subsection (d), by striking ''subchapter III'' and inserting ''paragraph (e), subchapter III,''; and

(2) by adding at the end the following:

''(e) The position of Chief Nursing Officer, Office of Nursing Services, shall be exempt from the provisions of section 7451 of this title and shall be paid at a rate not to exceed the maximum rate established for the Senior Executive Service under section 5382 of title 5 United States Code, as determined by the Secretary.''.

SEC. 10. REPEAL OF COST COMPARISON STUDIES PROHIBITION.

Section 8110(a) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

SEC. 11. IMPROVEMENTS AND EXPANSION OF MENTAL HEALTH SERVICES.

(a) IN GENERAL.—The Secretary of Veterans affairs shall—

(1) expand the number of clinical treatment teams principally dedicated to the treatment of post-traumatic stress disorder in medical facilities of the Department of Veterans Affairs;

(2) expand and improve the services available to diagnose and treat substance abuse;

(3) expand and improve tele-health initiatives to provide better access to mental health services in areas of the country in which the Secretary determines that a need for such services exist due to the distance of such locations from an appropriate facility of the Department of Veterans Affairs;

(4) improve education programs available to primary care delivery professionals and dedicate such programs to recognize, treat, and clinically manage veterans with mental health care needs;

(5) expand the delivery of mental health services in community-based outpatient clinics of the Department of Veterans Affairs in which such services are not available as of the date of enactment of this Act; and

(6) expand and improve the Mental Health Intensive Case Management Teams for the treatment and clinical case management of veterans with serious or chronic mental illness.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each of fiscal years 2006 and 2007, $95,000,000 to improve and expand the treatment services and options available to veterans in need of mental health treatment from the Department of Veterans Affairs, of which—

(1) $5,000,000 shall be allocated to carry out subsection (a)(1);

(2) $50,000,000 shall be allocated to carry out subsection (a)(2);

(3) $10,000,000 shall be allocated to carry out subsection (a)(3);

(4) $1,000,000 shall be allocated to carry out subsection (a)(4);

(5) $20,000,000 shall be allocated to carry out subsection (a)(5); and

(6) $5,000,000 shall be allocated to carry out subsection (a)(6).

SEC. 12. DATA SHARING IMPROVEMENTS.

Notwithstanding any other provision of law, the Department of Veterans Affairs and the Department of Defense may exchange protected health information for—

(1) patients receiving treatment from the Department of Veterans Affairs; or

(2) individuals who may receive treatment from the Department of Veterans Affairs in the future, including all current and former members of the Armed Services.

SEC. 13. EXPANSION OF NATIONAL GUARD OUTREACH PROGRAM.

(a) REQUIREMENT.—The Secretary of Veterans Affairs shall expand the total number

of personal employed by the Department of Veterans Affairs as part of the Readjustment Counseling Service's Global War on Terrorism Outreach Program (referred to in this section as the ''Program'').

(b) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate participation in the Program by appropriate employees of the Veterans Benefits Administration and the Veterans Health Administration.

(c) INFORMATION AND ASSESSMENTS.—The Secretary shall ensure that—

(1) all appropriate health, education, and benefits information is available to returning members of the National Guard; and

(2) proper assessments of the needs in each of these areas is made by the Department of Veterans Affairs.

(d) COLLABORATION.—The Secretary of Veterans Affairs shall collaborate with appropriate State National Guard officials and provide such officials with any assets or services of the Department of Veterans Affairs that the Secretary determines to be necessary to carry out the Global War on Terrorism Outreach Program.

SEC. 14. EXPANSION OF TELE-HEALTH SERVICES.

(a) IN GENERAL.—The Secretary shall increase the number of Veterans Readjustment Counseling Service facilities capable of providing health services and counseling through tele-health linkages with facilities of the Veterans Health Administration.

(b) PLAN.—The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan to implement the requirement under subsection (a), which shall describe the facilities that will have such capabilities at the end of each of fiscal years 2005, 2006, and 2007.

SEC. 15. MENTAL HEALTH DATA SOURCES REPORT.

(a) IN GENERAL.—Not less than 180 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit a report to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives describing the mental health data maintained by the Department of Veterans Affairs.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) a comprehensive list of the sources of all such data, including the geographic locations of facilities of the Department of Veterans Affairs maintaining such data;

(2) an assessment of the limitations or advantages to maintaining the current data configuration and locations; and

(3) any recommendations, if any, for improving the collection, use, and location of mental health data maintained by the Department of Veterans Affairs.

By Mr. WARNER (for himself, Mr. LIEBERMAN, Mr. ROBERTS, Ms. STABENOW, Mr. DURBIN, and Mr. ALLEN):

S. 1183. A bill to provide additional assistance to recipients of Federal Pell Grants who are pursuing programs of study in engineering, mathematics, science, or foreign languages; to the Committee on Health, Education, Labor, and Pensions.

Mr. WARNER. Mr. President, I rise today to introduce an important bill related to education and our national, homeland, and economic security. I am pleased to be joined in this bipartisan effort with Senators LIEBERMAN, ROBERTS, STABENOW, ALLEN, and DURBIN. I am grateful to each of them for working closely with me in crafting this legislation.

Our ability to remain ahead of the curve in scientific and technological advancements is a key component to ensuring America's national, homeland and economic security in the post 9/11 world of global terrorism. Yet alarmingly, the bottom line is that America faces a huge shortage of home-grown, highly trained scientific minds.

The situation America faces today is not unlike almost fifty years ago. On October 4, 1957, the Soviet Union successfully launched the first man-made satellite into space, Sputnik. The launch shocked America, as many of us had just assumed that we were preeminent in the scientific fields. While prior to that unforgettable day America enjoyed an air of post World War II invincibility, afterwards our nation recognized that there was a cost to its complacency. We had fallen behind.

In the months and years to follow, we would respond with massive investments in science, technology and engineering. In 1958, Congress passed the National Defense Education Act to stimulate advancement in science and math education. In addition, President Eisenhower signed into law legislation that established the National Aeronautics and Space Administration (NASA). And a few years later, in 1961, President Kennedy set the Nation's goal of landing a man on the moon within the decade.

These investments paid off. In the years following the Sputnik launch, America not only closed the scientific and technological gap with the Soviet Union, we surpassed them. Our renewed commitment to science and technology not only enabled us to safely land a man on the moon in 1969, it spurred research and development which helped ensure that our modern military has always had the best equipment and technology in the world. These post-Sputnik investments also laid the foundation for the creation of some of the most significant technologies of modern life, including personal computers and the Internet.

Why is any of this important to us today? Because as the old saying goes—he or she who fails to remember history is bound to repeat it.

The truth of the matter is that today, America's education system is coming up short in training the highly technical American minds that we now need and will continue to need far into the future.

The 2003 Program for International Student Assessment found that the math, problem solving, and science skills of fifteen year old students in the United States were below average when compared to their international counterparts in industrialized countries.

While slightly better news was presented by the recently released 2003 Trends in International Mathematics and Science Study (TIMSS), it is still nothing we should cheer about. TIMSS showed that eighth grade students in the U.S. had lower average math scores than fifteen other participating countries. U.S. science scores weren't much better.

Our colleges and universities are not immune to the waning achievement in math and science education. The National Science Foundation reports the percentage of bachelor degrees in science and engineering have been declining in the U.S. for nearly two decades. In fact, the proportion of college-age students earning degrees in math, science, and engineering was substantially higher in 16 countries in Asia and Europe than it was in the United States.

In the past, this country has been able to compensate for its shortfall in homegrown, highly trained, technical and scientific talent by importing the necessary brain power from foreign countries. However, with increased global competition, this is becoming harder and harder. More and more of our imported brain power is returning home to their native countries. And regrettably, as they return home, many American high tech jobs are being outsourced with them.

The effects of these educational trends are already being felt in various important ways. For example: according to the National Science Board, by 2010, if current trends continue, significantly less than 10 percent of all physical scientists and engineers in the world will be working in America. The American Physical Society reports that the proportion of articles by American authors in the Physical Review, one of the most important research journals in the world, has hit an all time low of 29 percent, down from 61 percent in 1983. And the U.S. production of patents, probably the most direct link between research and economic benefit, has declined steadily relative to the rest of the world for decades, and now stands at only 52 percent of the total.

Fortunately, we already have an existing Federal program up and running that, if modified, can help. Under current law, the $14 billion a year Pell Grant program awards recipients grants regardless of the course of study that the recipient chooses to pursue. So, under current law, two people from the same financial background are eligible for the same grant even though one chooses to major in the liberal arts while the other majors in engineering or science.

While I believe studying the liberal arts is an important component to having an enlightened citizenry, I also believe that given the unique challenges we are facing in this country, it is appropriate for us to add an incentive to the Pell Grant program to encourage individuals to pursue courses of study where graduates are needed to meet our national, homeland, and economic security needs.

That is why today I am introducing this legislation. The legislation is simple. It provides that at least every two

years, our Secretary of Education, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and others, should provide a list of courses of study where America needs home-grown talent to meet our national, homeland, and economic security needs. Those students who pursue courses of study in these programs will be rewarded with a doubling of their Pell Grant to help them with the costs associated with obtaining their education.

We in the Congress have an obligation when expending taxpayer money, to do so in a manner that meets our nation's needs. Our Nation desperately needs more highly trained domestic workers. That is an indisputable fact. And, in the Pell Grant program, we have approximately $14 billion that is readily available to help meet this demand.

In closing, our world is vastly different today than it was when the Pell Grant program was created in 1972. My legislation is a common-sense modification of the Pell Grant program that will help America meet its new challenges. I hope my colleagues will join me in this endeavor.

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. 1183

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 ''21st Century Federal Pell Grant Plus Act''.

SEC. 2. RECIPIENTS OF FEDERAL PELL GRANTS WHO ARE PURSUING PROGRAMS OF STUDY IN ENGINEERING, MATHEMATICS, SCIENCE, OR FOREIGN LANGUAGES.

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended by adding at the end the following:

''(C)(i) Notwithstanding subparagraph (A) and subject to clause (iii), in the case of a student who is eligible under this part and who is pursuing a degree with a major in, or a certificate or program of study relating to, engineering, mathematics, science (such as physics, chemistry, or computer science), or a foreign language, described in a list developed or updated under clause (ii), the amount of the Federal Pell Grant shall be the amount calculated for the student under subparagraph (A) for the academic year involved, multiplied by 2.

''(ii)(I) The Secretary, in consultation with the Secretary of Defense, the Secretary of the Department of Homeland Security, and the Director of the National Science Foundation, shall develop, update not less often than once every 2 years, and publish in the Federal Register, a list of engineering, mathematics, and science degrees, majors, certificates, or programs that if pursued by a student, may enable the student to receive the increased Federal Pell Grant amount under clause (i). In developing and updating the list the Secretaries and Director shall consider the following:

''(aa) The current engineering, mathematics, and science needs of the United States with respect to national security, homeland security, and economic security.

''(bb) Whether institutions of higher education in the United States are currently producing enough graduates with degrees to meet the national security, homeland security, and economic security needs of the United States.

''(cc) The future expected workforce needs of the United States required to help ensure the Nation's national security, homeland security, and economic security.

''(dd) Whether institutions of higher education in the United States are expected to produce enough graduates with degrees to meet the future national security, homeland security, and economic security needs of the United States.

''(II) The Secretary, in consultation with the Secretary of Defense, the Secretary of the Department of Homeland Security, and the Secretary of State, shall develop, update not less often than once every 2 years, and publish in the Federal Register, a list of foreign language degrees, majors, certificates, or programs that if pursued by a student, may enable the student to receive the increased Federal Pell Grant amount under clause (i). In developing and updating the list the Secretaries shall consider the following:

''(aa) The foreign language needs of the United States with respect to national security, homeland security, and economic security.

''(bb) Whether institutions of higher education in the United States are currently producing enough graduates with degrees to meet the national security, homeland security, and economic security needs of the United States.

''(cc) The future expected workforce needs of the United States required to help ensure the Nation's national security, homeland security, and economic security.

''(dd) Whether institutions of higher education in the United States are expected to produce enough graduates with degrees to meet the future national security, homeland security, and economic security needs of the United States.

''(iii) Each student who received an increased Federal Pell Grant amount under clause (i) to pursue a degree, major, certificate, or program described in a list published under subclause (I) or (II) of clause (ii) shall continue to be eligible for the increased Federal Pell Grant amount in subsequent academic years if the degree, major, certificate, or program, respectively, is subsequently removed from the list.

''(iv)(I) If a student who received an increased Federal Pell Grant amount under clause (i) changes the student's course of study to a degree, major, certificate, or program that is not included in a list described in clause (ii), then the Secretary shall reduce the amount of Federal Pell Grant assistance the student is eligible to receive under this section for subsequent academic years by an amount equal to the difference between the total amount the student received under this subparagraph and the total amount the student would have received under this section if this subparagraph had not been applied.

''(II) The Secretary shall reduce the amount of Federal Pell Grant assistance the student is eligible to receive in subsequent academic years by dividing the total amount to be reduced under subclause (I) for the student by the number of years the student received an increased Federal Pell Grant amount under clause (i), and deducting the result from the amount of Federal Pell Grant assistance the student is eligible to receive under this section for a number of subsequent academic years equal to the number of academic years the student received an increased Federal Pell Grant amount under clause (i).''.

By Mr. BIDEN:

S. 1184. A bill to waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, today I introduce a bill to remedy a small gap in our passport laws. The change that I propose could be important to family members of servicemembers who lose their lives in service of their country.

Under current law, the State Department may not charge a fee to issue a passport to relatives of a deceased member of the Armed Forces who are proceeding abroad to visit the grave of such a member. But the law as applied requires that the family be visiting an official gravesite overseas.

The law does not, however, allow the waiver of passport fees if the family is attending a funeral or memorial service for a servicemember killed in action, but who is buried or memorialized overseas. The need for such a waiver probably does not occur often, but it happens. Last year, a servicemember from my home State of Delaware was killed in action in Iraq. The servicemember was stationed in Germany and his wife was German. She wished for him to be buried in Germany. So all of his relatives in the United States needed to travel quickly, and many of them did not have passports. At a time of such grieving for a lost servicemember, the family of the fallen hero should not have to worry about paying passport fees, which can add up quickly for a family, Waiving the fee in such cases is the least that we can do.

I hope we can approve such a minor change in the law quickly. I urge my colleagues to support this bill.

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

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

S. 1184

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

SECTION 1. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (41 Stat. 750, chapter 223; 22 U.S.C. 214) is amended in the third sentence by striking ''or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member'' and inserting ''or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member''.

By Mr. DOMENICI (for himself, Mr. SCHUMER, Mr. COCHRAN, MR. ALLARD, and Mr. COLEMAN):

S. 1186. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a

deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today to introduce again legislation to eliminate one of the great inconsistencies in the Internal Revenue Code.

The bill I am introducing today with Senator SCHUMER is designed to restore some internal consistency to the tax code as it applies to art and artists. No one has ever said that the tax code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

The bill I am introducing today would address two areas where similarly situated taxpayers are not treated the same.

Internal inconsistency number one deals with the long-term capital gains tax treatment of investments in art and collectibles. If a person invests in stocks or bonds and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 15 percent. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent. Art for art's sake should not incur a higher tax rate simply for revenue's sake. That is a big impact on the pocketbook of the beholder.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and gallery owners. We have fabulous Native American rug weavers, potters and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E. L. Blumenshein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject. John Nieto, Wilson Hurley, Clark Hulings, Veryl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, and Dan Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques, and collectibles are a $12 to $20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between $500 million and one billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Similarly, Keynes was both a famous economist and a passionate devotee of painting. However, even artistically inclined economists have found it difficult to define art within the context of economic theory.

When asked to define jazz, Louis Armstrong replied: ''If you gotta ask, you ain't never going to know.'' A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus. Original art objects are, as a commodity group, characterized by a set of attributes: every unit of output is differentiated from every other unit of output; art works can be copied but not reproduced; and the cultural capital of the nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth, or as a source of speculative capital gain. A study by Keishiro Matsumoto, Samuel Andoh and James P. Hoban, Jr. assessed the risk-adjusted rates of return on art sold at Sotheby's during the 14-year period ending September 30, 1989. They concluded that art was a good investment in terms of average real rates of return. Several studies found that rates of return from the price appreciation on paintings, comic books, collectibles and modern prints usually made them very attractive long-term investments. Also, when William Goetzmann was at the Columbia Business School, he constructed an art index and concluded that painting price movements and stock market fluctuations are correlated.

I conclude that with art, as well as stocks, past performance is no guarantee of future returns, but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: ''Is there an 'efficient' art market?'' A well-known art dealer answered ''Definitely not. That's one of the things that makes the market so interesting.'' For everyone who has been watching world financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles? Art and collectibles are something you can appreciate even if the investment doesn't appreciate. Art is less volatile. If buoyant and not so buoyant bond prices drive you berserk and spiraling stock prices scare you, art may be the appropriate investment for you. Because art and collectibles are investments, the long-term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoity toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The Internet makes collecting big business, and flea market fanatics are avid collectors. In fact, people collect the darndest things. Books, duck decoys, chia pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, and guns are a few such ''collectibles.''

For most of these collections, capital gains isn't really an issue, but you never know. You may find that your collecting passion has created a tax predicament to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 15 percent.

Internal inconsistency number two deals with the charitable deduction for artists donating their work to a museum or other charitable cause. When someone is asked to make a charitable contribution to a museum or to a fund raising auction, it shouldn't matter whether that person is an artist or not. Under current law, however, it makes a big difference. As the law stands now, an artist/creator can only take a deduction equal to the cost of the art supplies. The bill I am introducing will allow a fair market deduction for the artist.

It's important to note that this bill includes certain safeguards to keep the artist from ''painting himself a tax deduction.'' This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation. As with other charitable contributions, it is limited to 50 percent of adjusted gross income (AGI). If it is also a capital gain, there is a 30 percent of AGI limit. I believe these safeguards bring fairness back into the code and protect the Treasury against any potential abuse.

I hope my colleagues will help me put this internal consistency into the Internal Revenue Code.

I ask unanimous consent that and 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. 1186

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 ''Art and Collectibles Capital Gains Tax Treatment Parity Act''.

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

''(4) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

''(A) section 1202 gain, over

''(B) the sum of—

''(i) the net short-term capital loss, and

''(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.

''(5) RESERVED.—.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, ARTISTIC, OR SCHOLARLY COMPOSITIONS.—

''(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

''(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

''(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

''(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

''(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

''(ii) the taxpayer—

''(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

''(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

''(iii) the donee is an organization described in subsection (b)(1)(A),

''(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

''(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

''(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

''(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

''(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

''(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

''(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

''(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

''(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

''(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

''(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

''(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

''(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mrs. BOXER (for herself and Mr. SCHUMER):

S. 1193. A bill to direct the Assistant Secretary of Homeland Security for the Transportation Security Administration to issue regulations requiring turbojet aircraft of air carriers to be equipped with missile defense systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am reintroducing the Commercial Airline Missile Defense Act. This legislation is designed to ensure that our commercial aircraft are protected against the threat posed by shoulder-fired missiles.

I first introduced this legislation in February 2003 in response to two separate attacks attributed to al Qaeda terrorists. The first attack was the attempted shoot down of a U.S. military aircraft in Saudi Arabia. The second attack was against an Israeli passenger jet in Kenya. Fortunately, there were no casualties in either case.

But make no mistake, the threat posed by these weapons—also known as man-portable air defense systems (MANPADS)—is very real. In May 2002, the FBI said, ''. . . Given al Qaeda's demonstrated objective to target the U.S. airline industry, its access to U.S. and Russian-made MANPAD systems, and recent apparent targeting of U.S.-led military forces in Saudi Arabia, law enforcement agencies in the United States should remain alert to the potential use of MANPADS against U. S. aircraft.''

In February 2004, the Director of the Defense Intelligence Agency, Admiral Lowell Jacoby, testified before the Senate Intelligence Committee on current and projected national security threats. He stated the following: ''A MANPAD attack against civilian aircraft would produce large number of casualties, international publicity and a significant economic impact on aviation. These systems are highly portable, easy to conceal, inexpensive, available in the global weapons market and instruction manuals are on the internet. Commercial aircraft are not equipped with countermeasures and commercial pilots are not trained in evasive measures. An attack could occur with little or no warning. Terrorists may attempt to capitalize on these vulnerabilities.''

It is estimated that there are between 300,000 and one million shoulder-fired missiles in the world today—thousands are thought to be in the hands of terrorist and other non-state entities.

Since I first introduced my legislation in 2003, progress has been made in adapting countermeasures now being used by the military for use on commercial aircraft. A special program office has been created within the Department of Homeland Security that is working to demonstrate and test two prototype countermeasure systems. Flight testing is scheduled to begin in a matter of weeks.

