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# Congressional Record

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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

*Washington, DC, June 8, 2005.*

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

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

## PRAYER

The Reverend Nelson Quinones, Pastor, St. John's Lutheran Church, Allentown, Pennsylvania, offered the following prayer:

Holy and Eternal God, we come before You with hearts of service. Send Your spirit to stir up our minds and enlighten us in the decisions we make today.

Enable us to remove obstacles; empower us to build bridges; help us to enhance the lives of the people we serve in our Nation and abroad.

Be ever present in the lives of our military people; protect them from the violence and danger found in the service they provide. Comfort grieving families and those who await their loved ones' safe return.

Sustain those who may be sick and low in spirit. In the midst of pain, grant them peace, good medicine, and compassionate caregivers.

Refresh us Spirit of God, keep us faithful to the trust that people have bestowed on us to serve this Nation. As we begin another day of service for Your people, in the name of the one who came to serve, 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 gentleman from Washington (Mr. INSLEE) come forward and lead the House in the Pledge of Allegiance.

Mr. INSLEE 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.

## WELCOMING THE REVEREND NELSON QUINONES

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

Mr. DENT. Madam Speaker, I want to thank our guest, the Reverend Nelson Quinones, who is visiting from my home district in Pennsylvania's Lehigh Valley. The Reverend is the assistant pastor at St. John's Lutheran Church in Allentown, Pennsylvania.

Like many members of the clergy, Reverend Quinones is an important voice in the overall community. Reverend Quinones' byline regularly appears in columns and letters in our local and regional newspapers, addressing a variety of important topics that concern the community.

Just as he serves his congregation and community, the Reverend has also served his country. For 6 years, Reverend Quinones was an electronics technician with the United States Naval Reserve.

Also in attendance today is the Reverend's wife, Jessica, who is a kindergarten teacher in the Northampton area school district and their 2-year-old son, Nicholas. They join us today in the gallery.

## CLIMATE COOKS ALONG WITH THE BOOKS

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

Mr. INSLEE. Madam Speaker, we have known for some time that the Bush administration refuses to exercise any leadership in dealing with climate change. We now find out not only are they failing to act, they are cooking the books and the science involving this issue.

We read in the New York Times this morning a White House official who once led the oil industry's fight against limits on greenhouse gases has repeatedly edited government climate reports in ways that play down links between such emissions and global warming, according to internal documents.

Philip Cooney, White House counsel and environmental quality chief of staff have been cooking the books that we pay for with our tax money on the science of climate change; and because the administration has turned the government of the United States over to the oil industry lobbyists, they are not sharing the real science with the American people.

It is one thing to debate. I suppose if you want to debate gravity, you can do it, but at least let Americans know what the science is in this regard. We are paying for this science, and the President is cooking the books and not sharing it with us. As a result, we find tundra melting in the Arctic, the glaciers disappearing in Glacier National Park and major changes that our kids are going to have to deal with.

Madam Speaker, the Bush administration should stop cooking the books when it comes to climate change.

## HONORING SPECIALIST DUSTIN FISHER

(Mr. BOOZMAN asked and was given permission to address the House for 1



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minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today to mourn the loss of Army Specialist Dustin Fisher. Dustin, a Van Buren, Arkansas, native, gave his life serving his country in Iraq. He was one of three soldiers killed by terrorists when a car bomb was detonated near Dustin's convoy in Baghdad on May 24.

This is especially hard because not only has our State and Nation lost a wonderful young man, but his father, Waldo, is one of the finest people I know. Hundreds of people attended Dustin's funeral on Monday, a tribute to the many lives he touched in the community of Van Buren. He was remembered as a ''fun-loving person'' who always held a soft-spot for the women in his life: his mother, Brenda; sister, April; and his wife, Alicia, to whom he was wed only weeks before being deployed.

Dustin always admired his father, Waldo, and his brother, Shane, who are both veterans. Dustin shared his father's love of country by following in his footsteps and enlisting in the Army in 2003. Waldo said that Dustin made him more proud than words could describe.

Madam Speaker, Specialist Dustin Fisher, at the age of 22, made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Dustin's family and friends in their prayers and thoughts during these very difficult times.

## RISING COST OF HEALTH CARE

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

Mr. KUCINICH. Madam Speaker, in the last few weeks I have had the honor of addressing Chambers of Commerce from districts which have included the gentleman from Florida (Mr. MICA) and the gentleman from Alaska (Mr. YOUNG). In both cases, we ended up having a deep discussion about the rising cost of health care, about how health care is becoming increasingly costly for many American businesses, a threat to their profitability.

Today's news is that General Motors is talking about cutting 25,000 jobs and closing plants. Here is what GM's CEO says in today's news, ''A big challenge for General Motors is to cut its soaring health care expenses, $5.6 billion this year for its 1.1 million current and former workers and their families. Health care bills add about $1,500 to the cost of each GM vehicle, a significant disadvantage versus our foreign-based competition.''

Madam Speaker, it is time for a universal, single-payer, not-for-profit health care system which will enable businesses to survive and the health care needs of the American people to be provided for.

## EXPORTING RICE TO CUBA

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

Mr. POE. Madam Speaker, I rise this morning to highlight the importance of free trade and the merits of agricultural trade, particularly rice trade, with Cuba. An injunction against tourism is one thing, but our sanctions against Castro's regime, which have been in place since 1963, should not prevent our Nation from selling farm products, specifically rice, to the people there.

The Cuban people will eat rice. If we will not sell it to them, they will get it elsewhere. Why are we economically punishing ourselves and our farmers in the name of punishing Communists in Cuba?

The Cuban market remained closed until this body passed the Trade Sanctions Reform and Export Enhancement Act of 2000. With the reopening mandated by this Act, rice sales to Cuba have grown to $64 million a year. But now we hear that some want to slash back this momentous trade for political reasons.

The Federal Government announced it was redefining the definition of ''payment of cash in advance,'' a ruling which could jeopardize future trade. This bureaucracy is getting in the way of the law. As Cubans begin looking to Vietnam, Thailand and for other sources for rice, I urge colleagues to cosign H.R. 1339 to further explain in simple terms to government bureaucrats that U.S. farmers should be allowed to trade with Cuba on a cash-for-crop basis.

## FUNDAMENTAL TAX REFORM NEEDED

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

Mr. EMANUEL. Madam Speaker, today in the Committee on Ways and Means we are holding a hearing on tax reform. We have a tax system that is needlessly complicated, inequitable, and burdensome to the middle class. We need fundamental tax reform that reflects the values and the interests of our middle-class families, not the special interests.

President Bush when he announced the commission said his core principle is that tax reform should not adversely affect government revenues. The democratic core principle of tax reform is it should not adversely affect the middle class, not the government. It is the middle class that is our taxpayer.

In the last 4 years, the Tax Code has been filled with special breaks for special interests. At the same time, the tax burden has shifted from wealth to work, form passive dividends to daily wages.

Madam Speaker, four objectives of tax reform:

Take the five different educational tax breaks for college education and make it one $3,000 credit per child going to college.

Second, simplify family credit. Take the earned income tax credit, the per child and the dependent care and go from 20 pages of code down to 12 questions.

Third, on retirement, bring the 16 different versions of the Tax Code on savings down to a universal pension.

Madam Speaker, these things would help the middle class eliminate burdensome paperwork and eliminate pages and pages of Tax Code and help the middle class achieve a middle-class dream.

## DECISIVE ACTION NEEDED ON DARFUR

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

Mr. PITTS. Madam Speaker, I rise today to talk about the continued reports of rape, mutilation, killings, and racism from Darfur, Sudan. The African Union, the U.N., the international community all know what is happening there. Women are raped and men are killed.

Our government has called it genocide. The U.N. stopped short of using that term but has expressed concern. The fact is the extremist regime in Khartoum is engaging in an ethnic cleansing campaign, so-called Arab Muslims brutalizing and attacking so-called black Muslims. One 21-year-old Sudanese woman was attacked by a group of uniformed men who said, ''You are black people. We want to wipe you out.''

Madam Speaker, where is our outrage? Where is the outrage of the international community and the U.N.? We have no excuse because we know what is happening. The U.N. does not appear to have the ability to rally the public's popular support among its membership to act decisively because of a few powerful states undermining the process behind the scenes.

The real question is, does the international community care enough to go after the Sudanese government and its puppet militias? I wish I could say we do. People are suffering because of our inaction and inaction of the U.N. and the international community.

## MINORITY WOMEN UNITED AGAINST JANICE ROGERS BROWN

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

Ms. SOLIS. Madam Speaker, today I rise in opposition to the confirmation of Janice Rogers Brown who today will be debated on the floor of the other body. Her extreme views are out of touch with the mainstream and are not in touch with Americans values. She

was the only member of the California Supreme Court to find that a jury should not be allowed to hear expert testimony in a domestic violence case regarding battered women's syndrome. She even said that employers may use racial slurs against their employees.

Her record is clear. She does not protect the rights of women, workers or minorities.

Yesterday I and 14 other women members of the Congressional Hispanic Caucus, the Congressional Black Caucus and the Asian Pacific American Caucus sent a letter to Senate leaders stating our strong opposition to the confirmation of Janice Rogers Brown.

Given the serious concerns against Janice Roger Browns' views, I encourage my colleagues in the Senate to vote against her confirmation. Her confirmation would have a detrimental effect on women, minorities and all Americans.

□ 1015

## REPUBLICANS PAVE THE WAY FOR AMERICAN HOMEOWNERS

(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, June is American Homeownership Month, recognizing the benefits of achieving the American Dream. As a former real estate attorney for 25 years, I know firsthand the joy of homeownership. By purchasing a home, Americans are investing in their own futures, ensuring stability and promoting long-term financial security for their families. House Republicans are providing important incentives for homeowners and creating jobs and are paving the way for more American families to own their own homes. Today, homeownership is near record levels, with 69.1 percent of American families now owning their homes. According to the National Association of Realtors, sales of existing U.S. homes climbed 4.5 percent in April.

Increased home sales are just another sign of continued economic growth in America. Last week, the Department of Labor also reported that the Nation's unemployment fell to 5.1 percent in May and that over 3.5 million jobs have been created since May 2003 when President Bush signed into law his tax reductions.

Republicans remain dedicated to a successful, positive agenda that will grow the economy and provide more opportunities to American families.

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

## TOBACCO ESCAPES HUGE PENALTY

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

Mr. UDALL of New Mexico. President Bush, your Justice Department legal team is failing you, and failing you miserably. Tobacco companies have bilked the consumer for hundreds of billions of dollars. I am proud to say that State attorneys general recovered $215 billion for their States. We find out today in The Washington Post the Justice Department has given away the ranch. The headline says it all: ''Tobacco Escapes Huge Penalty.'' Even the tobacco attorneys are mystified.

They said, ''They've gone down from $130 billion to $10 billion with absolutely no explanation. It's clear the government has not thought through what it's doing.''

President Bush, there is still time. Call your Attorney General and tell him to put on a real case. Otherwise, you are throwing in the towel to Big Tobacco.

## HOMEOWNERSHIP AND JOB NUMBERS

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

Mr. PRICE of Georgia. Madam Speaker, June is Homeownership Month and the housing market continues to be a catalyst for a growing economy. Just last quarter, growth figures were revised higher, growing at a 3.5 percent annual rate. For the past 2 years, the U.S. economy has grown faster than the economy of any major industrialized nation. Since May of 2003, over 3.5 million jobs have been created with 24 straight months of job growth. That is 2 years of putting people back to work, 2 years of more people collecting paychecks. What is even more impressive is the fact that the unemployment rate dropped to 5.1 percent, the lowest level since 9/11.

Many things are behind these positive job numbers, but one thing in particular is the strength of our housing market. Homeownership is at near record levels with nearly 70 percent of American families now owning their own homes. Sales of existing U.S. homes climbed 4.5 percent in April. In 2004, home prices posted the biggest gain in 25 years.

Madam Speaker, these steady gains are great news. They show that more people are working, more people are collecting paychecks, more people are owning their own homes, and more people are realizing the American Dream. This direction should be celebrated.

## SOCIAL SECURITY: DEMOCRATS RAISE TAXES

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

Mr. MILLER of Florida. Madam Speaker, I rise today to continue to shine the light on the need for reform of our Social Security. On Monday, an editorial ran in The Washington Post which criticized the Democratic leadership for not having or supporting a plan for Social Security reform. The editorial also hammered the plan offered by Democrat Robert Wexler as a lopsided quick fix, calling the proposal both unbalanced and inadequate. They say the plan would merely raise payroll taxes and would fail to provide long-term relief. Further, the proposal shows little or no benefit for workers under the age of 55.

One solution which could help improve Social Security and provide long-term relief is through personal retirement accounts. Giving Americans the option of putting a portion of their payroll taxes into small personal accounts is a more balanced and better solution to the Social Security problem. Quick fixes, such as the one proposed by Robert Wexler, will only pass the problem of Social Security to younger generations.

Madam Speaker, our children and grandchildren deserve the best, including a Social Security program which provides generational fairness. And clearly Americans are hearing this clarion call. In fact, a recent Fox News poll showed that 84 percent of workers age 18 to 55 would support having the option of personal accounts.

## IN SUPPORT OF THE AIR FORCE ACADEMY

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

Mr. STEARNS. Madam Speaker, recent reports paint an unfair picture of the United States Air Force Academy. It has been characterized as a place where religious intolerance is the norm. As someone who has spent considerable time with Air Force personnel and cadets, I know that the academy has always been a place that has indeed taught religious tolerance.

After discovering perceptions of religious bias during a survey in 2004, the academy made considerable efforts to address issues of religious intolerance and has implemented a proactive plan to address this very issue. The academy leadership instituted a new training program for all cadets, staff, and faculty to address the diversity of the Air Force and the need for each person to respect others, regardless of their beliefs or faith.

Like any other university, cases of perceived religious intolerance do occur. But any attempt to brand the academy as a place where intolerance is accepted is just plain false. I applaud the United States Air Force for taking the proper steps to investigate and correct any problems regarding allegations of religious intolerance.

## ANNOUNCING INTRODUCTION OF THE SHIELD ACT

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

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to proudly introduce H.R. 2695, the Safe Housing Identification Exemption for the Lives of Domestic Violence Victims, the SHIELD Act, with the gentlewoman from Florida (Ms. HARRIS). I know of the victims that have finally built up the courage to leave their abusive relationships and have nowhere to go but to a homeless shelter. I know of the women who every day are scared for their lives because their abusers are trying to track them down. I know of the victims who are so scared that they can be tracked down by their predators, and they probably would not seek housing assistance if they knew that HUD required them to disclose their personal information, their Social Security numbers, birth date and location into the homeless management information system database.

I am thinking of those abusers who have ready access to this personal information. They may be their partners. These abusers may work in one of these agencies and have ready access to this database.

I ask my colleagues to please support H.R. 2695, the SHIELD Act, to exclude personally identifying information. Reaching out for assistance is a really big step for these victims. Let us not put them in grave danger.

## METHAMPHETAMINES

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

Mr. MCHENRY. Madam Speaker, there is a growing drug problem in my home State of North Carolina and across America, and it is one we in Congress must face this year. The White House Office of National Drug Control Policy has called methamphetamines one of the fastest growing drugs in America. Worst of all, those producing and trafficking meth often do so in the presence of children. In 2004 alone, 2,754 children were found in 34 percent of the methamphetamine busts.

Along with 14 other Members of Congress, I have introduced H.R. 1616, which would double the maximum jail time of Federal sentencing for those involved in the production or transportation of illicit drugs in the presence of children. Almost as much as abusing meth, being exposed to chemicals involved in its production is extremely dangerous and children found in meth labs have often been physically abused and neglected.

I ask my colleagues to please join me in supporting H.R. 1616 to protect kids from illicit drug production and trafficking.

## ANNOUNCING MARKUP OF U.N. REFORM ACT

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

Mr. PENCE. Madam Speaker, as the largest financial contributor to the United Nations, the American people have every right to demand accountability and transparency at the U.N. and the U.N. Reform Act introduced by the gentleman from Illinois (Mr. HYDE) and humbly coauthored by myself will be marked up today in the Committee on International Relations and does just that.

To restore the credibility of this world forum, we have to have real reform: in budgeting, oversight, peacekeeping, and human rights. The Hyde/Pence bill authorizes a variety of methods of leverage to enact reforms, including the withholding of 50 percent of U.S.-assessed dues if certifications are not made in key areas.

The U.N. plays a vital role in the world, but it cannot do so if it is bogged down in bureaucracy and scandal. Hyde/Pence provides a vision for U.N. reform and the tough incentives to accomplish it. Hyde/Pence is U.N. reform with teeth, and I urge its adoption.

## CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 1704

Mr. CANNON. Madam Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1704, a bill originally introduced by Representative PORTMAN of Ohio, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Is there objection to the request of the gentleman from Utah?

There was no objection.

## 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 the remaining motion 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.

Any record vote on the postponed question will be taken tomorrow.

## RECOGNIZING THE SACRIFICES BEING MADE BY FAMILIES OF MEMBERS OF THE ARMED FORCES

Mr. JONES of North Carolina. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 159) recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week, as amended.

The Clerk read as follows:

H. CON. RES. 159

Whereas the people of the United States have a sincere appreciation for the sacrifices being made by the families of members of the Armed Forces while their loved ones are deployed in the service of their country;

Whereas military families face unique challenges while their loved ones are deployed because of the lengthy and dangerous nature of these deployments;

Whereas the strain on military family life is further increased when these deployments become more frequent;

Whereas military families on the home front remain resilient because of their comprehensive and responsive support system;

Whereas the brave members of the Armed Forces who have defended the United States since September 11, 2001, continue to have incredible, unending support from their families; and

Whereas the week of June 12, 2005, has been proposed to be designated as National Military Families Week: Now, therefore be it

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

(1) recognizes the sacrifices of military families and the support they provide for their loved ones serving as members of the Armed Forces; and

(2) supports the designation of a week as National Military Families Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Oklahoma (Mr. BOREN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

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

There was no objection.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Con. Res. 159, offered today by the gentleman from Arkansas (Mr. BOOZMAN). Today as we continue to fight the global war on terrorism, it is entirely appropriate to honor the families of servicemembers who make sacrifices just as real, and no less difficult, as those who deploy to the war fighting zones.

America may not realize it, but in the last 30 years, the military has gone from a predominantly single male establishment to one with a greater emphasis on family. In 1974, for example, 40 percent of enlisted members were married. Today, nearly 50 percent of the active and Reserve component enlisted members on active duty are married. Among officers, 68 percent of active duty officers and 73 percent of Reserve component officers are married.

There is another story to be told by these statistics. America has become heavily reliant on its Reserve components, the National Guard, the Army and Marine Corps Reserves and the Reserves of the other services. So the burden and sacrifice of war is not confined

to a small portion of America's military. The effort by military families is taking place in many of the small towns, cities, and counties that each of us represents.

In my view, all military families have responded magnificently. So today I call upon my colleagues to support this resolution to honor military families, to thank them for what they have done, and to ask them for their continued support.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of House Concurrent Resolution 159, which proposes to designate the week of June 12, 2005, as National Military Families Week. I want to commend the gentleman from Arkansas (Mr. BOOZMAN) and the gentlewoman from South Dakota (Ms. HERSETH), the bill's sponsors, for bringing this matter to the House.

Today, over 280,000 of the 1.4 million soldiers, sailors, airmen, and Marines are currently deployed around the globe; and, of those currently deployed, more than 200,000 are serving in the CENTCOM area of operation in support of Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. And I am especially proud of the men and women in uniform from my home State of Oklahoma.

However, times have changed since we drafted young, single service members. Compared to those earlier years, many of today's professional volunteer forces are married and have families. Today, there are approximately 700,000 spouses and more than 1.2 million dependent children between the ages of birth and 18 years, and those numbers continue to climb after each deployment.

A National Military Families Week will provide an opportunity to allow the Nation to recognize the sacrifices not only of those who serve in uniform but of the sacrifices that the families make as well. Military families left behind often face a myriad of challenges when a loved one is deployed. Fear, disappointment, depression, anger, respect, admiration, joy, and pride are just a few of the feelings that military families face during those months of separation. Many children will be born while a parent is deployed to Afghanistan or Iraq. Tragically, some of them will never know their parent who served in uniform.

More so than ever, military families are facing birthdays, they are facing proms, graduations, holidays, and weddings and other family events without their service member. So it is fitting that our Nation recognizes the sacrifices being made by military families and appreciate their contributions during a National Military Families Week with appropriate observance and celebration.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. JONES of North Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN), who introduced this resolution.

Mr. BOOZMAN. Madam Speaker, I rise today to support H. Con. Res. 159 to recognize the sacrifices being made by the family members of the Armed Forces and to support the designation of the week of June 12 as National Military Families Week. I want to thank the gentleman from North Carolina (Mr. JONES) and the gentleman from Oklahoma (Mr. BOREN) for their leadership on this issue.

Over the last several years I have traveled around the world and met many young men and women serving our country. They have dedicated their lives to defending this Nation and the principles on which it was founded. They have dedicated their lives to protecting each of us and our families.

We have seen an increased awareness of the sacrifices these men and women have been making. Yet there are many more people that are being overlooked. There are husbands and wives who remain here in the United States while their spouses are making an enormous sacrifice. They are here working and caring for children and other family members left behind. These families face unique challenges while their loved ones are deployed. Yet they remain resilient because of the wonderful support system they have here at home.

As we designate a week to recognize and celebrate these families, I urge our citizens to come forward to support these families. We must get involved in our local communities. Several foundations, like the Armed Forces Foundation, the Wounded Warrior Foundation, and the Love Gift Fund, are busy assisting these families and need our help to carry on.

I also want to thank the gentlewoman from South Dakota (Ms. HERSETH), who is a cosponsor of this bill who is unable to be here this morning.

Recently, I was in Landstuhl in Germany. This is the base that, when the soldiers are injured, they immediately come to out of Iraq. I was there, and we were in the intensive care unit.

A young man that had been wounded on night patrol, I was there in the afternoon, and he had been wounded at four o'clock the previous evening, had lost both his legs below the waist. He wanted to tell his story to us. They literally pulled out the breathing apparatus. He apologized that he could not speak very well and was telling his story, related what had happened. But the first thing he wanted to know was how his wife was doing and was there any way that we could get them paired up, and we reassured him that he would be with her the next day.

But, truly, we have situations like this occurring. We have situations like that. We have got just the day-to-day situation of the separation, the anxiety and things that are going on. So we have a great opportunity. And I want to thank the leadership and I want to thank their staff for giving me the opportunity to bring this resolution to the floor and encourage Members to vote for it and then again just encourage our community and country to take the opportunity to remember these people, not only in their thoughts and prayers but by deeds and action.

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

Mr. JONES of North Carolina. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentleman from North Carolina (Mr. JONES) for yielding me this time.

It is a great honor for me to be here today to speak on behalf of House Current Resolution 159, and I want to congratulate the authors, the gentleman from Arkansas (Mr. BOOZMAN) for his leadership in recognizing the importance of military families and designating June 12 as National Military Families Week.

As I stand before this Chamber, I am very grateful to let the Members know that my appreciation of military families is because we are one, and I am very grateful that our family has multiple generations of recognition of how extraordinary it is and what a great honor it is to represent the people of the United States in uniform.

As I think about the multiple generations, I was inspired by my dad, who served in the Flying Tigers during World War II, the 14th Air Force; and I had the extraordinary opportunity 2 years ago to visit with President Jiang Zemin of China, who told me of how the American military is revered in China for the liberation of their country during World War II.