This legislation, which I am again introducing with my primary cosponsor, Senator SCHUMER, states that the installation of countermeasure systems on commercial aircraft will begin no later than 6 months after the Secretary of Homeland Security certifies that the countermeasure system has successfully completed a program of operational test and evaluation.

We need to continue to move forward to ensure that commercial aircraft are protected from the threat posed by shoulder-fired missiles. I appreciate the hard work of my colleague in the House, Congressman STEVE ISRAEL, who is a real leader on this issue.

I hope my colleagues will support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 161—HONORING THE LIFE OF ROBERT M. LA FOLLETTE, SR., ON THE SESQUICENTENNIAL OF HIS BIRTH

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 161

Whereas Robert M. La Follette, Sr., better known as ''Fighting Bob'' La Follette, was born 150 years ago, on June 14, 1855, in Primrose, Wisconsin;

Whereas Fighting Bob was elected to 3 terms in the United States House of Representatives, 3 terms as Governor of Wisconsin, and 4 terms as a United States Senator;

Whereas Fighting Bob founded the Progressive wing of the Republican Party;

Whereas Fighting Bob was a lifelong supporter of civil rights and women's suffrage, earning respect and support from such distinguished Americans as Frederick Douglass and Harriet Tubman Upton;

Whereas Fighting Bob helped to make the ''Wisconsin Idea'' a reality at the Federal and State level, instituting election reforms, environmental conservation, railroad rate regulation, increased education funding, and business regulation;

Whereas Fighting Bob was a principal advocate for the Seventeenth Amendment to the Constitution of the United States, which calls for the election of United States Senators by popular vote;

Whereas Fighting Bob delivered an historic speech, ''Free Speech in Wartime'', opposing the public persecution of those who sought to hold their Government accountable;

Whereas Fighting Bob played a key role in exposing the corruption during the Teapot Dome Scandal;

Whereas Fighting Bob and his wife, Belle Case La Follette, founded *La Follette's Weekly*, now renamed *The Progressive*, a monthly magazine for the Progressive community;

Whereas Fighting Bob ran for the presidency on the Progressive ticket in 1924, winning more than 17 percent of the popular vote;

Whereas the Library of Congress recognized Fighting Bob in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Robert M. La Follette, Sr., and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the United States Congress;

Whereas Fighting Bob was honored in 1929 with 1 of 2 statues representing the State of Wisconsin in National Statuary Hall in the United States Capitol;

Whereas Fighting Bob was chosen as 1 of ''Five Outstanding Senators'' by the Special Committee on the Senate Reception Room in 1957;

Whereas a portrait of Fighting Bob was unveiled in the Senate Reception Room in March 1959; and

Whereas Fighting Bob was revered by his supporters for his unwavering commitment to his ideals, and for his tenacious pursuit of a more just and accountable Government: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the sesquicentennial of the birth of Robert M. La Follette, Sr.;

(2) recognizes the important contributions of Robert M. La Follette, Sr., to the Progressive movement, the State of Wisconsin, and the United States of America; and

(3) directs that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of Robert M. La Follette, Sr., and the Wisconsin Historical Society.

Mr. FEINGOLD. Mr. President, I rise today to honor the extraordinary life of Robert M. La Follette Sr. Next week, on June 14th, people around my home State of Wisconsin will mark the 150th anniversary of La Follette's birth. Throughout his life, La Follette was revered for his tireless service to the people of Wisconsin and to the people of the United States. His dogged, full-steam-ahead approach to his life's work earned him the nickname ''Fighting Bob.''

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in 1879 and, after being admitted to the State bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the United States House of Representatives in 1884, and he served three terms as a member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my State as a judge. Upon his exit from Washington, DC, a reporter wrote, La Follette ''is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him.''

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the United States Senate, where he remained until his death in 1925.

As a founder of the national progressive movement, La Follette championed progressive causes as governor of Wisconsin and in the U.S. Congress. As governor, he advanced an agenda that included the country's first workers compensation system, direct election of United States Senators, and railroad rate and tax reforms. Collectively, these reforms would become known as the ''Wisconsin Idea.'' As governor, La Follette also supported cooperation between the State and the University of Wisconsin.

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, and opposing pork barrel legislation. La Follette also advocated electoral reforms, and he brought his support of the direct election of United States Senators to this body. His efforts were brought to fruition with the ratification of the Seventeenth Amendment in 1913. Fighting Bob also worked tirelessly to hold the government accountable, and was a key figure in exposing the Teapot Dome Scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said, ''We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!''

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for president, La Follette garnered more than 17 percent of the popular vote and carried the State of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of United States merchant ships in response to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only six Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the Lusitania. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, ''Free Speech in Wartime,'' on October 16, 1917. If you listen closely, you can almost hear his strong voice echoing through this chamber as he said: ''Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace.''

Of the expulsion petition filed against him, La Follette said:

> I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.
>
> If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty.''

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, DC, while serving Wisconsin in this body. His daughter noted, ''His passing was mysteriously peaceful for one who had stood so long on the battle line.'' Mourners visited the Wisconsin Capitol to view his body, and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert M. La Follette, Jr., was appointed to his father's seat, and went on to be elected in his own right and to serve in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering commitment to his ideals and for his service to the people of Wisconsin and of the United States.

Recently, I was proud to support Senate passage of a bill introduced in the other body by Congresswoman TAMMY BALDWIN that will name the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswomen BALDWIN for her efforts to pass this bill.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the United States Congress. In his autobiography, Fighting Bob noted that, as governor of Wisconsin, he ''made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the people. . . . Many of the university staff are now in state service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of government in this and other countries.'' He went on to call this service ''a model which the federal government and ultimately every state in the union will follow.'' Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across this magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the State of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's five-member Special Committee on the Senate Reception Room chose La Follette as one of the ''Five Outstanding Senators'' whose portraits would hang outside of this chamber in the Senate reception room, he was described as being a ''ceaseless battler for the underprivileged'' and a ''courageous independent.'' Today, his painting still hangs just outside this chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and government reforms he championed.

To honor Robert M. La Follette, Sr., on the sesquicentennial of his birth, today I am introducing three pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Senator KOHL. The first is a resolution celebrating this event and recognizing the importance of La Follette's important contributions to the Progressive movement, the State of Wisconsin, and the United States of America.

I am also introducing a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. The third bill that I am introducing today would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his State and to his country. I hope that my colleagues will support all three of these proposals.

Let us never forget Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to Progressive causes, and his unwillingness to waver from doing what he thought was right. The Senate has known no greater champion of the common man and woman, no greater enemy of corruption and cronyism, than ''Fighting Bob'' La Follette, and it is an honor to speak in the same chamber, and serve the same great State, as he did.

SENATE RESOLUTION 162—EXPRESSING THE SENSE OF THE SENATE CONCERNING GRISWOLD V. CONNECTICUT

Ms. SNOWE (for herself, Mr. OBAMA, Mr. CORZINE, Mrs. BOXER, Mrs. MURRAY, Mrs. CLINTON, Mr. HARKIN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. REID, Mr. FEINGOLD, and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 162

Whereas June 7, 2005, marks the 40th anniversary of the United States Supreme Court decision in *Griswold v. Connecticut* (1965) in which the Court recognized the constitutional right of married couples to use contraception—a right that the Court would extend to unmarried individuals within less than a decade;

Whereas the decision in *Griswold v. Connecticut* paved the way for widespread use of birth control among American women;

Whereas the Centers for Disease Control and Prevention recognized family planning in its published list of the ''Ten Great Public Health Achievements in the 20th Century'';

Whereas the typical woman in the United States wants only 2 children and therefore spends roughly 30 years of her life trying to prevent pregnancy;

Whereas birth control is a critical component of basic preventive health care for women and has been the driving force in reducing national rates of unintended pregnancy and the need for abortion;

Whereas the ability of women to control their fertility and avoid unintended pregnancy has led to dramatic declines in maternal and infant mortality rates and has improved maternal and infant health;

Whereas in 1965, there were 31.6 maternal deaths per 100,000 live births and in 2000 there were 9.8 maternal deaths per 100,000 live births;

Whereas in 1965, 24.7 infants under 1 year of age died per 1,000 live births and in 2003 this figure had declined to 7 infant deaths per 1,000 live births;

Whereas the ability of women to control their fertility has enabled them to achieve personal educational and professional goals critical to the economic success of the United States;

Whereas in 1965, 7 percent of women completed 4 or more years of college compared to 26 percent in 2004;

Whereas in 1965, women age 16 and over constituted 39 percent of the workforce compared to 59 percent in 2004;

Whereas publicly-funded family planning programs have increased the ability of women, regardless of economic status, to access birth control and experience the resulting health and economic benefits;

Whereas public investment in this most basic preventive health care is extremely cost effective—for every dollar spent on publicly funded family planning, $3 is saved in pregnancy-related and newborn care cost to the Medicaid program alone;

Whereas Congress had repeatedly recognized the importance of a women's ability to access contraceptives through support for Medicaid, title X of the Public Health Service Act, and the Federal Employee Health Benefits Program;

Whereas 40 years after the Griswold decision, many women still face challenges in accessing birth control and using it effectively;

Whereas the United States has one of the highest rates of unintended pregnancy among Western nations and each year, half of all pregnancies in the United States are unintended, and nearly half of those end in abortion;

Whereas teen pregnancy rates have dramatically declined, still, 78 percent of teen pregnancies are unintended and more than one-third of teen girls will become pregnant before age 20; and

Whereas publicly funded family planning clinics are the only source of healthcare for many uninsured and low-income women:

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) forty years ago the United States Supreme Court in *Griswold v. Connecticut* held that married people have a constitutional right to use contraceptives, a right that the Court would extend to unmarried individuals within less than a decade;

(2) the ability of women to control their fertility through birth control has vastly improved maternal and infant health, has reduced national rates of unintended pregnancy, and has allowed women the ability to achieve personal educational and professional goals critical to the economic success of the United States; and

(3) Congress should take further steps to ensure that all women have universal access to affordable contraception.

Ms. SNOWE. Mr. President, today we mark forty years since a momentous Supreme Court decision. It is difficult for many young Americans to imagine that in the not too distant past, the provision of contraceptives was illegal.

In the 1965 landmark decision of Griswold v. Connecticut, the Supreme Court recognized the right of married couples to obtain contraception and reproductive counseling. This was a watershed moment in public health—indeed such that the CDC has recognized that our subsequent progress in family planning constitutes one of the ten greatest public health achievements of the last century.

Women have faced great obstacles in family planning. While the average woman desires two children, with more than thirty years of fertility a woman's health and the welfare of her family is compromised without modern contraception.

We know that family planning has been practiced throughout history, but the methods used were certainly not always safe and effective. Today we take for granted both the access to modern contraceptives and the individual's right to make reproductive decisions. Among our noblest intentions is that every child is wanted, and that parents will have the resources to ensure their child's health and success. Following the Griswold decision, we have come far closer to that goal.

We certainly can see the results. The maternal death rate in the U.S. is only one third what is was back in 1965. The same is true for infant survival. The health outcomes are indisputable.

The lives of women have also been improved in so many ways. Four times more women are now college educated. This is so vital in an age where a more competitive world demands so much more of American families. It is essential that women can better themselves and ensure the security of their families.

As we commemorate the recognition by the Supreme Court that individuals have a right to that most basic part of life—the planning of their families—we recognize that there is still a great deal of progress to be made. Legal access does not equate to affordability. Certainly we must adequately fund Medicaid, title X, and other programs which provide family planning services. Such access reduces unwanted pregnancies, promotes the economic stability of families, and improves the health of both mother and child, yet we need to do more.

We simply must assure that access to contraceptives is equitable—that a lack of coverage by health plans does not place one of our most effective public health measures out of reach for millions of women. To achieve this aim, I will again introduce the Equity in Prescription Insurance and Contraceptive Act with Senator REID later this week. I invite my colleagues to join us in supporting this legislation to realize the full promise of Griswold v. Connecticut—healthier mothers, healthier children, and healthy, stable families.

Mr. OBAMA. Mr. President, today marks the 40th anniversary of the U.S. Supreme Court decision in Griswold v. Connecticut, which struck down Connecticut laws that prohibited reproductive counseling and the use of contraception. In recognizing a constitutional right to privacy, this landmark decision secured the right of married women to use contraception and laid the groundwork for widespread access to birth control for all American women.

The availability and use of contraceptives has had a profound impact on the health and lives of women across the Nation. Widespread use of birth control has led to dramatic reductions in national rates of sexually transmitted infections, unintended pregnancies, and abortion. Contraceptive use has also significantly improved maternal and infant health outcomes, and reduced maternal and infant mortality rates. Since 1965 maternal and infant mortality rates have declined by more than two-thirds.

The impact of contraception on the professional lives of women has been equally profound. The ability of women to control fertility has allowed them to successfully achieve educational and career goals that would've been impossible a century ago. Women are critical to this nation's economic success, comprising up to one half of the total U.S. labor force.

In 1999, the Centers for Disease Control and Prevention recognized the significant impact of birth control on American society and included family planning in their list of the ''Ten Great Public Health Achievements in the 20th Century.'' However, despite considerable progress in this area, much work remains. The United States has one of the highest rates of unintended pregnancies and sexually transmitted infections among industrialized nations, which in part reflects lack of access to basic preventive health care, including contraception.

A growing number of women—almost 17 million currently—must rely on publicly supported contraceptive care. Between 2000 and 2002, this number increased by 400,000 alone, because of the rising number of uninsured women. Yet, even those women with health insurance are not guaranteed access to contraceptives because some health plans choose not to cover these medications and procedures as they would other basic preventive health measures. And we are increasingly hearing about pharmacists and other providers who refuse to prescribe or fill contraceptive prescriptions, or refer women to those who will, because of their own personal beliefs.

This 40th anniversary of the Griswold decision provides a perfect opportunity to reflect upon the critical importance and impact of this decision on the health and professional lives of millions of women. We must ensure that policy decisions about contraception services remain health decisions and not political ones, and work to ensure that all women have access to contraception when they need it.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DEMINT. 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 Tuesday, June 7, 2005 at 9:30 a.m. in SD–106. The purpose of this hearing will be to review the Dominican Republic-Central America Free Trade Agreement: Potential Impacts on the Agriculture and Food Sectors.

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

COMMITTEE ON ARMED SERVICES

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 7, 2005, at 9:30 a.m., in open session to receive testimony on the Department of Defense Inspector General's Management Accountability Review of the Boeing KC–767A Tanker Program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 7, 2005, at 10 a.m., to conduct a hearing on ''International Monetary Fund Oversight.''

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

COMMITTEE ON FINANCE

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday June 7, 2005, at 10 a.m., to hear testimony on ''Preventing the Next Pension Collapse: Lessons from the United Airlines Case''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 7, 2005 at 10:30 a.m. to hold a hearing on Nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DEMINT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 7, 2005 at 2:30 p.m. to hold a hearing on China.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DEMINT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on June 7, 2005 at 2:30 p.m. to hold a mark-up.

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

SUBCOMMITTEE ON RETIREMENT SECURITY AND AGING

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Retirement Security and Aging, be authorized to hold a hearing during the session of the Senate on Tuesday, June 7, 2005 at 10 a.m. in SD–430.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

Mr. DEMINT. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Homeland Security and the subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a joint hearing on ''The Southern Border in Crisis: Resources and Strategies to Improve National Security'' on Tuesday, June 7, 2005 at 2:30 p.m. in Dirksen 226.

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

PRIVILEGES OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Carney, Megan Martin, and Charles Kane, interns on my Judiciary Committee staff, be granted floor privileges for the duration of today's proceedings.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Alabama, Mr. SESSIONS, and the Senator from Idaho, Mr. CRAPO.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: the Senator from Rhode Island, Mr. REED.

ORDERS FOR WEDNESDAY, JUNE 8, 2005

Mr. FRIST. I ask unanimous consent that when the Senate resumes the nomination at 10 a.m. tomorrow morning, the time from 10 to 11 be under the control of the majority leader or his designee, the time from 11 to noon be under the control of the Democratic leader or his designee, provided further that the time rotate in that order until the hour of 4 p.m. I further ask that the time from 4 to 4:10 be under the control of Senator LEAHY or his designee, from 4:10 to 4:20 reserved for Senator SPECTER or his designee, 4:20 to 4:40 for the Democratic leader, and 4:40 to 5 be reserved for the majority leader.

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

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 8. I further ask that, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then return to executive session and resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the nomination of Janice Rogers Brown to be a U.S. circuit judge for the DC Circuit. Earlier today, cloture was invoked by a vote of 65 to 32, and under an earlier agreement we will have an up-or-down vote at 5 p.m. tomorrow. Therefore, tomorrow we will continue with debate on the nomination as provided under the previous agreement. Following that vote, we will immediately proceed to the cloture vote on the nomination of William Pryor to be a U.S. circuit judge for the Eleventh Circuit. We will also consider additional nominations during this week, so Senators can expect votes each day until our executive business is finished.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from South Carolina for up to 10 minutes.

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

The Senator from South Carolina.

NOMINATION OF JANICE ROGERS BROWN

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the majority leader for allowing me to have this time. I acknowledge all his hard work to bring us to having votes. And that is true of the minority leader. The Senate is back in business and we are voting in the fashion of 214 years of our history and some good people are getting voted on. That is all we can ask or hope for.

I rise to speak on behalf of Justice Janice Rogers Brown. I intend to vote for her tomorrow when the vote is called. Being from the South, being from South Carolina, about to turn 50, I can say it is a long way from Greenville, AL, as a daughter of a sharecropper to the Supreme Court of California; an African-American female who grew up in the segregated South, daughter of a sharecropper in Greenville, AL, growing up, listening to stories from a grandmother about famous NAACP lawyer Fred Gray, who defended Martin Luther King and Rosa Parks.

It is a long way—and most of it is uphill. But she made it. And we ought to all be proud of the fact that someone such as Janice Rogers Brown has accomplished so much in her life. Not only did she go from Greenville, AL, to the Supreme Court of California, she served with distinction.

California has a unique system in the sense that the voters can decide whether they want to retain a judge. The last time she was up for retention vote in California she received 76 percent of the vote. We can talk about this as long as we would like, and apparently 30 hours is as long as we are going to talk about it. I find it hard to believe that someone could be out of the mainstream to the point they are a rightwing judicial fanatic and still get 76 percent of the vote in California. The last time I checked, it is not exactly the haven of rightwing people.

The reason she received 76 percent of the vote in California is because nobody made a big deal about her being a judge. The fact is, she decided a lot of cases with a variety of issues and a consistent manner that made it so that people who came before her did not feel the need to go out and try to get her beat. Only after the fact, only when she gets in this political whirlwind we are in now, where every Federal court nominee is getting attacked in a variety of different ways, mainly on the lines that you are out of the mainstream because you happen to be conservative, only then has she gotten to be a problem.

This is politics, pure and simple, because if it was about competency, if it was about professional qualifications, she would never have been on the Supreme Court in California to start with. She would not have stayed 7 or 8 years, and she would not have gotten 76 percent of the vote. To say otherwise defies common sense.

We are going to take a vote tomorrow. She is going to be confirmed to the Federal bench on the court of appeals. She is a good candidate for that position. Not only is the California Supreme Court a good training ground for such a position, her story as a person is a great reservoir for her to call upon.

The idea that she cannot relate to people who suffer and who have been dealt a difficult time is absurd given her life circumstance. She will be an ideal court of appeals judge because

she was a very solid supreme court justice.

Is she conservative? You better believe it. The last time I checked, that is not a disqualifier. As a matter of fact, I think that is exactly what the country needs right now. We need Federal judges who will interpret the law and not make it. The Federal judiciary has lost its way on many occasions. She will be part of the solution, not the problem.

For 25 years she has been a public servant. She has worked for the legal assistance folks in California doing things for people who are less fortunate. She has been an outstanding jurist. She is a smart lady. She graduated near the top of her class and has given back more than she has taken.

The road from Greenville, AL, to the Supreme Court of California now leads to the Federal bench. We all should be proud of the fact that someone like this has done so much for so many people. Instead of picking apart every word she said, we should celebrate her success because come tomorrow, she will be a Federal judge. The country will be better off for it. We will be a stronger nation having someone like her on the Federal bench.

I am very proud of what she has accomplished as a person. I am very supportive of her judicial tenure, her judicial reasoning. She will bring out the best in our Nation's legal system.

One final thought: Politicians live in a world of 50 plus 1. We think of the most awful things we can say about each other just to get these jobs and to hold on to them sometimes. More and more people are turned off by politics because it is 24/7, running each other down. I wish we could stop.

Let me tell you about the present Presiding Officer. He has the perfect demeanor, as far as I am concerned, about a political figure. The Presiding Officer has had many jobs, and he has carried himself well. But we are adrift in politics. We are trying to find who is the least bad among us. By the time we get through with each other, nobody wants to vote for anybody. That needs to be corrected. At least we volunteer for this. We go in it with our eyes wide open. If we continue to do to judges what we have embarked on for the last 15 or 20 years, we will do great damage to the judiciary.

This lady has been called a Neanderthal. She has been called some names you would not call your political opponent. There is a lot that has been said about Janice Rogers Brown that is over the top and is unfair. But she stuck it out and she will have her vote and she will win.

Let me state to all my colleagues on both sides of the aisle, whatever our Democrat friends have done, we are capable of doing the same on our side. If we do not slow down, take a deep breath and reassess what we are doing to judicial nominees, we will destroy the independence of the judiciary because it has become another form. If you have ever had a thought in your life and you have expressed it, it will be used against you in a political fashion, not a qualification fashion.

I hope we will learn from the past 15 or 20 years and declare a cease-fire on the judiciary. If you do not like people, vote against them. If they have bad character or bad ethics, bring it up and we will come together and deal with that. I hope we will stop declaring war on these people in such a personal fashion because the downside of this is good men and women of the future who would want to be judges are going to take a pass. Who in their right mind in the future is going to put their family and themselves through what these nominees have gone through? They do not have to. They have decided not to get in the political arena. They decided to devote themselves to the rule of law.

The difference between my business and the courtroom is the difference between very loud and very quiet. Pack your political agenda at the courthouse door, at the courthouse steps. The courtroom is a quiet place where you are judged based on what you do, not who you are. You do not have to pay in the American legal system because you have a big wallet. In the American political system, we hit the rich pretty routinely. In the American political system, the unpopular have zero chance because they do not poll well.

In a courtroom, we do not take any polls. We look at what you do, not where you came from, and we let your peers, the citizens of the community, decide your fate, with somebody presiding over the trial with no ax to grind. What a marvelous system.

The jury is not special interest groups. They are not out raising money. They do not get rewarded or punished. They leave when the case is over, and they get a few dollars for their time. And do you know what. It works marvelously well. And that person in a black robe is nobody's campaign manager. They are there to call the balls and the strikes. This has worked well for 214 years. And if we do not watch it, we are going to ruin it.

Hopefully, over the next coming weeks, we can get back to the traditions of the Senate, treat people with the courtesy they deserve, and if you do not think they will be a good judge, vote against them. I think that is your obligation. The name-calling needs to stop.

So come tomorrow, at 5 o'clock, Janice Rogers Brown is going to continue her journey from Greenville, AL, and she is going to wear the robe of a Federal court judge. I think that is something we all should celebrate.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:20 p.m., adjourned until Wednesday, June 8, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNITION OF TOP STUDENT HISTORIANS IN COLORADO HISTORY DAY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. TANCREDO. Mr. Speaker, today I would like to recognize Emily Haskins, a student at Powell Middle School in Littleton, Colorado. Emily created a museum-style exhibit entitled "Nazi Communication: Pompous Propaganda or Subtle Manipulation?" and qualified to compete at the National History Day competition by placing third in her category at the Colorado History Day State Contest, where she was one of 638 competitors.

Colorado History Day is the National History Day program affiliate for the state of Colorado. National History Day is a year-long education program that engages students in grades 6–12 in the process of discovery and interpretation of historical topics. Students produce dramatic performances, museum-style exhibits, multimedia documentaries, and research papers based on their own research related to a broad annual theme. Their projects are then evaluated in a series of local and state competitions, culminating in an annual national competition. Nationwide, more than 800,000 students are involved in the National History Day program. More than 4,000 Colorado students participate in History Day activities at the local level each year, and they represent every type of Colorado community, from the cities and suburbs of the Front Range, to rural plains towns and mountain communities. At the Colorado History Day State Competition on April 23, 2005, held at the University of Colorado at Boulder, 54 students qualified to represent Colorado at the National History Day competition June 12–16 at the University of Maryland, College Park.

This year's National History Day theme, "Communication in History: The Key to Understanding," encompasses endless possibilities for exploration. Students embark on journeys of discovery that teach them about various facets of world, national, regional, and local history as they produce their original research projects. By encouraging young Coloradoans to take advantage of the wealth of primary historical resources available to them, students gain a richer understanding of historical issues, ideas, people, and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, diaries, magazines, maps, artifacts, sound recordings, and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem-solving skills that will help them manage and use information, now and in the future. For more than twenty-five years the National History Day program has promoted systemic educational reform related to the teaching and learning of history in America's schools. The combination of creativity and scholarship built into the National History Day program anticipated current educational reforms, making National History Day a leading model of performance-based learning.

These impressive students represent educational excellence in America. Every student in Colorado should have the opportunity to participate in this enriching program.

These students' teachers also deserve our respect. They are fine examples of the best in the teaching profession. Their encouragement and dedication has encouraged these students to strive for excellence and be successful in their endeavors. For this reason, I would also like to recognize Emily's teacher, Denise Shaw-Paswaters.

HONORING BUSINESS FLOORING SPECIALISTS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the service and commitment of Business Flooring Specialists which was recently honored as the number 45 "Fastest-Growing New Business in America" by Entrepreneur Magazine's Hot 100 list.

In 2002, relying on a combined 45 years of experience and knowledge, President Jeff Bennett and Vice President Dale Walton established a successful company that specializes in professional floor covering and installation. Despite its rapid growth and new-found success, Bennett and Walton still personally oversee every project to guarantee that each project is done efficiently and with great detail. Just 3 years later, with the effort and loyalty the two founders have instilled, Business Flooring Specialists has become one of the premier flooring companies in North-Central Texas.

As their Congressman, I am honored to represent a company and group of individuals that are so strongly committed to instilling a tough work ethic and satisfying its customers. I congratulate Business Flooring Specialists for its dedication and wish them continued success.

RECOGNIZING JEFFREY "JEFF" MARKHAM OF LAKEPORT, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Captain Jeffrey "Jeff" Markham of Lakeport, California as he retires from the Lake County Sheriff's Department after serving and protecting our community for the past 35 years.

Captain Markham has been an indispensable member of the Lake County law enforcement team. Since 1969, he has wholeheartedly committed himself to our community, working selflessly and relentlessly towards bettering the lives of Lake County citizens. Whether out patrolling the streets or supervising the office, Jeff has worked day and night to protect Lake County.

A highly respected and revered man, Captain Markham has held many other important positions throughout the county and state including law enforcement liaison between the Lake County Board of Supervisors and the Lake County Sheriff. In addition to his responsibilities in Lake County he has served as the State of California Narcotics Agent for 18 Northern California counties.

Mr. Speaker, when not in uniform, Captain Markham is very active throughout the community. While President of the local Little League he helped lead the development of a new baseball field. He has served as Head Cub Master for local Cub Scouts. For eight years he served on the Konocti Unified School District Board of Trustees and taught police science at Yuba College's Lake County campus in Clearlake. He has been a member of various organizations including the Rotary Club, Kiwanis Club, Elks Lodge, and the Old Car Club.

A native Californian, Captain Markham graduated with a Bachelor of Arts from California State University at San Jose. He then earned his Master's in public Administration from the University of Southern California and later attended the FBI National Academy. Jeff and his wife Jeanne have two sons, David who also lives in Lakeport and Stephen who resides in nearby Clearlake where he is the Vice Mayor. Jeff and Jeanne are also the proud grandparents of six.

Mr. Speaker and colleagues, it is appropriate that we honor and thank Captain Jeffrey Markham for his years of devotion to public service and extend our best wishes to him as he retires.

HONORING JUDY GOFF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraodinary career and achievements of Judy Goff of Alameda, California. Judy has been a dynamic and innovative leader in the labor community for more than 30 years, and today receives the Central Labor Council (CLC) of Alameda County, AFL–CIO's Lifetime Achievement Award as Unionist of the Year.

Judy is currently the Executive Secretary Treasurer Emeritus of the CLC of Alameda County, AFL–CIO, representing 135 unions and over 126,000 working families. She is known not only for her historic policy reforms in favor of immigrants' and workers' rights, but

has also made a tremendous impact within and outside of the labor community as the first woman in California's history to hold many of the executive positions in which she has served held throughout her career.

Judy is a graduate of Holy Names College in Oakland, where she earned a degree in psychology. She is a former Alameda County social worker, and has worked with the General Assistance Program, providing assistance to single adults with substance dependency problems, and also with the Children's Protective Services Program.

Judy's labor career began when she joined the Service Employees International Union (SEIU) Local 535 in 1972. She first ran for union office in 1973, becoming a member of the Alameda County Chapter Executive Board, a Delegate to the statewide Executive Board, and a Delegate to the Central Labor Council of Alameda County.

In 1976, Judy made history by becoming the first woman elected as statewide president of SEIU Local 535. In that capacity she worked tirelessly to defend the rights of those in need, testifying before Congress as well as the California State Legislature on welfare reform, and advocating for increases in funding for programs that served youth, the disabled, and older adults.

In another historic moment, Judy was elected as president of the Central Labor Council of Alameda County, AFL–CIO in 1983, making her the first woman to serve in that position within any major labor council in California history. Under her leadership, the CLC introduced a resolution to the national AFL–CIO calling for major policy reforms on immigration and workers' rights. Additionally, as part of the Labor Immigrant Organizing Network, she worked to bring together union organizers and community groups to advocate for immigrant rights. During her tenure, the Central Labor Council was also successful in working to pass living wage ordinances in the cities of Berkeley, Oakland and Hayward, as well as at the Port of Oakland.

During the past three decades, Judy's leadership on labor issues has also expanded to include a number of academic and community organizations. She is a member of the California State Assembly Speaker's Commission on Labor Education, and serves as a member of various labor-related advisory committees at San Francisco State University, Laney College and U.C. Berkeley. Judy serves on the board of the Bay Area Economic Forum and the steering committee of the Bay Dredging Action Coalition, and is a member of the Coalition on Labor Union Women AFL–CIO.

On June 10, 2005, friends and members of the labor community will gather to honor the contributions that Judy Goff has made to the circumstances of working people in Alameda County and throughout the State of California. Throughout the past three decades, Judy's work has consistently served to support workers' rights, diversity, fairness, and economic and social justice. The result has not only been a consistent improvement in the lives of working people in Alameda County, but an improvement in the quality of life for all people throughout the Easy Bay. On behalf of the 9th Congressional District, I salute Judy Goff for her immeasurable contributions to our community, and thank her for fighting to protect the rights of workers of generations past, present and future.

TRIBUTE TO MOTHER ODESSA BONNER—USHER OF THE YEAR

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today in honor of Mother Odessa Bonner who received the Life Time Achievement Award on June 5, 2005 at the Saint Paul's Calvary United Church of God's Joint Usher Board's 36th Annual Day.

Mother Bonner has been a dedicated member of Saint Paul's Calvary United Church of God's Usher Board for over 30 years. Her willingness to lend a helping hand has made it easy for the Usher Board to declare her 2005's Usher of the Year. She has devoted herself to assisting those in need through her outreach work at community food banks, various shelters and soup kitchens throughout Union and Essex counties.

Mr. Speaker, I invite my colleagues here in the US House of Representatives to join me in honoring Mother Odessa Bonner as she accepts the Life Time Achievement Award as Usher of the Year. I am proud to have had her in my Congressional district and wish her never-ending success in her future endeavors.

STATEMENT REGARDING THE DEATH OF CHARLIE BOINEAU

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. WILSON of South Carolina. Mr. Speaker, Roxanne, our sons, and I are deeply saddened to learn of the death on June 1st of Charlie Boineau, who has been a lifetime hero to us for his courage to pioneer the development of the two party system in South Carolina,'' said Wilson.

''One of the most meaningful events of my life was to visit the State House for the first time in August 1961 to witness Charlie's swearing in as a member of the S.C. House of Representatives. After winning a special election countywide in Richland County, he became the first Republican of the twentieth century to be elected to the General Assembly, an accomplishment that paved the way for the current Republican legislative and Federal majorities in South Carolina.

''I was always grateful to recognize Charlie as a trailblazer of the Republican Revolution, and I will always be proud he was my third cousin. We were both proud of our French Huguenot heritage.

''Charlie Boineau will always be remembered as a political leader, Rotarian, and Chamber official who made a difference for the people of South Carolina.

''Our family extends its deepest sympathy to Betsy, Bonnie, Fred, and the granddaughters.

Mr. Speaker, I would like to submit the following obituary is from The State newspaper of Columbia, South Carolina, of June 3, 2005.

CHARLES EVANS BOINEAU

COLUMBIA.—Services for Charles Evans Boineau will be held Saturday at 11 a.m. at Trinity Episcopal Cathedral, 1100 Sumter Street. The family will receive friends Friday 5–7 p.m. at 1829 Senate Street, Dunbar Funeral Home, Devine Street Chapel, is assisting the family.

Born in Columbia, Mr. Boineau was the son of the late Bessie T. and Charles Evans Boineau. He was a graduate of Camden High School and was a student at the Citadel in Charleston when World War II began. In 1942, he volunteered for the Naval Air corps and at the age of twenty, was a Navy fighter pilot in the South Pacific aboard the aircraft carrier Hornet (CV–12). He participated in carrier strikes against Luzon, Formosa, South China Sea, French Indochina and Okinawa.

After the war Mr. Boineau returned to Columbia and began working for Boineau's Allied Van Lines. He was affiliated for forty-three years with the moving company that was founded by his father in 1931. He became president of the company in 1971. He had been with the South Carolina Chamber of Commerce as Membership Ambassador since 1994.

Mr. Boineau was elected in 1961 as the first Republican to the South Carolina Legislature since Reconstruction. He was a charter member of St. Martin's-in-the-Fields Episcopal Church where he served on the Vestry and taught Sunday School. He served on the Board of Directors of the Columbia Rotary Club, where he was a member for fifty-five years, the Columbia Chamber of Commerce, The Columbia Navy League, The St. Martin's Foundation, and as vice-president of the Southeastern Warehouseman and Mover's Association. He was a former president of the South Carolina Mover's Association.

Mr. Boineau was awarded the Order of the Palmetto, the highest honor conferred by the State of South Carolina, by Governor James B. Edwards. He was a member of The South Carolina Republican Silver Elephant Club, and was Chairman of the Platform Committee of the party in 1962, and in 1964 was a delegate to the Republican National Convention. He was a lifelong member of American Legion Post No. 6 and was a member of the South Carolina Historical Society. He was a communicant of Trinity Episcopal Cathedral. He held memberships in Forest Lake Club, The Columbia Cotillion Club, The Trantella, The Flamenco and was a charter member of The Summit Club.

Mr. Boineau is survived by his wife, Betsy Boatwright Boineau; daughter and son-in-law, Bonnie and Fred Crawford; and granddaughters, Beverley and Mary Crawford and Jessica Bacon.

Memorials may be made to Carolina Children's Home, Trinity Cathedral Foundation or St. Martin's-in-the-Fields Foundation.

HONORING JERI RICE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. McDERMOTT. Mr. Speaker, I rise today to honor Jeri Rice, an acclaimed entrepreneur in Seattle who personifies the spirit, courage, and commitment to see peace in her ancestral homeland of Israel. Jeri Rice is a distinguished Citizen Diplomat.

The Israel Policy Forum has selected Jeri Rice as a 2005 ''Focus on the Future'' Honoree. It is a wise choice and speaks volumes about the profound and positive impact one person can make in our world.

Jeri Rice is fearless in tackling tough issues. I know that firsthand. With a self confidence rooted in faith and family, Jeri guides everyone she comes in contact with toward a path

of peace based on mutual respect and moderation. She willingly—and often—opens her home to promote peace in the Mideast. I've joined her personal peace process, and I can affirm that Jeri's involvement is a shining example of personal commitment and heroism.

Jeri's involvement in good and noble causes is well known and highly regarded in Seattle. Jeri is a founding member of the University of Washington Center for Women and Democracy. She is a strong advocate and community leader in many organizations, including: United Way; University of Washington Academic Medical Center; Harborview Medical Center; and, PONCHO. She serves on the board of the Cornish College of the Arts, and since 2000, Jeri has been involved with Steven Spielberg's Shoah Foundation. She is also a member of the International Women's Forum.

Jeri is a person of deep personal conviction and strong family bonds. Without hesitation she proudly proclaims her mother as her heroine. When asked who inspires her, Jeri quickly names her son. As to the world leader she most admires, Jeri names Anwar Sadat.

It is, therefore, worth recalling a passage from the historic speech that Egyptian President Anwar Sadat delivered to the Knesset on November 20, 1977: "I have come to you so that together we should build a durable peace based on justice to avoid the shedding of one single drop of blood by both sides. It is for this reason that I have proclaimed my readiness to go to the farthest comer of the earth."

I ask every American to join me in congratulating Jeri Rice on the honor the Israel Policy Forum will bestow upon her. Her unwavering optimism reminds me of the affirmation contained in the Book of Ecclesiastes, "To every thing there is a season, and a time to every purpose under the heaven."

This is the time for peace in Israel and throughout the Mideast. People like Jeri Rice will do everything possible to make it so. We honor them. We thank them.

HONORING BRANDON HOBON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mr. Brandon Hobon. Mr. Hobon has established himself as a leader and true patriot to the community of Denton, Texas.

Mr. Hobon was recently recognized by the Denton Police Department as "Volunteer Officer of the Year." After serving in the police department for 11 years, Hobon has received one of the department's most prestigious honors.

After graduating from college with a pre-law degree, Hobon turned down a bright future as a lawyer to better serve and protect his community. After graduation, Brandon Hobon entered the police academy where he finished second in his class, and earned advanced certifications and credentials in crime prevention, hazardous material response and terrorism training. In addition to serving and protecting our citizens, Mr. Hobon dedicates considerable amount of time mentoring young school children, and visiting and assisting in senior citizen programs.

It is with great honor that I stand here today to recognize an individual who has dedicated his life to protecting and assisting others. It is with the service and commitment of men such as Brandon Hobon that ensure the continuing protection and prominence of our communities and nation.

RECOGNIZING PROFESSOR MAUREEN STANTON, RECIPIENT OF THE 2005 UC DAVIS PRIZE FOR UNDERGRADUATE TEACHING AND SCHOLARLY ACHIEVEMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Maureen Stanton, Professor of Ecology and Evolution at the University of California, Davis as the 2005 recipient of the UC Davis Prize for Undergraduate Teaching and Scholarly Achievement. The prestigious $30,000 prize, funded by the UC Davis Foundation, is believed to be the largest award of its kind in the nation. The winner is selected on the recommendation of faculty members, students and research peers.

Professor Stanton has made significant contributions throughout her years of University service. She served as the dynamic and extraordinarily productive director of the Center for Population Biology from 1993 to 1998. She frequently advises National Science Foundation panels and has been a National Council member of the Society for the Study of Evolution. She is also the Vice President of the American Society of Naturalists and an elected member of the California Academy of Sciences.

Dr. Stanton began her research of the interactions between plants and insects as a sophomore at Stanford University. At Harvard University she earned her Ph.D. in five years. Dr. Stanton then accepted a position at the Academy of Natural Sciences in Philadelphia, but missing the discovery of science, she soon relocated to Yale University for post-doctoral research. Her findings on the underappreciated importance of male characteristics in flowers lifted her into the top ranks of evolutionary ecologists.

In 1982 she joined the UC Davis faculty as an assistant professor of botany. At 28 she was younger than many of her doctoral students. In her teaching role she continually reshapes course curricula to provoke inquiry. She once stated, "I want to build critical thinking skills. That means I have to teach students to question pre-conceived ideas, to ask 'How confident are we of what we think we know?' "

Mr. Speaker, it is appropriate at this time that we recognize Professor Stanton and her passion for scholarly achievement, university service and undergraduate teaching.

HONORING DR. WADE W. NOBLES & THE INSTITUTE FOR THE ADVANCED STUDY OF BLACK FAMILY LIFE AND CULTURE, INC.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Dr. Wade W. Nobles of Oakland California, and the organization he founded, The Institute for the Advanced Study of Black Family Life and Culture, Inc. This month our community comes together to celebrate the Institute's 25th anniversary, and to recognize the groundbreaking work of its founder.

Dr. Nobles is a prominent theoretical scientist in the field of African Psychology and is one of the leading researchers in the area of Black family life and culture. He holds a Ph.D. from Stanford University, and has a special interest in the social, ethnic and cultural relativity of social science, research and evaluation models.

Dr. Nobles is a full-time, tenured professor in the Department of Black Studies in the School of Ethnic Studies at San Francisco State University. He is also the founder and director of the Center for Applied Cultural Studies and Educational Achievement (CACSEA), a California State University System educational research center dedicated to studying and developing models of culturally consistent educational methods.