Additionally, I am inspired because of my late father-in-law, who served in the U.S. Marines during World War II. He had been advised that it was impossible for the American Marines to capture the Japanese headquarters at Okinawa, Shuri Castle. It had been fortified and refortified for 400 years, and of course the U.S. Marines took that as a challenge, and they did capture Shuri Castle, and I am very grateful that my late father-in-law was awarded the Navy Cross. But he understood sacrifice. He, following the conflict on Okinawa, was shot in the back by a sniper, and he spent the rest of his life in a wheelchair. But he never regretted his service to the American people.

And the inspiration was to me. I had the privilege of serving 31 years in the Army National Guard, and the reason I stayed in so long is because the people that we meet in the military are dedicated, they are competent, they are patriotic. They are people that inspire people to want to be associated with

them, and I urge young people in particular and families to get involved in the military process.

I also want to give credit to my wife, Roxanne. She has had the great experience of raising three sons who are currently serving in the military today. Our oldest son, Alan, returned in February from serving 1 year and a day in Iraq in the Army National Guard. We are very proud of him. He is classic National Guard. He was mobilized 16 months ago. He was retrained, served for a year in Iraq. He has come back, and now he is Assistant District Attorney in our home county. In fact, this week he had his first case that began at the courthouse. So it is a real testimonial to our Guard members, how they can serve and be citizen soldiers and be proud of serving.

Additionally, our second son 2 weeks ago was promoted to lieutenant in the U.S. Navy, and he is currently serving at the U.S. Naval Hospital in San Diego. We are very proud that he and his wife and two young sons have what I hope will be a long-term career in the U.S. Navy.

And then this week is a big week for our family in that on Friday our third son will be graduating from officer basic school at Fort Gordon, Georgia. So I am really hopeful that we get out of here early enough on Thursday so I can fly to Columbia and drive to Augusta so I can see his graduation.

So as I tell the Members how much I appreciate military families, indeed it is very personal; and I am so grateful for leadership here in Congress of both parties to recognize families.

I have to point out that I just arrived back last week from my fourth visit to Iraq, and I had the opportunity to meet firsthand with our troops in Fallujah. I had the opportunity to meet with our troops at Balad and then at Camp Victory, and we got to meet with the generals. We got to meet with people from our home State, young enlisted personnel, the junior officers. The enthusiasm of our troops, the morale of our troops, just can warm the hearts of family members and also their employers back at home.

A difference is being made. Our troops understand in the war on terror that they are protecting the American families by taking the war to the enemy oversees and that protects American families whom we are recognizing today.

So, again, I want to thank the leaders on this particular bill. I want to urge support of my colleagues of H. Con. Resolution 159.

And, in conclusion, God bless our troops; and we will never forget September 11.

Mr. JONES of North Carolina. Madam Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Oklahoma (Mr. BOREN) and certainly the gentleman from Arkansas (Mr. BOOZMAN), who introduced this resolution, and my good friend from South Carolina.

I want to make just a few comments, and then I will close.

This is such an important time in the history of our Nation. It is such an important thing that we are doing today in remembering the families. As the Members can see, in front of me is a photograph of a Marine who was getting ready to be deployed. This was a few years ago. In fact, this was before Iraq and Afghanistan. Major Trenchard was getting ready to be deployed to Bosnia, and I have had this photograph for probably 8 years. It is just the greatest shot I have ever seen. Standing on his big boots, we can see his little girl named Megan. This was taken by a newspaper in my State of North Carolina. He is a big man, as we can tell from the photograph, and he is holding in his hands his daughter Bridget.

I believe this is what we are here today about. That is, to thank those who wear the uniform, thank the families who stand beside them. Many times, it is a husband when it is the wife in the military and the wife is overseas, but most of the time it is the wife who is at home and the husband oversees and the wife taking care of the children.

I think about the district I represent, Camp Lejeune Marine Base, Cherry Point Marine Air Station, Seymour Johnson Air Force Base, and I want to share with my colleagues on the floor today that in the 11 years I have been in office, I do not have a military background but I have a real sincere appreciation for those who do wear the uniform and their families; and I want to share very briefly in the few minutes I have left some of my thoughts about being in Congress and what has happened that maybe impacted my life that I will never forget that really dealt with military families.

One being that the third year I was in office I got a call from Mrs. Gloria Underwood in Goldsboro, North Carolina, whose husband, Colonel Paul Underwood, was shot down, a fighter pilot, Air Force, in Vietnam. And she called me. I did not know her, and she did not really know me except she knew I was elected to Congress. She said, ''We are going to have a service at Arlington. My husband is coming home 30 years after he was shot down and killed.''

I never will forget that day. It was in the fall. It was not too cold, but it was cool. My staff and I went over to the chapel at Arlington. It happened to be a Catholic service, and I just sat there looking at the children of Colonel Paul Underwood. He represented all who have ever fought in war that did not come home.

□ 1045

Mrs. Underwood represented the families whose family member did not come home. When I looked at the children in that chapel and looked at Mrs. Underwood and thought for almost 30 years they did not have a husband, they did not have a father, I thought, what a price to pay. But thank God for those like Colonel Underwood who are willing to pay the price so that we can enjoy the freedom in this great Nation known as America.

The other story I would like to share very quickly, and I am going to put another photograph up, if I may, this is a photograph of a child whose name is Tyler Jordan. Tyler's father was a gunny sergeant, actually at one time stationed at Camp Lejeune, and his name was Phillip Jordan.

I saw this photograph in a newspaper, and I was so taken by the look on this young boy's face. He has got the folded flag under his arm, he has got a little flight jacket on, and he is holding the hand of a military person. You can tell that by the uniform.

This reminded me of a Marine whose funeral I went to at Camp Lejeune. His name was Michael Bitz. Michael was 31 years old. He was killed at Fallujah. He left a wife, Janina, and four children, including twins that he never saw. The twins were born 2 months after he was deployed.

At the funeral, she read the last letter she received from him, and I remember four points very quickly, and then I will make a couple more comments and close.

He talked about how much he missed his family and how much he appreciated the photograph of the twins. He talked about the fact he was a religious man, that Jesus Christ was so important in his life. He made a third point in the letter. He said, ''I hope that He,'' meaning the Lord, ''will give me the strength to do what I am supposed to do for my country.'' Then the fourth point was he said to Janina, ''I don't know if I will see you on Earth or in heaven, but one day we will be back together.''

I share that because I think this ties right into this resolution introduced by the gentleman from Arizona (Mr. BOOZMAN) and supported by both sides. Too many times, unless we have a loved one in the military, we forget the stress, the pressure, that is on the family. That is why I think this resolution is so, so vital today.

Madam Speaker, one other point I want to make, and this was given to me earlier, there is an article in today's USA Today, June 8, and it talks about soldiers' divorce rates are up sharply. I wanted to read one thing very quickly:

''The trend is severest among officers. Last year, 3,325 army officers' marriages ended in divorce, up 78 percent from 2003, the year of the Iraq invasion, and more than 3½ times the number in 2000, before the Afghanistan operation. Army figures show for enlisted personnel, the 7,152 divorces last year were 28 percent more than in 2003, and up 53 percent from 2000.''

Madam Speaker, I share that as we begin to close this debate. It is important what we are doing today with this resolution. It is important that we as a

Congress, as we always do in a bipartisan way, work for our military and their families. We shall never forget the cost of freedom, and I know that the people in America feel as passionately as I do, that we need to always remember that those who wear the uniform, whether it is peacetime or wartime, must be supported and their families, with the quality-of-life issues, must be maintained adequately.

Mr. BISHOP of New York. Madam Speaker, I rise in strong support of this resolution recognizing the families of the members of the U.S. Armed Forces and supporting the designation of National Military Families Week.

I commend the gentleman from Arkansas for introducing this important tribute to the families of our brave men and women in Iraq, Afghanistan and along the front lines of the global war on terrorism. American families with sons and daughters deployed overseas deserve our recognition for the support and comfort they provide every day.

Nearly 40 percent of service men and women who are currently deployed or away from their permanent duty stations have left famlies with children, and there are over 3,000,000 family members and dependents of those serving on active duty and in the reserves. These families share unique challenges as they endure unpredictable recalls, extended tours of duty, and deployments that can be as frustrating and painful as recovering from the traumas of war and the readjustment to life back home.

By passing this resolution today, military families will know that America understands and appreciates the critically important link between the support they provide and the readiness of our troops. Having honored our fallen this past Memorial Day, we extend our appreciation to the active duty and reserve personnel, as well as their families, who continue making sacrifices to help our troops honor their commitments to the Armed Forces and to our Nation.

Madam Speaker, I encourage my colleagues to support this resolution and look forward to working toward providing military families the assistance they deserve for their many contributions and dedication to our troops.

Mr. ORTIZ. Madam Speaker, I rise in support of H. Con. Res. 159 because now it is more important than ever for our Nation to show our support for our warfighters. While our Armed Forces are engaged in struggles in Afghanistan against the terrorists that attacked our Nation—and deployed against insurgents in Iraq—they represent the interests of our Nation.

We are at war; and the people who carry the guns and go after our enemies have a job that is harder than any of us can imagine. This Nation asks our men and women in the armed service to carry out a mission in which their lives are frequently in danger. Many do not come home to their families' arms. The ones who do come home must cope with new realities in their lives, and in the lives of their families.

As a senior member of the House Armed Services Committee, there's a wisdom to our recruitment. First, you recruit a soldier. When he re-enlists, you recruit the whole family. Much of our retention problems stem from families simply not being able to handle the emotional strain of a loved one serving, plus the financial detriment military service can present.

While loved ones are away serving our Nation in uniform, families are left with only one parent and all the responsibility of the family. In the case of National Guard and Reserve service members, it nearly always leaves the family with much less earning power and the entire family must make do with less. This breeds a number of challenges for military families.

While we in Congress must do all we can to help those families financially and with appropriate health care and other quality of life components . . . the least we can do today is to have a special week to recognize the difficulties that our military families live through every day. We must remember their sacrifices every day, but it is useful and educational to take a week to officially honor the sacrifice of the families of those who wear the uniform of the United States.

Mr. JONES of North Carolina. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159, as amended.

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

A motion to reconsider was laid on the table.

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

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 304 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 304

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization. The joint resolution shall be considered as read. The joint resolution shall be debatable for two hours equally divided among and controlled by the chairman and ranking minority member of the Committee on Ways and Means, Representative Paul of Texas, and Representative Sanders of Vermont or their designees. Pursuant to section 152 of the Trade Act of 1974 and section 125 of the Uruguay Round Agreements Act, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

SEC. 2. 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.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 304 is a rule providing for 2 hours of general debate on H.J. Res. 27, withdrawing the approval of the United States from the agreement establishing the World Trade Organization, to be equally divided among and controlled by the chairman and ranking member of the Committee on Ways and Means, the gentleman from Texas (Mr. PAUL), and the gentleman from Vermont (Mr. SANDERS).

The rule 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.

Mr. Speaker, I rise today in support of this fair rule, but in opposition to the underlying H.J. Res. 27, withdrawing the approval of the United States from the agreement establishing the World Trade Organization.

In 1994, Congress passed the Uruguay Round Table Agreements Act establishing the World Trade Organization, an independent body charged with monitoring and determining compliance with trade agreements. That law authorized the President to accept the United States' membership in the WTO and requires a report to be submitted to Congress every 5 years on the United States' participation in the WTO.

The law also offers Congress the opportunity every 5 years to assess whether continued membership in this organization is in the best interest of the United States. I believe that Members of the House should be afforded this opportunity to register their views on this question through a vote of the House, which I urge my colleagues to vote on in support of this rule.

The United States already has low tariffs, few subsidies, and a history of abiding bylaws and agreements. Our farmers and producers in my area in central Washington and across the country are some of the most efficient in the world and are capable of competing and winning in world markets, so long as they do not face foreign government policies like subsidies and dumping practices that stack the deck against them.

The enforcement of a rules-based trading system through the World Trade Organization is our best opportunity to gain access to these markets for our Nation's farmers and rural communities. The removal of artificial barriers to trade is of critical importance

to apple growers and tree fruit farmers in the agricultural-based economy in central Washington that I represent.

I am pleased that in 2003, the World Trade Organization stood up for the apple growers in central Washington and across the Nation by leveling the playing field in a dispute over Japan's import restrictions on imported U.S. apples. For nearly a decade, U.S. apple growers dealt with Japan's unjustified import requirements, which are imposed with no scientifically sound evidence. Trade restrictions should be based on scientific evidence and should be implemented on a limited basis, not used merely as tools to create unfair trade barriers.

The World Trade Organization ruled that Japan's restrictions were not justified and were in breach of their World Trade Organization obligations. This United States victory brought the hopes of meaningful access to Japan's markets to the domestic apple industry and will help us fight similar trade barriers in markets throughout the world.

Withdrawing from the World Trade Organization would result in our farmers, growers, and producers being shut out of these export opportunities and the loss of millions of jobs depending on them. Therefore, I believe that we must support our Nation's continued membership in the WTO and must continue aggressive enforcement of the rules of international trade. Our Nation's economy can continue to grow if we have access to global markets on a level playing field.

So, Mr. Speaker, I urge my colleagues to support the rule and to oppose the underlying bill.

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

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

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, as my colleagues look around the world today, I have no doubt most would agree that whether the subject is fully engaging our allies on matters of national security and diplomacy, working to protect our shared environment from global warming and other threats or striving to grow our economies in a fashion that is both efficient and humane, the United States should be playing a larger role in the world arena, not withdrawing from it.

Clearly, there are many areas in which the WTO needs reform. However, our continued participation is far too important for walking away to be considered a real option. Simply put, if America were to pull out of the WTO, we would be relegated to the small community of nations who are not members, losing any ability to influence the organization and its negotiations on a wide range of issues.

Ninety-seven percent of all U.S. trade is with other WTO members. No matter where you fall on trade issues these days, it is clear that our economic interests continue to lie with engaging our preeminent trading partners. And we must keep working to ensure that American companies that create jobs here at home by doing business overseas are able to do so in the most transparent, lawful, and predictable business environment possible.

In short, America's long-term economic interests are too important to disengage from this organization, and America is too great a Nation to send yet another signal to the world that we are withdrawing from the community of nations. In recent years we have already done that all too often.

So I commend the gentleman from California (Mr. THOMAS), the gentleman from New York (Mr. RANGEL), and all of the members of both parties on the Committee on Ways and Means for unanimously reporting this legislation with an adverse recommendation. I am pleased that both parties are prepared to make a strong statement about the importance of this Nation's continued engagement in the world economy.

Trade issues today are stirring a great deal of concern among Members of both parties, and my opponents in this debate are men and women of goodwill with real concerns that the American people's ability to maintain appropriate standards for their communities on issues from food safety to environmental protection will be undermined by the lower standards of other countries. These are worthy and real concerns, concerns that reflect the complexity and seriousness of these issues which have real consequences for our economy and our citizens.

America must be tough and smart and represent the interests of all our people in the trade arena, especially as we negotiate new trade agreements. Many Members of both parties in this Chamber have valid and important questions about whether our trade policymakers are doing that. But withdrawing from the WTO is not the answer.

Americans are right to demand that our negotiators look out for the broader community as the United States engages the world economically, but engage it we must. I am hopeful that today the House is prepared to reject this resolution on a bipartisan basis with a vote that will help preserve our leadership role in the world.

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

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished chairman of the Committee on Rules, the gentleman from San Dimas, California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in support of this rule and in very, very strong opposition to what this resolution is attempting to do.

The great economist Milton Friedman once said, ''Underlying most arguments against the free market is a lack of belief in freedom itself.'' Now, Mr. Speaker, if we listen carefully to the reasons we commonly hear for abandoning our open trade agenda, it becomes very clear that Milton Friedman was absolutely right.

We hear these claims all the time: Free trade agreements will leave working families without good jobs. Trade liberalization will weaken worker rights in developing countries. Lowering barriers to open trade will devastate the environment.

The underlying claim is that greater economic freedom will harm Americans and our trading partners alike, but this fear of freedom is not based in fact.

Following World War II, the world's major trading partners came together, the global leaders, and established the General Agreement on Tariffs and Trade, the GATT. This agreement was designed to establish an international system of fair trade rules, pursuing that goal of the complete elimination of tariff and nontariff barriers, providing a forum for trading partners to settle any disputes that existed. The General Agreement on Tariffs and Trade was the predecessor to what is now known as the World Trade Organization. Through trade liberalization that the GATT and the WTO have enabled, with the existence of those, have seen average tariffs in industrialized countries go from 40 percent down to 4 percent, spurring a six-fold increase in global GDP.

And, of course, remember, a tariff is a tax, so by reducing that tariff burden, through the goal of the GATT and now the WTO, we have been able to reduce the tax burden on consumers throughout the world. So we have seen, by virtue of that 40 percent to 4 percent reduction, a six-fold increase in gross domestic product growth.

Since the creation of the World Trade Organization 11 years ago, U.S. exports have increased by $300 billion. We have seen our exports since the establishment of the WTO increase by $300 billion. Over this time period, exports have come to support over 25 percent of the economic growth that we enjoy in the United States. Remember, we have a, virtually, almost $11 trillion economy here in the United States. 25 percent of the growth in that economy is due to exports. Open trade and investment has netted an extra $1 trillion in U.S. income every year, or about $10,000 per household, as a result of those reductions that we have seen in tariff and nontariff barriers.

As the world's largest exporter and importer, the United States has the most to gain from the lower trade barriers and fairer global trade rules that the WTO brings. By reducing tariffs,

strengthening intellectual property protection, and increasing transparency in all of the 148 member countries, the WTO is our largest, most comprehensive, and most effective forum for expanding markets and creating new opportunities for Americans.

The WTO has also been an important tool for the United States in ensuring that international trade commitments are honored. Of the 47 WTO cases brought by the United States that have been concluded, 44 have been resolved in our favor. That is a 94 percent success rate for the United States of America within the structure of the World Trade Organization.

Our WTO membership has been absolutely critical in maintaining our global economic leadership. With 80 percent of the world's economy and 95 percent of the world's consumers outside of the United States, our role in the WTO remains essential to opening new markets and expanding existing ones for U.S. producers, service providers, and investors.

But the WTO is not our only forum for liberalizing trade rules and expanding foreign markets for American goods and services. The Free Trade Agreement negotiating process has long been highly successful in opening up new opportunities for Americans. We are on the forefront of I hope passing the Dominican Republic Central American Free Trade Agreement, which is critical to continuing on that path of prosperity that began with the GATT back in 1947 and has continued through the WTO, the North American Free Trade Agreement, and a wide range of bilateral agreements that we have put together over the past several years with Israel, Jordan, Chile, Singapore, Australia and Morocco, among others.

DR–CAFTA will make our trading relationship with the region reciprocal by granting U.S. producers the same access to their markets that the Dominican Republic-Central American producers have long enjoyed in ours. It will boost the competitiveness and productivity of American companies and workers by providing an export and investment destination that fully respects the rule of law and protects intellectual property rights.

But even more important, Mr. Speaker, it will empower the Dominican Republic-Central American countries to experience the economic growth, increased prosperity, and rising living standards that Americans have long enjoyed. All of the benefits of trade that I have described, greater family incomes, export-supported growth, transparent and fair trading rules for U.S. companies that participate in the global marketplace, these are all benefits, these are all benefits that our neighbors in Latin America deserve to enjoy along with us.

Again, there are many who will argue against greater economic freedom. They will say that it will cost American jobs. They will say that workers and the environment and the DR–CAFTA bill will be devastating. They will in effect argue that the region is too poor to trade with us. But we cannot let this unfounded fear of economic freedom cause us to abandon our very important open trade agenda.

We are very fortunate to have our former colleague, Rob Portman, now serving as our ambassador, as the representative, the head of focusing on the whole issue of trade, the U.S. Trade Representative for us. We have to work closely with him, through the World Trade Organization, to tear down tariff and nontariff barriers to trade. We must continue to utilize this very important forum to ensure that our trading partners stick with their commitment. Living with a rules-based trading system is the only way that we are going to be able to vigorously pursue the diminution of those barriers to the free flow of goods and services throughout the world.

So, for the sake of the American people, for the sake of those throughout the world who are seeking to get onto the first rung of the economic ladder, it is absolutely imperative that the United States of America maintain its leadership role in the World Trade Organization.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend from California for yielding me this time.

Mr. Speaker, I think it is important for us to understand why this resolution is before us that brings forward H.J. Res. 27.

We are now celebrating the tenth anniversary of the creation of the World Trade Organization, the WTO. When Congress passed the legislation for us to join the WTO, Bill Clinton was President of the United States, and Newt Gingrich, Congressman Gingrich, thought it was important to have a mechanism in place where the Congress can exercise its independent authority over trade and that we should have an opportunity to carry out that responsibility by evaluating whether we want to stay in the World Trade Organization or not.

Mr. Speaker, I must tell my colleagues that when that issue was before us I had mixed thoughts as to whether we should have a nuclear option of withdrawing from the WTO or whether there are more effective ways for Congress to exercise its constitutional responsibility in an independent way over trade. I must tell my colleagues that I think that this process is going to be helpful.

So let me make it clear. I support the resolution to bring forward H.J. Res. 27 that has come out of the Committee on Rules. I very much oppose the passage of H.J. Res. 27, which would withdraw us from the WTO.

As the gentleman from California (Mr. DREIER) pointed out and as the gentlewoman from California (Ms. MATSUI) pointed out, it is in the United States' interests to be in a rules-based trading system, and we need to make sure that we continue United States participation within the WTO. However, we also need to understand that we need to improve and make more effective the WTO, and we also need to strengthen the manner in which we review the operations of the WTO.

We have had legislation that we could have acted on that would do that. I heard the gentleman from California (Mr. DREIER) give his analysis of the rulings within the WTO. Quite frankly, my score sheet is different. In two-thirds of the cases that have gone to dispute resolution panels or appellate panels, we have seen that they have overreached. That is, they have gone beyond the negotiated terms and ruled against U.S. interests.

I think we should have a review process of the WTO dispute settlement process. Senator DOLE had suggested that when he was in the United States Senate. I think we should look at that, and that would be a more effective way to have a continuing review in carrying out our responsibility as to whether the WTO is acting effectively to open up markets to all producers and manufacturers and farmers.

We also need to look at the enforcement of our trade rules. We need to spend more effort on enforcement. China's manipulation of currency should be a direct interest to this body. The protection of intellectual property rights of American companies should be more aggressively pursued. We need to be more aggressive against European subsidies. We need to deal with the enforcement of our antidumping laws. All this can be done and should be done, and we should not wait every 5 years in order to review that.

We also need to expand the opportunities within the Doha Round that will be presented to us. We have to help U.S. service industries so they can gain access to foreign markets. We need to work on tariff and nontariff barriers for U.S. manufacturers.

So, Mr. Speaker, I urge my colleagues to vote for this resolution, to vote against House Joint Resolution 27 so that we can move forward to improving the WTO. I urge us to look at ways in which we can help U.S. manufacturers, U.S. producers, and U.S. farmers to gain greater access to the international markets. We need to do that on an ongoing basis, and the Congress needs to exercise its authority to make sure that we are as aggressive as possible at opening up markets for U.S. interests.

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

Ms. MATSUI. Mr. Speaker, I yield 8 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I have no illusions that the resolution that we bring up tomorrow is going to win. Five years ago, when the gentleman from Texas (Mr. PAUL) brought it up, I think we received 56 votes. I think we will probably do better tomorrow, but I do not think we are going to win. But I do think that this resolution that is coming up tomorrow, which I strongly support, is enormously important, because it is high time for the United States Congress to take a tough look at our trade policies, our membership in the WTO. I believe that any objective assessment will tell every Member of this body and the American people that our trade policies have failed the American worker, the American middle class in a disastrous way, and that it is high time to rethink our trade policies so that they begin to work for the middle class of this country and not just the CEOs of our major corporations.