In 1980 Dr. Nobles founded the Institute for the Advanced Study of Black Family Life and Culture, Inc. to address overarching issues of human development and transformation, while simultaneously developing and implementing educational and informational systems. As the Institute's Executive Director, Dr. Nobles has written and conducted over 67 funded, community-based research, training and development projects, including the HAWK Manhood Development and Transformation Rites of Passage Training Centers Program, which has over 15 sites throughout the U.S.

Dr. Nobles' work is widely known and respected, and in recognition of this he has been invited to serve on a number of advisory groups for the California state and federal governments. He has served as a delegate to the White House Conference on Families, and was also a member of the President's Commission on Mental Health. Furthermore, Dr. Nobles was appointed to serve on the California State Commission on the Status of African-American Males, a commission I created and presided over as a member of the California State Assembly in the mid-1990s.

Also contributing to the success and innovations of the Institute are Dr. Nobles' various professional and international affiliations. He was a founding member of the Association of Black Psychologists, an organization in which he has served as President and received numerous awards, such as Distinguished Psychologist of the Year. Furthermore, in the course of his research he has traveled widely, particularly in Africa. In 1996 he received the high honor of being enstooled as the Nkwasohene of Akwasiho-Kwahu Region of Ghana in West Africa, where he works very closely with the Akwasiho people on development issues.

On June 3, 4 & 5, 2005, we join together to celebrate the life and accomplishments of Dr. Nobles, as well as the impact his work and the work of the Institute have had on our society and institutions of higher learning. Structuring our education and socialization systems in a way that acknowledges the cultural background of the students that are to benefit from them is crucial to the intellectual and social development of our young people. Dr. Nobles' research, teachings and programs have truly revolutionized the way that education and development are now approached, and have made productive and happy lives possible for countless students who would not otherwise have had that opportunity. On behalf of the 9th Congressional District, I salute and thank Dr. Wade W. Nobles for his service to the Bay Area, the State of California, our country and the world.

TRIBUTE TO EARL PHILLIPS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to honor an extraordinary public servant, Earl Phillips, as he says farewell to the Peace Corps and embarks on a new life journey. Mr. Phillips has diligently served as the Country Director for the United States Peace Corps for the Eastern Caribbean for 6 years. However, his lifetime achievements do not stop there.

Ranging from community revitalization to capacity building, Mr. Phillips' incredible generosity has touched many lives. As his wife, 5 children and 7 grandchildren can attest, he has dedicated his life to the betterment of others. So much so, that even after raising his children, he and his wife Victoria decided to join the Peace Corps and served as volunteers in Ghana, West Africa from 1996–1998. While at that post, Mr. Phillips played a significant role in the planning of President Bill Clinton and the First Lady's trip to Ghana—the first leg on their historic tour of the African continent.

He also has incredible ties not only to the great State of New Jersey but also my Congressional District. As a resident of Newark, he excelled as an athlete at South Side High School. After attending Howard University and serving in the military, he returned to our hometown where in 1970, he became President of the Urban League. From 1972–1973, he served as the Director of the High Impact Anti-Crime Commission. During his tenure, he designed and supervised a national program that reduced street crime by 20%. Upon leaving the anti-crime commission, he worked, for 5 years, as the Director of the Redevelopment and Housing Authority (RHA), also in Newark. He later went on to serve as the Executive Director of 4 additional housing authorities in large metropolitan cities.

Mr. Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in honoring Mr. Earl Phillips, as he leaves the United States Peace Corps, and in expressing appreciation to him and his wonderful wife Victoria for their service to our Nation. During his time in the Peace Corps, he served as an outstanding spokesman and goodwill ambassador for his country. Beyond the Peace Corps, his life achievements speak volumes about his generosity and dedication to a cause bigger than himself. I am proud to have him as a dear friend and wish him never-ending success in his future endeavors.

CONGRATULATING ALIYA ROBIN DERI'S EXCEPTIONAL SHOWING IN THE SCRIPPS NATIONAL SPELLING BEE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. POMBO. Mr. Speaker, I rise today to congratulate Aliya Robin Deri's exceptional showing in the Scripps National Spelling Bee. The sharpest young minds in America gathered to compete in this contest with 278 students competing in the 78th annual spelling bee. Overcoming a litany of complex vocabulary, Aliya tied for second place after 18 rounds of careful spelling and concentration. A resident of Pleasanton, California, Aliya is a champion of many skills. She plays violin, viola, and piano and is a member of two orchestras. She also swims competitively and also enjoys diving, Indian dance, and Tai Chi. While most contestants in the spelling bee were from the United States and its territories, fourteen were foreign students from Canada, Bahamas, Jamaica and New Zealand. Aliya misspelled "trouvaille," meaning windfall, in the 18th round, but I want her to know that our windfall is to have such a gifted and talented individual in California's 11th Congressional District.

Mr. Speaker, please join me in congratulating the outstanding efforts of this bright and gifted young woman. I would also like to include the following article for the record.

[From the Associated Press, June 2, 2005.]

KASHYAP SPELLED "APPOGGIATURA" RIGHT TO WIN

WASHINGTON.—Bursting into tears, eighth-grader Anurag Kashyap of California became the U.S. spelling champ Thursday, beating 272 other spellers in a tough two days of competition. He said he felt "just pure happiness."

Anurag, 13, of Poway clinched "appoggiatura," a melodic tone, to take home some $30,000 in prizes. He won in the 19th round of the 78th Annual National Scripps Spelling Bee.

Anurag, a straight-A middle-school student whose favorite subject is science, tied for 47th in last year's spelling bee. That experience "helped me to know what I should study to . . . like, win this thing," he said afterward, repeatedly hiding his face behind his cardboard number.

Tied for second place were 11-year-old Samir Patel, who is home-schooled in Colleyville, Texas, and Aliya Deri, 13, a Pleasanton, California student.

Aliya was tripped up in the 18th round by "trouvaille," meaning windfall. Just after, Samir fell to "Roscian," meaning skilled in acting. Two years ago, when Samir tied for third place, bee winner Sai Gunturi predicted that he would be a force to be reckoned with in future contests.

When the sixth round ended in the early afternoon of the second day, only 27 spellers remained, including a half dozen home-schoolers. Home-schooled students have won twice before, in 1997 and 2000.

After the 14th round, only three spellers still stood—Anurag, Aliya and Samir.

During the day, Anurag whizzed through relatively easy words such as prosciutto, an Italian dry-cured ham, and more difficult ones like hodiernal, meaning "of this day."

Needing only one more correct spelling to win, he began methodically, going faster and faster as he finished the long word: "A-P-P-O-G-G-I-A-T-U-R-A." He covered his face and rushed to hug his father.

Most of the contestants at the bee's start were from the United States and its territories, but 14 were foreign students. There were 11 from Canada and one each from the Bahamas, Jamaica and New Zealand.

It was in the fourth round Wednesday that Dominic Errazo got a word he could relate to, "emetic," which means inducing one to vomit.

"It sounds like the nervousness I get up here," said the seventh-grader from Goose Creek, SC. He spelled it correctly.

Each speller wins at least $50. The first-place winner gets $28,000 in cash, scholarships and bonds, plus books from Encyclopedia Britannica. That's about $10,000 more than in previous years.

The contest is administered by E.W. Scripps Co. The youngsters all won local contests sponsored by newspapers.

CELEBRATING THE MARRIAGE OF JOHN ROTHROCK AND GLYNDAL BRITT MOSES

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, it is with heartfelt joy that I rise today to offer my best wishes for the recent marriage of John Rothrock and Britt Moses.

For the last 6 years, John Rothrock has served loyally and faithfully as my Chief of Staff. In this capacity, I have witnessed first-hand the depth of John's love for Britt and the strength of his commitment to her. It has been my great fortune to personally observe the warm affection and special bond they share.

Last Saturday, June 4, 2005, John and Britt took their vows, expressing their mutual devotion and love for each other. I was extremely proud to join their friends and family in celebrating this special day.

Marriage is a wonderful institution and I am confident that the union of John and Britt will be another lasting testament to the sanctity of marriage. As they start their new life together, I trust John and Britt will be a blessing to one another, partners in all aspects of life, and forever mindful of the love they feel today.

Mr. Speaker, I ask the 109th Congress to join me in congratulating Mr. and Mrs. Rothrock on their recent union and in wishing this couple a lifetime of happiness together.

CONGRATULATING THE COUNCIL OF COLLEGE PRESIDENTS ON THEIR BEING HONORED BY LEADERSHIP WILKES-BARRE FOR THEIR OUTSTANDING LEADERSHIP EXAMPLE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Council of Presidents from the Wyoming Valley's five institutions of higher education that includes King's College, Wilkes University, College Misericordia, Penn State University and the Luzerne County Community College.

In the mid 1980s, the presidents of these five institutions came together upon realizing that although they compete for students and funding, they are also an invaluable resource to the greater community in which they are located. That realization prompted the formation of the Council of Presidents as a vehicle to promote cooperation and sharing of common goals in a manner that maximizes the effort involved.

Since then, the Council of Presidents has been a positive force in downtown Wilkes-Barre economic development efforts, the formation of the Diamond City Partnership, the Wilkes-Barre Innovation Center, the Great Valley Technology Alliance, City Vest and the Joint Urban Studies Center, to name just a few of their accomplishments.

The Council of Presidents stands as a beacon that focuses a bright light on the positive things that can be achieved through cooperative action. Not only has their outstanding leadership and example proven to be a blueprint for success in the community arena, it has also paid vast dividends to each of the schools the presidents represent.

Cooperation in designing and developing academic course offerings has benefited from the Council of Presidents and their foresight and collective zeal to improve educational opportunities for all students attending their respective institutions.

The Council of Presidents has been especially sensitive to changing elements in society and has responded promptly and efficiently to meet those challenges. The Council of Presidents has worked cooperatively to consolidate Spanish language development to accommodate a growing Hispanic population in the region.

Mr. Speaker, please join me in congratulating the Council of Presidents on this notable occasion. The people of the greater Wyoming Valley are better served because of the work accomplished by this dedicated group of men and women. And their cooperative example should serve as a model for other groups, both public and private, who seek to provide a higher level of service in the performance of their duties.

TRIBUTE TO KATHERINE MCMONAGLE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I am proud to rise today to honor and to recognize Katherine McMonagle—a devoted educator and a life-long learner. Katherine has announced her plans to retire after thirty-four year of service.

Katherine has dedicated her professional career to thousands of students in the North St. Paul-Maplewood-Oakdale school district, located in Minnesota's Fourth Congressional District. From Carver Elementary School to North Saint Paul High School, Kathie has been an inspiring teacher to her students and a caring mentor to her colleagues.

In her first year as a teacher she taught physical education to elementary students and for the following eight years she continued in this subject area and taught middle schoolers the benefits of physical activity. As her portfolio changed to include health studies over 20 years ago, she became committed to helping students learn about the dangers of smoking and helping student smokers to quit.

In fact, she developed a program in conjunction with the Ramsey County chapter of the American Lung Association and her high school. A few years later her idea expanded to include a district-wide K–12 program committed to smoking prevention. Her idea continued to grow as the Lung Association started to move the program to other school districts.

And her ideas and commitment didn't stop there. Kathie also developed and implemented a service learning course where high school students—freshmen through seniors—work with communities to identify and address a need and develop a plan to solve the problem. The students use marketing, communication, math and other skills to come up with an implementation plan. This kind of creativity and innovation in curriculum is admired and supported not only by the students, but also by their parents, the communities, and other teachers who participate.

Kathie's skill and determination to create new and exciting opportunities for students is a consistent theme in her esteemed teaching career. She ensured that her school district would not be the only one to not provide a competitive golf team for girls. She also started up the high school's Knowledge and Quiz bowl teams and she's been their coach for the past eight years.

Over the course of Katherine's career, she has grown and developed confidence, grace, and skill in working with teenagers about personal health and development issues—which can be difficult subjects to broach with teens. Her desire to bring out the best in people and to encourage them to find new ways to lead healthy, successful, and enriching lives echoes through her work and will have a lasting impact on all those lucky enough to have been her student. She has encouraged mutual respect, honesty, and integrity in the classroom—important attributes that students have taken with them.

It is with respect and thanks that I rise to salute a teacher who will be missed, and whose legacy and ideas will continue long after she says her goodbyes to her students and colleagues.

TRIBUTE TO THE LATE FEDERAL DISTRICT COURT JUDGE G. THOMAS VANBEBBER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to the life and career of Federal District Court Judge for the District of Kansas G. Thomas VanBebber, who died on May 26th.

U.S. District Judge G. Thomas VanBebber, 73, died unexpectedly and peacefully at home in Overland Park, Kansas. He was born to Roy VanBebber and Anne Wenner VanBebber in 1931 and grew up in Troy, Kansas, where he established a law practice after his graduation from the University of Kansas and its School of Law in 1955. There, he was a member of the editorial board of the Law Review and was a member of the Order of the Coif. He served as an Assistant United States Attorney for the District of Kansas for 2 years, and he was the Doniphan County, Kansas, Attorney for 6 years as he established a 25-year private practice in Troy. Before he entered the judiciary, Judge VanBebber was active in politics and was Chairman of the Doniphan County Republican Central Committee. He served 2 terms in the Kansas House of Representatives before being appointed chairman of the Kansas Corporation Commission, the state's utility regulatory agency, by Governor Robert Bennett. Among his memberships was tenure as a Director of the Kansas State Historical Society. In 1982, he was appointed U.S. Magistrate Judge for the District of Kansas, in Topeka, and he was appointed as U.S. District Judge for the District of Kansas in 1989. He sat in Kansas City, Kansas, and became Chief District Judge in April 1995, a position he held until he elected to assume Senior Judge status in December 2000. He had continued to carry an active workload of federal cases until his death.

Judge VanBebber was preceded in death by his parents and his sister, Virginia Anne Henry. He leaves his wife, Alleen, at home; and his stepson, David Castellani, of Los Angeles, California. He also leaves his brother, John Gregory, and his wife, Vondell; his brother, William and his wife, Yvonne; his brother-in-law Ward Henry, and many nieces, nephews, grandnieces and grandnephews, and cousins. I have known Alleen and the Judge for many years. They are wonderful people. We all will miss Tom VanBebber.

On May 28th, the Lawrence Journal-World carried an article reviewing the notable moments of Judge VanBebber's judicial career. I include it with this statement and thank you, Mr. Speaker, for the opportunity to pay tribute to a jurist who was described in the Kansas City Star as a man who ''forged a legal career that defines the principles of fairness, courage and intelligence . . . He was known for his gregarious warmth outside the courtroom, but when he put on the black robe he was all business and expected litigants to have the same attitude.''

[The Lawrence Journal-World, May 27, 2005]

FEDERAL JUDGE VANBEBBER DIES AT 73

RULINGS INCLUDED OKC BOMB CASE, SOUTH LAWRENCE TRAFFICWAY, PHELPS

U.S. District Court Judge G. Thomas VanBebber died Thursday. He was 73.

''He was an indomitable spirit . . . a wonderful judge,'' said Steve McAllister, dean of the Kansas University School of Law.

VanBebber, who lived in Overland Park, called in sick Wednesday.

''He died peacefully in his sleep, sometime between 6 and 6:30 a.m.,'' said Ralph DeLoach, clerk/administrator for the U.S. District Court of Kansas.

''He was respected not only by his peers, but by all court staff who worked for him—highly respected,'' DeLoach said.

VanBebber was perhaps best known for sentencing Michael Fortier, a key witness for the prosecution in the Oklahoma City bombing trial that led to convictions of Timothy McVeigh and Terry Nichols.

Fortier admitted knowing about the plot to bomb the Alfred P. Murrah Federal Building and choosing not to warn authorities.

VanBebber sentenced Fortier to 12 years in prison and ordered him to pay $200,000 in fines.

Fortier's attorneys appealed the sentence, arguing it was excessive given his cooperation with prosecutors. A federal appeals court upheld the sentence.

Other VanBebber rulings:

1997—Issued an injunction halting work on the proposed South Lawrence Trafficway until after completion of an environmental impact statement.

1999—Denied the Rev. Fred Phelps' attempt to sue Shawnee County Dist. Atty. Joan Hamilton for allegedly prosecuting him in an attempt to limit his anti-homosexual picketing.

2004—Denied an attempt to force Washburn University to remove a statue from campus that some considered anti-Catholic.

The sculpture, entitled ''Holier Than Thou,'' depicted a scowling, heavyset clergyman wearing ceremonial headgear that some said was shaped like a penis.

''The court cannot conclude that a reasonable observer would perceive the university's display of 'Holier Than Thou' as an attack on Catholics,'' VanBebber wrote in his ruling.

VanBebber grew up in Troy, Kan. (population 1,000). He earned a bachelor's degree from Kansas University in 1953; a law degree in 1955. In 2001, he received the KU Law Society's distinguished alumnus award.

He practiced law in Troy until 1959, when he became an assistant U.S. attorney. He returned to private practice in Troy in 1961, serving as Doniphan County attorney from 1963 to 1969. He was elected to the Kansas House, serving one term from 1973 to 1975.

He served on the Kansas Corporation Commission, from 1975 to 1979.

VanBebber was appointed a federal magistrate in 1982. Seven years later, he was appointed to the federal bench by President George H. W. Bush.

He served as chief judge from 1995 to 2000, assuming senior judge status on Dec. 31, 2000.

''He was a wonderful judge and an even better person,'' said U.S. Chief Judge John W. Lungstrum, who lives in Lawrence.

''He was a great student of history and literature,'' he said. ''He had a tendency to relate to anecdotes and people he knew while growing up in Troy—I say that not to imply that he was homespun in character; I say it because he related to small-town values in a way that brought a lot of wisdom and common sense to the bench. He was truly brilliant.''

Lungstrum succeeded VanBebber as the federal court's chief judge in Kansas.

As a child, VanBebber contracted polio and often relied on crutches and, in recent years, a wheelchair.

''He was in pain every day, but he never let on that there was a problem,'' Lungstrum said. ''His courage and stoicism were tremendously inspirational to the court.''

VanBebber is survived by his wife, Alleen, an attorney.

CONFERENCE ON THE DEEPENING CRISIS FOR HAITIANS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ENGEL. Mr. Speaker, I rise to express my support for an important conference taking place today—the Conference on the Deepening Crisis for Haitians. This conference will bring together members of the Haitian American community, the academic sector, nongovernmental organizations, and representatives from the U.S. and Haitian governments to discuss key issues facing Haitians.

While Haiti has recently celebrated more than 200 years of independence from French colonial rule, the citizens of the island remain vulnerable to poverty, poor health, and political chaos. Tumultuous events in the past year and a half consisted of violent uprisings, the departure of President Jean-Bertrand Aristide, massive floods in May displacing tens of thousands, and Tropical Storm Jeanne in September leading to more than 3,000 deaths in the ensuing floods. Sadly, Haiti has not been able to recover from these recent disasters and many Haitians are living in terrible conditions. This is why I have urged Homeland Security Secretary Michael Chertoff to grant Temporary Protected Status to Haitian nationals living in the United States. With thousands of people killed in the natural disasters and hundreds of thousands left homeless, Haiti is temporarily unable to handle the return of nationals. Haitians already in the U.S. should be allowed to remain in peace and security in the U.S. while the island recovers.

Today, the Organization of American States General Assembly is meeting in Fort Lauderdale, Florida. The Organization's Secretary General, Jose Miguel Insulza, has pledged to raise the subject of Haiti at the OAS during the session. While this is a welcome sign, it is the least of what will be needed if Haiti is to emerge from its deepening crisis. The international community and the United States must get serious about finding a way out of the expanding abyss so that Haiti can once again move forward.

We all would like to see a brighter future for Haiti, and I hope this conference will serve to explore many views. Respect for human rights, freedom, and the rule of law must be established in the poorest nation in our hemisphere. Our Haitian constituents and their relatives are counting on us to help bring Haiti out of its volatile situation. I am pleased to support the Conference on the Deepening Crisis for Haitians, and I commend the Conference for hosting this dialogue.

A TRIBUTE TO ELIZABETH J. COLEMAN, EXECUTIVE DIRECTOR AND GENERAL COUNSEL OF THE NEW YORK STATE TRIAL LAWYERS ASSOCIATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. NADLER. Mr. Speaker, I rise today to honor Elizabeth J. Coleman, who has dedicated her life to the fight for civil rights, and has broken down numerous barriers along the way. Ms. Coleman's legal career has focused on ensuring access for all Americans to a fair and unbiased justice system, one through which they can realize the entirety of their constitutional rights. This principle has guided her throughout her years of service, from work on behalf of indigent consumers in Georgia to her national work for the Anti-Defamation League, and most recently during her stint at the New York State Trial Lawyers Association (NYSTLA), where she was an outstanding Executive Director and General Counsel.