Mr. Speaker, the middle class of the United States of America is collapsing. Poverty is increasing. Our trade deficit is soaring.

I find it amazing to hear the gentleman from California (Mr. DREIER) give his portrayal of what is going on in America and the world. He is very much at odds with what the American people perceive.

□ 1115

The average American worker is asking why, with an explosion of technology, with a huge increase in worker productivity, why is the average American worker working longer hours for lower wages? Why is it that real wages in the United States today are 7 percent lower than they were in 1973 for the bottom 90 percent of American workers?

Why is it that with all of this globalization and all of this free trade there are few middle-class families in America where women no longer have the option of staying home with their kids, but they have got to go into the workforce, where people in America are working two jobs, and three jobs just to pay the bills.

The reality of what is going on in America today is that globalization is not working for ordinary people. In the last 4 years alone in the United States, we have lost 2.8 million good-paying manufacturing jobs. Just yesterday, we learned that General Motors is now going to cut back on another 25,000 good-paying jobs for American workers.

Study after study shows that the new jobs that are being created are paying low wages, with minimal benefits, and the jobs that we are losing were good-paying jobs that had good benefits.

Now, the bottom line of this discussion is that, yes, international trade is a good thing. But it is a good thing when it benefits ordinary Americans. It is not a good thing when it simply makes the CEOs of large corporations even wealthier so that they can earn as much as 500 times what the average American worker in their company makes. That is not a good thing.

When we talk about unfettered free trade, let us remember that every single year our trade deficit is going up and up and up. And the singular question that we have got to address is, does our trade policy work when American workers are being forced to compete against desperate people in countries like China who earn 30 cents an hour?

My friends, that is what this debate is about. Large corporations like General Electric, General Motors, all of those companies who are throwing American workers out on the street, they think this agreement is greet, because they are moving to China lock, stock and barrel, hiring desperate people for pennies an hour, people who go to jail when they stand up for their political rights when they try to form a union.

And the result of that is an extremely unfair competitive situation against the needs of the American worker.

My friend, the gentleman from California (Mr. DREIER), talked about the need to pass the Central American Free Trade Agreement, CAFTA. Well, I think he is going to be disappointed, because I think that the results are so clear in terms of what NAFTA has done for American workers, what Permanent Normal Trade Relations with China have done for American workers, that not only are the American people catching on that CAFTA will be a continuation of a failed policy, I think the American people are demanding that it is time for Congress to represent workers and not just the big money interests.

I am not going to suggest that trade alone is the only reason for the decline of the middle class. But I will suggest that it is a very significant reason. The middle class in America will not survive unless we create good-paying jobs here. And what study after study suggests is that the new jobs that are going to be available to our kids are not going to be the high-tech information technology jobs, because they are off to India, they are off to China. The new jobs are going to be in Wal-Mart industry, in the service industry, where people are earning low wages with low benefits.

Mr. Speaker, let me simply conclude by saying this: all of the objective evidence in terms of job loss, in terms of the loss of good-paying jobs, in terms of the growing gap between the rich and the poor in America which is now wider than in any other industrialized country on Earth, wider in the United States than it has been the 1920s, all of that suggests that the economy is not working for the middle class.

My Republican friends talk about a robust economy. President George Bush has not created one new job in the private sector since he has been in office; he has lost jobs. All of the new jobs have been created in the government. And it is obligatory upon us to analyze why our economy is failing the middle class, why poverty is increasing, why the gap between the rich and the poor is growing wider, why the new jobs that are being created are primarily low wage with poor benefits.

Trade is not the only cause of this problem, but it is a significant cause. We need a trade policy that reflects the interests of the middle class and working people of this country and not the CEOs who are busy sending our jobs to China.

Let me quote the CEO of General Electric, Jeffrey Immelt, several years ago. He said, that when I look to the future of General Electric, I see China, China, China.

Well, I think maybe Mr. Immelt should look to the United States for the future of GE, and GM and other corporations should do the same. We cannot continue to hemorrhage decent-paying jobs going to countries that do not have democracy, where people are forced to work for pennies an hour. We and the other industrialized world must do everything we can to uplift the poor of the world. But we do not have to sacrifice the middle class of this country as part of that process.

Mr. HASTINGS of Washington. Mr. Speaker, I just ask my friend from California, I have no more requests for time except for me to close. If she is prepared to yield back, I will be prepared to yield back.

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

The WTO reflects many years of development resulting in broad and bipartisan support for expanded trade. Participation is vital to America's interest, be it economic, strategic, or as an avenue to strengthen the rule of law in the world. There is certainly a need to improve the WTO, something I believe can be done.

But this will only be the case if we maintain an active presence in the WTO, engage in negotiations to strengthen American interests. In a few weeks, trade issues will again be before us as this Chamber considers the Central American Free Trade Agreement, or CAFTA.

We should not confuse the debate today about the WTO and the upcoming debate on CAFTA. These are both avenues to advance America's interests through trade partnerships. But CAFTA is a very good example of what can happen when the United States is not looking out for the interests of all of our people and the dangers that can pose for standards that previous generations of Americans worked so hard for and that we benefit from today.

CAFTA would undercut existing protections for workers and United States trade law by requiring only that countries enforce their existing labor laws, which in many cases fail to provide the most basic and internationally recognized protections. Our trade policy should benefit workers, not undermine them.

That is another debate for another day. I mention it only to demonstrate that issues related to international trade are complex, serious, and with real consequences for our economy and our people.

Participation in the WTO is vital to America's interest, be it economic, strategic, or to strengthen the rule of law in the world.

I would like to note while this rule provides for 2 hours of debate, that under our House rules, this resolution and other bills we debate under the procedures established by the Trade Act of 1974 are entitled to 20 hours of debate. While in this case, 20 hours is certainly not necessary, many Members of both parties in this Chamber have valid and important questions about whether our trade policymakers are protecting our interests.

I would hope that when other trade agreements come before this body, and they will, that Members will be able to fully debate the issues and not be limited by stringent time constraints.

I intend to vote against the underlying resolution because I believe that the WTO is essential to a strong rules-based trading system. I hope my colleagues would do as well.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, American workers produce goods that are second to none. However, our success in selling these goods in a global marketplace, and we have to admit that we are in a global market, is dependent on fair and open markets. The World Trade Organization continues to advance and create more fair and open markets.

While I oppose the underlying bill, Members of the Congress should have the opportunity today to examine the merits of the United States' participation in the WTO. The debate on House Resolution 27 is an important one, and one that should be had.

So I urge my colleagues to support the rule, House Resolution 304, and to oppose the underlying bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 303

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with the colon on page 54, line 4, through ''overseas'' on line 9; section 749; page 81, lines 1 though 7; and beginning with ''and'' on page 81, line 11, through ''programs'' on line 17. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

□ 1130

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. PUTNAM. Mr. Speaker, House Resolution 303 is an open rule 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.

According to the rule general debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill, and waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

Under the rules of the House, the bill shall be read for amendment by paragraph. After general debate, the bill shall be considered for amendment under the 5-minute rule.

The resolution authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

Mr. Speaker, I am very proud to present for consideration this open rule for the agriculture appropriations bill for fiscal year 2006. As with most all appropriations bills, the Committee on Rules has once again afford the entire Chamber an opportunity to offer any amendment to this legislation that complies with the rules of the House.

Members of the House are permitted to come to the floor and bring forth any idea or change they wish to see in this legislation. I am pleased that rule provides a chance for all of our Members to express their views on how our Nation should prioritize spending in this area.

Article 1, section 9 of the United States Constitution says, ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.''

Our Founding Fathers established the role of the Committee on Appropriations to ensure that our Nation's spending is subject to oversight and approval by its elected representatives. The committee plays an important role in determining the wise use of taxpayer funds.

I want to commend the gentleman from Texas (Chairman BONILLA) and his subcommittee for the tremendously difficult work this year in bringing the spending bill under its budget allocation. The Congressional budget is an important tool of the Congress, allowing us to establish priorities for the coming fiscal year. It is always encouraging to see the budget and the appropriations process work together in tandem, allowing Congress to ensure that our government acts in a fiscally responsible manner.

The Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations has reported out a bill that provides important resources to ensure that our Nation's farmers and ranchers remain competitive in the 21st century. The legislation enhances our ability to safeguard our food supply and addresses the nutritional needs of women and children and the most disadvantaged in our country. The bill also works to maintain and build fiscal discipline.

H.R. 2744 continues to fund important projects at a level consistent with fiscal year 2005, allocating nearly $17 billion plus $83 billion in total mandatory spending. At the same time, it addresses needs such as the protection of health and safety. In an effort to combat harmful pests and disease that

threaten America's food supply, the Food Safety and Inspection Service funding is increased by $20 million over last year, and Animal and Plant Health Inspection Service activities are funded at $16 million above last year's level, for a total of $829 million.

In addition, the Farm Service Agency's salaries and expenses are funded at the President's request of $1 billion, allowing the continued efficient delivery of farm and disaster programs that are so critical to wide swaths of our great Nation.

To unlock much-needed advances in agricultural research and allow American farmers to have the tools necessary to produce a safe and wholesome food supply, the Agricultural Research Service is funded at over $1.1 billion.

Additionally, USDA's Conservation Operations activities are increased by $26 million over the President's request, which allows farmers and ranchers to achieve important conservation and environmental goals as our Nation's farmers and ranchers are the original environmentalists in this country.

This appropriations bill is an excellent example of how Congress can attain fiscal discipline and still fund our priorities. H.R. 2744 funds programs over the President's budget request, increasing funding in strategic areas while maintaining a funding level consistent with funding for fiscal year 2005.

I am impressed with the work of the subcommittee, and I am certain the appropriations process this year will serve as a model of how we can achieve responsible and responsive funding simultaneously.

Mr. Speaker, I represent a congressional district in Florida that is among the top in the Nation in production of certain agricultural goods. I want to personally thank the gentleman from Texas (Chairman BONILLA) and the Subcommittee on Agriculture of the Committee on Appropriations and the subcommittee staff for their continued commitment and attention to the needs of all of American agriculture and Florida in particular, especially in the aftermath of the hurricanes that devastated much of Florida's agriculture last summer and fall. The Committee on Appropriations' work is greatly appreciated.

I also wish to thank the gentleman from Texas (Chairman BONILLA) for his attention and dedication to the continued needs resulting from invasive pests and diseases that are affecting a number of crops throughout our country, including citrus canker affecting our citrus industry in Florida. I know that all of America's farmers and ranchers and consumers deeply appreciate the subcommittee's tireless efforts to assist our agricultural community.

I urge Members to support this fair and open rule and the underlying bill.

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

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

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

Mr. Speaker, I want to thank the gentleman from Florida (Mr. PUTNAM) for yielding me the customary 30 minutes.

Mr. Speaker, passage of this rule will allow the House to consider the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for Fiscal Year 2006.

I want to express my appreciation to the gentleman from Texas (Chairman BONILLA) and the subcommittee's new ranking member, the gentlewoman from Connecticut (Ms. DELAURO), for working so well together on this bill which clearly deserves the support of all the membership of this House.

This important bill provides the funding for our domestic nutrition and anti-hunger programs, international food aid, the Food and Drug Administration, and food inspection. Although traditionally the bill is not controversial, it is an important appropriations bill because of the vitally important programs that are supported here.

I want to express my strong support for the Department of Agriculture programs that fight to end hunger here at home and around the world. Mr. Speaker, hunger is a political problem, one that can be solved if only we have the political will to do so. Regrettably, the Bush administration and the leadership in this House and the Senate have not made the necessary commitments to reduce poverty and end hunger in our country. Indeed, hunger and poverty are once again on the rise in the United States. More children are going to bed hungry at night right here in the United States of America, the richest and most blessed country in the world. Every year six million children in our world die of hunger-related causes. We cannot and should not stand by and watch these tragedies unfold.

Mr. Speaker, it is time we raise the bar and pledge to end hunger once and for all. It is time to really tackle the issue of poverty. In the meantime, until we make that commitment and back it up with real action and greater resources, we must at least maintain funding for the domestic and international nutrition and anti-hunger programs in this bill. That is why it is so important that this bill increases funding for mandatory programs like food stamps and other child nutrition programs like the school lunch program.

I am also pleased that discretionary programs like WIC also receive increases. These programs are among the most successful of our Federal anti-hunger programs, and they help millions of Americans get the food they could not otherwise afford to buy.

Unfortunately, important programs like the summer food service program are not fully funded. This important program provides meals to low-income children during the summer when they can not receive a school lunch because the schools are closed for summer vacation. There is no reason why a child who receives a lunch at school during the school year should be denied a lunch during the summer merely because school is out of session.

Another important program that needs to be expanded is the school breakfast program. Too many of our children begin their school days hungry. They cannot concentrate as well as children who have something to eat before class. Those children who are fortunate enough to receive a school breakfast usually have to get to school earlier than the other kids. There is a stigma that gets attached to these children because it is plain for all the students to see who cannot afford to eat breakfast at home.

We need to expand the school breakfast program so that it is a truly universal program, and we must provide school breakfast at the start of the school day and not before. These two simple actions will ensure that a nutritious meal is provided to hungry children without attaching any social stigma. The consequences of such basic changes will be measurable increases in learning and test scores, as well as improvements in health.

A third program that needs to be fully funded is the effort to end the reduced price meal. Currently, low-income children are eligible for either a free school lunch or a reduced price lunch. The reduced price lunch costs 40 cents per meal. While that may not seem like a lot to you or me, it can put a real strain on the finances of many low-income families who are struggling to make ends meet. Too often, school lunch administrators report seeing children who are able to buy lunch at the beginning of the month stop eating as the month goes on, merely because their families cannot afford to pay for that reduced price lunch as money gets tighter and tighter towards the end of the paycheck.

The Child Nutrition Reauthorization Bill, a truly bipartisan bill that was signed into law last year, phases out the reduced price meal. Last year, thousands of anti-hunger activists roamed the halls of Capitol Hill with their blue and white ERP buttons on, and Congress responded. Now it is time to back up that promise and fully fund the effort to end the reduced price meal.

Mr. Speaker, the fiscal year 2006 bill also provides funding for the International Food Aid Programs administered by the USDA. These programs provide emergency food aid to regions of the world that need help today. I am pleased that President Bush pledged to release $674 million for humanitarian relief on the Horn of Africa. However, while it is important that the United States provide the funding for humanitarian relief around the world, the Committee on Appropriations must ensure that these funds are replenished for the following year.

Unfortunately, this bill underfunds the Food for Peace Program, which is one of our most important food aid and development programs. I commend the gentleman from Texas (Chairman BONILLA) for restoring $222 million to this program above the President's request. But the program still remains $60 million below last year's level. While emergency funding was included in the tsunami relief package, we should not rely on emergency funding when we can properly fund this important program in the Agriculture Appropriations bill. Nor should we shortchange funding for the ongoing programs that are funded through the Food for Peace and other international food aid programs.

Finally, Mr. Speaker, I also want to commend the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), for increasing funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. This program uses American commodities to provide school meals to hungry children around the world. It is named after two men who have led the fight against child hunger while they served in the United States Senate and as private citizens.

Senator George McGovern is a dear friend of mine who has worked tirelessly on ending hunger over his decades of public service, and I cannot say enough about Senator Bob Dole's work on combating hunger here and abroad. He is a man of great integrity and someone who I respect immensely. I am very pleased, Mr. Speaker, to have the opportunity to work with his wife, Senator ELIZABETH DOLE, on a number of anti-hunger efforts.

The McGovern-Dole International Food for Education and Child Nutrition Program is based on our own school lunch and breakfast program. It provides a nutritious meal for hungry children in a school setting. It has resulted in not only reducing child hunger abroad but in better schools and stronger community support for education in some of the poorest communities in the world. It is a successful program that is developing the long-term support of the Bush administration, and it deserves to be expanded.

I am pleased that the Bush administration and the leadership in the House and Senate agree on the importance of the McGovern-Dole program. The President's budget has included an increase in funding for this program over each of the last 3 years; and, more importantly, the Congress has agreed in increased funding over the past 3 years.

Mr. Speaker, while I believe the funding must be restored to $300 million, the original level of the Global Food for Education Initiative, the pilot program that preceded the McGovern-Dole program, I am pleased that the gentleman from California (Chairman LEWIS) and the gentleman from Texas (Chairman BONILLA) have supported the President's request for increased funding of $100 million for fiscal year 2006.

I am also encouraged by the level of commitment to the McGovern-Dole program in the Senate, and I am hopeful that funding for this program will be further increased when the Senate considers this bill later this year.

Mr. Speaker, in December of 2004, 105 of our House colleagues sent a bipartisan letter to President Bush supporting the McGovern-Dole program. That letter is as follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, December 2, 2004.*

Hon. GEORGE W. BUSH,
*President of the United States,*
*Washington, DC.*

DEAR MR. PRESIDENT: We are writing to urge you to provide $300 million in your Fiscal Year 2006 Budget Proposal for the George McGovern-Robert Dole International Food for Education and Child Nutrition Program. We believe it is urgent to restore funding for this program at levels similar to those of the original pilot program.

We strongly believe this funding is critical for sustaining and expanding the McGovern-Dole Program in order to combat terrorism and to help build and consolidate democracy in the Middle East, southern Asia, the Near East, and in other regions critical to U.S. national security. As you are aware, the McGovern-Dole Program provides donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition programs in low-income countries. We note that recommendations made by the General Accounting Office (GAO) in February 2002 on how to strengthen and improve the administration and implementation of school feeding programs were fully integrated into the law establishing the McGovern-Dole Program, enhancements that we believe have contributed to its current success.

Both the initial plot program and the current McGovern-Dole Program have a proven track record at reducing the incidence of hunger among school-age children and improving literacy and primary education, especially among girls, in areas devastated by war, hunger, poverty, HIV/AIDS, and the mistreatment of women and girls. School meals, teacher training, and related support have helped boost school enrollment and academic performance. McGovern-Dole nutrition and school feeding programs also improve the health and learning capacity of children both before they enter school and during the years of primary and elementary school

In February 2003, the U.S. Department of Agriculture evaluated the McGovern-Dole pilot program and found significant positive results. Specifically—

''The results to date show measurable improvements in school enrollment, including increased access by girls. In projects involving more than 4,000 participating schools, the WFP reports an overall enrollment increase exceeding 10 percent, with an 11.7 percent increase in enrollment by girls. The PVO's report an overall enrollment increase of 5.75 percent in GFE-participating schools. In some projects, increases in enrollment were as high as 32 percent compared with enrollment rates over the previous three years.''

(USDA, The Global Food for Education Pilot Program: A Review of Project Implementation and Impact, page 2, February 2003)

We firmly believe that these programs reduce the risk of terrorism by helping to eliminate the hopelessness and despair that breed terrorism. American products and commodities are directly associated with hunger alleviation and educational opportunity, encouraging support and good will for the United States in these communities and countries.

We strongly urge that you restore the capacity of this critically important program by providing $300 million for Fiscal Year 2006.

Sincerely,

James P. McGovern, Nancy Pelosi, James A. Leach, Hilda L. Solis, Todd Tiahrt, Ike Skelton, Jo Ann Emerson, Frank R. Wolf, Tom Lantos, Donald A. Manzullo, Earl Pomeroy, Marcy Kaptur, John Shimkus, George Miller, Roger F. Wicker, Rosa L. DeLauro, Lynn C. Woolsey, Anthony D. Weiner, Chris Van Hollen.

Neil Abercrombie, Ron Kind, Sam Graves, José E. Serrano, Albert R. Wynn, Robert Wexler, Maxine Waters, John F. Tierney, Gary L. Ackerman, Robert E. Andrews, Earl Blumenauer, Leonard L. Boswell, Corrine Brown, Michael E. Capuano, Elijah E. Cummings, William D. Delahunt, Bob Etheridge, Tammy Baldwin, Madeleine Z. Bordallo.

Rick Boucher, Sherrod Brown, Joseph Crowley, Susan A. Davis, Michael F. Doyle, James L. Oberstar, John W. Olver, David E. Price, Bobby L. Rush, Bernard Sanders, Janice D. Schakowsky, Vic Snyder, Eni F. H. Faleomavaega, Barney Frank, Donald M. Payne, Steven R. Rothman, Martin Olav Sabo, Max Sandlin, Adam Smith, Fortney Pete Stark.

Bob Filner, Charles A. Gonzalez, Raul M. Grijalva, Stephanie Herseth, Tim Holden, Eddie Bernice Johnson, Rick Larsen, Stephen Lynch, Karen McCarthy, Jim Marshall, Alcee L. Hastings, Maurice D. Hinchey, Sheila Jackson-Lee, Dale E. Kildee, Barbara Lee, Carolyn McCarthy, Carolyn B. Maloney, Jim Matheson, Betty McCollum.

Michael R. McNulty, Gregory W. Meeks, Dennis Moore, Richard E. Neal, Jim McDermott, Sam Farr, Christopher H. Smith, Martin T. Meehan, Juanita Millender-McDonald, James P. Moran, Eleanor Holmes Norton, Thaddeus G. McCotter, Major Owens, Linda T. Sánchez, Thomas H. Allen, Doc Hastings, Patrick J. Kennedy, Edward J. Markey, Brad Miller, and Sander M. Levin.

Mr. Speaker, the following is a letter from Secretary of Agriculture Mike Johanns expressing his support for the McGovern-Dole program:

Hon. JAMES P. MCGOVERN,
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMAN MCGOVERN: Thank you for the letter of December 2, 2004, from you and your colleagues to President George W. Bush, expressing your support for the McGovern-Dole International Food for Education and Child Nutrition Program (FFE). The White House forwarded your letter to the Department of Agriculture (USDA) for reply. We apologize for the delay in responding.

This Administration greatly appreciates your support for this very successful program. USDA now has 5 years of experience with FFE and its predecessor, the Global Food for Education Initiative. These programs have reached over 7 million beneficiaries and provided close to 1.3 million tons of agricultural commodities as well as other types of assistance to schools and communities. The positive results include increased school enrollment, especially among

girls; declines in absenteeism; improved concentration, energy, and attitudes toward learning; and infrastructure improvements, including classrooms, kitchens, storage facilities, water systems, latrines, and playgrounds.

We are especially gratified that FFE has resulted in greater local commitment to school feeding activities. In many cases, FFE activities have been so successful that local support for school feeding is expanding to the point that FFE assistance can shortly be ended. Examples of these ''graduating'' countries are Kyrgyzstan, Lebanon, Moldova and Vietnam. We will continue to allocate some FFE resources to these countries this year as we expand the benefits of FFE by implementing programs in additional countries. Additionally, the success of FFE has resulted in other donors becoming involved in school feeding programs. These other donors include the European Union, the German Agency for Technical Cooperation, the Japanese Development Agency, Canada, and the World Health Organization.

We agree that funding for FFE should be expanded in fiscal year (FY) 2006. While the Administration is making a concerted effort to cut the budget deficit, we have requested $100 million in appropriated funding for FFE in FY 2006, which is double the funding for the program in FY 2004 and an increase of 15 percent compared to FY 2005.

Thank you again for writing to support this important program. We look forward to continuing to work with you to improve USDA's overseas food aid programs. A similar letter has been sent to each of your colleagues.

Sincerely,

MIKE JOHANNS,
*Secretary*.