Ms. Coleman has also held many additional posts and has been involved in many endeavors over the years. She was elected Chair of the Board of the National Women's Law Center in 1996 and served in that capacity until 2003. President Clinton appointed Ms. Coleman Vice-Chair of the President's Export Council in 1994 and a United States Delegate to the United Nations Fourth World Conference on Women in Beijing, China, in 1995. More recently, the National Organization for Women's New York City chapter honored her in 2003 as a Woman of Power and Courage. Last year she was honored by New York Women's Agenda as a STAR, an honor bestowed upon women who represent the spirit of New York, provide leadership in business and in the community, and are role models for other women. I can think of no more worthy recipient of such recognition than Ms. Coleman.

As Elizabeth Coleman leaves NYSTLA, she embarks on a new mission, but one with the same goals in mind. She will continue her advocacy for civil and social justice through foundation work and community organizing. As she begins the next chapter of her life, I thank her wholeheartedly for her tireless work, and I wish her the very best in the years to come.

HONORING MAYOR EULINE BROCK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mayor Euline Brock. Ms. Brock has established herself as a leader and true servant to my hometown Denton, Texas.

Mayor Brock was recently presented the William J. Pitstick Regional Cooperation Award from the North Central Texas Council of Governments. The award recognizes individuals who have promoted good, strong leadership and spirit of regionalism in solving multi-jurisdictional problems.

Since first elected Denton's mayor in 2000, Mayor Brock has become a lead spokesman

for promoting regional and inter-jurisdictional cooperation. In addition to her mayoral duties, Ms. Brock serves on the prestigious Texas Municipal League's Legislative Committee and was recently appointed by the U.S. Council of Mayors to serve on the Energy and Environment Committee.

Mr. Speaker, it is with great honor that I stand here today to recognize an individual, a friend, who has dedicated her time as the Mayor of Denton not only to her constituents but also has reached out and assisted those outside her district as well. It is with the service and commitment of individuals such as Mayor Brock that ensure the continual growth and close relationship of North Texas communities.

RECOGNIZING THOMAS ''TOM'' ENGSTROM OF LAKEPORT, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Chief of Police Tom Engstrom of Lakeport, California, as he retires after 37 years of dedicated public service.

As a young man in his early 20s, Chief Engstrom was determined to lead a life devoted to protecting his fellow citizens. He began his service in 1968 when he joined the Phoenix, Arizona Police Department. Several years later he moved to California and was promoted to Sergeant with the City of Turlock Police Department. In 1980, at just 33 years of age, Sergeant Engstrom was selected as Chief of Police for the City of Newman becoming the youngest Chief of Police in the State of California. Over a decade later, Tom and his family moved to Lakeport, California where he was selected by the Lakeport City Council to serve as Chief of Police.

For the past 11 years Chief Engstrom has made numerous contributions to his community, enabling the people of Lakeport to live in a safe environment. He has dedicated much of his time towards implementing various educational programs throughout the community including Drug Abuse Resistance Education (D.A.R.E.) and Gang Resistance Education & Training (G.R.E.A.T). With these outreach programs, Chief Engstrom has been able to educate and promote awareness of these important issues to Lakeport citizens of all ages.

Chief Engstrom has also played an active role in creating other law enforcement programs and patrol units including the Canine Program, School Resource Officer Program, Personal Watercraft Patrol and Bicycle Patrol. He is responsible for the creation of the New Police Facility and for raising $1.5 million in grants for the Lakeport Police Department.

The Chief earned his Bachelor of Art's Degree from the University of San Francisco in Public Administration. He continued his education and graduated from the FBI National Academy in Quantico, Virginia.

Tom and his wife of 38 years, Cindy, are the proud parents of seven children and 12 grandchildren.

Mr. Speaker and colleagues, it is appropriate that we thank Police Chief Tom Engstrom for all that he has done to protect the citizens of Lakeport, California, and extend our best wishes to him in retirement.

TRIBUTE TO THE LATE MS. THELMA STINSON, PRINCIPAL OF LILLIE C. EVANS ELEMENTARY SCHOOL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a truly great role model and a truly great educator—the late Ms. Thelma Stinson, former Principal of the Lillie C. Evans Elementary School located in Miami's Liberty City community in my Congressional District.

Her passing away provides us with the sobering thought of the dignity of the human spirit and the fragility of life. Even though she was sick with cancer, Ms. Stinson often went straight from the hospital to her school because she felt so deeply about helping her students. By every measure, she was enormously successful.

Ms. Stinson started working for the Dade County School Board in 1968 as a librarian, then as a special-education teacher and assistant principal before becoming Principal of Lillie C. Evans in late 2000.

Under her leadership at Lillie C. Evans, the school proudly rose from an F-graded school in 2001–2002 to an A-graded school in 2003–2004. ''The school's turnaround is a testament to her leadership and her commitment,'' said district spokesman Joseph Garcia. Ms. Stinson also reached out to the community by ensuring that parents were also schooled in the basic skills of reading, math and the sciences through regular sessions at night. Simply put, Ms. Stinson literally bridged the gap between her school and her students' homes, making parental involvement an essential part of the teaching and learning process.

In spite of the odds, Ms. Stinson truly demonstrated to all those called upon by public service that excellence and achievement are never beyond the reach of those willing to make the commitment and dare to dream what seems to most people to be the impossible. She was a source of light—more like a beacon in the night—in our community and in the lives of student and adults alike. It is impossible to measure the impact of a person like Ms. Stinson, for her legacy will live on in all the young lives she touched, for whom she created new possibilities and new opportunities that, without her special touch, would never had existed.

It is sadly inadequate to say that she will be sorely missed. I extend my deepest condolences to her mother Ceola Thompson, brother Errol Thompson, sister Esther Blackshear, daughter Twyla Hilton, her grandsons, her friends and her students.

PENTAGON MEMORIAL FUND

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ORTIZ. Mr. Speaker, I rise today to offer the thanks of this body to a democratic friend, Taiwan, the Republic of China, for their recent generous gift to the Pentagon Memorial Fund.

9–11 scarred our souls and forever changed the way we view enemy attack and the security of our Nation. The Pentagon is known globally as the place our military policy is created and recommended for implementation. It is a prominent part of the government commanded by the Chief Executive and maintained by the United States Congress.

The targeted component of the surprise coordinated attack there shocked and appalled the civilized nations and people on the planet. This Nation lost 184 souls across the river on that day. The sight of smoke coming from the Pentagon is a picture seared in my memory from that day, seen as I ran out of the U.S. Capitol.

Part of the salve applied to our national injury is in honoring the memory of the 184 men and women who perished on 9–11. So, as a member of the House Armed Services Committee, I thank Taiwan for their part in helping to immortalize their memory by contributing to the Pentagon Memorial Fund. And I ask unanimous consent to include in the RECORD the Washington Post story announcing the generous contribution.

[From the Washington Post, May 5, 2005]

TAIWAN AIDS PENTAGON MEMORIAL FUND

The government of Taiwan has donated $1 million to the Pentagon Memorial Fund, according to James L. Laychak, the fund's president and chief executive. About $6.5 million has been raised to finance the memorial, which is to be built with private funds. Families of victims of the Sept. 11, 2001, attack on the Pentagon began a fundraising drive in April 2004 with a goal of $30 million—$20 million for construction and $10 million for a maintenance fund. Taiwan's gift is the second for $1 million; the first came from the Anheuser-Busch Foundation.

''The donation does not simply represent our offering of support for the victims of 9–11,'' said David Tawei Lee, a government representative, in a prepared statement, ''but also express our appreciation for the symbols of freedom.'' The memorial on the Pentagon's west lawn will have 184 cantilevered benches, one in memory of each of the victims of the terrorist attack.

HONORING THE AVIATION FEATS OF ROBERT ''HOOT'' GIBSON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding accomplishments of Robert ''Hoot'' Gibson, a resident of my hometown of Murfreesboro, Tennessee, who recently broke two aviation speed records.

Hoot flew a Raytheon Premier I jet into the record books on September 22, 2004, when he flew from Seattle, Washington, to Las Vegas, Nevada, at 499.65 miles per hour and from Las Vegas to Wichita, Kansas, at 540.53 miles per hour. The previous records were set in a Cessna Citation jet in 1991.

Hoot is a former astronaut who made 5 Space Shuttle flights and commanded 4 of them. A retired Navy captain, he now flies commercial jetliners for Southwest Airlines.

Hoot's accomplishments in the aviation arena are exceptional, as well as inspirational.

Once again, I congratulate him for an outstanding military career and for his contributions to this Nation's space program.

TRIBUTE TO THE REV. DR. FRANK REID III

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the outstanding accomplishments of the Rev. Dr. Frank Mason Reid III, pastor of Bethel African Methodist Episcopal Church in Baltimore, Maryland.

Dr. Reid is a nationally recognized preacher, teacher and motivational speaker who is dedicated to changing lives and rebuilding communities. Since becoming spiritual leader of Baltimore's Bethel AME Church, membership has swelled to 17,000, making it one of the largest AME churches in the Nation. Bethel AME has 36 active ministries that give hope and comfort to the people of the Baltimore community, including cancer patients, drug addicts, and those who suffer from HIV/AIDS.

Dr. Reid's message of hope has reached beyond the Baltimore community. He has a weekly local television show on Sunday mornings, and he has been broadcast nationally on the Armed Forces Network. Dr. Reid also has preached in South Korea and South and East Africa.

During his college years at Yale University, Dr. Reid answered the call to the ministry. After graduating from Yale in 1974 and the Harvard Divinity School in 1978, Dr. Reid served congregations in Charlotte, North Carolina and Los Angeles, California before being called to service at Bethel AME Church in Baltimore, Maryland in the late 1980s.

Dr. Reid has a loving and devoted family. His wife Marlaa Hall Reid and three children—Franshon, Faith and Shane—are proud of his work in helping others rebuild their lives.

Mr. Speaker, I call upon my colleagues to join me in applauding the accomplishments of Dr. Reid on the eve of his 54th birthday. He has had a remarkable career serving the people of Baltimore.

IN MEMORY OF LINDA LISS FINE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BERMAN. Mr. Speaker, I rise today to honor the memory of Linda Liss Fine. Linda was a compassionate and courageous individual whose dedication and service greatly enhanced the lives of many in Chicago's elderly Jewish community.

Linda was respected and admired by her colleagues, friends and family. Her creative and pioneering work as Director of Selfhelp, an independent organization providing the residential and health care needs of the Jewish elderly, has been recognized and greatly appreciated by many. During her time with Selfhelp, Linda immersed herself in community activities focusing on improving the quality of life of everyone with whom she came in contact. Through her devotion and extraordinary sense of caring, she transformed the institution into a vibrant community where elderly residents would enjoy cultural events such as classical music concerts, take part in educational events such as computer classes and otherwise maintain active and full lives. She was an outstanding member of Chicago's Jewish community and she immeasurably improved many people's lives under her care. Her residents viewed Linda not as merely an administrator, but as a cherished member of the family.

Born in Chicago in 1942, Linda Liss Fine attended Chicago's public schools before embarking on career in the health care profession. As a registered nurse, she worked in a variety of hospital and home health care positions. After work, and while raising three children, she worked tirelessly and attended classes at night, completing her university degree in health care administration.

Linda is survived by her husband, Bernard, son David, daughters Dawn and Dana, sister Hedda, several grandchildren and many relatives across the country.

Linda Liss Fine will be missed by all those whose lives she touched and will be remembered affectionately by her many friends and colleagues. I ask my colleagues to join me in honoring an outstanding individual, a loving wife and mother, selfless caretaker and innovative director—Linda Liss Fine, a woman who brought joy and love into the lives of so many.

HONORING LUCY BELLO AS SHE CELEBRATES HER 70TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. DELAURO. Mr. Speaker, It is with great pleasure that I rise today to wish my dear friend, Lucy Bello, a very happy 70th birthday. This is a remarkable milestone for an inspiring individual. Not only is she celebrating 70 years of life, but she is also marking her 10th anniversary of being cancer free!

This is a celebration of life. In her seven decades, Lucy has faced many challenges, but none more so than her battle with cancer. As a cancer survivor myself, I know only too well the fear, concern, and obstacles this disease brings. Lucy faced these challenges with the greatest of dignity and courage—serving as an inspiration to all of those who know her story. Today, Lucy is proudly celebrating a decade of remission and I would be remiss if I did not extend my sincere congratulations to her on this very special occasion.

Throughout her life, Lucy has dedicated her time and energy to enriching her community. Since she could first vote at age twenty-one, she has been an active member of Branford's Democratic Town Committee. For nearly fifty years she has offered her support and encouragement to countless candidates. Candidates and committee members alike will tell you that Lucy is their go-to person—always willing to do the grunt work that no one else wants to do. In fact, I cannot recall an event in Branford that Lucy was not involved in either as an organizer or volunteer. It is because of individuals like Lucy—those who participate in the process by simply being involved—that our democratic process works. She herself served on the local Representative Town Meeting for many years. I consider myself fortunate to call her my friend and cannot thank her enough for all the good work she has done.

Through the last five decades, her kind heart and endless generosity have made all the difference. Later this month, Lucy will be honored by the Democratic Town Committee for her many years of service and I cannot think of a more deserving individual to pay tribute to. Through her hardwork and commitment, Lucy has become a fixture in the Branford community—a local treasure. Every community should be so fortunate!

For her years of outstanding service to the community and for her very special friendship, I am proud to stand today to join the many family, friends, and community leaders who have gathered to wish Lucy Bello a very happy 70th birthday. May you enjoy many more years of health and happiness.

IN HONOR OF OUR UNITED STATES VETERANS AND THE PARMA VETERANS CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of all veterans of the 10th Congressional District of Ohio for their service, bravery, and dedication on behalf of our country. Most significantly, we stand in tribute and remembrance of those veterans who have made the ultimate sacrifice when they answered the call to duty.

The lives of many veterans and their families have been uplifted by the outreach efforts of the Parma Veterans Center—a haven of services and assistance focused on the emotional, psychological, medical, financial, and employment needs of thousands of veterans and their families.

The services and support provided by the Parma Veterans Center is the least we can do on behalf of our veteran—our brothers, sisters, sons and daughters, mothers, fathers and grandfathers—thousands of whom have made significant sacrifices and suffered great losses during and after their unwavering service to our country.

Mr. Speaker and Colleagues, please join me in honor, tribute and gratitude to the men and women of our armed forces—let us forever remember their service, sacrifice and sense of duty—yesterday, today, and for generations to come.

HONORING THE RETIREMENT OF MAYOR THOMAS J. PELLEGRINO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ACKERMAN. Mr. Speaker, I rise today to applaud the achievements of a man who exemplifies the finest combination of civic consciousness, personal achievement, and familial responsibility. Thomas J. Pellegrino, Mayor of Port Washington North, has been a catalyst

of progress and success for the community he has served for more than three decades.

Half a century ago, Thomas began his career as an advertising media trainee. Fifty years later, he has directed campaigns for some of America's greatest corporate luminaries, founded his own innovative franchise, and supervised operations for three nationally successful magazines.

Despite his national success, Thomas has never faltered in his commitment to his local community. During his years as the Mayor of Port Washington North, Thomas has overseen the construction of hundreds of housing developments built for the elderly as well as the enactment of important safety ordinances in the housing and public health sectors. He has watched an entire generation grow into a thriving community under his tenure. Thomas steps down from his municipal office after thirty-four years as the longest-serving mayor in New York State.

Mr. Speaker, I am proud to recognize such an accomplished individual and commend Mayor Thomas J. Pellegrino for his years of dedicated service to his community. On behalf of his wife, his five children, his fifteen grandchildren, and the Village of Port Washington North, I ask my colleagues in the House of Representatives to please join me in honoring Mayor Thomas J. Pellegrino and wishing him many years of success as he celebrates his well deserved retirement.

HONORING THE STUDENTS OF HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the students from Half Hollow Hills High School in Dix Hills, New York for their hard work in the ''We the People: the Citizen and the Constitution'' national finals.

The students, Jason Albert, Matt Bernstein, Bryan Cowan, Jennifer Crupi, Arielle Davidsohn, Danielle Gold, Chelsea Gordon, Brittnay Hershkowitz, Joelle Lichtman, Priya Murthy, Lindsay Nussbaum, Liz Oren, Josh Parker, Sylvia Qu, Beth Reisfeld, Dan Roberts, Jill Rubino, Alida Salins, Aaron Schwartz, Ben Seleznow, Jen Signet, Soyoon Sung, Jessica Wasserman, Matt Young, and Jen Zhao, led by their teacher Scott Edwards, demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

It is truly an honor to call these outstanding young Americans my constituents. Their success in the competition is also a testament to the excellent teachers at Half Hollow Hills East High School and elsewhere on Long Island.

I offer my congratulations on their hard-won honorable mention and commend these students on their dedication to the study of the Constitution and the Bill of Rights.

TRIBUTE TO THE 2005 NATIONAL PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the 47th annual Puerto Rican Day Parade, which will be held on June 12, 2005 in New York City. This parade, which celebrates the heritage of the Puerto Rican people, is one of the largest outdoor events in the United States.

The first New York Puerto Rican Day parade, held on Sunday, April 12, 1958 in ''El Barrio'' in Manhattan was a wonderful event presented in the heart of the city's Puerto Rican community. In 1995, the overwhelming success of the parade prompted organizers to increase its size, and transform it into a national affair now known as the National Puerto Rican Day Parade. This magnificent New York institution now includes participation from delegates representing thirty one states, including Alaska and Hawaii and attracts over 3 million parade goers every year.

The great success that this parade has enjoyed over the years is a result of the tireless work of many individuals from all walks of life—who are dedicated to preserving and celebrating Puerto Rican heritage and culture. Leading this effort is the National Puerto Rican Day Parade, Inc., a non-profit organization founded in 1995 with the mission of increasing the self awareness and pride of the Puerto Rican people in order to promote economic development, education, cultural recognition, and advancement.

The Parade up New York's Fifth Avenue, while certainly the most visible aspect of the celebration of the Puerto Rican people, is not the only event associated with the National Puerto Rican Day Parade, Inc.'s activities. More than 10,000 people each year attend a variety of award ceremonies, banquets and cultural events which not only help to highlight but also strengthen the special relationship shared by Puerto Ricans and the City of New York. Over the years, the two have developed a symbiotic relationship—Puerto Ricans sharing a vibrant and beautiful culture and helping to turn New York into a bilingual city and the City of New York helping Puerto Ricans to flourish economically, politically and culturally. The annual parade captures the spirit of this special relationship and celebrates its success.

Mr. Speaker, as a Puerto Rican, a New Yorker, and a Member of Congress, it is an honor to participate in this national event every year in which thousands of individuals march along Fifth Avenue in celebration. The National Puerto Rican Day Parade is a communal cultural treasure, national in scope and impact, and one that unites all New Yorkers. I ask my colleagues to join me in paying tribute to the Puerto Rican people and to all who have worked to ensure that the upcoming parade is a success.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

SPEECH OF

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. RAMSTAD. Mr. Speaker, I recently joined with nearly all members of this body in voting for H.R. 2520, the Stem Cell Therapeutic and Research Act.

This important piece of public health legislation will help increase awareness of the possibility of using cord blood to improve access to blood-forming stem cell transplants and research.

I also want to take a moment to bring attention to another aspect of this bill, the reauthorization of the National Bone Marrow Registry.

Since its inception in 1986, the Registry has enjoyed strong bipartisan support and has been committed to helping people who need a lifesaving marrow or blood cell transplant.

The National Marrow Donor Program (NMDP) has successfully operated the National Bone Marrow Registry through a competitive contract renewed every 5 years.

The NMDP maintains the largest listing of volunteer donors and cord blood units in the world, supports patients and their doctors throughout the transplant process and matches patients with the best marrow donor or cord blood unit.

This past November, the NMDP celebrated an important milestone when it facilitated its 20,000th transplant.

The NMDP has worked diligently to increase the diversity of the National Bone Marrow Registry so that all Americans have access to lifesaving blood-forming stem cell transplants by increasing donations from racial and ethnic minorities and incorporating umbilical cord blood units as a new source of cells.

The NMDP also provides transplant centers with the logistical support patients need from the moment a physician initiates a search.

The NMDP provides expert advice on searching the National Registry, coordinates the testing of cord blood units and adult donors, ensures that the correct cells are obtained and delivered as directed by the physician, and assists patients with insurance, travel and other needs that arise as part of the transplant process.

These programs help doctors focus on caring for their patients and helps patients and their families focus on what is important—getting well.

I salute the NMDP for all it does to help patients, and I am pleased Congress was able to pass H.R. 2520.

SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS ACT

SPEECH OF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

Mr. BARTON of Texas. Mr. Speaker, in crafting this legislation, the members of the Committee on Energy and Commerce have endeavored to understand and take into account benign and reasonable functions involved with network management, as well as

standard functionalities of the Internet. In that spirit, section 5(b) provides that the Act does not apply to monitoring or interaction with a subscriber's Internet or other network connection or service, or a protected computer, to the extent that the monitoring or interaction is for security purposes, diagnostics, technical support, or repair, or for the detection or prevention of fraudulent activities. In significant part, the intent of this provision is to ensure that providers of Internet services (such as telecommunications carriers and cable operators) have the ability to conduct activities necessary to maintain the integrity of their systems. For instance, large-scale telecommunications carriers may not be held liable under the Act for enterprise-level management and maintenance activities within their own networks.

I would like to add that, in keeping with our Committee's bipartisan process, I am authorized to say that my distinguished colleague, Ranking Member DINGELL, agrees with this understanding of our bill.

TRIBUTE TO ROBERT O. BONNELL, JR.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Robert Bonnell, Jr. in recognition of his outstanding work at the Educational Opportunities Program (EOP). A resident of Baltimore, Maryland, he has worked tirelessly to ensure that Baltimore high school students stay in school.

Robert Bonnell founded the EOP in 1986 with the goal of reducing the high school dropout rate in Baltimore. His program assigns a counselor to individual high school students starting in the 9th grade. The counselor then works with that individual for four years to help them overcome obstacles to graduation. In addition, his program encourages students to further their education by attending college, enrolling in a trade school, or seeking an apprenticeship.

Mr. Bonnell's efforts have resulted in a 73% high school graduation rate for participants in the program. Sixty percent of EOP students are accepted into college after matriculation. Other participants actively seek postgraduate employment.

His commitment to his country did not begin with the EOP. He served in the U.S. Air Force, the U.S. Navy, and the U.S. Marine Corps from 1942–1953. He is a successful businessman, philanthropist, and patriot. He and his wife Barbara have a large, loving family that includes five children, ten grandchildren and six great grandchildren.

I urge my colleagues in the U.S. House of Representatives to join me in celebrating the work of Robert Bonnell, Jr. His commitment and dedication to educating America's youth has been an inspiration to all of us.

ANNOUNCING THE PUBLICATION OF AN ENGLISH TRANSLATION OF PASSAGE THROUGH HELL: A MEMOIR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. BERMAN. Mr. Speaker, I rise to announce the publication of an English translation of Passage Through Hell: A Memoir. The original version was written in 1955 by Armenian poet, educator and author Armen Anush. It has been published by Hagop and Klar Manjikian on the occasion of the 90th anniversary of the Armenian Genocide.

Armen Anush was an eyewitness to the deportation and massacre of Armenians by the Turks during 1915–1916. On April 24, 1915, the Turkish government began to arrest Armenian community members and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation and disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey. The Armenian Genocide was a tragedy not only for the Armenian people but a tragedy for all humanity. Passage Through Hell: A Memoir is critically important because it recounts the horrors of genocide and the psychological impact it had on the survivors.

I hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate the memory of genocide's victims. This book should be read by all whose ancestors were in any way involved and by everyone who cares about understanding history.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Hagop and Klar Manjikian for making this important book available in English.

HONORING DR. BRUCE E. STORM, 2005 EDUCATIONAL LEADER OF THE YEAR

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Southern Connecticut State University's Department of Educational Leadership and Policy Studies as they honor my good friend, Dr. Bruce E. Storm with the 2005 Educational Leader of the Year Award. Dedicating a lifetime to public education, this award is a true reflection of the dedication and commitment Bruce has demonstrated throughout his career.

I have often spoke of our Nation's need for talented, creative educators ready to help our children learn and grow. With such an extensive background in education, ranging from the elementary level to the university setting, Bruce has been just that kind of teacher and administrator. Beginning his career as an English teacher at the middle and high school levels in Massachusetts and New York, Bruce has also served as an assistant principal, principal as well as a lecturer and teaching fellow at the Harvard Graduate School of Education. For the last 13 years, he has served as Superintendent of Schools in Branford, Connecticut—a district of over 3,700 students. Bruce has also served as an adjunct professor at Southern Connecticut State University and as a guest speaker and presenter at several local and national conferences.

With so much recent attention given to the success of public education in our country, it has always been a comfort to me to know that our community has an individual like Bruce working diligently on behalf of our children and our public school system. Teacher, principal, lecturer, adjunct professor, and superintendent, Bruce has prepared students at every educational level, ensuring that they have the tools and skills they need to be successful. I have had several opportunities to work with Bruce over the years and have always been in awe of his energy, generosity and compassion—every community should be so fortunate.

As the Chair of the South Central Area Superintendent's Association and Treasurer and Executive Board Member of the Connecticut Association of Public School Superintendents, Bruce has used his experience and background to benefit school districts regionally and across the State. In addition to these professional associations, he has also been an active member of several local organizations in Branford. Bruce was also recently recognized with the CABE Award for Excellence in Educational Communication for his electronic newsletter, Across the Fence. Though he will be leaving his position as Superintendent of Schools at the close of this school year, the many invaluable contributions he has made during his tenure will continue to enrich the lives of students for years to come.

For his years of dedicated service and good work, I am proud to stand today to join his wife, Mariah, son, Christian, family, friends and colleagues in extending my sincere congratulations to Dr. Bruce Storm as he is named the 2005 Educational Leader of the Year. He has left an indelible mark on this community and I can think of no one who is more deserving of this very special honor.

LETTER TO DR. MICHAEL D. GRIFFIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. KUCINICH. Mr. Speaker, on May 26, 2005, I sent the following letter to Dr. Michael D. Griffin, Administrator National Aeronautics and Space Administration (NASA):

HOUSE OF REPRESENTATIVES,
May 26, 2005.

Dr. MICHAEL D. GRIFFIN,
Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR DR. GRIFFIN: NASA is able to develop long term, high-risk enabling aeronautics

technologies that the private sector is unwilling to develop because they are too risky or too expensive. In fact, government funding of basic science has historically been the major role of government-sponsored research in aeronautics as well as the pharmaceutical, defense, and energy industries. When that basic research yields information that could lead to a service or product with profit potential, the private sector transitions the technology from research to development in order to bring it to market.

It is clear that where there is no basic research, there can be no development. Where there is no research and development, there can be no competitive industry. Without a thriving competitive aeronautics industry, we undermine our economy, national security, and airline safety.

Any management decisions that significantly erode NASA's aeronautics programs will require decades and billions of dollars to replace. We urge you to take all possible steps to preserve a robust aeronautics program at NASA.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

CONGRATULATING THE EMMANUEL AFRICAN METHODIST EPISCOPAL CHURCH ON THE DEDICATION OF THEIR NEW EDIFICE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the Emmanuel African Methodist Episcopal Church as they dedicate their new edifice.

The Emmanuel African Methodist Episcopal (A.M.E.) Church has served the San Antonio Community for more than 88 years. When first organized in 1917, the church was comprised of a small shed. As membership grew, the Emmanuel A.M.E. Church expanded, moving from building to building to accommodate their ever-expanding group of churchgoers.

By putting the principles of true stewardship to work, the Emmanuel A.M.E. Church has grown substantially from their humble beginnings. For Church members, the new edifice reflects God's goodness and grace, as well as their Church's dedication and appreciation for the Lord. The congregation now looks forward to worshipping in their new sanctuary.

I am honored to have had this opportunity to congratulate the Emmanuel A.M.E. Church on the dedication of their new edifice. The Emmanuel A.M.E. Church has provided the San Antonio area with guidance and stewardship, helping nurture and enrich faith in their community.

HARLEM RENAISSANCE DAY OF COMMITMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor the hard work and achievements of the Abyssinian Development Corporation and its Harlem Renaissance Day of Commitment in which I was pleased and honored to participate this morning. This organization has been a committed and active champion of the Harlem community, has worked diligently to promote the best of Harlem, and has created an environment that has facilitated the new Harlem Renaissance.

The Abyssinian Development Corporation is a major not-for-profit organization that works on housing development, family services, economic revitalization, educational development, and civil engagement in Harlem. Starting in the small basement office of the Abyssinian Baptist Church, the Abyssinian Development Corporation has grown in prominence and respect for its handling of complex issues of social, economic, and political challenges facing Harlem. Today, the organization boosts a dedicated staff of 95 employees and community investment projects of over $300 million.

Under the auspice of Reverend Calvin O. Butts III, the Abyssinian Development Corporation has been a faithful advocate for the Harlem community. Through the Central Harlem Local Development Corporation, it has promoted economic development and has attracted various businesses and corporations into Harlem. It has also been mindful of the need to provide essential services to the community and has addressed issues such as the improvement of education. The Thurgood Marshall Academy for Learning and Social Change has operated a successful Head Start program. These programs have been beneficial to the development and revitalization of Harlem and the Abyssinian Development Corporation continues to defend the interests of the community,

Today, the Abyssinian Development Corporation hosted a day focused on community leaders and Harlem culture. They paid tribute to the economic work and leadership of several dignitaries and dedicate time to draw attention to local and historical attractions within the community. A street festival, gospel celebration, and neighborhood tour will further highlight the various aspects of Harlem culture.

The Abyssinian Development Corporation has done a superb job of standing up for the people of Harlem and fighting for their interests. I hope that my colleagues here today will join me in applauding the efforts of this group over the last two decades. I submit for the RECORD the following CaribNews article on the work of the Abyssinian Development Corporation in the Harlem Renaissance Day of Commitment.

HARLEM RENAISSANCE DAY OF COMMITMENT

June 7, 2005.—The Abyssinian Development Corporation (ADC), an innovative not-for-profit organization dedicated to renewing and reclaiming the spirit of community in one of New York City's oldest and storied neighborhoods, announces its eleventh annual Harlem Renaissance Day of Commitment on June 7, 2005. The daylong celebration highlights ADC's accomplishments, diverse programs and services while showcasing the revival of Harlem.

This year's Renaissance Honorees include: Robert Rubin, Chairman of the Executive Committee, Citi-group, Inc; Michael Lee-Chin, Chairman and Chief Executive Office, AIC, Limited; Ralph Lauren, Chairman & CEO of Polo Ralph Lauren Corporation; and Paula Madison, President and General Manager of NBC4 in Los Angeles.

The Leadership Breakfast is ADC's opportunity to honor those who have continually and faithfully donated their time, resources and efforts to furthering the growth and revitalization of Harlem.

The day begins with a Leadership Breakfast, hosted by Rev. Calvin O. Butts III. The breakfast features more than 700 of New York's business, civic and political leaders and is held at the beautiful Great Hall of Shepard Hall, City College in the historic Hamilton Heights section of Harlem. The Leadership Breakfast (set to begin at 7:30 a.m.) will be preceded by a 7 a.m. VIP and press reception. Co-Chairs Rev. Dr. Calvin O. Butts III, Pastor, The Abyssinian Baptist Church; Edward Lewis, Co-founder, Publisher and CEO, Essence Communications; Saundra Parks, Chairman and Creative Director, The Daily Blossom; and Marianne Spraggins, President, Buy Hold America will preside over both the Leadership Breakfast and the presentation of the 2005 Renaissance Awards, during a celebration that will include Gospel Music and Southern-infused Cuisine.

Following the Leadership Breakfast is a tour of Harlem's historic neighborhoods, including Astor Row, Mt. Morris Park, Sugar Hill, and Striver's Row. Guests will see firsthand the various projects and programs of ADC throughout Harlem. The tour concludes at Odell Clark Place and 138th Street, allowing participants to visit Abyssinian Baptist Church. In the afternoon, ADC hosts a Street Fair on Odell Clark Place, complete with free food, music, games, amusement rides, entertainment and health information. The culminating event of the Harlem Renaissance Day of Commitment is an evening reception, A Taste of Harlem by Candlelight, at the Great Hall. The evening will feature entertainment from famed rhythm revue DJ Felix Hernandez, live music from ''Soulnites,'' and a sample from some of Harlem's and New York City's leading restaurants and caterers.

RECOGNIZING THE IMPORTANCE OF GRISWOLD V. CONNECTICUT ON ITS 40TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. WAXMAN. Mr. Speaker, today, we are fortunate to be able to say that most Americans now take for granted the right to access and use birth control. Yet, the 40th anniversary of Griswold v. Connecticut, which first legalized the use of contraceptives, reminds us that it was not so long ago that this right was in great jeopardy. The importance and impact of this landmark decision cannot be underestimated.

Ninety-five percent of women in the U.S. now use some form of birth control during their childbearing years and the number of unintended pregnancies has dropped significantly as a result of this widespread use. Thanks to the many publicly funded programs, women in all socio-economic groups have increased access to birth control. The ability to control and plan for childbirth has also created considerable improvements in the health and well-being of women, children, and families. We have seen dramatic decreases in the rates of maternal and infant mortality, and, at the same time, dramatic increases in maternal and infant health. Women's ability to control their fertility has enabled them to enter the workforce in unprecedented numbers which has contributed to the overall prosperity of our national economy.

While these successes are certainly worthy of recognition, we cannot lose sight of the challenges that remain. Despite the reductions in unintended pregnancies we've seen, the U.S. continues to have one of the highest rates of unintended pregnancies among Western nations. Among teenage girls, the rate of unintended pregnancies remains above 75 percent and estimates show that more than one-third will become pregnant before the age of 20. Many barriers to widespread access to and use of contraceptives still exist. For instance, a number of states have enacted laws that allow health care providers and pharmacists to refuse to provide birth control. Unfortunately, under the current administration's "abstinence-only" approach to sex education, millions of children and adolescents each year are deprived of basic facts on contraception, and are instead being taught misleading information about reproductive health.

It is important to honor the 40th anniversary of Griswold not only to recognize the many accomplishments we've made in the 40 years since this landmark case, but also to remind ourselves of the work we have yet to do. We must continue to be unrelenting in our pursuit of the goal of creating unencumbered universal access to and use of contraceptives. Given the numerous successes of the last 40 years, I'm confident we can succeed.

KEEPING THE PROMISE TO OUR DISABLED VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. FILNER. Mr. Speaker and colleagues, I rise today to speak about two bills that I have introduced to better the lives of our Nation's disabled veterans. H.R. 1188, the "Disabled Veterans Right to Commissaries and Space Available Travel Act," will extend commissary and exchange store privileges to service-disabled veterans with a rating of 30% or more and to their families. Congress must do all we reasonably can for the men and women who have become disabled in their service to our Nation. Our disabled veterans are important members of the greater military family, and they should be treated as such with every available opportunity.

This bill will also authorize transportation on military aircraft on a space-available basis to service-disabled veterans with a rating of 50% or more. Currently, members and retirees of the uniformed services and the reserves may travel free on Department of Defense (DoD) aircraft when space is available. This benefit is allowed when it does not interfere with military missions, and it recognizes that military careers are filled with rigorous duty.

But present policies do not extend this benefit to our disabled veterans. What more rigorous duty can be imagined than to become disabled in the service of our country? Why has the DoD chosen not to recognize the brave men and women who sacrificed their health and well-being while serving in uniform? This DoD policy needs to be corrected.

Space-available travel for these disabled veterans would cost the Federal government nothing and would not interfere with active-duty personnel. Current military is always given priority, and H.R. 1188 would do nothing to change that. What my bill will do is allow seats that would otherwise go unused to be occupied by men and women who have been disabled when serving their Nation.

I invite my colleagues to also support a second bill, H.R. 2747, the "Disabled Veterans Life Insurance Enhancement Act." This legislation will make improvements in insurance for veterans who are disabled in their service to our country.

When the Service-Disabled Veterans Insurance (SDVI) began in 1951, it was intended to provide service-disabled veterans with the ability to purchase life insurance coverage at "standard" rates. Unfortunately, these life insurance premiums are based upon mortality rates for 1940, while current standard life insurance policies have premiums based upon the 2001 mortality table. This means that service-disabled veterans are being charged high premiums based on a table that is 60 years out of date. The Independent Budget, prepared and endorsed by many veterans service organizations, has recommended that the mortality table be updated so that service-disabled veterans pay lower premiums for insurance. My bill would provide insurance comparable to standard policies, based on 2001 tables. Another change will increase the amount of insurance available to $50,000, purchased in increments of $10,000.

Second, the VA provides mortgage life insurance (VMLI) to severely service-disabled veterans who qualify for specially adapted housing grants. Currently, this amount covers only about 55% of the outstanding mortgage balances at the veteran's death because the maximum amount has not been increased since 1992. We know how the cost of houses has skyrocketed since then in many areas of our country. In May, 2001, an evaluation by the Department of Veterans Affairs recommended that the coverage be increased, and The Independent Budget has also recommended that the coverage be increased. H.R. 2747 implements those recommendations by increasing the maximum to $200,000 to cover 94% of mortgage balances outstanding. Veterans can choose lower coverage, if they wish.

These bills are the right steps to take for our disabled veterans. They have sacrificed their health and well-being for their country, and they have earned the right to these privileges. Please support these bills and work with me for their passage.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 25, 2005

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes:

Mrs. MALONEY. Mr. Chairman, I rise to express my opposition to Mr. Hunter's Manager Amendment to H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006.

Like so many of my colleagues, I was concerned about the original language in H.R. 1815, language that would have excluded women from 20,000 positions in which they have already served to great acclaim.

However, while the Manager's Amendment is an improvement upon the original language, it is still flawed.

First of all, the Hunter Amendment extends the notification period for changes to women's assignments from thirty to sixty legislative days, a period that could last as long as 4 to 5 months.

Mr. Chairman, I know how long debates on this floor can last, and I guarantee you, an Iraqi insurgent is not going to hold his fire until we have reached agreement on which positions women can fill.

In addition, the Hunter Amendment requires Army commanders to send more detailed reports to Congress about the kinds of enlisted jobs, or Military Occupational Specialties, they would like to open to women. Unfortunately, this will also have the effect, intended or not, of limiting women's roles in the military. Our generals are swimming in paperwork as it is. By burdening them with even more paperwork, the new provisions in the Hunter Amendment create an unnecessary and dangerous delay.

Now is the time to be praising women for their contributions to the war effort, not curtailing their roles. Army spokesperson Elizabeth Robbins recently declared, "Women soldiers are performing magnificently in all formations in which they are permitted to serve."

Mr. Chairman, this is high praise! Why are we trying to fix a problem that does not exist?

Today, women comprise a quarter of our available soldiers. As General Claudia Kennedy, the highest ranking woman ever to serve in the Army said to me, "Numbers matter! Why should we prohibit our brave soldiers from doing their jobs when the Army is having trouble recruiting?"

We should devote our time to enhancing soldiers' protections, not restricting women's roles.

Several months ago we learned that soldiers were digging up rusted scrap metal to protect unarmored vehicles. This is a problem worth fixing! The best way to protect our women and men in uniform is to guarantee them the armor, supplies and resources they need.

In April 2003, a soldier named Jessica Lynch captured our hearts. She also taught us an important lesson. Jessica Lynch was a member of the 507th Maintenance Company. Her convoy, a supply unit, was not supposed to be in the line of fire. But, Mr. Chairman, as Jessica Lynch's terrifying ordeal taught us, everywhere in Iraq is a potential combat zone, and every soldier is serving on the front lines.

I would like to thank Representatives SKELTON and WILSON for their hard work on this issue and for their advocacy for women's rights in the military.

I stand here in support of the military. My husband, brother and father all served with honor on our country's behalf. I am grateful for the sacrifice of each of our service men and women. But I did not come to Congress to restrict the roles of women anywhere.

RAINNIE DEANE: A FRIEND OF SMALL BUSINESS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MANZULLO. Mr. Speaker, I rise to honor and thank a public servant who dedicated a large part of her life to public service and in particular to helping small businesses.

Lorraine ''Rainnie'' Deane began her Federal career in 1977, serving as a staffer for the Committee on the Budget in the United States Senate and then later as a staffer for the Senate Committee on Small Business from 1981 to 1989. In 1989, ''Rainnie'' joined the Small Business Administration (SBA) and began working with the Office of Congressional and Legislative Affairs. Ms. Deane retired just recently on May 31, 2005, after 28 years of distinguished service.

She has always been an outstanding help to us here in the Congress, and especially to my staff and their predecessors on the Committee on Small Business.

Prior to entering Federal service, ''Rainnie'' worked for the private sector in the late 1960's to the late 1970's. In the mid to late 1960's, ''Rainnie'' was self-employed as a model in the metropolitan DC area. As a take-off on Britain's Twiggy, ''Rainnie'' was named ''The Face of '68'' and articles appeared in the London Financial Times and the Washington Post. She also appeared on network TV doing fashion shows. She was a true entrepreneur in her own right.