Mr. Speaker, the gentleman from Texas (Chairman BONILLA) has crafted a bill that deserves to be supported today; and while there is room for improvement, I believe that the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO) and the Subcommittee on Agriculture of the Committee on Appropriations did the best they could with the limited resources they were given. Again, I thank my friend from Florida (Mr. PUTNAM).

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

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

Mr. Speaker, the gentleman from Massachusetts' (Mr. MCGOVERN) comments about hunger remind me of an old proverb. ''When there is food, there are many problems. When there is no food, there is only one problem.'' The gentleman speaks very passionately about that issue. It reminds me how fortunate we are that, because of the productivity of the American farmer and rancher, that Americans spend less of their disposable income on food than any other industrialized nation and our greatest threats in terms of childhood illnesses is obesity, not hunger. And I would not trade our problem for anybody else's.

It is clearly a huge issue. I am proud of the work the appropriators have done in allocating $900 million through the emergency bill for those who were ravaged by the tsunami that struck southeast Asia.

□ 1145

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman from Florida for yielding me the time, and I rise in strong support of the rule and the underlying legislation.

The Agriculture appropriations bill is being considered under an open rule that allows all Members to offer their amendments to this important piece of legislation, and I believe that all Members should be able to support this rule.

I commend the gentleman from Texas (Chairman BONILLA) and the other members of his committee for their work on this very important legislation. I would like to highlight a few of the provisions of particular importance to my district of West Virginia.

Resource conservation and development councils across the country, including the Potomac Headwaters and Little Kanawha councils in my district, leverage very successfully Federal, State and local money with private sector dollars to support conservation and economic development activities in our rural communities. I think it is important to note that anytime a successful collaboration between all of the different governmental entities and private sector dollars is able to achieve results that we should recognize that, and I am pleased that this bill does so.

These local councils have years of experience with development and conservation issues and understand the needs of our home areas. The heartfelt letters and phone calls that I receive from constituents and community leaders across West Virginia demonstrate the good work that RC&D councils are doing. I thank the Committee on Appropriations for rejecting the plan to end the Resource Conservation and Development program and instead fully fund the local councils at last year's level.

Also, I want to thank the committee for restoring formula funds for the Hatch Act, the McIntire-Stennis program, and the Animal Health Disease program and rejecting proposals to turn these funds into competitive grants.

West Virginia University has a very successful extension service that does an outstanding job of researching problems facing farmers in my State and across the Nation. Every State has an extension service devoted to solving agriculture programs in their local areas.

Switching to a competitive grant system would have jeopardized the ability of local extension services to deal with local plant disease or animal health problems.

This appropriations bill also provides a $630 million increase for the Child Nutrition program. In West Virginia, my home State, 145,000 children received free or reduced school lunches this past year. That is more than half of our State's K through 12 total enrollment. It is important that we maintain this funding for this important program.

For these reasons and many others, I think it is extremely important that not only do we pass the rule but we also pass the good hard work of the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and their efforts to preserve and enrich the programs that are feeding not only our country but other countries and developing the research to find other ways to maximize our resources.

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

Before I yield to our next speaker, I would just like to respond to something the gentleman from Florida had said in his comments on hunger.

As I should point out to the gentleman, there are 36 million people in the United States of America who are hungry, and every single one of us in this Chamber should be ashamed of that fact. We can do better.

He mentioned the problem of obesity. I should point out to the gentleman that there is a relationship, believe it or not, between malnutrition and hunger and obesity. A lot of the cases of obesity are directly related to the fact that a lot of families cannot afford to put a decent meal on the table. So these kids end up eating junk food, and it results in the obesity problem.

We have a huge problem here. We should not minimize it, and we have a long way to go.

Mr. Speaker, I yield 6½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the ranking Democrat on the subcommittee.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time and for all the effort and attention the committee has paid to this important bill on agriculture and the Food and Drug Administration.

I just might say to the gentleman from Massachusetts, I, too, want to applaud his passion and his diligence and vigilance on the issue of hunger and how it affects our children and families in the United States and internationally. I thank him for leading the way for us.

I also want to compliment the gentleman from Texas (Chairman BONILLA) on working under very difficult circumstances to deliver this bill on the floor and for working across the aisle. His staff, the gentleman from Wisconsin's (Mr. OBEY) staff and mine have worked diligently to get us here today, and I thank all of them for their service and for their patience.

This bill, unfortunately, falls short in filling the needs in rural America and in fully protecting our public health. While I believe that the gentleman from Texas (Mr. BONILLA) has done his best with a difficult allocation, regrettably there are shortfalls. We have barely maintained the same

funding level as last year, $16.8 billion, in discretionary funds; and we all know that there are increased benefit costs and salary increases that need to be accounted for in that number. A stable number does not mean a stable agriculture and food and drug effort by our government.

The chairman had to make up for a huge gap in the administration's proposal when it included an unauthorized user fee of $139 million in the budget. Finding that amount of money to keep our extremely important food safety efforts for meat and poultry operating was not an easy task. It certainly forced the chairman to leave other needs unmet at USDA.

In addition, Mr. Speaker, the bill still does not include enough funding to cover the food security needs of the elderly under the Commodity Supplemental Food program. There are hundreds of millions more pending requests for building and repairing water and sewer systems and for conserving our precious soil and water resources.

The Commodity Supplemental Food program operating in 32 States and providing surplus food commodities to seniors and to families of young children who no longer qualify for any other help, but who have hungry young ones to feed, is predicted to have to stop feeding at least 45,000 people with the current level of funding in this account.

At the same time, USDA resources are essential so that our agricultural base is not harmed by outbreaks of diseases such as soybean rust or bovine spongiform encephalopathy, BSE or mad cow. United States agriculture is not isolated, and we need to remain vigilant and steady in our support of scientific research institutions in our prevention efforts and in our strategic planning and coordination for these types of challenges to our food supply and our health.

In the natural resources area, the bill is $52 million below last year. Water and waste grants, so critical to public health and economic growth for our rural communities, are funded below 2004.

The agriculture community has so many important needs, from commodity support to export promotion, from building new community facilities in rural areas to conserving farm land, and by combating animal and plant diseases and protecting human health, by enforcing our food safety laws and maintaining basic nutrition for our citizens. Rural areas are not always places with high tax bases and young working people. Rather, we know 90 percent of the country's poorest counties are in rural America, and these counties have a poverty rate that is a disturbing 14.2 percent. If we want these areas to begin to prosper again, we have to help them with infrastructure and community-building.

Some forget that another important public health agency is also funded in this bill, the Food and Drug Administration within the Department of Health and Human Services. Again, the chairman has done a good job in trying to find funding for this budget for the Food and Drug Administration.

This year, the subcommittee was deprived of the opportunity to hear from the Acting Commissioner of FDA due to what we understand was intervention from the administration. This meant that we had to work on their portion of the bill without being able to ask questions that we would ordinarily have used to learn about their current operations. Nevertheless, with the gentleman from Texas' (Mr. BONILLA) help, we have started down a road to building some additional resources for drug safety and the possibility of more effective oversight of postmarket prescription drugs, by increasing the resources of the office that performs direct-to-consumer advertising claims reviews.

FDA is an agency that has demonstrated itself to be in crisis over the last year. We had an influenza outbreak predicted, but we were surprised to learn that another government's regulatory system had found the flu vaccine supply on which we were counting to be flawed.

Drugs like Vioxx and Bextra that scientists at FDA knew were causing illness and death were permitted to remain on the market and be advertized well beyond the point that they should have been voluntarily withdrawn or forced off the market.

Companies that had promised to perform postmarket studies in return for early introduction of their products failed miserably in keeping their promises without penalty.

However, I am pleased that the subcommittee took action on this matter by fencing off 5 percent of the appropriation to the leadership offices of FDA until the head of the agency testifies before our subcommittee. This is a very important provision to maintain in this bill until we get some answers.

I am also pleased that the subcommittee adopted an amendment addressing the reimportation of FDA-approved prescription drugs from FDA-approved facilities from Canada and other developed countries so that our people can buy them at affordable prices. This House has expressed its will on this issue over and over again, most recently with a letter signed by a bipartisan majority of the House to the Speaker, and we want to be able to keep this provision in the bill through conference.

I thank the gentleman from Texas (Chairman BONILLA) for his willingness to work across the aisle to replace many of the cuts sent up by the President. We know that we cannot meet all the actual needs that are out in the country; but this bill is a valiant effort, given the budget parameters.

I know there will be several amendments offered today, especially on behalf of enhanced civil rights and solutions to regional or specific problems. I believe that debate will be a healthy one, and I look forward to it.

I thank the gentleman for yielding me the time.

Mr. PUTNAM. Mr. Speaker, it is a pleasure to yield 4 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me time, and I rise today in support of the rule and in support of the gentleman from Texas' (Chairman BONILLA) efforts on the underlying bill.

I also in my remarks today want to urge my colleagues to retain the chairman's language on mandatory country-of-origin labeling, more commonly known as COOL, C-O-O-L. This is clearly a marketing issue, not a food safety issue, and puts an unnecessary burden on producers, processors, and consumers if not handled in exactly the right way.

The Agriculture Department has estimated the costs of the current mandatory country-of-origin labeling program could be as much as $4 billion in the first year alone. Assuming that producers figure out a way to pass along that $4 billion, that $4 billion is $4 billion added at grocery stores to shopping-cart prices, and then they talk about a cost of several hundred million dollars a year in the years after the first year.

With so many unanswered questions, now is not the time for this mandate. For example, when COOL goes into effect beginning on September 30, 2006, how will we treat the cattle, hogs and lambs and sheep that were born before that date? Is there any legal market for these hundreds of thousands of animals that are out there on farms and in farming facilities right now? Until we find out the answer to problems like this, there is no reason to move forward with this costly mandate that puts a disproportionate share of the cost on the producer.

A much better approach is for Congress to approve a voluntary program and place control in the hands of consumers at the marketplace. It is for this reason that I have joined the fight with the gentleman from Virginia (Mr. GOODLATTE), who is our Committee on Agriculture authorizing chairman, on our voluntary country-of-origin legislation that would permanently make the country-of-origin legislation a voluntary program for meat and meat products, not, Mr. Speaker, for vegetables, for fruit, for other products, but for meat and meat products, products that have a longer life, products that are more mobile, and products that in many cases are going to be already in the hands of producers, on the farms of producers before September 30, 2006, with potentially no legal way to sell those products.

Voluntary labeling, on the other hand, would give producers added market value rather than a costly Federal mandate. Voluntary COOL would ultimately give consumers, not the Federal Government, control of country-

of-origin labeling for products. The voluntary labeling program would add value throughout the food chain, including the producer as well as the consumer.

□ 1200

Voluntary COOL would also create a brand for products of the United States and encourage consumers to buy American meats where they shop. The label would add value to American agricultural products. Voluntarily labeling beef, pork, lamb and other meat products is a better way to need the needs of consumers and promote American agricultural products without the enormous costs and burdens of a mandatory law.

Mr. Speaker, I appreciate the gentleman's work product, the bill which has been brought to the floor, and the hard work he has done on this issue and urge my colleagues to support the chairman's efforts.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

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

Ms. SLAUGHTER. Mr. Speaker, as we debate the agriculture appropriations bill today, we will consider funding for the Food and Drug Administration. I am very disappointed that the Hinchey FDA reform amendment will not be allowed under this rule. The amendment would give the Food and Drug Administration two new authorities that are badly needed to improve the FDA's drug safety operations and ensure that FDA has the tools to take timely action to protect Americans from unsafe drugs.

It would have empowered the FDA with the authority to require companies to conduct post-marketing studies of FDA-approved drugs and would also have given the FDA the authority to mandate changes to the labels of FDA-approved drugs. Unfortunately, efforts to include the amendment were defeated in the Committee on Rules on a party-line vote.

I am deeply concerned about the FDA's handling, or rather their mishandling, of the consideration to allow emergency contraception to be sold over the counter. For almost 100 years, the FDA has overseen the safety of food, cosmetics, drugs, and medical devices consumed by the American public, but we cannot trust them unconditionally any more.

The agency defines itself as a scientific, regulatory and public health agency. But for what appears to be the first time in the agency's history, the FDA has jettisoned the rigorous standards of science and health in evaluating emergency contraception and has instead taken the counsel of religious and political extremists in its consideration of this important pregnancy-preventive drug.

And the results of such counsel have been predictable. Despite the fact that 23 of 27 members of the FDA's advisory panel voted in favor of allowing over-the-counter sales of Barr Laboratories' Plan B emergency contraceptive and despite the overwhelming scientific evidence in support of the application, the FDA made the unusual decision to disregard its own advisory panel's recommendation and reject the application.

One of the dissenting panelists was evangelical conservative Dr. W. David Hager. In October of 2002, I sent a letter to President Bush expressing my deep reservations about appointing Dr. Hager as Chair of the Advisory Committee for Reproductive Health Drugs at the FDA. Based on Dr. Hager's past conduct, I believed he would not be impartial in his decisions. On numerous occasions, Dr. Hager had already displayed a willingness to substitute his personal beliefs for science. My request, unfortunately, went unheeded by the administration.

Now recent reports have alleged that the FDA, while considering allowing over-the-counter sales of emergency contraceptive, requested a minority opinion by Dr. Hager to justify a politically motivated decision to Barr Laboratories' application, a truly outrageous request which, if true, has further jeopardized the scientific integrity of the FDA.

Clearly the standards of science and the interest of public health have taken a back seat to the political agenda of extremist politicians.

The scientific facts irrefutably show that emergency contraception is a safe and effective way for women to prevent unintended pregnancies. Emergency contraception has been available in the United States by prescription since the late 1990s. It does not cause abortion. Instead, it stops the release of the eggs from the ovary and prevents unwanted pregnancy. If preventing unwanted pregnancy is something we support, no matter what our individual positions are on a woman's reproductive freedom, we should be outraged by this lack of science behind this decision.

Effectively preventing unwanted pregnancies is clearly the best way to reduce the number of abortions, and if my colleagues care about that, they must recognize this fundamental truth.

The Alan Guttmacher Institute estimates that increased use of emergency contraceptives accounted for up to 43 percent of the total decline in abortions between 1994 and the year 2000. In addition, emergency contraception is often the only option for the 300,000 women who are raped each year. It is widely recognized as an integral part of comprehensive and compassionate emergency treatment for sexual assault survivors.

The bottom line here is that over-the-counter approval is the single most effective tool we have to reduce unwanted pregnancies in America, but one man is holding it up. Anyone really serious about reducing the number of abortions will support making it available. There are two only sides of this line Members can be on. They either want to stop apportions or reduce them, or they do not.

As we await again a decision on Barr Laboratories, a decision the FDA promised in January but has not given us yet, I urge them to base this and future decision on science, not politics. It is time the FDA recognizes it must be more accountable to the American public to make the best decisions possible based on scientific evidence which is what they are for. They just do not do that anymore.

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

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this Congress is owned lock, stock and barrel by the pharmaceutical industry. That was made obvious on passage of the so-called Medicare drug benefit last year when the majority party rammed through this place, after a 3-hour wait, a provision which prevented the Federal Government from negotiating with the drug industry to require lower drug prices under the Medicare program.

Another piece of evidence of the ownership of this Congress by that industry is the fact that this House will not be voting today on an amendment that would give the FDA the enhanced ability to change the label on drugs that have already been approved if later studies demonstrate that those labels need to be changed.

I had a member of my family who almost died because of Vioxx. She took that drug at the suggestion of a doctor, and it virtually ruined her liver. She does not drink alcohol, and yet when the doctor examined her he told her that she effectively had the liver of a 65-year-old chronic alcoholic because of what Vioxx had done to her.

It took 14 months for the FDA to be able to change Vioxx labeling.

Any Congress with any guts whatsoever would have had on this floor a long time ago legislation to give FDA that authority, but that is a big money lobby, and they sure pass it around. Last year, they had 500 lobbyists telling this Congress what to do on the Medicare prescription drug bill. They may as well have had a baby-sitter for every Member of Congress. That is how many lobbyists they had running around Capitol Hill.

On that bill on that issue, instead of being the greatest legislative body in the world, Capitol Hill was effectively a trash heap.

I intend to vote for this bill because I think the chairman has done a reasonable job with limited resources, but I do not intend to vote for this rule if there is a rollcall because I think this rule should have made the Hinchey amendment in order. It is about time that this institution and the President of the United States starts talking about and dealing with issues that the American people care about, rather

than issues that we care about in terms of our internal operations, such as the filibuster in the Senate or these other nonsense issues that are really inside baseball.

Mr. Speaker, I just wanted to get that off my chest so in case there is a rollcall on the rule, Members will know why I voted against it.

I also want to raise one other point. We are not starting on the bill itself until some time after 12. We had other filler on the floor here today before we got to this appropriations bill. There are 11 must-pass bills a session, all of them appropriation bills. We have been asked on the minority side of the aisle, even though we regard most of those bills as being inadequate, we have been asked to provide procedural cooperation in order to facilitate the ability of the majority to do the House's work, and we have provided that procedural cooperation. But I have to say I get very frustrated when we are told that the Committee on Appropriations has to be prepared to work until 10 or 11 tonight because you have certain Members of Congress off on a golfing tournament this morning and early this afternoon.

I resent the fact that there are not going to be any votes until after 2 so a few of our colleagues can go off and golf while we are here trying to slog through the 11 appropriation bills that have to pass before this Congress can adjourn. I do not raise that fact because I am a lousy golfer, although I am. I raise that fact simply because sooner or later it would be nice if this place puts the public's business first and puts appropriation bills first rather than dragging in other legislation that is put on the floor simply to delay the time before the Committee on Appropriations gets to the amendment stage of its bills.

So, with all due respect, I will vote for this bill, but I think the process by which we have gotten to this bill is a sorry one.

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

Respecting the gentleman's right to get off his chest whatever he chooses to get off of his chest, I would point out that the appropriations process is far ahead of schedule, and we are on track to complete the program of passing the bills through the House before July 4.

I would also point out our appreciation to the gentleman for his support for the bill and recognition of the hard work the gentleman from Texas (Mr. BONILLA) and his subcommittee have put in to an outstanding agriculture appropriation bill, and appreciate the fact that, despite his misgivings about the process, he likes the work product that this committee has produced.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time to speak on the rule.

I favor the rule. It will enable us today later in the debate to consider an amendment that, if approved, will reduce by 6 percent the sugar subsidy that we have under our current system.

We will hear in the course of this debate how the current sugar subsidization is a serious misallocation of resources to a few large farmers and agribusiness interests when we are unable to meet the needs under the ag bill for America's small- and medium-sized farmers.

We will learn how the current policies damage the environment, especially in the Everglades. The Everglades are polluted from the practice of cane sugar production, threatening drinking water for south Florida, maritime habitat is seriously damaged, and makes the $8 billion down payment that we have made on the cleanup of the Everglades harder, larger and ultimately more expensive.

The current policies violate our own principles of free trade. Forty-one other sugar-producing countries cannot compete with the lavishly subsidized American market, where they are largely excluded, particularly for poor countries. It makes our free trade arguments hypocritical.

□ 1215

It is costing American consumers with this unjustified subsidy, forcing them to pay two or three times the world price for sugar. And it is costing jobs. There are seven times more businesses that use sugar than produce sugar and is forcing them, I see my colleague from Illinois here, where the confectionery industry in Illinois is being driven across the border to Canada because the raw material is so much cheaper.

There will be an opportunity, thankfully, to discuss this under an open rule, and I am hopeful that we will take this small step to put a little sanity in the way we treat sugar.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I want to express my thanks to the gentleman from Texas (Mr. BONILLA) and to the gentlewoman from Connecticut (Ms. DELAURO). This is a very good bill. I am privileged to be on this subcommittee and to serve with two distinguished leaders, the gentlewoman from Connecticut and the gentleman from Texas. They both have worked very hard together. This is a very good bill for agriculture. It is a very good bill for our farmers. I represent farmers in central Illinois who produce a lot of food and fiber for the world, particularly corn and beans.

One of the things that the chairman and ranking member have done has also really put a lot of emphasis on the research title, providing the research dollars to places like the University of Illinois in Champaign and to the ag research lab. I have one of the four ag research labs in the country in my hometown of Peoria. They do great work there. They collaborate with many different people in the community to really think outside of the box about how we take the food and fiber that we produce and the commodities we produce and stretch them into many different opportunities for farmers, and also for researchers. We have some of the smartest people that work in the ag research lab in Peoria. They could not do their work without the kind of dollars that are provided through this bill. The chairman has really done an extraordinary job in working with all the members of the subcommittee and the committee, really, to reach out and try to provide the dollars that are necessary.

This is a very good bill for agriculture. It is a good bill for America. I ask all Members to support the rule and ultimately to support the bill.

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

I thank the gentleman from Texas (Mr. BONILLA) and the gentlewoman from Connecticut (Ms. DELAURO) for this bill which I think is a good bill despite an unsatisfactory allocation. I think this bill deserves support by all our colleagues. However, I would respectfully suggest that this Congress in the future focus more on alleviating hunger and poverty in this country.

Yesterday was National Hunger Awareness Day. There were thousands of people that descended on Capitol Hill from all over the country urging Congress to do more. I hope we will do more. They are right. There is much more for us to do.

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

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

I thank the gentleman from Massachusetts for his comments. His passion for ending hunger in this country is laudable. This is a fair rule. It is an open rule. With the exception of those amendments that are legislating on an appropriations bill, anyone can come down here and have the opportunity to make their case for changes. So while Members have been here expressing frustrations about certain policy issues, there has been widespread agreement, including from the gentleman on the Rules Committee and including from the distinguished ranking member of the Committee on Appropriations and the ranking member of the subcommittee. There has been a general agreement of support for the underlying bill that the gentleman from Texas (Mr. BONILLA) has produced. I am glad to see that type of bipartisan cooperation that has not been given the credit that is due here in Washington.

This is a great bill for America's resources and for the conservation element that America's farmers and ranchers are so vital in participating

in. It provides the necessary framework for disaster programs and commodity programs that allow us to continue to provide the safest, cheapest, most wholesome food supply in abundance in the world with a very small percentage of our population; and it allows us to continue to be in the forefront of technology and research and development, continuing to be on the cutting edge of having greater production, greater yields on fewer acres in the most environmentally conscious manner possible, in addition to dealing with our nutrition issues, our women, infant and children issues and school lunch programs and the other important issues for our underserved in this country.

It is a great bill, Mr. Speaker. I encourage this entire House to support the rule and the underlying bill.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore (Mr. PUTNAM) laid before the House the following resignation as a member of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
*Washington, DC, June 8, 2005.*

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

I am respectfully requesting that you accept my resignation from the House Judiciary Committee, effective immediately.

Thank you for the opportunity to be a member of the committee.

Sincerely,

ADAM SMITH,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. DELAURO. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 307) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 307

*Resolved*, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON THE JUDICIARY.—Ms. Wasserman Schultz.

(2) COMMITTEE ON SCIENCE.—Mr. Moore of Kansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2744 and that I may include tabular material on the same.

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

There was no objection.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2744.

The Chair designates the gentleman from Wisconsin (Mr. RYAN) as chairman of the Committee of the Whole, and requests the gentleman from California (Mr. ISSA) to assume the chair temporarily.

□ 1224

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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, with Mr. ISSA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. BONILLA) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2006 appropriations bill for agriculture, rural development, the FDA and related agencies. As many people know, this bill does not just fund agriculture issues that are so important for the Nation and the world but also funds the Food and Drug Administration, the Women, Infants and Children program, and the food stamp program. There are a wide variety of issues that are very significant to this Nation and the world.

This is a bipartisan bill, Mr. Chairman. I am very proud this year to have worked for the first time with the gentlewoman from Connecticut (Ms. DELAURO), who was a great partner in putting this bill together, as are all the members of the subcommittee. This is a great subcommittee that comes to the table every day with sometimes differences of opinion, but at the end of the day want to get a bill done. As chairman of this subcommittee, it has been a very fulfilling experience to have gone through this process with this great group.

We have difficult challenges every year when we put this subcommittee mark together and when we put the bill together. We had over 2,100 individual requests from Members; so with the good staff that we have that I will get into a little more later, we have had to go through with a fine-tooth comb every request to make sure that it does not overlap with another request and then to prioritize all of these very important issues that come from Members all over the country.

I would also like to thank the staff for working on this. I want to take a moment to mention some very important names who have worked on this bill, sometimes day and night and on weekends as well: Martha Foley of the minority staff; and Maureen Holohan, Leslie Barrack, and Jamie Swafford of the majority staff. In addition, I want to thank our detailee Tom O'Brien and Walt Smith from my personal staff; and, of course, my distinguished clerk, Martin Delgado, who does a fabulous job on this bill. I also want to take a brief moment to recognize Joanne Perdue who worked on the committee for several years and retired from the committee just this past month.

Mr. Chairman, I would also like to point out just in very broad terms that this bill takes care of a lot of issues that are critical not just to agriculture producers but to consumers in terms of food safety, research projects that are going on in every State in this Nation. A lot of people go to the grocery store, Mr. Chairman, and they see that big truck pulling up in the back of the store and unloading goods that are put on shelves and in the freezers at the local grocery store and their products that are sold at a high quality for a good price. Quite frankly, most Americans do not know all of the policy and all of the research and all of the hard work that goes into putting that product on the shelf so that Americans can go into the store, use those coupons and enjoy themselves and the quality of life that it brings to Americans all across the country. Again, there is a lot of detail that goes into putting this bill together.

I am also very proud to work hand in hand with the gentleman from Virginia (Mr. GOODLATTE), our authorizing chairman, who has been a partner in this process not just this year but every year. So all of these policies and all of these programs that I am talking about here have been a team effort.

Mr. Chairman, I include at this point in the RECORD the following tabular material related to the bill:

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| TITLE I - AGRICULTURAL PROGRAMS | | | | | |
| Production, Processing, and Marketing | | | | | |
| Office of the Secretary | 5,083 | 5,127 | 5,127 | +44 | --- |
| Executive Operations: | | | | | |
| Chief Economist | 10,234 | 10,539 | 10,539 | +305 | --- |
| National Appeals Division | 14,216 | 14,524 | 14,524 | +308 | --- |
| Office of Budget and Program Analysis | 8,162 | 8,298 | 8,298 | +136 | --- |
| Homeland Security staff | 769 | 1,466 | 934 | +165 | -532 |
| Office of the Chief Information Officer | 16,462 | 16,726 | 16,462 | --- | -264 |
| Common computing environment | 124,580 | 142,465 | 124,580 | --- | -17,885 |
| Office of the Chief Financial Officer | 5,696 | 5,874 | 5,874 | +178 | --- |
| Working capital fund | 12,747 | --- | --- | -12,747 | --- |
| Total, Executive Operations | 192,866 | 199,892 | 181,211 | -11,655 | -18,681 |
| Office of the Assistant Secretary for Civil Rights | 811 | 821 | 811 | --- | -10 |
| Office of Civil Rights | 19,730 | 20,109 | 20,109 | +379 | --- |
| Office of the Assistant Secretary for Administration | 664 | 676 | 676 | +12 | --- |
| Agriculture buildings and facilities and rental payments | (162,559) | (221,924) | (183,133) | (+20,574) | (-38,791) |
| Payments to GSA | 127,292 | 147,734 | 147,734 | +20,442 | --- |
| Building operations and maintenance | 35,267 | 74,190 | 35,399 | +132 | -38,791 |
| Hazardous materials management | 15,408 | 15,644 | 15,644 | +236 | --- |
| Departmental administration | 22,445 | 23,103 | 23,103 | +658 | --- |
| Office of the Assistant Secretary for Congressional Relations | 3,821 | 3,846 | 3,821 | --- | -25 |
| Office of Communications | 9,290 | 9,509 | 9,509 | +219 | --- |
| Office of the Inspector General | 77,663 | 81,045 | 79,626 | +1,963 | -1,419 |
| Office of the General Counsel | 35,574 | 40,263 | 38,439 | +2,865 | -1,824 |
| Office of the Under Secretary for Research, Education, and Economics | 587 | 598 | 598 | +11 | --- |
| Economic Research Service | 74,170 | 80,749 | 75,931 | +1,761 | -4,818 |
| National Agricultural Statistics Service | 128,444 | 145,159 | 136,241 | +7,797 | -8,918 |
| Census of Agriculture | (22,226) | (29,115) | (29,115) | (+6,889) | --- |
| Agricultural Research Service: | | | | | |
| Salaries and expenses | 1,102,000 | 996,107 | 1,035,475 | -66,525 | +39,368 |
| Buildings and facilities | 186,335 | 64,800 | 87,300 | -99,035 | +22,500 |
| Total, Agricultural Research Service | 1,288,335 | 1,060,907 | 1,122,775 | -165,560 | +61,868 |
| Cooperative State Research, Education, and Extension Service: | | | | | |
| Research and education activities | 655,495 | 545,500 | 661,691 | +6,196 | +116,191 |
| Native American Institutions Endowment Fund | (12,000) | (12,000) | (12,000) | --- | --- |
| Extension activities | 445,631 | 431,743 | 444,871 | -760 | +13,128 |
| Integrated activities | 54,712 | 35,013 | 15,513 | -39,199 | -19,500 |
| Outreach for socially disadvantaged farmers | 5,888 | 5,935 | 5,935 | +47 | --- |
| Total, Cooperative State Research, Education, and Extension Service | 1,161,726 | 1,018,191 | 1,128,010 | -33,716 | +109,819 |
| Office of the Under Secretary for Marketing and Regulatory Programs | 715 | 724 | 724 | +9 | --- |
| Animal and Plant Health Inspection Service: | | | | | |
| Salaries and expenses | 808,106 | 855,162 | 823,635 | +15,529 | -31,527 |
| Animal welfare (user fees) (leg. proposal) NA | --- | (10,858) | --- | --- | (-10,858) |
| Buildings and facilities | 4,927 | 4,996 | 4,996 | +69 | --- |
| Total, Animal and Plant Health Inspection Service | 813,033 | 860,158 | 828,631 | +15,598 | -31,527 |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Agricultural Marketing Service: | | | | | |
| Marketing Services | 75,092 | 84,114 | 78,032 | +2,940 | -6,082 |
| Agriculture marketing service standardization (user fees) (leg. proposal) NA | --- | (2,918) | --- | --- | (-2,918) |
| Standardization user fees | (5,000) | --- | --- | (-5,000) | --- |
| (Limitation on administrative expenses, from fees collected) | (64,459) | (65,667) | (65,667) | (+1,208) | --- |
| Funds for strengthening markets, income, and supply (transfer from section 32) | 15,800 | 16,055 | 16,055 | +255 | --- |
| Payments to states and possessions | 3,816 | 1,347 | 1,347 | -2,469 | --- |
| Total, Agricultural Marketing Service | 94,708 | 101,516 | 95,434 | +726 | -6,082 |
| Grain Inspection, Packers and Stockyards Administration: | | | | | |
| Salaries and expenses | 37,001 | 15,717 | 38,400 | +1,399 | +22,683 |
| Grain inspection, packers and stockyards administration (user fees) (leg. proposal)NA | --- | (24,701) | --- | --- | (-24,701) |
| Limitation on inspection and weighing services | (42,463) | (42,463) | (42,463) | --- | --- |
| Office of the Under Secretary for Food Safety | 590 | 602 | 590 | --- | -12 |
| Food Safety and Inspection Service | 817,170 | 710,717 | 837,264 | +20,094 | +126,547 |
| Food safety inspection (user fees) (leg. prop) NA. | --- | (139,000) | --- | --- | (-139,000) |
| Lab accreditation fees | (1,000) | (1,000) | (1,000) | --- | --- |
| Total, Production, Processing, and Marketing | 4,962,393 | 4,616,997 | 4,825,807 | -136,586 | +208,810 |
| Farm Assistance Programs | | | | | |
| Office of the Under Secretary for Farm and Foreign Agricultural Services | 626 | 635 | 635 | +9 | --- |
| Farm Service Agency: | | | | | |
| Salaries and expenses | 999,536 | 1,050,875 | 1,023,738 | +24,202 | -27,137 |
| (Transfer from export loans) | (994) | (1,839) | (1,839) | (+845) | --- |
| (Transfer from P.L. 480) | (2,914) | (3,217) | (3,217) | (+303) | --- |
| (Transfer from ACIF) | (291,414) | (309,137) | (297,127) | (+5,713) | (-12,010) |
| Subtotal, transfers from program accounts | (295,322) | (314,193) | (302,183) | (+6,861) | (-12,010) |
| Total, Salaries and expenses | (1,294,858) | (1,365,068) | (1,325,921) | (+31,063) | (-39,147) |
| State mediation grants | 3,968 | 4,500 | 4,250 | +282 | -250 |
| Dairy indemnity program | 100 | 100 | 100 | --- | --- |
| Subtotal, Farm Service Agency | 1,003,604 | 1,055,475 | 1,028,088 | +24,484 | -27,387 |
| Agricultural Credit Insurance Fund Program Account: | | | | | |
| Loan authorizations: | | | | | |
| Farm ownership loans: | | | | | |
| Direct | (208,320) | (200,000) | (200,000) | (-8,320) | --- |
| Guaranteed | (1,388,800) | (1,400,000) | (1,400,000) | (+11,200) | --- |
| Subtotal | (1,597,120) | (1,600,000) | (1,600,000) | (+2,880) | --- |
| Farm operating loans: | | | | | |
| Direct | (644,800) | (650,000) | (650,000) | (+5,200) | --- |
| Unsubsidized guaranteed | (1,091,200) | (1,200,000) | (1,200,000) | (+108,800) | --- |
| Subsidized guaranteed | (282,720) | (266,253) | (266,256) | (-16,464) | (+3) |
| Subtotal | (2,018,720) | (2,116,253) | (2,116,256) | (+97,536) | (+3) |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Indian tribe land acquisition loans | (2,000) | (2,000) | (2,020) | (+20) | (+20) |
| Natural disasters emergency insured loans | --- | (25,000) | --- | --- | (-25,000) |
| Boll weevil eradication loans | (100,000) | (60,000) | (100,000) | --- | (+40,000) |
| Total, Loan authorizations | (3,717,840) | (3,803,253) | (3,818,276) | (+100,436) | (+15,023) |
| Loan subsidies: | | | | | |
| Farm ownership loans: | | | | | |
| Direct | 11,145 | 10,240 | 10,240 | -905 | --- |
| Guaranteed | 7,361 | 6,720 | 6,720 | -641 | --- |
| Subtotal | 18,506 | 16,960 | 16,960 | -1,546 | --- |
| Farm operating loans: | | | | | |
| Direct | 65,060 | 64,675 | 64,675 | -385 | --- |
| Unsubsidized guaranteed | 35,246 | 36,360 | 36,360 | +1,114 | --- |
| Subsidized guaranteed | 37,631 | 33,282 | 33,282 | -4,349 | --- |
| Subtotal | 137,937 | 134,317 | 134,317 | -3,620 | --- |
| Indian tribe land acquisition | 105 | 80 | 81 | -24 | +1 |
| Natural disasters emergency insured loans | --- | 2,735 | --- | --- | -2,735 |
| Total, Loan subsidies | 156,548 | 154,092 | 151,358 | -5,190 | -2,734 |
| ACIF expenses: | | | | | |
| Salaries and expense (transfer to FSA) | 291,414 | 309,137 | 297,127 | +5,713 | -12,010 |
| Administrative expenses | 7,936 | 8,000 | 8,000 | +64 | --- |
| Total, ACIF expenses | 299,350 | 317,137 | 305,127 | +5,777 | -12,010 |
| Total, Agricultural Credit Insurance Fund | 455,898 | 471,229 | 456,485 | +587 | -14,744 |
| (Loan authorization) | (3,717,840) | (3,803,253) | (3,818,276) | (+100,436) | (+15,023) |
| Total, Farm Service Agency | 1,459,502 | 1,526,704 | 1,484,573 | +25,071 | -42,131 |
| Risk Management Agency | 71,468 | 87,806 | 77,806 | +6,338 | -10,000 |
| Total, Farm Assistance Programs | 1,531,596 | 1,615,145 | 1,563,014 | +31,418 | -52,131 |
| Corporations | | | | | |
| Federal Crop Insurance Corporation: | | | | | |
| Federal crop insurance corporation fund | 4,095,128 | 3,159,379 | 3,159,379 | -935,749 | --- |
| Commodity Credit Corporation Fund: | | | | | |
| Reimbursement for net realized losses | 16,452,377 | 25,690,000 | 25,690,000 | +9,237,623 | --- |
| Hazardous waste management (limitation on expenses) | (5,000) | (5,000) | (5,000) | --- | --- |
| Total, Corporations | 20,547,505 | 28,849,379 | 28,849,379 | +8,301,874 | --- |
| Total, title I, Agricultural Programs | 27,041,494 | 35,081,521 | 35,238,200 | +8,196,706 | +156,679 |
| (By transfer) | (295,322) | (314,193) | (302,183) | (+6,861) | (-12,010) |
| (Loan authorization) | (3,717,840) | (3,803,253) | (3,818,276) | (+100,436) | (+15,023) |
| (Limitation on administrative expenses) | (111,922) | (113,130) | (113,130) | (+1,208) | --- |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| TITLE II - CONSERVATION PROGRAMS | | | | | |
| Office of the Under Secretary for Natural Resources and Environment | 735 | 744 | 744 | +9 | --- |
| Natural Resources Conservation Service: | | | | | |
| Conservation operations | 830,661 | 767,783 | 793,640 | -37,021 | +25,857 |
| Watershed surveys and planning | 7,026 | 5,141 | 7,026 | --- | +1,885 |
| Watershed and flood prevention operations | 74,971 | --- | 60,000 | -14,971 | +60,000 |
| Watershed rehabilitation program | 27,280 | 15,125 | 27,000 | -280 | +11,875 |
| Resource conservation and development | 51,228 | 25,600 | 51,360 | +132 | +25,760 |
| Total, Natural Resources Conservation Service | 991,166 | 813,649 | 939,026 | -52,140 | +125,377 |
| Total, title II, Conservation Programs | 991,901 | 814,393 | 939,770 | -52,131 | +125,377 |
| TITLE III - RURAL DEVELOPMENT PROGRAMS | | | | | |
| Office of the Under Secretary for Rural Development | 627 | 635 | 627 | --- | -8 |
| Rural Development: | | | | | |
| Rural community advancement program | 710,321 | 521,689 | 657,389 | -52,932 | +135,700 |
| (Transfer out) | (-27,776) | --- | --- | (+27,776) | --- |
| Total, Rural community advancement program | 710,321 | 521,689 | 657,389 | -52,932 | +135,700 |
| RD expenses: | | | | | |
| Salaries and expenses | 147,264 | 167,849 | 152,623 | +5,359 | -15,226 |
| (Transfer from RHIF) | (444,755) | (465,886) | (455,242) | (+10,487) | (-10,644) |
| (Transfer from RDLFP) | (4,281) | (6,656) | (4,719) | (+438) | (-1,937) |
| (Transfer from RETLP) | (37,971) | (39,933) | (38,907) | (+936) | (-1,026) |
| (Transfer from RTB) | (3,127) | (2,500) | (2,500) | (-627) | --- |
| Subtotal, Transfers from program accounts | (490,134) | (514,975) | (501,368) | (+11,234) | (-13,607) |
| Total, RD expenses | (637,398) | (682,824) | (653,991) | (+16,593) | (-28,833) |
| Total, Rural Development | 857,585 | 689,538 | 810,012 | -47,573 | +120,474 |
| Rural Housing Service: | | | | | |
| Rural Housing Insurance Fund Program Account: | | | | | |
| Loan authorizations: | | | | | |
| Single family direct (sec. 502) | (1,140,800) | (1,000,000) | (1,140,799) | (-1) | (+140,799) |
| Unsubsidized guaranteed | (3,282,823) | (3,681,033) | (3,681,033) | (+398,210) | --- |
| Subtotal, Single family | (4,423,623) | (4,681,033) | (4,821,832) | (+398,209) | (+140,799) |
| Housing repair (sec. 504) | (34,720) | (35,969) | (35,969) | (+1,249) | --- |
| Rental housing (sec. 515) | (99,200) | (27,027) | (100,000) | (+800) | (+72,973) |
| Site loans (sec. 524) | (5,045) | (5,000) | (5,000) | (-45) | --- |
| Multi-family housing guarantees (sec. 538) | (99,200) | (200,000) | (100,000) | (+800) | (-100,000) |
| Multi-family housing credit sales | (1,489) | (1,500) | (1,500) | (+11) | --- |
| Single family housing credit sales | (10,000) | (10,000) | (10,000) | --- | --- |
| Self-help housing land develop. (sec. 523) | (10,000) | (5,048) | (5,048) | (-4,952) | --- |
| Total, Loan authorizations | (4,683,277) | (4,965,577) | (5,079,349) | (+396,072) | (+113,772) |
| Loan subsidies: | | | | | |
| Single family direct (sec. 502) | 132,105 | 113,900 | 129,937 | -2,168 | +16,037 |
| Unsubsidized guaranteed | 33,339 | 40,900 | 40,900 | +7,561 | --- |
| Subtotal, Single family | 165,444 | 154,800 | 170,837 | +5,393 | +16,037 |
| Housing repair (sec. 504) | 10,090 | 10,521 | 10,521 | +431 | --- |
| Rental housing (sec. 515) | 46,713 | 12,400 | 45,880 | -833 | +33,480 |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Multi-family housing guarantees (sec. 538) | 3,462 | 10,840 | 5,420 | +1,958 | -5,420 |
| Multi-family housing credit sales | 721 | 681 | 681 | -40 | --- |
| Self-help housing land develop. (sec. 523) | --- | 52 | 52 | +52 | --- |
| Total, Loan subsidies | 226,430 | 189,294 | 233,391 | +6,961 | +44,097 |
| RHIF administrative expenses (transfer to RD) | 444,755 | 465,886 | 455,242 | +10,487 | -10,644 |
| Rental assistance program: | | | | | |
| (Sec. 521) | 581,411 | 644,126 | 644,126 | +62,715 | --- |
| (Sec. 502(c)(5)(D)) | 5,853 | 5,900 | 5,900 | +47 | --- |
| Total, Rental assistance program | 587,264 | 650,026 | 650,026 | +62,762 | --- |
| Total, Rural Housing Insurance Fund | 1,258,449 | 1,305,206 | 1,338,659 | +80,210 | +33,453 |
| (Loan authorization) | (4,683,277) | (4,965,577) | (5,079,349) | (+396,072) | (+113,772) |
| Rural housing voucher program | --- | 214,000 | --- | --- | -214,000 |
| Mutual and self-help housing grants | 33,728 | 34,000 | 34,000 | +272 | --- |
| Rural housing assistance grants | 43,640 | 41,000 | 41,000 | -2,640 | --- |
| Farm labor program account | 33,845 | 32,728 | 32,728 | -1,117 | --- |
| Subtotal, grants and payments | 111,213 | 107,728 | 107,728 | -3,485 | --- |
| Total, Rural Housing Service | 1,369,662 | 1,626,934 | 1,446,387 | +76,725 | -180,547 |
| (Loan authorization) | (4,683,277) | (4,965,577) | (5,079,349) | (+396,072) | (+113,772) |
| Rural Business-Cooperative Service: | | | | | |
| Rural Development Loan Fund Program Account: | | | | | |
| (Loan authorization) | (33,939) | (34,212) | (34,212) | (+273) | --- |
| Loan subsidy | 15,741 | 14,718 | 14,718 | -1,023 | --- |
| Administrative expenses (transfer to RD) | 4,281 | 6,656 | 4,719 | +438 | -1,937 |
| Total, Rural Development Loan Fund | 20,022 | 21,374 | 19,437 | -585 | -1,937 |
| Rural Economic Development Loans Program Account: | | | | | |
| (Loan authorization) | (24,803) | (25,003) | (25,003) | (+200) | --- |
| Direct subsidy | 4,660 | 4,993 | 4,993 | +333 | --- |
| Rural cooperative development grants | 23,808 | 21,000 | 24,000 | +192 | +3,000 |
| Rural empowerment zones and enterprise communities grants | 12,400 | --- | 10,000 | -2,400 | +10,000 |
| Renewable energy program | 22,816 | 10,000 | 23,000 | +184 | +13,000 |
| Total, Rural Business-Cooperative Service | 83,706 | 57,367 | 81,430 | -2,276 | +24,063 |
| (Loan authorization) | (58,742) | (59,215) | (59,215) | (+473) | --- |
| Rural Utilities Service: | | | | | |
| Rural Electrification and Telecommunications Loans Program Account: | | | | | |
| Loan authorizations: | | | | | |
| Electric: | | | | | |
| Direct, 5% | (119,040) | (100,000) | (100,000) | (-19,040) | --- |
| Direct, Municipal rate | (99,200) | (100,000) | (100,000) | (+800) | --- |
| Direct, FFB | (2,000,000) | (1,620,000) | (2,000,000) | --- | (+380,000) |
| Direct, Treasury rate | (1,000,000) | (700,000) | (1,000,000) | --- | (+300,000) |
| Guaranteed electric | (99,200) | --- | (100,000) | (+800) | (+100,000) |
| Guaranteed underwriting | (1,000,000) | --- | (1,000,000) | --- | (+1,000,000) |
| Subtotal, Electric | (4,317,440) | (2,520,000) | (4,300,000) | (-17,440) | (+1,780,000) |
| Telecommunications: | | | | | |
| Direct, 5% | (145,000) | (145,000) | (145,000) | --- | --- |
| Direct, Treasury rate | (248,000) | (425,000) | (424,000) | (+176,000) | (-1,000) |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Direct, FFB | (125,000) | (100,000) | (125,000) | --- | (+25,000) |
| Subtotal, Telecommunications | (518,000) | (670,000) | (694,000) | (+176,000) | (+24,000) |
| Total, Loan authorizations | (4,835,440) | (3,190,000) | (4,994,000) | (+158,560) | (+1,804,000) |
| Loan subsidies: | | | | | |
| Electric: | | | | | |
| Direct, 5% | 3,619 | 920 | 920 | -2,699 | --- |
| Direct, Municipal rate | 1,339 | 5,050 | 5,050 | +3,711 | --- |
| Guaranteed electric | 60 | --- | 90 | +30 | +90 |
| Direct, Treasury rate | --- | 70 | 100 | +100 | +30 |
| Subtotal, Electric | 5,018 | 6,040 | 6,160 | +1,142 | +120 |
| Telecommunications: | | | | | |
| Direct, Treasury rate | 99 | 212 | 212 | +113 | --- |
| Subtotal, Telecommunications | 99 | 212 | 212 | +113 | --- |
| Total, Loan subsidies | 5,117 | 6,252 | 6,372 | +1,255 | +120 |
| RETLP administrative expenses (transfer to RD) | 37,971 | 39,933 | 38,907 | +936 | -1,026 |
| Total, Rural Electrification and Telecommunications Loans Program Account | 43,088 | 46,185 | 45,279 | +2,191 | -906 |
| (Loan authorization) | (4,835,440) | (3,190,000) | (4,994,000) | (+158,560) | (+1,804,000) |
| Rural Telephone Bank Program Account: | | | | | |
| (Loan authorization) | (175,000) | --- | --- | (-175,000) | --- |
| RTB administrative expenses (transfer to RD) | 3,127 | 2,500 | 2,500 | -627 | --- |
| Total, Rural Telephone Bank Program Account | 3,127 | 2,500 | 2,500 | -627 | --- |
| High energy costs grants (by transfer) | (27,776) | --- | --- | (-27,776) | --- |
| Distance learning, telemedicine, and broadband program: | | | | | |
| Loan authorizations: | | | | | |
| Distance learning and telemedicine | (50,000) | --- | (50,000) | --- | (+50,000) |
| Broadband telecommunications | (545,600) | (358,875) | (463,860) | (-81,740) | (+104,985) |
| Total, Loan authorizations | (595,600) | (358,875) | (513,860) | (-81,740) | (+154,985) |
| Loan subsidies: | | | | | |
| Distance learning and telemedicine: | | | | | |
| Direct | 704 | --- | 750 | +46 | +750 |
| Grants | 34,720 | 25,000 | 25,000 | -9,720 | --- |
| Broadband telecommunications: | | | | | |
| Direct | 11,621 | 9,973 | 9,973 | -1,648 | --- |
| Grants | 8,928 | --- | 9,000 | +72 | +9,000 |
| Total, Loan subsidies and grants | 55,973 | 34,973 | 44,723 | -11,250 | +9,750 |
| Total, Rural Utilities Service | 102,188 | 83,658 | 92,502 | -9,686 | +8,844 |
| (Loan authorization) | (5,606,040) | (3,548,875) | (5,507,860) | (-98,180) | (+1,958,985) |
| Total, title III, Rural Economic and Community Development Programs | 2,413,768 | 2,458,132 | 2,430,958 | +17,190 | -27,174 |
| (By transfer) | (517,910) | (514,975) | (501,368) | (-16,542) | (-13,607) |
| (Loan authorization) | (10,348,059) | (8,573,667) | (10,646,424) | (+298,365) | (+2,072,757) |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| TITLE IV - DOMESTIC FOOD PROGRAMS | | | | | |
| Office of the Under Secretary for Food, Nutrition and Consumer Services | 590 | 599 | 599 | +9 | --- |
| Food and Nutrition Service: | | | | | |
| Child nutrition programs | 6,629,038 | 7,304,207 | 7,224,406 | +595,368 | -79,801 |
| Transfer from section 32 | 5,152,962 | 5,111,820 | 5,187,621 | +34,659 | +75,801 |
| Total, Child nutrition programs | 11,782,000 | 12,416,027 | 12,412,027 | +630,027 | -4,000 |
| Special supplemental nutrition program for women, infants, and children (WIC) | 5,235,032 | 5,510,000 | 5,257,000 | +21,968 | -253,000 |
| Food stamp program: | | | | | |
| Expenses | 30,499,527 | 36,034,599 | 36,034,599 | +5,535,072 | --- |
| Armed forces provision | --- | 1,000 | 1,000 | +1,000 | --- |
| Reserve | 3,000,000 | 3,000,000 | 3,000,000 | --- | --- |
| Nutrition assistance for Puerto Rico and Samoa | 1,515,027 | 1,535,796 | 1,535,796 | +20,769 | --- |
| The emergency food assistance program | 140,000 | 140,000 | 140,000 | --- | --- |
| Total, Food stamp program | 35,154,554 | 40,711,395 | 40,711,395 | +5,556,841 | --- |
| Commodity assistance program | 177,367 | 177,935 | 178,797 | +1,430 | +862 |
| Nutrition programs administration | 138,818 | 140,761 | 140,761 | +1,943 | --- |
| Total, Food and Nutrition Service | 52,487,771 | 58,956,118 | 58,699,980 | +6,212,209 | -256,138 |
| Total, title IV, Domestic Food Programs | 52,488,361 | 58,956,717 | 58,700,579 | +6,212,218 | -256,138 |
| TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS | | | | | |
| Foreign Agricultural Service: | | | | | |
| Salaries and expenses, direct appropriation | 136,719 | 148,792 | 148,224 | +11,505 | -568 |
| (Transfer from export loans) | (3,394) | (3,440) | (3,440) | (+46) | --- |
| (Transfer from P.L. 480) | (1,088) | (168) | (168) | (-920) | --- |
| Total, Salaries and expenses program level | (141,201) | (152,400) | (151,832) | (+10,631) | (-568) |
| Public Law 480 Program and Grant Accounts: | | | | | |
| Program account: | | | | | |
| Loan authorization, direct | (109,000) | (74,032) | (74,032) | (-34,968) | --- |
| Loan subsidies | 93,444 | 65,040 | 65,040 | -28,404 | --- |
| Ocean freight differential grants | 22,541 | 11,940 | 11,940 | -10,601 | --- |
| Title II - Commodities for disposition abroad: | | | | | |
| Program level | (1,173,041) | (885,000) | (1,107,094) | (-65,947) | (+222,094) |
| Appropriation | 1,173,041 | 885,000 | 1,107,094 | -65,947 | +222,094 |
| Salaries and expenses: | | | | | |
| Foreign Agricultural Service (transfer to FAS) | 1,088 | 168 | 168 | -920 | --- |
| Farm Service Agency (transfer to FSA) | 2,914 | 3,217 | 3,217 | +303 | --- |
| Subtotal | 4,002 | 3,385 | 3,385 | -617 | --- |
| Total, Public Law 480: | | | | | |
| Program level | (1,173,041) | (885,000) | (1,107,094) | (-65,947) | (+222,094) |
| Appropriation | 1,293,028 | 965,365 | 1,187,459 | -105,569 | +222,094 |
| CCC Export Loans Program Account (administrative expenses): | | | | | |
| Salaries and expenses (Export Loans): | | | | | |
| General Sales Manager (transfer to FAS) | 3,394 | 3,440 | 3,440 | +46 | --- |
| Farm Service Agency (transfer to FSA) | 994 | 1,839 | 1,839 | +845 | --- |
| Total, CCC Export Loans Program Account | 4,388 | 5,279 | 5,279 | +891 | --- |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| McGovern-Dole international food for education and child nutrition program grants | 86,800 | 100,000 | 100,000 | +13,200 | --- |
| Total, title V, Foreign Assistance and Related Programs | 1,520,935 | 1,219,436 | 1,440,962 | -79,973 | +221,526 |
| (By transfer) | (4,482) | (3,608) | (3,608) | (-874) | --- |
| TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION | | | | | |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | |
| Food and Drug Administration | | | | | |
| Salaries and expenses, direct appropriation | 1,450,098 | 1,492,726 | 1,480,978 | +30,880 | -11,748 |
| Prescription drug user fee act | (284,394) | (305,332) | (305,332) | (+20,938) | --- |
| Medical device user fee act | (33,938) | (40,300) | (40,300) | (+6,362) | --- |
| Animal drug user fee act | (8,354) | (11,318) | (11,318) | (+2,964) | --- |
| Subtotal | (1,776,784) | (1,849,676) | (1,837,928) | (+61,144) | (-11,748) |
| Mammography clinics user fee (outlay savings) | (16,919) | (17,173) | (17,173) | (+254) | --- |
| Export and color certification | (6,838) | (7,640) | (7,640) | (+802) | --- |
| Payments to GSA | (129,815) | (134,853) | (134,853) | (+5,038) | --- |
| Buildings and facilities | --- | 7,000 | 5,000 | +5,000 | -2,000 |
| Total, Food and Drug Administration | 1,450,098 | 1,499,726 | 1,485,978 | +35,880 | -13,748 |
| INDEPENDENT AGENCIES | | | | | |
| Commodity Futures Trading Commission | 93,572 | 99,386 | 98,386 | +4,814 | -1,000 |
| Farm Credit Administration (limitation on administrative expenses) | (42,350) | --- | (44,250) | (+1,900) | (+44,250) |
| Total, title VI, Related Agencies and Food and Drug Administration | 1,543,670 | 1,599,112 | 1,584,364 | +40,694 | -14,748 |
| TITLE VII - GENERAL PROVISIONS | | | | | |
| Hunger fellowships (sec. 722) | 2,480 | --- | 2,500 | +20 | +2,500 |
| National Sheep Industry Improvement Center revolving fund (sec. 724) | 992 | --- | 500 | -492 | +500 |
| Citrus canker compensation (sec. 761) | 29,760 | --- | 10,000 | -19,760 | +10,000 |
| Northern Great Plains Regional Authority | 1,479 | --- | --- | -1,479 | --- |
| Rural housing assistance grants (rescission) | -1,000 | --- | --- | +1,000 | --- |
| Rural housing insurance fund (rescission) | -3,000 | --- | --- | +3,000 | --- |
| Denali Commission | 1,488 | --- | --- | -1,488 | --- |
| Local TV loan guarantee (rescission) | -88,000 | --- | --- | +88,000 | --- |
| Agricultural conservation prog. (rescission) | -3,500 | --- | --- | +3,500 | --- |
| Section 32 (rescission) | -163,000 | --- | --- | +163,000 | --- |
| P.L. 480 Title I (rescission) | -191,108 | --- | --- | +191,108 | --- |
| Milk processing and packaging facilities | 992 | --- | --- | -992 | --- |
| Alaska private lands wildlife management | 496 | --- | --- | -496 | --- |
| Livestock Expo Center (sec. 754) | 992 | --- | 1,000 | +8 | +1,000 |
| Virginia Horse Center | 992 | --- | --- | -992 | --- |
| Great Plains conservation program, unobligated balances (rescissions) | -8,000 | --- | --- | +8,000 | --- |