In addition to her work for small business ''Rainnie,'' a breast cancer survivor, has been very active in raising funds for cancer research. ''Rainnie's Dream Team'' of over 50 friends and colleagues just participated in the June 3, 2005 Susan G. Komen Race for the Cure in Washington, DC, the most recent of her teams supporting this noble cause.

In conclusion, Mr. Speaker, I would like to reiterate my congratulations and gratitude to ''Rainnie'' for her excellent service to the Federal government, small business, and society. I wish her a happy and well-deserved retirement.

CONGRATULATING THE CIGARROA FAMILY, LAREDO BUSINESS PERSONS OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the Cigarroa Family, Laredo Business Persons of the Year.

Joaquin Cigarroa Jr., along with his sons Ricardo, Carlos, Francisco, Joaquin, and daughter Patricia comprise a unique group of medical professionals and business entrepreneurs.

The Cigarroas have demonstrated a great ability to seek opportunity and create enterprise within their community. The family has consistently expressed their devotion to Laredo, dedicating their lives to the education and health of their city.

The Cigarroa Family has contributed significantly to the development of the healthcare industry in South Texas, partnering in 2004 with others to create the Laredo Cardiac Rehabilitation and Wellness Center. The family is currently developing the Cigarroa Heart and Vascular Institute.

I am honored to recognize the Cigarroa Family, Laredo Business Persons of the year. I applaud the Cigarroas for their commitment to the medical industry and the positive impact they have had on their local economy.

LESSONS FROM THE LIFE OF MALCOLM X

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to draw the attention of the 109th Congress to the life of Malcolm X. Four months ago was the 40th anniversary of the tragic assassination of Malcolm X. Last month, I called on this body to recognize and commemorate the 80th birthday of this brilliant man who rose from a life of crime and incarceration to become a famed civil rights leader. Today, I ask this chamber to reflect on the circumstances that led Malcolm X down the path he took and to imagine how his life and our lives might have been different had he lived into his 80s.

Despite much hardship and struggle in his life, he rose to be a powerful voice of a disenfranchised Black America. His father, a believer in Garveyism and a champion of Black Nationalism, was found dead on the railroad tracks near his home. His mother quickly sank into a deep depression and alcoholism. He was split from his brothers, sisters, and mother shortly thereafter. Despite an impressive academic record, he was discouraged from pursuing a career in law by a favorite white teacher. By his 20s, he had turned to a life of crime that appeared to offer more opportunities for a young black man in the 1940s.

To young Malcolm, racism was at the heart of his family breakdown, the barriers to his advancement, and the limitations of Black America. All around him were examples of a system that discriminated against, despised, and debilitated Black America. Crime, drugs, death, limited opportunities, inadequate finances, segregation, and racism were facets of his daily life. They framed his view of the world around him and of the individuals within the political and economic hierarchy.

As a result of a religious conversion he experienced in jail, Malcolm would join the Nation of Islam and become one of its most influential ministers. Motivated by his spirit, pride, and desire to defend his Black people, he would see the Nation of Islam as a voice for the disenfranchised, the poor, and the discriminated. He would connect his life story to the lives of those with whom he came in contact and explain their story through his own experience. Their dismay with the system was his dismay; their need for leadership was his strength. He instilled in those he met in his journey a sense of pride that many had lost. He restored their hope in themselves. He demanded more of himself and more of them.

He told America about the oppression and racism that held his people back and demanded that the injustices be undone. With that demand came a call for Black America to stand up for themselves, to insist upon their freedoms as men and women, and to settle for nothing less. He became the voice for a segment of Black America that would no longer accept the status quo. He became a champion for justice, equality, and self-determination.

While many feared the hatred and determinism that underlined Malcolm X, many also missed his transformation to El-Hajj Malik El-Shabazz. El-Shabazz had traveled to Mecca and seen with his own eyes the kindness of all people and the international extent of oppression. He saw that injustices were not just a White-Black dynamic in the United States, but a challenge that existed across the world, across races, and across systems of government. He returned from his travels with a new developing world philosophy.

Malcolm X was an influential leader of the Civil Rights Movement and is an admired champion of current generations. His struggle is seen as a universal struggle that groups the world over have fought. He influenced change in the role of African-Americans in this country. His thoughts still shape the ideas of the young and old today. This Congress, this Nation, must come to terms with the meaning and significance of this great man, as we advance into this new century.

I submit for the RECORD and for our reflection the following CaribNews article by Michael D. Roberts on Malcolm X. It provides further insight into the development of El-Hajj Malik El-Shabazz and it offers a view of Black Moses.

BLACK MOSES: THE INTERNATIONAL APPEAL FOR THIS BLACK NATIONALIST STILL LIVES

MAY 31, 2005.—As we celebrate the 80th ''earthday'' of legendary Black Nationalist leader, Malcolm X, he still commands the attention and interest of millions of people—Black, White, and others. And even now there are still attempts to settle once and for all the circumstances surrounding his untimely demise.

Malcolm's contribution to the development of Black people and the Black race the world over serves as a timeless positive lesson in today's troubled climate of racism, petty prejudice and discrimination. His life and times also make the translucent point that greatness can start from very humble circumstances and that ultimately the power of goodness must triumph over those of evil.

Indeed, his example, in so short a lifetime, is a remarkable study in the metamorphosis from ordinary Malcolm Little, born on May 19, 1925, to a Garveyite father and Grenadian mother, to convicted felon and con man, to Malcolm X, the top minister of the Nation of Islam (NOI) and finally to El-Hajj Malik El-Shabazz, internationalist, Black nationalist, and statesman. Incredibly all this was done in less than four decades. To all that I would take the liberty of adding: ''Black Moses martyred for the cause of Black Liberation.''

But the events which would transform a disillusioned Black street hustler known as ''Detroit Red'' into an international symbol of Black pride provide serious and objective lessons in today's hostile social and political climate. So, too, the study of the public and international ministries of Malcolm X should never be solely focused on his early radical pronouncements as many of his detractors are wont to do.

After all his early, formative perceptions of society were formed after he saw his father viciously murdered by the racist, white supremacist Ku Klux Klan organization, and his mother fall victim to the debilitating

ravages of alcoholism while still barely a teenager.

A young Malcolm witnessed the steady dysfuctionality of a home broken up by the demise of the main breadwinner and the rapid decline into depression and alcoholism of a mother unable to cope with the sheer burden of raising a family alone. The end result was that Malcolm's mother was forced to parcel off the children to family and mends because she was unable to adequately provide for them.

Of course, to many Black people around the world this sounds very familiar and is a situation that has been duplicated over and over again in the Black family even in 2005 on the anniversary of his birth.

But when all is said and done the reason why Malcolm X was able to elevate himself from nonentity, ''Detroit Red,'' a two-bit street hustler, to one of the most gifted and eloquent leaders of the 20th century, was due mainly to his conversion, while in jail, to the religion of lslam.

The early Malcolm, still bitter from his experiences with racism, still hurting from being separated from his family and in particularly his mother that he loved deeply, was a narrow-minded bigot who saw the white man as ''a blond blue-eyed devil.'' And even as he embraced the Quran and was riding the wave to the top of the Black Muslim religious hierarchy, Malcolm still believed that the problems facing the Black race, especially in a still segregated and prejudiced America, were the deliberate creation of ''evil'' individual White men.

That is why he uttered his famous epitaph on the assassination of President John F. Kennedy calling it a case of ''chickens coming home to roost.'' But while the statement appeared to be fundamentally callous and insensitive to the brutal slaying of a United States president, on closer examination and analysis it could be interpreted to mean that the climate of hostility and racial hatred which was poisoning American society on November 22, 1963 spawned such activities which resulted.

And although felled by several assassins' bullets in New York's Harlem Audobon Ballroom on February 21, 1965, Malcolm X's cultural currency has only increased in the last four decades. Part of his appeal has to do with the controversial figure that he was and his oftentimes uncompromising in-your-face, no-sell-out stance that he took when dealing with white American society and questions of Black oppression. It is this militant revolutionary charisma that still finds acceptance especially by inner city youths who are today still struggling to be free.

Just as he was controversial in life, so too he is in death. In 2005 there are still many unanswered questions about just who was behind his assassination. Following Malcolm's break with the Nation of Islam (NOI) in 1964, enmity grew between him and the Nation of Islam leader Elijah Muhammad. Most members of the group hated Malcolm for ''defaming'' Muhammad's name.

An FBI memo, uncovered during a congressional probe of the agency's notorious COINTLPRO (Counter Intelligence Program) program, suggests that it was the agency, which hated Malcolm's guts, that used agent provocateurs planted inside the NOI to fuel and foster factional disputes and nurture hatred for Malcolm ultimately culminating in his killing. It was no secret that FBI director, J. Edgar Hoover, wanted Malcolm dead.

But no matter the circumstances of his untimely death, or who was to blame, Malcolm X has left a towering legacy of selfless sacrifice to the greater good of mankind. In less than four decades he made the extraordinary journey from an ordinary man to a leader with international standing ultimately transformed by the power of his pilgrimage to Mecca. It was this change and his new and profound understanding of the root causes of oppression, exploitation and racism that thrust him on a new path to liberating his people. He became in the process, EI-Hajj Malik EI-Shabazz, the liberated Black Moses of his people as he saw the emancipation of Blacks in America as inextricably entwined and linked with the liberation processes in the Caribbean, in Europe and Africa. Malcolm X will be remembered as one of the clear Black voices of reason whose every thought and action was based on sound moral political principles. As we remember him on his 80th Birthday and 40 years after he was brutally murdered it is correct to say that his legacy still lives on.

Today, history looks kindly on Malcolm X and a generation of young Black leaders all over the world remember him for his militant activism and strong uncompromising leadership. He was truly a ''Black Moses'' who chose his own path to lead his people. Cut down before his mission was accomplished we can only wonder at what this extraordinary model of human transformation and sound moral principles would have accomplished had he lived. We can only speculate. But Malcolm X achieved in life what many, many would take two and even three lifetimes to achieve. That is his legacy and his lasting gift to his people.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. MENENDEZ. Mr. Speaker, I regret that official business forced me to miss rollcall votes 223–227 on May 26, 2005. Had I been present, I would have voted as follows:

On rollcall vote No. 223, On Ordering the Previous Question providing for consideration of H.R. 2528, the Military Quality of Life and VA Appropriations bill for Fiscal Year 2006, I would have voted ''nay.''

On rollcall vote No. 224, On Agreeing to the Melancon Amendment to H.R. 2528, I would have voted ''aye.''

On rollcall vote No. 225, On Agreeing to the Blumenauer Amendment to H.R. 2528, I would have voted ''aye.''

On rollcall vote No. 226, passage of H.R. 2528, the Military Quality of Life and VA Appropriations bill for Fiscal Year 2006, I would have voted ''aye.'' .

On rollcall vote No. 227, On Agreeing to the Motion to Instruct Conferees on H.R. 3, the Transportation Equity Act: A Legacy for Users, I would have voted ''aye.''

TRIBUTE TO LAWSON AND JEANNE HAMILTON AS GRADUATES OF DISTINCTION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to pay tribute to a remarkable West Virginia couple, Lawson and Jeanne Hamilton, who are being honored by The Education Alliance as Graduates of Distinction.

''Graduates of Distinction'' was established by The Education Alliance to recognize and honor graduates of West Virginia public schools who have attained national or international acclaim in their professions and for their loyalty to West Virginia.

Lawson Hamilton graduated from Charleston High School and went on to become the owner of Ford Coal Company, a major producer which provided good jobs for West Virginians for decades.

Jeanne Hamilton graduated from Elkview High School and has been a leader in many civic and community programs in addition to being named ''Mrs. West Virginia Mother of the Year.''

As testament to the value they have placed on their educations, Lawson and Jeanne have sponsored wonderful reunions for graduates of Charleston High School, keeping traditions and relationships strong and vibrant even as the student body now enjoys grandchildren and great-grandchildren. They are true believers in education and the arts.

Lawson and Jeanne Hamilton could have taken the skills they gained in public school and launched successful careers anywhere, but chose to put them to work putting West Virginians to work. Our State is sincerely appreciative. Their bountiful nature and giving spirits are unmatched.

We are taught always to leave a place better than we have found it. Lawson and Jeanne have transformed our community in many ways throughout their lives, and all West Virginians and Americans should honor them today.

INTRODUCTION OF H.R. 2746

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. HOLT. Mr. Speaker, in his State of the Union address on February 27, 2001, President George W. Bush stood in these very chambers and correctly stated, ''No senior in America should have to choose between buying food and buying prescriptions.'' Unfortunately, two years later, Congress passed a bill that did not solve that problem.

The Medicare Modernization Act fails to protect the eligibility of low-income seniors for other Federal assistance programs. The statute mandates that use of the transitional discount drug cards will not affect eligibility for Federal assistance programs, like food stamps. However, such protection is not extended to the permanent prescription drug benefit, which will be fully implemented on January 1, 2006.

On May 4, 2005, the Centers for Medicare and Medicaid Services (CMS) notified potential beneficiaries of the Medicare low-income subsidy that they may qualify for extra help paying prescription costs. However, this potential extra help comes with a caveat: If you qualify for extra help, your food stamps may decline. Recipients of the minimum food stamp benefit will see their benefits end.

It is unconscionable to offer a ''low-income subsidy'' that is contingent on beneficiaries forgoing another necessary commodity. The lowest income seniors should not have to choose between getting help with their expenses for prescription drugs or food.

Today, I introduced H.R. 2746, legislation that would fix this problem with the Medicare

Modernization Act. It is a simple correction that extends to the permanent drug benefit the same protection for Federal assistance program eligibility provided in the transitional drug benefit. I encourage Members to support this bill.

Congress and the Bush Administration have repeatedly affirmed that low-income seniors should not have to choose between food and prescription drugs. Our actions as a body have not lived up to that commitment. Congress should act quickly to fix this flaw in the Medicare Modernization Act so that the most vulnerable among us are not faced with an impossible choice.

CONGRATULATING ARACELI LOZANO, SMALL BUSINESS ADVOCATE WOMEN CHAMPION OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Araceli Lozano, Small Business Advocate Women Champion of the Year.

Araceli is the Director of the Laredo Development Foundation Small Business Development Center (SBDC), which was established to provide vision and leadership to develop, encourage, promote and protect the business interests of the Laredo metropolitan area.

As Director, Araceli works to provide opportunities, motivation, and guidance to current and potential small business owners. Under the stewardship of Ms. Lozano, the SBDC team has achieved an outstanding track record, meeting and exceeding each counseling and training goal. Araceli has consistently reached out to small business owners in rural communities, providing direction to enhance the business skills of these blossoming entrepreneurs.

I am honored to recognize Araceli Lozano as the Small Business Advocate Women Champion of the Year. Araceli's dedication and devotion to the growth and success of small businesses is truly admirable.

CONGRATULATING ALICIA ESPINOZA, SMALL BUSINESS ADVOCATE FINANCIAL CHAMPION OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Alicia Espinoza, Small Business Advocate Financial Champion of the Year.

Alicia works as a Commercial Loan Officer for the Commerce Bank where she makes and services all types of loans. With over 9 years banking experience, Ms. Espinoza offers clients a wealth of banking knowledge and financial understanding.

Alicia strives to provide personalized attention to her customers. She knows them all by their names, not their account numbers. By offering each customer individualized consideration and tailored advice, she is able to maximize the success of her business transactions. Alicia works hard to serve the needs of her clients, often working beyond a banker's traditional hours.

I am honored to recognize Alicia Espinoza as the Small Business Advocate Financial Champion of the Year. Alicia's exceptional efforts continue to perpetuate the economic and social development of her community.

THE COMMENCEMENT MESSAGE OF DR. DAVID JEFFERSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. RANGEL. Mr. Speaker, I rise to honor the success and contributions of Dr. David Jefferson, Sr. A graduate of Grambling State University, David has been a role model and example for a generation of Grambling students and others who have met him.

In the last thirty years, David has risen up the ranks in the business community and has developed an impressive reputation amongst his colleagues as a fair and wise business leader. He currently serves as the President and CEO of JNET Communications, LLC and is a member of the board of directors of SBLI USA Mutual Life Insurance Company, Inc. He has succeeded in bringing the talents of a young Louisianan and the lessons of a noteworthy academic institution into the decision-making of two major corporations.

Beginning in 2003, JNET has provided a suite of technology and technology-related services to telephone companies, cable television systems, and other businesses. The company has created a number of job opportunities in minority and low-income communities. Through its Up the Ladder training program, it has trained individuals in these communities to work as call center experts, customer acquisition and expansion experts, and maintenance and installation experts. David has been successful in managing an organization that creates jobs for the community and the people that surround him.

Dr. Jefferson is also a senior pastor of the Metropolitan Baptist Church of Newark. Founded in 1938, Metropolitan Baptist has one of the largest congregations in Newark. It has over 80 ministries ranging from choirs and church services to ecommerce and educational development. David has effectively used the church to address the economic and social needs of his congregation and has worked to improve the livelihood of his community.

David is also a willing community activist. He divides his time with a number of social and religious organizations dedicated to making an impact on the community. He is enthusiastically involved in the actions of civil rights organizations, legal associations, and a fraternal order. In addition, David is the director and co-chair of 1,000 Churches Connected Initiative. His commitment to the community and involvement in its development is a testament to the importance of daily activism and individual responsibility.

Dr. Jefferson is a wonderful role model for generations of Americans. He effectively combines the intuitiveness and aggressiveness of the business community with the compassion and care of the neighborhood. He is a dedicated leader to the economic and social fabric of this country and should be recognized for his role in shaping and developing the individual, the family, and the community.

Dr. Jefferson bestowed his sage advice on the graduating class of Grambling State University Sunday, May 22. He advised the graduates of his keys to success and reminded them of the importance of community service, determination, and commitment to their life. I would like to share with this body the thoughtful words of Dr. David Jefferson at the commencement of Grambling State University. I submit for the RECORD the prepared text of that commencement address.

''ACHIEVING YOUR DREAMS AND HOPES''; GRAMBLING STATE UNIVERSITY COMMENCEMENT ADDRESS, MAY 22, 2005

To Dr. Judson, the president of this internationally renowned, remarkable, historical institution; Chairman of the Board of Trustees; faculty; administrators; staff; parents; friends; loved ones; and last but certainly not least the Graduating Class of 2005. When you travel and see the condition of our young people . . . to see those who have reached this level, they deserve a message from us that we are proud of their accomplishments.

Today represents a major milestone and one of significant meaning and enormous joy and fulfillment for all of us. For the graduates and their families, because your hard work, sacrifice and perseverance has finally yielded the first installment of your dividends. It's significant for this great institution because there is a spirit of revival and rebirth in the air at GSU.

I am excited and encouraged about what is happening at my Alma Mater. The campus is receiving a long overdue facelift, buildings are being constructed, dorms are being renovated, academic curriculums are being reevaluated, and there is a vision and hope for tomorrow.

For me it's significant because I have been invited back to my roots, the place where I started my journey and received my foundation for higher academic training. This is the institution that equipped me and prepared me for my MBA work in finance at the University of Dayton. It is this institution that also equipped me to pursue legal studies at Capital Law School; a Master's of Theology at Drew University; and another master's degree from one of the top schools in the world—the Massachusetts Institute of Technology. It is this institution that paved the way for me to become the Pastor of the Metropolitan Baptist Church in Newark, N.J. which has nearly 6,000 members, and now the President and CEO of JNET Communications. After 34 years I have been invited back to give this commencement address and that's a marvelous blessing. So do not let anyone tell you Grambling is not a great school. Without this school I wouldn't be where I am today.

I am very humbled and emotional, but very excited. And I want to thank Dr. Judson for inviting me to address this class. I've received a number of prestigious honors in my life, many of which were absolutely outstanding. However, in my estimation, this tops them all. To stand here today is extremely significant to me. Everywhere I go young people constantly inquire, ''Dr. Jefferson, how have you achieved such significant accomplishments and what advice would you give college students?'' And that's what I want to focus on briefly: achieving your dreams and hopes.

The first thing I have to admit is it has not been easy—you really do have to learn how

to lean and depend on God. But you also have to have a dream, some hope, some aspiration that takes you beyond the present to what you want for your future. It's called reaching beyond the present. I had and still have a desire to achieve.