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 2744)
(Amounts in thousands)

| | FY 2005 Enacted | FY 2006 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Wisconsin Federation of Cooperatives | 2,232 | --- | --- | -2,232 | --- |
| Florida citrus promotion | 5,952 | --- | --- | -5,952 | --- |
| Data mining and data warehousing activities | --- | 3,600 | --- | --- | -3,600 |
| WIC contingency reserve (rescission) (sec. 763) | --- | --- | -32,000 | -32,000 | -32,000 |
| Specialty crop grants (sec. 767) | --- | --- | 7,000 | +7,000 | +7,000 |
| Total, title VII, General provisions | -409,753 | 3,600 | -11,000 | +398,753 | -14,600 |
| OTHER APPROPRIATIONS | | | | | |
| Hurricane Disaster Assistance Act, 2005 (P.L.108-324) | | | | | |
| Farm Assistance Programs: Farm Service Agency: | | | | | |
| Emergency conservation program (emergency) | 100,000 | --- | --- | -100,000 | --- |
| Conservation Programs: Natural Resources Conservation Service: Emerg watershed protection program (emerg) | 250,000 | --- | --- | -250,000 | --- |
| Rural Development Programs: | | | | | |
| Rural community advancement proram (emergency) | 68,000 | --- | --- | -68,000 | --- |
| Rural Housing Insurance Fund Program Account: | | | | | |
| Housing repairs (sec. 504): | | | | | |
| Loan authorization (emergency) | (17,000) | --- | --- | (-17,000) | --- |
| Loan subsidies (emergency) | 5,000 | --- | --- | -5,000 | --- |
| Rural housing assistance grants (emergency) | 13,000 | --- | --- | -13,000 | --- |
| Emergency watershed protection program/emergency conservation program (emergency) | 50,000 | --- | --- | -50,000 | --- |
| Section 32 transfer (emergency) | 90,000 | --- | --- | -90,000 | --- |
| Producer assistance (emergency) | 2,928,500 | --- | --- | -2,928,500 | --- |
| Total, Public Law 108-324 (emergency) | 3,504,500 | --- | --- | -3,504,500 | --- |
| Emerg. Supplemental Approps. for Defense, The Global War on Terror, and Tsunami Relief, 2005 (P.L.109-13) | | | | | |
| Foreign Agricultural Service: | | | | | |
| Public Law 480 Title II Grants (emergency) | 240,000 | --- | --- | -240,000 | --- |
| Natural Resources Conservation Service: | | | | | |
| Emergency watershed protection program (emergency) | 104,500 | --- | --- | -104,500 | --- |
| Total, Public Law 109-13 (emergency) | 344,500 | --- | --- | -344,500 | --- |
| Total, Other appropriations (emergency) | 3,849,000 | --- | --- | -3,849,000 | --- |
| Grand total: | | | | | |
| New budget (obligational) authority | 89,439,376 | 100,132,911 | 100,323,833 | +10,884,457 | +190,922 |
| Appropriations | (86,047,984) | (100,132,911) | (100,355,833) | (+14,307,849) | (+222,922) |
| Emergency Appropriations | 3,849,000 | --- | --- | -3,849,000 | --- |
| Contingent emergency Appropriations | --- | --- | --- | --- | --- |
| (By transfer) | (817,714) | (832,776) | (807,159) | (-10,555) | (-25,617) |
| (Loan authorization) | (14,191,899) | (12,450,952) | (14,538,732) | (+346,833) | (+2,087,780) |
| (Limitation on administrative expenses) | (154,272) | (113,130) | (157,380) | (+3,108) | (+44,250) |

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

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for his statement. I am pleased to join him for the first time in my capacity as ranking member of the agriculture appropriations subcommittee. It has been a pleasure working with the gentleman from Texas and his staff to put together the 2006 agriculture appropriations bill and with the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) as we worked in full committee to get here today.

I, too, would like to say thank you to the staff of the subcommittee: to Martha Foley; to my own personal staff, to Karen Wilcox, Ashley Turton and Becky Salay; the majority office, Martin Delgado, Maureen Holohan, Leslie Barrack, Tom O'Brien, Jami Burgess. I really again say thank you for your expertise and for your patience. Let me also compliment the chairman on doing the very best with limited resources in this bill. Unfortunately, we know that the budget situation means that the funding allocation for this subcommittee was simply not sufficient to meet all the needs of rural America and our Nation's farmers.

When I chose to sit on this subcommittee 9 years ago, I did so because I believed that the issues overseen by this subcommittee are core responsibilities of the Federal Government. This is the only subcommittee where farm policy, rural development and conservation, nutrition programs, food safety, drug regulations, and public health all come together. Although some might be surprised to learn, I have nearly 400 farms in my district ranging from dairy farms to horticulture and aquaculture, to orchards and vegetable cultivation. In fact, the first experiment station in the United States still does cutting-edge research in New Haven.

Another area that I have spent time on is determining how we can best secure our food supply, something in which every American has a stake. My duties as cochair and founder of the bipartisan Food Safety Caucus have informed my understanding of the importance of the responsibilities of USDA and FDA alike, giving me the opportunity to visit slaughter plants and feed lots as well as fruit and vegetable farms across the country.

□ 1230

I see food safety as a public health issue. I look forward to finding ways that can mutually benefit the health of our people, our farms, and our food supply. In addition, urban areas like New Haven rely on feeding programs for women, infants and children, for schools, for seniors, and for some of the disabled living on the edge of poverty.

Yesterday was National Hunger Awareness Day, and our subcommittee is certainly aware that the President's budget predicted an increase in the use of food stamps in 2006. Unfortunately, this bill does not provide enough funding to maintain current participation in the Commodity Supplemental Food Program. At least 45,000 participants, the overwhelming majority of older Americans, will have to be dropped from this program unless there are more funds provided.

Ensuring that these programs are funded is, in my opinion, among the very serious moral obligations of government. It is my belief that the bill before us today is more than a list of programs and funding levels. It is statement of values, of principles and priorities, a moral document so that when we discuss the bill and how it allocates $16.8 billion for USDA, I believe we must think of it in those terms.

We should remember that the farm programs and the international trade promotion and advocacy that help our farmers across the country and sell our products have profound implications on our Nation's overall economy and our quality of life, that research programs at USDA are critical to our efforts to protect our agricultural plant and animal products, our environment, and our public health.

Unfortunately, in some of these area this bill falls short. I believe that the President's budget failed to meet the needs of rural America, decimating rural development programs. This bill makes headway in reversing cuts made by the President. However, I am concerned that funding for water and waste grants, for example, remains below the level of last year's House bill and well below the 2004 bill.

Rural America faces serious economic development challenges: affordable housing, clean drinking water, sewerage systems, access to remote educational and medical resources. I am afraid that this funding shortfall will lead to long-term deficiencies in rural infrastructure.

Of course, this bill covers the funding of one of the most important agencies in our entire government, the Food and Drug Administration within the Department of Health and Human Services. FDA oversees some of the most critical products that our citizens rely on every single day. The vast majority are processed and fresh foods, except for meat, poultry, and egg products; our prescription and over-the-counter drugs; medical devices; our blood supply.

This agency had many problems over the last year, from the recalls of Bextra and Vioxx to hearings in which its drug safety scientists have been at odds with the senior management of FDA. It is troubling, very troubling, that the FDA's acting commissioner was not permitted to come before our subcommittee to testify this year, and that failure made it difficult for the committee to make informed decisions.

I thank the chairman for accepting the amendment that I offered in subcommittee to withhold 5 percent of the funds from the Food and Drug Administration's central offices until the head of the agency testifies regarding their budget request. This will not affect food or drug safety. It will only affect FDA's administrative offices. But I am sure that it will serve to get the administration's and the leadership of FDA's attention.

On that same topic, I thank the chairman for working with me to include funding to double the annual funding for review and direct-to-consumer ads by FDA, as well as another $5 million for drug safety at the FDA.

In 2001, the drug industry spent $2.7 billion on direct-to-consumer advertising, but the FDA office charged with ensuring that those ads are accurate was funded at less than $1 million, $884,000 to be precise. Doubling that amount is a small start toward remedying the inequitable advantage, and the $5 million will be devoted to the most critical aspects of drug safety.

I find it unfortunate the bill includes a 1-year limitation on implementation of the country of origin labeling for meat and meat products. Country of origin labeling would give people the information they need to make an informed choice to protect the safety of their families. Thirty-five other countries that we trade with, including Canada, Mexico, members of the European Union, already have a country of origin labeling system in place. I believe it is a mistake to not move forward on implementing country of origin labeling.

On International Food Aid, the subcommittee bill restores $222 million of funds under Public Law 480 that the administration sought to move to USAID, and I thank the chairman for preventing that move. However, we remain well below the funding level the past few years for that critical aid program. This law not only benefits those in dire need around the world, many of whom are starving to death, it benefits our farmers and our maritime shippers by utilizing our farm products and sources of transportation, and I hope that we can bring that funding level up before this bill becomes law.

I am pleased that the President's proposals to change formula funding for agriculture research institutions and to alter the funding stream for the Food and Safety Inspection Service through user fees were not included in the bill.

I also appreciate the chairman's working with the Democratic members of the subcommittee to begin to fund last year's Specialty Crop Competitiveness Act to enhance specialty crops such as fruits, vegetables, tree nuts, dried fruits, and nursery crops in this bill and for the Farmers Market Promotion Program, a function that can expand the farmer-consumer relationship in many areas of our country.

The programs funded through this bill directly impact the everyday lives of every American, from public health and FDA to rural development, infrastructure maintenance, environmental

conservation and preservation, to nutrition assistance at home and abroad. Failure to adequately invest in these programs will have serious long-term consequences for our Nation.

Again, I have enjoyed working with the chairman and his staff, and I believe that we can take pride in the progress we have made in significantly improving the bill over the proposals that we did receive from the President.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise to engage in a colloquy with the distinguished gentleman from Texas (Mr. BONILLA), chairman of the subcommittee.

I want to thank the chairman and the gentlewoman from Connecticut (Ms. DELAURO), ranking member, for their work on this fiscal year 2006 agriculture appropriations bill. I appreciate what they have done with what they have had to work with. I also want to thank the professional staff: Martin, Maureen, Leslie, Tom, and Martha. They have done a tremendous job in putting together a balanced bill.

Mr. Chairman, under our tight budget constraints, we are happy to see that the USDA CSREES Integrated programs, such as the Section 406 Organic Transition Program, that were moved into the National Research Initiative are directed to be funded at last year's levels.

As a point of clarification, I would like to verify my understanding that the committee's intent is that the Organic Transition Program, although proposed to be funded through the National Research Initiative, will continue to be managed, as it was in fiscal year 2004 and fiscal year 2005, as part of the Integrated Organic Program. Specifically, that the request for proposals will continue to be issued jointly with that of the Organic Research Initiative under the management of USDA CSREES staff, including the Organic National Program leader.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from Texas.

Mr. BONILLA. Yes, Mr. Chairman. It is my understanding that there are benefits to the Organic Transition Program being managed as part of the Integrated Organic Program, and my intention is that it should continue to be managed as it was in fiscal years 2004 and 2005.

Mr. FARR. Mr. Chairman, reclaiming my time, I thank the chairman for that clarification, and I appreciate the work he has done.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of our committee.

Mr. OBEY. Mr. Chairman, as I indicated earlier, I intend to vote for this bill because I think the gentleman from Texas has done a reasonable job, given the limitations placed on him by the budget resolution.

Having said that, I do not want anyone to think that I am enthusiastic about the result. I am not. I think that after we pass this bill today the Food and Drug Administration will still be left with inadequate authority to protect the public health from dangerous drugs. The FDA will still have a terrible time trying to provide new labels for drugs which had been initially approved but which later had been found to be, in some cases, a threat to public health. This Congress has an obligation to fix that. It is being prevented from fixing that by the rule that passed earlier today.

Secondly, I want to say that I think the bill is inadequate in a number of areas. I think that with respect to having a full-fledged animal identification program to help protect the public health against problems like Mad Cow disease, I think that the funding for that is inadequate.

I certainly think that funding for rural sewer and water is grossly inadequate. There is probably more demand in my district for rural sewer and water grants than any other program in the Federal budget. When one lives in a community in which more than 50 percent of the households are headed either by someone over 65 or by a woman who has no long work history outside of the home, that means that that community has very little tax base and very little economic ability to meet environmental standards for water and sewer, and the Congress is doing precious little to help those communities.

I think we are also very negligent with respect to rural housing, and I think that this bill is totally inadequate with respect to International Food Aid.

There are a number of other concerns I have about it. But those are the main ones that I would focus on at this moment.

I will vote for the bill because I think the major fault for the inadequacies of the bill lies with the Committee on the Budget, not with the gentleman who produced the bill. But I think Members need to understand this bill is not adequate to meet the economic development needs of rural America. It is not adequate to meet the environmental needs of rural America. It is not adequate to meet the public health requirements of the American people. I wish it were. Maybe some day it will.

Ms. DELAURO. Mr. Chairman, I yield myself 2 minutes.

Let me just say that I want to make it clear that what we tried to do with regard to the Food and Drug Administration was to call attention to the series of crises that, in fact, have been rampant over the last several months, whether it is Vioxx or whether it is Bextra or whether it is the post-marketing studies that were to occur that never did occur or the slighting, I believe, of our committee in not coming forward and having the director come before our committee.

What we tried to do is to create a balance, and that is to provide additional funding for the Office of Drug Safety to look at direct-to-consumer advertising in order to try to protect the public and to provide additional funding to create some more infrastructure.

I, too, believe that we should have made in order the amendments offered by the gentleman from New York (Mr. HINCHEY). Really what should be happening is FDA should be coming to the Congress for authority in order to be able to change the labeling that, in fact, ultimately protects the public interest and that we ought to have the opportunity and they ought to come and demand from us authority in order to do post-marketing surveys about the risks of some of the products that are on the market. They should be coming to us.

Instead, we want to provide that authority but are not allowed to be able to do that. I think that it was a mistake for us not to do that, but I think we need to continue this effort about trying to provide the agency which has the regulatory power over the pharmaceutical industry to develop some spine in order to be able to protect the public interest.

□ 1245

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank my colleague, the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, for yielding me this time in support of H.R. 2744; and I want to commend and thank the gentleman from Texas (Chairman BONILLA) and his fine staff for their work on this important bill. We know it is not easy under the budget constraints, and we appreciate all the work that has been done.

I especially want to thank and compliment our new ranking member, the gentlewoman from Connecticut (Ms. DELAURO), and her staff for her efforts to be sure our Nation's diverse needs are met, including in agriculture, in food safety, in pharmaceutical safety, and all of the responsibilities this subcommittee has. It has been a privilege for me to have served as ranking member for several years on this subcommittee, and I have full confidence that the gentlewoman from Connecticut (Ms. DELAURO) will continue to distinguish herself doing an outstanding job in this new role as demonstrated by this very impressive start.

I want to take a brief moment today to raise two issues which are part of this appropriations bill and thank the

committee for its support. Two aspects of this legislation will help rural America produce for the future, produce for the marketplace and develop expanding markets and be value-added for the benefit of both producers and consumers as well as for our Nation.

I have been a very strong supporter of bioenergy funding every year since we first added the first-ever energy title to the farm bill in the year 2001. It took us to this new century and millenium to envision a new energy future based on American agriculture. It is amazing it has been such an uphill struggle to get the Department of Agriculture to help the farmers of our country pull this new industry forward. Sadly, it is the Department of Agriculture that has been the most lax in this partnership.

Every citizen knows America cannot continue importing our fuels. We must restore energy independence here at home. No group is better situated to do it immediately than our farmers and ranchers. More ethanol and biodiesel are being produced each year. America is only beginning to realize the full potential of American agriculture to help move America toward energy independence sooner rather than later.

Just yesterday, producers from around our country displayed a broad array of bio-based products here up on Capitol Hill, ranging from everything from trash cans to lubricants to carpeting to new materials to ethanol to soy diesel, all from American agriculture, as we unlock the mystery of organic chemistry and renewable energy for our future.

The President of the United States has gone to a number of events around the country claiming he supports biofuels. He was at another one in Virginia last week. But one of the key facts that the press fails to report is that the President's budget keeps proposing cuts in the programs he claims to support. Year after year, we have seen cuts of $50 million or more proposed in the bioenergy program at the U.S. Department of Agriculture, which is a very small program. Year after year, we have to work here in this House and in this Congress to restore it.

I am very pleased that this bill includes $23 million for section 9006 renewable energy grants and loans. Given the growing support for this program, I am happy that we were able to obtain the money in the base bill without the need to offer amendments, as we have had to do over the past 2 years.

One of the real success stories in American agriculture in recent years, beyond this effort to try to convert to renewable fuels, has been the rapid rise of farmers markets and roadside stands across our country to help our small family and medium-sized farmers direct market. As cartels take over our food system, this is a way forward for independent farmers across our country.

These markets are not just in rural areas. They are in urban areas where there are no big grocery stores. They are in urban areas where ethnic markets offer great opportunities. They are in urban areas offering economic development activity that links knowledgeable consumers with appreciative vendors. They are in suburban areas. In fact, they are right here behind the U.S. Department of Agriculture, where we had to fight to get the Department to allow a farmers market to operate so the millions of tourists who come here every year could buy products grown in Virginia and Maryland and help our local producers realize some of that income directly.

We were able to secure, with the help of the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), as part of this bill to begin funding for the Farmers Market Promotion Program authorized in the farm bill several years ago. Competitive applications from across the country will be solicited to help expand the availability of fruits and vegetables to consumers who want these products but cannot get them as readily as you might believe. It will help link our farmers to the real consumer market that they deserve to connect to.

One regret I do have is we were not able to increase funding for the Seniors Farmers Market Nutrition program, which has shown that linking senior citizens with area farmers is an absolute win-win for both nutrition and for American agriculture. The $15 million provided by the farm bill is only about half of what the Nation is already saying that it needs. But there is no doubt that this program could expand greatly in the years to come, and we are going to make every effort to do that.

I look forward to working to help these programs expand to meet the true need among our Nation's seniors as well as others as we move to conference and urge support for the fiscal 2006 agriculture appropriations bill.

Again, I thank the gentleman from Texas (Chairman BONILLA) for his great composure during committee meetings and his great leadership, and also the gentlewoman from Connecticut (Ms. DELAURO) and congratulate her for the great job she has done on this bill.

Mr. BONILLA. Madam Chairman, I reserve the balance of my time.

Ms. DELAURO. Madam Chairman, I yield 2¼ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Chairman, I thank my colleague from Connecticut for her great work.

Madam Chairman, this year, just like last year and the year before, an amendment banning the use of funds to stop reimportation of prescription drugs has been added to this legislation. It does feel like Ground Hog Day around here. We all know the next part of the story. So if you are going to stay up late at night watching C–SPAN, just put it on TiVo. You do not have to stay up.

Once again, after we pass it here, and we are going to stand and give our speeches, the conferees from both parties, both Chambers, are going to go to the conference, and in the dark of night this provision is going to be stripped from the bill that would help our senior citizens and our taxpayers get affordable drugs at affordable prices. The pharmaceutical companies will come in and do their bidding, and this Congress will turn around and heed their interests.

After the American people have spoken clearly, this Congress last year when we voted for this overwhelmingly, just as recently as 2 weeks ago 221 bipartisan Members of Congress sent a letter to the Speaker asking for an up-or-down vote on this legislation. Here we have an attempt to make sure that the Congress and the voice of the American people is clear on the issue of funding for reimportation; and in the dark of night, mark my words, they will strip this out, as they did last year, as they did the year before, and Ground Hog Day will come to the United States Congress.

Instead of using the money and the limited resources we have to help develop a system to allow for drug reimportation, the FDA has insisted on using their time and the precious resources of the American people to crack down on elderly Americans who purchase affordable prescription drugs from Canada, England, Ireland, and the rest of Europe because they cannot afford those medications here.

The FDA has even seized the drugs purchased through the State-sponsored programs like the Illinois I-Save Rx program. As Senator FRIST would say, all we are asking is for an up-or-down vote, and that is what we would like on reimportation.

Let us listen to the American people, to the will of the bipartisan Members of Congress and allow a vote on this comprehensive prescription drug importation legislation this year.

I would like to thank my colleague from Connecticut for her leadership on this. For the Members who want it to be clear, I would just hope the American people have an opportunity to watch what happens in the dark of night so we do not repeat Ground Hog Day around here.

Mr. BONILLA. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

Mr. LATHAM. Madam Chairman, first of all I want to thank the gentleman from Texas (Chairman BONILLA) for doing such a great job on this bill and for his hard work leading the subcommittee through a very difficult, tight allocation and really coming out with an excellent bill, and also the gentlewoman from Connecticut (Ms. DELAURO), such a great ranking Member and true professional. I appreciate that very much. I also want to express

my appreciation to the extremely professional staff that we have on the subcommittee. It really makes our job so much easier.

Like I mentioned, this was a difficult bill with a tight allocation, and I think we have a very good product in the end here because of that.

I especially want to point out something I think is very important to all livestock producers, anyone concerned about food safety, which is the final $58.8 million going to National Animal Disease Center at Ames, Iowa. This is the last of the $462 million that we have appropriated since the year 2000 for this extraordinarily important facility. I hope this year that the Senate will concur and get their number so we do not have to revisit this issue again next year with the appropriation bill.

I am very pleased that the bill includes funding for renewable energy. Obviously, this is very important for Iowa and our country as far as soy diesel, ethanol, biomass, all of those things that are critically important long term as far as gaining energy independence for the United States, but also doing it in a renewable way that is environmentally friendly. This is extraordinarily important; and because of the work we have done here, we are able to finally experience true value-added agriculture for our farmers at home, so they are able to reap the profits from renewable energy.

I am very pleased that the chairman has included funding to fight the potential problem and the very real potential problem of soybean rust that has gotten into our country, which could be absolutely devastating to a tremendous crop throughout this country, Iowa and the Midwest in particular.

I am very pleased also that the bill includes funding for continued work as far as the Animal ID System that we are trying to get in place so that we can in fact find when we have an outbreak of, say, mad cow disease, something like that, that we are able to identify where that animal came from and that we can ensure the food safety.

One issue that was of some controversy through the hearings was continued funding under the Hatch Act for agricultural research. I believe that by continuing the funding of the Hatch Act and getting the dollars to the universities where they absolutely are needed, the Hatch Act funding will allow continued vital research at our land grant universities and allow them to continue the great job that they do for agriculture, for our farmers today to ensure that the breakthroughs of the future will be in the hands of the farmers and for their benefit.

Also we have to make sure, and this bill does it, that we have a continuing, strong Risk Management Crop Insurance program. We all have concerns about how it has been administered, and we wanted to make sure that the agency reports to us on a quarterly basis so that we can in fact make sure that that vital program stays in place.

Again, in closing, I just want to say thank you once again to the chairman and the ranking member and all the committee staff. This is a tough year, and it is a great bill. I encourage all of my colleagues here in the House to support this bill.

Ms. DELAURO. Madam Chairman, I yield 5 minutes to the gentleman from New York (Mr. HINCHEY), a member of the subcommittee.

□ 1300

Mr. HINCHEY. Madam Chairman, first of all, let me express my appreciation to the leader on our side on this subcommittee, the gentlewoman from Connecticut (Ms. DELAURO). This is her first year as the minority rank on this subcommittee, and she is doing an outstandingly good job, and we all very much appreciate the work that she is doing.

I also want to express my appreciation to my chairman. He also is doing a very good job, particularly under a very difficult set of circumstances; and those difficult set of circumstances are, particularly, the allocation that this subcommittee has been afforded. But that, of course, is universally true. All of these subcommittees have been afforded very small, ineffective allocations, ineffective to do all the things that need to be done. But, nevertheless, in spite of that, I think the chairman has done a good job.

There is one aspect of this bill, however, to which I would like to draw attention, because it is an aspect of the bill that is entirely deficient and not only deficient but, because of these deficiencies, the result is a potential for serious harm to a large number of American citizens. That is the way in which the Food and Drug Administration is treated in this legislation, and the fact that the Congress has not provided to the FDA the kinds of authority that it needs in order to protect the general public against the marketing of prescription drugs in ways that are causing serious harm to large numbers of the American people.

Now, recently we have had two experiences, that is, the Nation has had two experiences, with drugs that have been very difficult and dangerous. The first is antidepressants and the way that they have been marketed. They have been marketed largely to people who were targeted for marketing off-label. A lot of the people who they were marketed to and who used them were young folks, young people, teenagers. The effect of these antidepressants on young folks, youngsters, teenagers, people in their early 20s particularly, has been to engender in them a deep sense of depression which, in many cases, has led to suicide; and it has taken us a long time to get attention focused on that problem.

Another example is the so-called Cox-2 inhibitors, or prescriptions such as Vioxx. Vioxx has presented a major, major problem to consumers across the country. It is likely that several hundred thousand people, as a result of the use of Vioxx, have fallen into conditions where their health has been seriously injured; and it may be, and probably is, that more than 100,000 people suffered death as a result of the use of this prescription drug Vioxx.

Now, that comes about as a result of the failure of this Congress to give the FDA the kind of authority it needs to deal with the drug companies; and I later in the debate on this legislation will offer two amendments to deal with this problem.

But, right now, I want to draw the attention of the Members of this House to this issue. This is a serious issue which affects the health and safety of the American people in material and very dramatic ways. It is an issue that is causing the unnecessary death of large numbers of Americans, and it is an issue that we have not dealt with and should deal with, and if we do address it properly, it will alleviate this condition and stop placing so many of American citizens in the kind of dangerous, desperate circumstances that they have fallen into which have caused serious injury to their health and death in large numbers of people.

So what we need to do is to give the Food and Drug Administration the authority to deal with the pharmaceutical companies in the way that any regulatory agency would deal with the entity that it is regulating.

For example, in the case of Vioxx, once that drug got on the market and it became clear that people were being injured as a result of exposure to it, and the off-label marketing of that drug particularly, once that became clear, the Food and Drug Administration was not in a position to tell the drug company that they had to engage in an educational program which would ensure that people to whom the drug would be dangerous would not be using it. They could not order the pharmaceutical company to do anything with regard to the labeling on that drug. They had to negotiate with the company.

So these are some of the major issues that we are facing, one of the major deficiencies in this legislation that needs to be addressed, and I will be offering two amendments later on in the debate, and I hope that the Members of this Congress will embrace those amendments.

Mr. BONILLA. Madam Chairman, I reserve the balance of my time.

Ms. DELAURO. Madam Chairman, I would like to inquire about how much time is remaining on both sides.

The Acting CHAIRMAN (Mrs. CAPITO). The gentlewoman from Connecticut has 2½ minutes remaining; the gentleman from Texas has 22½ minutes remaining.

Ms. DELAURO. Madam Chairman, I reserve the balance of my time.

Mr. BONILLA. Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Madam Chairman, I appreciate the gentleman yielding me this time, and I want to explain a problem that we discovered as the bill has been moving through.

Since 1997, by Executive order, a program was created known as the American Heritage Rivers Initiative. In that program, there are 14 rivers, one of which is the Hudson River in New York State and the Susquehanna in Pennsylvania. As a combined effort over the last 5 or 6 years, funding for the river navigator has come through the program of the Natural Resources Conservation Service. Either inadvertently or otherwise, even though we have had bipartisan support for the support of these two navigator positions for the Hudson River and the Susquehanna, the Susquehanna was inadvertently not included in report language on page 51 of the report, where only the Hudson River is indicated.

What I would request from the chairman is assurances that during conference that report language would be amended to include the Susquehanna River for funding the navigator.

Just as a justification for that, I want to point out that the Susquehanna River has been designated by American Rivers as one of the most polluted and endangered rivers in the country. Toward that end, the navigator presently in place has been involved in two areas: improving water quality and use, and increased economic development in the region.

To give my colleagues an example, we are now in the throes of more than $100 million in projects as a result of the effort of the navigator position: remodeling an old hotel in downtown Wilkes-Barre on the waterfront that exceeds $24 million in costs; riverfront revitalization that is between $25 million and $30 million; a program of $10 million of the GIS project to include the entire Susquehanna watershed so that we can work on water quality problems in that area of the Susquehanna River; and a project, an ongoing project presently of over $30 million to service the combined sewage overflows into the Susquehanna River. Without the key leadership of the navigator, we will lose that $100 or $150 million in projects and return to really zero.

What I am urging the chairman to indicate is his willingness to amend the report language as this bill proceeds through conference to include not only the Hudson River but also the Susquehanna River. I may assure the chairman that we have worked in a very bipartisan effort with members of the New York delegation and Governor Pataki's office that both of these river navigator positions should be funded in this bill, as the other 12 navigators are funded in other appropriations bills across the country. But to leave out the Susquehanna River, either inadvertently or by error, would be catastrophic to my congressional district.

Mr. BONILLA. Madam Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Texas.

Mr. BONILLA. Madam Chairman, the gentleman has worked very hard on this project; and at this time, as chairman, I would like to commit to trying to resolve this problem to his satisfaction between now and the conference.

Mr. KANJORSKI. Madam Chairman, I appreciate the chairman's interest; and I will rely on the chairman's good faith to accomplish to that end. As a result, I think we can all say that we have resolved this problem.

Mr. BONILLA. Madam Chairman, I reserve the balance of my time.

Ms. DELAURO. Madam Chairman, I would ask the chairman if he has any additional speakers.

Mr. BONILLA. Madam Chairman, we have no additional speakers at this time.

Ms. DELAURO. Madam Chairman, I yield myself the remaining 2½ minutes to close.

Madam Chairman, as we conclude the general debate, I wanted to reiterate that it has been a pleasure to work with the gentleman from Texas (Chairman BONILLA) on the bill. Given limited resources, I think we have tried to do a good job to meet the needs of rural America, our Nation's farmers, and other accounts funded in the bill.

As we begin to move through the amendment process, I look forward to trying to address several areas in the bill that I believe could use some improvement.

I mentioned earlier the Commodity Supplemental Food Program. A majority of older Americans, nearly 45,000 participants, will have to be dropped from this vital program unless more funds are provided.

Also of concern to me is the 1-year limitation on implementation of country of origin labeling for meat and meat products. Consumers in this country need the information to make informed decisions for their safety and the safety of their families, and I hope that the House will reconsider the country of origin labeling provision in this bill.

Overall, I think that the committee can feel good about the work that it has done on this legislation thus far. I am hoping that we can look at an amendment process where we can improve the bill even more in just a few critical areas.

I would hope that with regard to the Food and Drug Administration that, in fact, we will be able to provide them with the authorities that I think the Nation would believe that they desperately need, and that is to be able to do post-marketing studies on drug products on the market and also to change labels that would need changing in order to protect the citizenry of this country.

Mr. PETERSON of Minnesota. Madam Chairman, I rise in strong support of H.R. 2744.

Madam Chairman, the Chairman and the new Ranking Minority Member of the Agriculture Appropriations Subcommittee have done an excellent job under very difficult circumstances.

Madam Chairman, I support this bill because it will ensure that important farm bill programs are administered—as well as many of the important discretionary programs of USDA.

Madam Chairman, the Farm Bill was developed in a responsible, forward-looking manner. It was devised within the terms of the Congressional budget, and while it addressed farm income, it also made substantial investments in research, in conservation, and in enhancing the nutrition programs that protect the needy.

But because of this Congress' failure to take a similar, forward-looking approach to government debt, this bill makes deep cuts in those farm bill programs that were so strongly supported in this House. The FY 2004 Agriculture Appropriations bill made substantial cuts in Farm Bill programs, the FY 2005 bill went even farther, and this bill cuts them even more.

Madam Chairman, the Appropriations Committee can't be blamed for this situation. They have worked on a bipartisan basis to provide the best bill possible in a bad situation.

But in order to meet the cap, this bill cuts these mandatory farm bill programs: the Initiative for Future Agriculture and Food Systems; rural broadband and local television initiatives, the Wetlands Reserve Program, bioenergy and renewable energy development; the EQIP program, the Conservation Security Program, the Wildlife Habitat Incentives Program, the Farmland Protection Program, and others as well

Madam Chairman, the Farm Bill—which was developed in a very inclusive and bipartisan manner—has been working very well. In fact, during the time it has been in effect, commodity program spending has been $15 billion less than originally projected. But our current fiscal policies are tearing the Farm Bill apart bit by bit. I hope that soon we can end the partisanship that characterizes fiscal policy and work together towards a common solution.

Madam Chairman, once again I commend Appropriations Committee members on both sides for their work on this important bill and I urge my colleagues to vote for its passage.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I rise today to express my disappointment at the under-funding of the Commodity Supplemental Food Program under the Agriculture Appropriations bill for FY 06.

The Commodity Supplemental Food Program is a federal program designed to improve the health of senior citizens, pregnant women and children whose income is not enough to pay for nutritious food.

Through this program, seniors, pregnant and breastfeeding women, and children younger than 5 in 34 States in this country have access to a monthly basket, which provides them with basic food, such as milk, rice, pasta, juice, canned vegetables, meat and fish, and cheese.

Each basket is designed to satisfy the specific needs for people who often have to choose between purchasing food and satisfying other necessities. Each basket has the purpose of assisting elder people to stay healthy and active, and children to grow healthy and productive.

Inadequate funding for the Commodity Supplemental Food Program would result in the removal of more than 75,000 people currently participating in the program. Seniors, women and children in poverty cannot wait until next year to get adequate funding for the food they need.

For these reasons, I recommended to the Committee that funding for the Commodity Supplemental Food Program be increased to $148 million. Unfortunately, the House appropriation falls far below the amount necessary. I can only hope that my colleagues in the other Chamber will approve the adequate funds to avoid this social catastrophe.

By approving increasing fund for this program we will show seniors, women and children in need, that we care and work for them.

Mr. NUSSLE. Madam Chairman, I rise to speak on the measure before us, providing budget authority for programming by the U.S. Department of Agriculture and others. It provides for about 20 percent of total USDA budget authority. As Chairman of the Budget Committee, I am pleased to note that this bill is consistent with the levels established in H. Con. Res. 95, the House concurrent resolution on the budget for fiscal year 2006. Overall spending in the bill is $29 million more than the 2005 enacted level and $22 million above the President's request.

DEPARTMENT OF AGRICULTURE

In most areas within USDA, appropriators ended up somewhere between the President's request and the 2005 enacted level. None of the President's initiatives to collect $178 million in new or increased user fees was taken up, making up the difference through spending reductions in some discretionary programs and through $1.4 billion in reductions in some mandatory programs authorized for the first time in the 2002 farm bill.

The bill makes changes in various mandatory programs that reduce net budget authority by $1.4 billion. Specifically, it reduces budget authority by about 25 percent for a number of mandatory conservation programs and eliminates funding for a subset of agricultural research and rural development programs. While the use of one-year savers in mandatory programs to stay within the Subcommittee's 302(b) allocation has become routine, the Agriculture Committee could change some of these same mandatory programs themselves in order to comply with the reconciliation instructions in the Fiscal Year 2006 budget resolution.

FOOD AND DRUG ADMINISTRATION

H.R. 2744 provides $1.8 billion for the salaries and expenses of the Food and Drug Administration [FDA], an increase of $55.3 million, or 3.1 percent, above the 2005 enacted level and a decrease of $17.7 million below the President's request. Of the appropriated funds, $357 million is financed from on-going drug, device and animal drug user fees. Under provisions of the Prescription Drug User Fee Act, the FDA will collect $305 million as user fees to offset part of the costs of prescription drug approval. This bill provides an increase of $12.4 million for food safety and counterterrorism activities to ensure consumers are protected against intentional and accidental risks that threaten our food supply.

H.R. 2744 does not contain any emergency-designated BA, which is exempt from budget limits. The bill does rescind $32 million in the unobligated balances of the Special Supplemental Nutrition Program for Women, Infants, and Children.

IOWA CONCERNS

I am particularly pleased that this legislation contains critical funding for ag and food safety programs in my home state of Iowa. Specifically, I would like to commend the committee for funding the completion of the National Centers for Animal Health in Ames, Iowa, where vital research to keep our nation's food supply safe is being done everyday. In addition, this bill continues funding for the Agriculture-Based Industrial Lubricants (ABIL) program at the University of Northern Iowa in my Congressional district. The ABIL program continues to promote value-added and environmentally safe agriculture products.

As we continue the appropriations season, I commend Chairman LEWIS and our colleagues on the Appropriations Committee for meeting the needs of the American public within the framework established by the budget resolution. In conclusion, I express my support for H.R. 2744.

Mr. DELAURO. Madam Chairman, I yield back the remainder of my time.

Mr. BONILLA. Madam Chairman, in the interest of moving forward and moving to the amendment process, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2744

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,127,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,539,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,524,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,298,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $934,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,462,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $124,580,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided,* That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

On page 3, line 12, insert after the dollar amount the following: ''(decreased by $40,000,000)'';

On page 30, line 19, insert after the dollar amount the following: ''(decreased by $20,000,000)'';

On page 33, line 2, insert after the dollar amount the following: ''(increased by $20,000,000)'';

On page 44, line 1, insert after the dollar amount the following: ''(increased by $40,000,000)''; and

On page 44, line 10, insert after the dollar amount the following: ''(increased by $40,000,000)''.