Even if you don't know exactly ''where'' you want to go, you need to possess a desire to ''excel beyond your present.'' Then you need to be inspired because aspiration is not enough, you also need inspiration. I grew up in Doyline, a small rural area just west of here—dirt roads, no running water, outside bathrooms, and bathing in a #3 tub (something many of you perhaps know nothing about). There are 15 children in our family. I'm #10 and nine of us graduated from college. My father, a Baptist minister, was a strong man and an outstanding role model. My mother, who is with me today, is 89 years old and will be 90 in December. Neither of my parents finished high school, but they understood the value of a good education and inspired their children to be somebody, to make something of themselves, to be their best. Without aspiration and without inspiration there is no drive, determination, or will to succeed. Success comes to those who are willing to sweat. And then you need to work at it. It's called preparation. And preparation involves perspiration. Preparation and perspiration always precede realization. Dreams and aspirations can never be achieved without preparation and perspiration. And then you get to the moment of celebration. That's where you are today. So graduates—it is time to celebrate!

But today's accomplishments are to be celebrated with commas, not periods. As a punctuation mark, the period says ''stop.'' It represents the end of a declarative statement. But a comma says simply, ''pause,'' because there's more to follow. I urge you to celebrate today with a comma, meaning that there's more to follow! Seize the moment, but keep going. Make the most of your life. Don't stop. Go for your master's, go for your doctorate, take your life to the next level. Do something that will make a difference, make your mark in life, leave a legacy.

L. Frank Baum in his 1939 epic, ''The Wizard of Oz,'' starts the story when a nasty neighbor tries to have Dorothy's dog put to sleep. Dorothy takes her dog, Toto, to run away. A cyclone appears and carries her to the magical land of Oz. Wishing to return, she begins to travel to the city of Oz, where a great and powerful wizard lives. On her way she meets a Scarecrow who needs a brain, a Tin Man who wants a heart, and a cowardly Lion who desperately needs courage. They all hope the Wizard of Oz will help them, before the Wicked Witch of the West catches up to them. But when they reach Oz and meet the magnificent Wizard they encounter a remarkable discovery. And that is ''what they were looking for on the outside was only to be found within.'' What they wanted the Wizard to give them, they had all along. You have within you brains, the courage and the heart and the spirit to go the distance. Cultivate what you have within! Sometimes up, sometimes down, it won't be easy but go for it!

And perhaps that's what Langston Hughes had in mind when he wrote the poem ''Mother to Son,'' where the mother says to her son . . .

''Well, son, I'll tell you:
Life for me ain't been no crystal stair.
It's had tacks in it,
And splinters,
And boards torn up,
And places with no carpet on the floor—
Bare.
But all the time
I'se been a-climbin' on,
And reachin' landin's,
And turnin' corners,
And sometimes goin' in the dark
Where there ain't been no light.
So, boy, don't you turn back.
Don't you set down on the steps.
'Cause you finds it's kinder hard.
Don't you fall now—
For I'se still goin', honey
I'se still climbin',
And life for me ain't been no crystal stair.

So go for it graduates and one day you'll discover, like I have, there is no place like home, no place like Doyline, no place like Grambling State University! And although today is a great accomplishment, your best is yet to come.

God bless you and God bless Grambling State University!

RECOGNIZING THE RETIREMENT OF DE TEEL PATTERSON (PAT) TILLER

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 7, 2005

Mr. McCRERY. Mr. Speaker, today I would like to recognize an individual who has for the past 28 years been a thoughtful and articulate advocate of historic preservation and cultural resources programs serving the 388 national parks and the Nation's heritage partnership programs.

de Teel Patterson (Pat) Tiller, the National Park Service's Deputy Associate Director, Cultural Resources, will retire in June. Since 1999 he has served as both the Deputy and Acting Associate Director of the National Park Service. A native of Washington, DC, Tiller worked as a professional designer in television and regional theater before receiving a Master's degree in Architectural History with a specialty in historic preservation from the University of Virginia, College of Architecture. He was in private practice in West Texas before joining the National Park Service in 1977. Tiller has served in various adjunct faculty positions in architectural history and historic preservation policy and practice at the University of Wyoming, the University of Virginia, Kansas State University, George Washington University in Washington, DC, and Goucher College in Baltimore, Maryland. He received an honorary Doctor of Humane Letters from Goucher in 2003.

In the Fourth Congressional District of Louisiana, Pat Tiller has been instrumental in nurturing and developing a unique relationship among three National Park Service entities in Natchitoches. The synergy of the Cane River Creole National Historical Park, the Cane River National Heritage Area, the National Center for Preservation Technology and Training and local partners is a model for cooperation and productivity among federal agencies and local communities. The American Planning Association recognized this achievement with a Federal Planning Award for Partnerships in 2004.

The community has benefited from Tiller's guidance in two Save America's Treasures awards, numerous visits by National Park Service personnel, and the development of the Creole Heritage Center on the campus of Northwestern State University. The Creole Heritage Center has seen its mission and scope extend beyond a local community group to a national constituency. Pat Tiller has been instrumental in formulating the policies and funding to make this a reality.

Pat Tiller has been a man of vision of during his tenure at the National Park Service in improving the nation's natural and historic resources. He leaves behind a rich legacy, numerous contributions and very large shoes to fill. My staff and I, and I dare say many other members and staff on the Hill, will miss Pat's guidance, hard work, unfailing courtesy, good humor and most of all dedication to his work in the years ahead. But I know that I and many others in the Fourth District will seek opportunities to keep Pat engaged and part of the larger preservation community as he reenters the private sector and begins another phase of an already distinguished career.

Daily Digest

HIGHLIGHTS

House Committee ordered reported the following appropriations for Fiscal Year 2006: Defense; and Science, The Departments of State, Justice, and Commerce, and Related Agencies.

Senate

Chamber Action

Routine Proceedings, pages S6115–S6173

Measures Introduced: Twenty-one bills and two resolutions were introduced, as follows: S. 1173–1193, and S. Res. 161–162. **Page S6154**

Measures Reported:

S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions, with amendments. (S. Rept. No. 109–76) **Page S6153**

Nomination Considered: Senate continued consideration of the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S6116–46**

By 65 yeas to 32 nays (Vote No. 130), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination. **Page S6129**

A unanimous-consent-time agreement was reached providing for further consideration of the nomination on Wednesday, June 8, 2005, with a vote on confirmation of the nomination to occur at 5 p.m. **Page S6129**

Appointments:

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C., 276h–276k, as amended, appointed the following Senator as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: Senator Reed. **Page S6172**

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C., 276h–276k, as amended, appointed the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the First Session of the 109th Congress: Senators Sessions and Crapo. **Page S6172**

Executive Communications: **Page S6153**

Additional Cosponsors: **Pages S6154–56**

Statements on Introduced Bills/Resolutions: **Pages S6156–71**

Additional Statements: **Pages S6152–53**

Authority for Committees to Meet: **Pages S6171–72**

Privilege of the Floor: **Page S6172**

Record Votes: One record vote was taken today. (Total—130) **Page S6129**

Adjournment: Senate convened at 9:45 a.m. and adjourned at 5:20 p.m. until 9:30 a.m., on Wednesday, June 8, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6172.)

Committee Meetings

(Committees not listed did not meet)

CAFT–DR

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the United States-Central America-Dominican Republic Free Trade Agreement (CAFTA), focusing on potential impacts on the agriculture and food sectors, after receiving testimony from Mike Johanns, Secretary of Agriculture; Allen F. Johnson, Chief Agricultural Negotiator, Office of the United States Trade Representative; Bob Stallman, Columbus, Texas, on behalf of the American Farm Bureau Federation; Cal Dooley, Food Products Association, Tom Buis, National Farmers Union, and Augustine Tantillo, American Manufacturing Trade Action Coalition, all

of Washington, D.C.; Robert E. McLendon, Leary Georgia, National Cotton Council; and Jack Roney, American Sugar Alliance, Arlington, Virginia.

APPROPRIATIONS: DEPARTMENT OF THE INTERIOR

Committee on Appropriations: Subcommittee on Interior and Related Agencies approved for full Committee consideration H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

TANKER PROGRAM

Committee on Armed Services: Committee concluded open and closed hearings to examine the Department of Defense Inspector General's Management Accountability Review of the Boeing KC–767A Tanker Program, after receiving testimony from Gordon R. England, Acting Deputy Secretary, Michael W. Wynne, Under Secretary for Acquisition, Technology, and Logistics, Joseph E. Schmitz, Inspector General, and Thomas F. Gimble, Deputy Inspector General, all of the Department of Defense; and Michael L. Dominguez, Acting Secretary, and General John P. Jumper, USAF, Chief of Staff, both of the U.S. Air Force.

INTERNATIONAL MONETARY FUND REFORM

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance concluded a hearing to examine progress on reform of the International Monetary Fund, focusing on the growing role of international debt securities, the increase in volume of private capital flows, and the increasing interconnection between financial markets, after receiving testimony from Randal Quarles, Acting Under Secretary of the Treasury for International Affairs; Allan H. Meltzer, Carnegie Mellon University, Pittsburgh, Pennsylvania; and C. Fred Bergsten, Institute for International Economics, Washington, D.C.

PRIVATE PENSIONS

Committee on Finance: Committee held a hearing to current problems and future challenges of defined-benefit pension plans, relating to the United Airlines case, receiving testimony from David M. Walker, Comptroller General of the United States, Government Accountability Office; Bradley D. Belt, Executive Director, Pension Benefit Guaranty Corporation; Douglas Holtz-Eakin, Director, Congressional Budget Office; Patricia A. Friend, Association of Flight Attendants—CWA, AFL–CIO, and Duane E. Woerth, Air Line Pilots Associaiton, International, both of Washington, D.C.; Robert Roach, Jr., International Association of Machinists and Aerospace Workers, Upper Marlboro, Maryland; Glenn F. Tilton, United Airlines, Chicago, Illinois; Douglas M. Steenland, Northwest Airlines, Minneapolis, Minnesota; and Gerald Grinstein, Delta Air Lines, Atlanta, Georgia.

Hearing recessed subject to the call.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Zalmay Khalilzad, of Maryland, to be Ambassador to Iraq, after the nominee, who was introduced by Senator Hagel, testified and answered questions in his own behalf.

CHINA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine the emergence of China throughout Asia relating to security and economic consequences for the U.S., focusing on China's growth in the East Asia region, what growth means for the United States, and policy decisions to maintain U.S. presence politically, economically, and militarily in the region, after receiving testimony from Christopher R. Hill, Assistant Secretary of State for East Asian and Pacific Affairs; Minxin Pei, Carnegie Endowment for International Peace, and Catharin E. Dalpino, Georgetown University and The George Washington University, both of Washington, D.C.; and Mikkal E. Herberg, The National Bureau of Asian Research, Seattle, Washington.

PENSION PLAN REFORM

Committee on Health, Education, Labor, and Pensions: Subcommittee on Retirement Security and Aging concluded a hearing to examine reforming hybrid and multi-employer pension plans, focusing on the causes of uncertainty for hybrids and multiemployer plans, including funding problems and proposals to restore stability and solvency, after receiving testimony from Randy G. DeFrehn, National Coordinating Committee for Multiemployer Plans, Timothy P. Lynch, Motor Freight Carriers Association, William F. Sweetnam, Jr., The Groom Law Group, on behalf of the American Benefits Council, and David Certner, AARP, all of Washington, D.C.; Jeffrey Noddle, SUPERVALU, INC., Minneapolis, Minnesota, on behalf of the Food Marketing Institute; John Ward, Standard Forwarding Co., East Moline, Illinois, on behalf of the Multiemployer Pension Plan Alliance; and Ellen Collier, Eaton Corporation, Cleveland, Ohio, on behalf of the Coalition to Preserve the Defined Benefit System.

BORDER SECURITY

Committee on the Judiciary: Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology and Homeland Security concluded joint hearings to examine the successes and challenges of border security, focusing on resources and strategies to improve national security, after receiving testimony from David Aguilar, Chief, Office of Border Patrol, U.S. Customs and Border Protection, and Wesley Lee, Acting Director, Detention and Removal Operations, U.S. Immigration and Customs Enforcement, both of the Department of Homeland Security; and C. Stewart Verdery, Jr., Mehlman Vogel Castagnetti, Inc., and Center for Strategic and International Studies, Washington, D.C.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session and ordered favorably reported an original bill to reauthorize certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 and the Intelligence Reform and Terrorism Prevention Act of 2004, to clarify certain definitions in the Foreign Intelligence Surveillance Act of 1978, to provide additional investigative tools necessary to protect the national security.

House of Representatives

Chamber Action

Measures Introduced: 44 public bills, H.R. 2745–2788; 2 private bills, H.R. 2789–2790; and 2 resolutions, H. Res. 305–306 were introduced.

Pages H4186–87

Additional Cosponsors: **Pages H4187–88**

Reports Filed: Reports were filed today as follows:

Filed on June 2: H.R. 2475, to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, amended (H. Rept. 109–101);

Filed on June 2: H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006 (H. Rept. 109–102);

H. Res. 169, recognizing the importance of sun safety, amended, (H. Rept. 109–103);

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. Rept. 109–104);

H. Res. 303, providing for consideration of H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006 (H. Rept. 109–105); and

H. Res. 304, providing for the consideration of H.J. Res. 27, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (H. Rept. 109–106).

Pages H4185–86

Speaker: Read a letter from the Speaker wherein he appointed Representative Biggert to act as speaker pro tempore for today. **Page H4145**

Board of Directors of the Office of Compliance—Reappointment: The Chair announced on behalf of the Speaker and Minority Leader of the House and the Majority and Minority Leaders of the Senate, the joint reappointment of Ms. Barbara L. Camens of Washington D.C. and Ms. Roberta L. Holzwarth of Rockford, Illinois to a five year term to the Board of Directors of the Office of Compliance; and in addition, the joint redesignation of Ms. Susan S. Robfogel of Rochester, New York as Chairman. **Page H4147**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending United States Code to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy: H.R. 1490, amended, to amend title 10, United States Code, to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy:

Pages H4147–48

Recognizing the importance of sun safety: H. Res. 169, amended, recognizing the importance of sun safety; **Pages H4148–50**

Recognizing the historic significance of the Cinco de Mayo holiday: H. Con. Res. 44, recognizing the historic significance of the Mexican holiday of Cinco de Mayo, by a ⅔ yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 228; and

Pages H4150–52, H4157–58

Sense of the House regarding manifestations of anti-Semitism by United Nations member states: H. Res. 282, expressing the sense of the House of

Representatives regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, by a ⅔ yea-and-nay vote of 409 yeas to 2 nays, Roll No. 229.

Pages H4152–59

Recess: The House recessed at 3:17 p.m. and reconvened at 6:30 p.m. **Page H4157**

Quorum Calls—Votes: Two yea-and-nay voted developed during the proceedings of today and appear on pages H4158 and H4158–59. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 11:13 p.m.

Committee Meetings

DEFENSE AND SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2006

Committee on Appropriations: Ordered reported the following appropriations for Fiscal Year 2006: Defense; and Science, The Departments of State, Justice, and Commerce, and Related Agencies.

DOD EXCESS PROPERTY SYSTEMS

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''DOD Excess Property Systems: Throwing Away Millions.'' Testimony was heard from Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, GAO; and the following officials of the Department of Defense: Alan F. Estevez, Assistant Deputy Under Secretary, (Supply Chain Integration); MG Daniel Mongeon, USA, Director, Logistics Operations; and COL Patrick E. O'Donnell, USA, Commander, Defense Reutilization and Marketing Service.

OVERSIGHT—MUTUAL FUND TRADING ABUSES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on ''Mutual Fund Trading Abuses.'' Testimony was heard from Richard J. Hillman, Director, Financial Markets and Community Investment, GAO; Lori A. Richards, Director, Office of Compliance Inspections and Examinations, SEC; William Francis Galvin, Secretary, State of Massachusetts; and a public witness.

CHILD PROTECTION MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the following bills: H.R. 2318, Protection Against Sexual Exploitation of Children Act of 2005; and H.R. 2388, Prevention and Deterrence of Crimes Against Children Act of 2005. Testimony was heard from Laura Parsky, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Charlie Crist, Attorney General, State of Florida; and public witnesses.

INTELLIGENCE AUTHORIZATION ACT FISCAL YEAR 2006

Committee on Rules: Heard testimony from Chairman Hoekstra and Representative Shays, Harman, Markey and Maloney, but action was deferred on H.R. 2475, Intelligence Authorization Act for Fiscal Year 2006.

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2006

Committee on Rules: Granted, by voice vote, an open rule on H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations for the fiscal year ending September 30, 2006, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of the rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Bonilla, King of Iowa and DeLauro.

WTO WITHDRAWAL

Committee on Rules: Granted, by voice vote, a closed rule on H.J. Res. 27, withdrawing the approval of the United States from the Agreement establishing the World Trade Organizations, providing two hours of debate equally divided among and controlled by the chairman and ranking member of the Committee on Ways and Means, Representative Paul of Texas, and Representative Sanders of Vermont. Section 2 of the resolution provides that during consideration of H.J. Res. 27 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Joint Meetings

HUMAN TRAFFICKING

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded a hearing to examine the problem of human trafficking of American citizens in the United States, and related provisions of H.R. 972, to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking

Victims Protection Act of 2000, after receiving testimony from Susan Orr, Associate Commissioner, Administration on Children, Youth, and Families, Department of Health and Human Service; Frank Barnaba, Paul and Lisa Program, Inc., Hartford, Connecticut; Norma Hotaling, Standing Against Global Exploitation (SAGE) Project, San Francisco, California; and a protected witness.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 8, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Technology, Innovation, and Competitiveness, to hold hearings to examine manufacturing competitiveness in a high-tech era, focusing on current challenges that confront American manufacturers, how manufacturers have responded to these challenges, discuss how recent technological innovations have impacted the manufacturing industry, and explore what government should do to help American manufacturers remain competitive in today's global economy, 9:30 a.m., SR–253.

Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine research and development to protect America's communities from disaster, focusing on National Institute of Standards and Technology recent World Trade Center report, as well as computer security, and chemical, biological, radiological detection standards, National Science Foundation scientific research in areas such as computer security and data mining, and NOAA's work developing atmospheric models to aid in prediction of the transport and dispersion of chemical and biological releases, including the hazards alert system, 2:30 p.m., SR–253.

Committee on Environment and Public Works: business meeting to consider H.R. 483, to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse", S. 260, to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program, S. 864, to amend the Atomic Energy Act of 1954 to modify provisions relating to nuclear safety and security, S. 865, to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions, S. 858, to reauthorize Nuclear Regulatory Commission user fees, and or other purposes, S. 1017, to reauthorize grants from the water resources research and technology institutes established under the Water Resources Research Act of 1984, and S. 1140, to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr. Bridge", 9:15 a.m., SD–406.

Committee on Finance: to hold hearings to examine proposals to reform the tax code relating to land conservation, 10 a.m., SD–628.

Committee on Foreign Relations: to hold hearings to examine the nominations of Pamela E. Bridgewater, of Virginia, to be Ambassador to Republic of Ghana, Donald E. Booth, of Virginia, to be Ambassador to Republic of Liberia, Terence Patrick McCulley, of Oregon, to be Ambassador to Republic of Mali, and Roger Dwayne Pierce, of Virginia, to be Ambassador to Republic of Cape Verde, 2:30 p.m., SD–419.

Select Committee on Intelligence: to receive a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine exploring the promise of embryonic stem cell research, 2 p.m., SD–G50.

House

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, to mark up H.R. 2491, International Solid Waste Importation and Management Act of 2005, 2 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Debt and Development: How to Provide Efficient, Effective Assistance to the World's Poorest Countries?" 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy and Resources, hearing entitled "Ensuring the Reliability of the Nation's Electricity System," 1 p.m., 2154 Rayburn.

Subcommittee on Government Management, Finance, and Accountability, hearing entitled "Business Systems Modernization at the Department of Defense," 2 p.m., 2247 Rayburn.

Committee on Homeland Security, Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled "The Homeland Security Missions of the Post-9/11 Coast Guard," 2 p.m., 2212 Rayburn.

Committee on House Administration, to mark up H.R. 1316, 527 Fairness Act of 2005, 4 p.m., 1310 Longworth.

Committee on International Relations, to mark up the following measures: H.R. 2745, United Nations Reform Act of 2005; H.R. 2601, Foreign Relations Authorization Act, Fiscal Years 2006 and 2007; and H. Res. 199, Expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, oversight hearing on Reauthorization of the USA PATRIOT Act, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, oversight hearing on the Scientific Review of Ocean Systems, 10 a.m., 1324 Longworth.

Committee on Science, hearing on Business Actions Reducing Greenhouse Gas Emissions, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, oversight hearing on Financing Water Infrastructure Projects, Part 1, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, hearing on Tax Reform, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 8

Senate Chamber

Program for Wednesday: Senate will continue consideration of the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on confirmation of the nomination to occur at 5 p.m.; following which, Senate will resume consideration of the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, with a vote on the motion to invoke cloture to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 8

House Chamber

Program for Wednesday: Begin consideration of H.R. 2744, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2006 (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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Congressional Record

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