Mr. BONILLA (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BONILLA. Madam Chairman, I would like to briefly explain the amendment and the purpose of the amendment.

First of all, the amendment cuts $40 million from the Common Computing Environment account and increases the value-added market development grants by $40 million. The amendment also reduces the Conservation Operations account by $20 million, and it increases the Watershed Rehabilitation account by the same amount.

I understand that Members may have some concern with these transactions that we are involved with here, but the reason that we are doing this today is to accommodate some legitimate concerns raised by the authorizing committee about some of the mandatory limitations in this bill. I have worked closely with the gentleman from Virginia (Chairman GOODLATTE) over the years, and I intend to work with him closely in the future, especially as he prepares to write a new farm bill. While I would have preferred to keep the CCE account funded at the highest level possible, I am confident that when we get to the conference with the Senate that we will be able to restore funding to this account.

So let us keep this funding moving forward, and I ask for Members' support on this amendment. It is my understanding that the minority has agreed to this amendment, so we hope to expedite debate.

□ 1315

The Acting CHAIRMAN (Mrs. CAPITO). Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTERFIELD:

Page 3, line 12, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Page 17, line 18, after the dollar amount, insert the following: ''(increased by $1,875,000)''.

Mr. BUTTERFIELD. Madam Chairman, I bring this amendment to the floor today on behalf of myself, the gentleman from California (Mr. BACA), the gentleman from Texas (Mr. REYES), and the gentleman from Georgia (Mr. SCOTT) in order to provide much needed financial assistance to our Nation's minority farmers, and to the 1890 Land Grant Colleges and Universities.

While I generally support this legislation, it falls short, in my estimation, in the area of funding for rural development. We must, Madam Chairwoman, offer more outreach and more technical assistance to our farmers. During fiscal year 1983, President Reagan initiated the Small Farmer Outreach Training and Technical Assistance program in response to the USDA task force on black farm ownership.

It reflected a commitment to implement Reagan's Presidential Executive Order 123–20 dated September 15, 1981, to support Historically Black Colleges and Universities by addressing the many civil rights issues that are confronted by the agency.

This is the only program, the only program implemented by the USDA that directly helps minority farmers who are losing their farms at a rate that far exceeds their white counterparts. I, therefore, Madam Chairman, urge my colleagues to support this amendment.

Mr. BONILLA. Madam Chairman, we are willing to accept this amendment and move forward.

Mr. BACA. Madam Chairman, I rise in strong support of the Butterfield-Scott-Baca-Reyes amendment.

This amendment increases the funding to the 2501 Socially Disadvantaged Farmer and Rancher program by $2 million from $5.935 million to $7.935 million.

These grants are meant to provide outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches and participate in agricultural programs.

This assistance includes information on application and bidding procedures, farm managements, and other essential information to participate in agricultural programs.

These grants may also be awarded to Hispanic Serving Institutions, Tribal Colleges and Historically Black Colleges and Universities that engage in outreach to minority farmers.

This program helps to mitigate a long history of unequal treatment of minority farmers and ranchers.

The USDA has already paid over $1 billion to settle discrimination lawsuits. By investing in the 2501 program, we can improve relationships between the USDA and socially disadvantaged farmers and prevent future lawsuits.

This is a small investment that could potentially save millions in the future.

I urge my colleagues to vote "yes" on the Butterfield-Scott-Baca amendment.

Mr. REYES. Madam Chairman,, I rise in strong support of the Butterfield Amendment, which would add $2 million to the USDA's Small Farmer Outreach Training and Technical Assistance Program.

As a young man growing up in the El Paso Upper Valley Community of Canutillo, I experienced the many challenges that small and medium farmers face daily. My grandfather, father and close family members contributed to the operation of the family farms in the El Paso and Dell City Valley, Texas.

Also, throughout my tenure in Congress, I have met with many minority farmers from my Congressional District of El Paso, Texas. These Hispanic farmers have faced many challenges. Outreach, training, and technical assistance are essential to help them succeed in today's challenging agriculture economy.

Unfortunately, while Hispanics are the fastest-growing population in the country, they remain a disadvantaged minority when it comes to having the resources to own and farm our nation's land. Farming and ranching are full time, 24 hour, seven day endeavors, and our small and disadvantaged farmers and ranchers merit our consideration and assistance. Adequate funding for this program would provide the farmers with technical, farm management, and marketing assistance, all of which are important to keeping our farmers productive on their land.

The Small Farmer Outreach Training and Technical Assistance Program has made a great impact in the El Paso and Las Cruces region, and without the proper funding for the program I fear our farmers will be lacking the means to succeed. I strongly urge my colleagues to join me in supporting our nation's minority farmers by ensuring the passage of this important amendment, and I appreciate the efforts of Mr. BUTTERFIELD and others on this important issue.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HINOJOSA

Mr. HINOJOSA. Madam Chairman, I offer amendment No. 4 on behalf of the gentleman from California (Mr. BACA).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HINOJOSA:

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)''.

Mr. HINOJOSA. Madam Chairman, I am offering this amendment on behalf of myself and my colleague, the gentleman from California (Mr. BACA).

I want to thank the chairman, the gentleman from Texas (Mr. BONILLA), and the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), for putting together this bipartisan bill.

I believe this amendment will be an important improvement. The Baca/Hinojosa amendment would take $855,000 from the Common Computing Environment program and transfer it to the Hispanic Serving Institutions Education grant program under the Cooperative State Research Education and Extension Service.

This competitive USDA/HSI grant program is designed to promote and strengthen the ability of HSIs to carry out education programs that attract, retain, and graduate outstanding students capable of enhancing the Nation's food and agriculture, scientific and professional work force. This program is making a difference in the Latino community. Coastal Bend Community College in Beeville, Texas has used its USDA/HSI grant to improve retention, expand and strengthen the agriculture curriculum, engage high school students in agriculture-related fields through dual enrollment programs, and increase the number of articulation agreements with area universities like Texas A&M at Kingsville and many universities throughout the country and the territories!

Although Title VIII of the Farm Bill authorizes $20 million for this program, actual appropriations remain at only 28 percent of the authorized level.

Only 2.7 percent of HSI college graduates earn a degree in agriculture-related areas. The continued underrepresentation of Hispanics in these important areas of agriculture demands a greater investment in such programs to expand funding to additional HSIs to better meet USDA goals.

With over 200 HSIs, serving over 1.4 million students, it is time to increase the appropriations for this program beyond current levels. Our amendment is a modest step in that direction.

I strongly urge my colleagues to support this amendment.

Mr. BONILLA. Madam Chairman, will the gentleman yield?

Mr. HINOJOSA. I yield to the gentleman from Texas.

Mr. BONILLA. Madam Chairman, the gentleman has worked very hard on this important issue, which is very important to students around the country; and we would be happy to accept the amendment and move forward and move it to a vote if the gentleman would like.

Mr. HINOJOSA. I would accept that. If the gentleman from Texas will accept the amendment, I will.

Mr. BACA. Madam Speaker, I rise in strong support of this amendment, which I have introduced with my colleague Congressman HINOJOSA.

This amendment provides an additional $855,000 in funding for grants to Hispanic Serving Institutions, which are colleges and universities with at least 25 percent Hispanic enrollment. The funding will be offset from the Common Computing Environment, which is funded at $130 million.

This account was funded at $5.6 million last year. The appropriations act for Fiscal Year 2006 funds the account at $5.645 million, only $45,000 more than last year's level. The Baca-Hinojosa amendment will bring this funding to $6.5 million, the amount requested by the Congressional Hispanic Caucus.

This funding is given out on a competitive basis to Hispanic Serving Institutions for agricultural research. These grants increase the ability of colleges and universities to serve Hispanic and low-income students. In my own district, California State University San Bernardino has benefited from these funds in the past.

Forty-one percent of all USDA research project proposals from HSIs are funded, a remarkable success rate for proposal acceptance. Clearly, this is a great resource that needs to be further funded to reach its true potential.

Other important institutions that serve minority communities each receive more than double the funding of HISs. We must ensure that HSIs are funded at the same level as other similar programs.

I commend Chairman BONILLA for his effort to gradually increase funding for Hispanic Serving Institutions. However, an inequity still remains and must be corrected.

If this Congress is going to be dedicated to providing a top-quality education for all students in America, then we need to ensure that we fully fund HSIs and other institutions that reach out to our underserved communities.

I urge my colleagues to vote "yes" on the Baca-Hinojosa amendment.

Mr. CARDOZA. Madam Chairman, I rise today, in support of the Baca-Hinojosa amendment to the agriculture appropriation bill to increase funding for Hispanic serving institutions.

This increase would grant additional funding for 193 of our Nation's Hispanic serving colleges and universities who are committed to ensuring greater Hispanic representation in higher education in the U.S.

There are 54 Hispanic serving institutions in my home State of California, and in my congressional district, which ranks among the highest in agriculture producing districts in the country, there are four Hispanic serving institutions. One Hispanic serving institution in particular that will benefit is UC Merced, an exceptional research institution committed to reducing under-representation of valley students in the fields of agricultural sciences and natural resources.

Madam Chairman, I support an increase in ag-related educational funding. I believe that it will not only benefit my district but also the agricultural education and production of our country on a whole.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HINOJOSA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 3, line 12, after the dollar amount insert the following: ''(reduced by $21,000,000)''.

Page 18, line 12, after the first dollar amount, insert the following: ''(increased by $18,885,000)''.

Mr. WEINER. Madam Chairman, pictured on this chart is an Asian long-horned beetle. This is one of the many pests that are under the responsibility of APHIS, the Animal and Plant Health Inspection Service. This is an insect that bores its way into trees, primarily in Illinois, in the northeast, and kills them.

There is no way to stop this pest except by cutting down the tree. And we in New York and in New Jersey and Illinois have had to chop down a lot of them.

What my amendment will do is to increase the funding for APHIS, to bring it up to the level that the Bush administration proposed in their preliminary budget. It is estimated that the amendment that we are offering today with the gentleman from Michigan (Mr. MCCOTTER) and my colleagues from New York and others around the country, by increasing by $19 million, we will wind up preventing more than $700 billion worth of damage to trees throughout the country.

This is not just a problem that will be solved for the Asian long-horned beetle. If you have the emerald ash borer in Indiana, Ohio or Michigan, or in the Pacific Coast, or suffer from sudden oak death in California or Oregon, or are dealing with the glassy-winged sharpshooter in California, or of course boll weevils throughout the South, all of these are pests which are having a dramatic impact on our economy, or is having a budget cut in this round to an unacceptable level.

First let me say of the chairman and the ranking member, they are doing a lot with less and less. The staffs of both the minority and majority side should be commended for taking a very small allocation and trying to make it as best they can. However, what my amendment will do is it will take a program that essentially does the computing and data processing part of the Agriculture Department and moves it into dealing with these pests.

Obviously, I would like not to have to cut any part of the Agriculture Department, but this is an offset that works. We found, when this House weighed into this debate in the past and increased funding through an amendment on the floor, we wound up having a substantial positive impact. When the Asian long-horn beetle was first kind of discovered in 1999 here in the east coast, there were 2,500 trees that were affected. It was down to just 66 in 2004. Unfortunately, that downward trend has recently been reversed.

This, the House bill that we are considering today, allocates $22 million less for APHIS than President Bush had requested. The Nature Conservancy, which studies the impact of pests like the Asian long-horn beetles, says that we really need a $44 million increase. We are not going to be able to get a $44 million increase in this bill.

What the amendment does is try to reach a point that we at least start to win the battle again, start to lead to a reduction in the amount of trees that are infected, not only by the Asian long-horn beetle, but by the emerald ash borer and others that I mentioned.

There is hardly a State in the Union that has not found its trees impacted by these pernicious insects. APHIS has been an effective way to reverse the course. A combination of research and remediation has proven that the dollars spent on these things turn out to be extraordinarily helpful. Whether it is the cactus moth or the gypsy moth in Washington-Oregon, I would urge my colleagues in virtually every State of the Union to look to see if you have an insect that represents a pest that is impacting not only the trees in the abstract sense of our environment, but also our economy.

There is hardly a State in the Union that would not benefit from this amendment. As I said, I believe that the ranking member, the gentlewoman from Connecticut (Ms. DELAURO), and the chairman, the gentleman from Texas (Mr. BONILLA), deserve great credit for how they have done more with less. We are making a minor change to increase the funding for APHIS by $19 million to allow even more work.

The gentleman from Michigan (Mr. MCCOTTER), who is sponsoring this amendment with some of us in the New York and New Jersey delegation, is detained. He is expected on the floor shortly, but he represents, as so many other Members do, a bipartisan effort to make sure that insects like this are vanquished once and for all.

Mr. BONILLA. Madam Chairman, I rise to oppose the amendment.

Although I certainly understand and share the concerns that many Members have about plant, pests and diseases that devastate crops and trees, I must say that we have done our absolute best to fund eradication and control of plant pests in the bill that you see before you today.

Funding includes, among other things, for the Asian long-horn beetle, it is at $15.3 million. Also, across the country, the glassy-winged sharpshooter, 24 million; the emerald ash borer, 14 million; Citrus canker, $36 million, very important to our Members in Florida. And the list goes on.

Emerging plant pests alone are funded at over $100 million in this bill. In addition, tens of millions of dollars go to fund programs to stop Medfly, the boll weevil, brucellosis, the gypsy moth, and many others. Every Member has some interest represented. And we

have carefully balanced things out so that agriculture is best protected, and that is what we all want.

Those are the appropriated amounts, and when there is an emergency situation, the Secretary has authority to use funds from the Commodity Credit Corporation for eradication and control. For sudden oak death, an additional $9 million was approved this year, and requests are pending for 11 million for the emerald ash borer and $5 million for the glassy-winged sharpshooter.

We are watching the use of emergency funds closely. There is no way that appropriated dollars substitute for the emergency funding that these agriculture emergencies demand. I am also very concerned about the amendment due to the offset proposed to cut the common computing environment. I do oppose this amendment once again and urge a ''no'' vote.

Mrs. MALONEY. Madam Chairman, I move to strike the last word.

I rise in support of the Weiner/McCotter amendment and really urge all of my colleagues to join them in this important issue. Their amendment would merely add $19 million to the Animal and Plant Health Inspection Service and raise it to the level that the President put in his own budget.

This would attack all types of invasive species, including the sudden oak death, the glassy-winged sharpshooter; but I would like to focus on this terrible Asian long-horn beetle, which has had a devastating economic and environmental impact in New York State. The Asian long-horn beetle was first discovered in 1995 in Green Point, Brooklyn, in the district that I represent.

We had to cut down every single tree in one of our beautiful parks in Brooklyn, and really cut down trees in a whole section of Brooklyn in an attempt to contain this terrible invasive species, which we do not know how to get rid of. The one approach that we have now is once you discover it, you have to literally chop down the tree, cut it into small pieces and burn it.

That is the only way they know how to get rid of this terrible bug. Regrettably, the Asian long-horn beetle moved into Queens and into Manhattan. There was a tremendous effort from the city, State and Federal Government to contain it, to keep it out of Central Park, which is many people's favorite spot in New York; yet, regrettably, 2 months ago, the beetle was spotted in Central Park.

We have had to chop down over 4,000 trees in New York City in our attempts to contain this invasive species.

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We need to contain it in New York City. If it moves into upper New York and to the Northeast, it could destroy literally all of the trees; and it is a problem that really all of us should be concerned about. Believe me, my colleagues do not want this invasive species in their State. Work with us in supporting this amendment to contain it and other invasive species that are found in our country.

Our amendment merely raises the amount to the amount that President Bush put in the budget, and it is an investment in the economy and the environment of our State. I urge my colleagues to support the Weiner-McCotter amendment.

Ms. DELAURO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of this amendment. Unfortunately, plant diseases are continuously emerging; and they can threaten not only our agriculture but our environment and our public health. I think that in Connecticut, for instance, I will talk about sudden oak death, which has been identified recently. We are looking at potentially massive deforestation, and we are working hard at the New Haven Experiment Station to cooperate on research on the plant disease before our forests of Connecticut are heavily impacted.

We all know the results of massive deforestation: Bad for our land conservation, bad for our environment, and it contributes to the lowering of, the actual lowering of our air quality.

Mr. Chairman, I urge a ''yes'' vote on this amendment.

Mr. LEVIN. Mr. Chairman, I urge my colleagues to support the Weiner/McCotter amendment. We need to boost federal funding to fight the invasive species that are destroying native trees across the United States.

This amendment would provide an additional $19 million to help fight invasive species like the Asian longhorn beetle, the emerald ash borer, and the boll weevil. If you've never heard of these insects, or have never lost a tree in your district to these invaders, count yourself lucky. The emerald ash borer has been simply devastating to ash trees in my district in Southeast Michigan. The borer is native to China and was only discovered in the United States in 2002, but already it has killed more than 7 million ash trees. The emerald ash borer arrived in North America years earlier, so we have a huge job on our hands to contain this insect and stop its spread.

I can't overemphasize how destructive this small green insect is. Once it gets underneath the bark of an ash tree, the borer will kill the tree within a couple years. All species of ash trees are vulnerable. It is sobering to see so many beautiful trees that have stood in neighborhoods for decades become sick and die. It is also extremely costly to homeowners and communities to remove the ash trees and replace them.

By working quickly, we've managed to significantly slow the spread of the emerald ash borer, but people need to understand that every ash tree in the country is at risk if we don't contain this insect now. So far, the infestation has been limited to Michigan, Ohio, Indiana and Ontario. To give you some idea of the dimension of the threat, there are 750 million ash trees in Michigan alone, and 7.5 billion ash trees nationwide. We need to make additional resources available now to fight the emerald ash borer, or there will be a much higher price to pay down the road.

I urge the House to support the amendment.

The Acting CHAIRMAN (Mrs. CAPITO). The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken, and the Acting Chairman announced that the noes appeared to have it.

Mr. WEINER. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,874,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $811,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $20,109,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $676,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $183,133,000, to remain available until expended, as follows: for payments to the General Services Administration and the Department of Homeland Security for building security, $147,734,000, and for buildings operations and maintenance, $35,399,000: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

AMENDMENT OFFERED BY MR. PLATTS

Mr. PLATTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PLATTS:

Page 5, line 8, after the dollar amount insert the following: ''(reduced by $2,650,000)''.

Page 5, line 13, after the dollar amount insert the following: ''(reduced by $2,650,000)''.

Page 18, line 12, after the dollar amount insert the following: ''(increased by $1,227,000)''.

Mr. PLATTS. Madam Chairman, this amendment I offer would increase funding for the Animal and Plant Health Inspection Service, APHIS, by $1.227 million for the purpose of eradicating plum pox disease. This funding effort would allow for the total amount of funding for this program at APHIS to be $3.443 million, the same level that was appropriated in fiscal year 2005.

The amendment I offer is important to the fruit growers both in Pennsylvania and across our Nation. It would help to bring an end to the most significant and destructive virus that affects our stone fruit grower, plum pox. The virus is extremely damaging to fruit production. The plum pox virus is capable of causing disease in fruits such as peaches, plums, apricots, nectarines, sweet and sour cherries. Tree yields can be severely affected. Some reports claim 80 to 100 percent premature fruit drop in some plum varieties. Infected fruit may be unsightly and difficult to sell as table fruit. Export of fruit is difficult; export of budwood and nursery stock is next to impossible.

With the discovery of plum pox virus in Pennsylvania in September of 1999, a survey and eradication program was put in place. Through 5 years of survey, research and control action, the program has been successful in both containing and almost completely eradicating the virus. In fact, in 2004, for the first time no plum pox virus was found outside of existing quarantine areas. Three years of negative data in several of these quarantine areas allowed the rescinding of those quarantines. After 5 years of testing, no plum pox virus has been found in the United States outside the remaining quarantine zone in Pennsylvania.

Although we have made considerable progress, the virus is still present. As evidence of the virus' persistence, on June 3 of this year, last week, the Pennsylvania Secretary of Agriculture announced the discovery of plum pox virus in Adams County once again. Both the Pennsylvania Department of Agriculture and the United States Department of Agriculture are currently following the standard procedures to survey and quarantine the area in question.

Level fund for the plum pox virus program at APHIS will likely eradicate this virus from both Pennsylvania and the United States, thereby being a smart Federal investment. Without adequate funding, the plum pox virus program will not be able to complete an appropriate survey and the associated procedures, which in turn will leave questions about the status of the virus. Eradication of the virus may not be completed and the possibility of virus spreading beyond the quarantine area will be left open.

Complete eradication of the plum pox virus, on the other hand, will allow U.S. stone fruits and nursery industries to continue operating without further impairment by this virus menace.

Level funding, as this amendment proposes, is critical to helping to eradicate this devastating disease once and for all.

Mr. WEINER. Madam Chairman, I move to strike the last word.

Madam Chairman, I commend the gentleman for acknowledging what I think we all should in the last amendment, that we are not giving funding, sufficient funding to this APHIS account.

Now the gentleman's amendment does not speak to plum pox because that would be legislating, so I would encourage the gentleman to support my amendment which we just voted on here because it would permit plum pox. That was one of the many pests on the list that would be increased in that case.

But I commend the gentleman. He is exactly right. Just like in the gentleman's district, in the gentleman's State, just like in New York, just like in Louisiana with imported fire ants, just like in Texas with the Mexican fruit fly, just like in California with the Mediterranean fruit fly, this is an underfunded area. We will never get it what they probably should ultimately get, but at least we should give them a little more, and I think the gentleman is exactly right.

Plum pox, Asian long horn beetle, this is another reason why I hope all of my colleagues will support the amendment that we just voted down and will be having a recorded vote on later.

Mr. BONILLA. Madam Chairman, I rise in opposition the gentleman's amendment.

This is a very important issue, and we tried our best to fund it at the appropriate level. I have had discussions with the gentleman about trying to work with him as we move to conference to attempt to increase this line item somewhat, to address the problem that the gentleman is addressing in a very sincere way here today.

Mr. PLATTS. Madam Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Pennsylvania.

Mr. PLATTS. Mr. Chairman, I certainly appreciate the difficult fiscal times we are in. The gentleman and his staff have done a great job of trying to balance all the concerns, and certainly I appreciate the gentleman's efforts and his staff's efforts to address this specific concern. I look forward to working with the gentleman as we go to conference with the Senate. In light of that effort, when we get to conference, I will be glad withdraw the amendment at the time and work with the gentleman and his staff in the months to come.

Mr. BONILLA. I thank the gentleman.

Mr. PLATTS. Madam Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WEINER. Madam Chairman, reserving the right to object, I would ask the author of the amendment that would increase by $1 million, does he intend to support the amendment that was just passed that would increase the account that he wants to solve the problem in by $19 million?

Mr. PLATTS. Madam Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Pennsylvania.

Mr. PLATTS. I will be glad to take a more in-depth look at that amendment. I think we all have a shared purpose, but we will look at the specifics of the amendment.

Mr. WEINER. Madam Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $15,644,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $23,103,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,821,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no

other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,509,000: *Provided*, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $79,626,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $38,439,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $598,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $75,931,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627 and 2204g, and other laws, $136,241,000, of which up to $29,115,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,035,475,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political sub-division, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $87,300,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $661,691,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $178,807,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,255,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $37,704,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $92,064,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,038,000; for competitive research grants (7 U.S.C. 450i(b)), $214,634,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,057,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,187,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,102,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $4,500,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,645,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $3,968,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,400,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,312,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $39,773,000, of which $2,750,000 for the Research, Education, and Economics Information System and $2,173,000 for the Electronic Grants Information System, are to remain available until expended.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $444,871,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $275,940,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act,

$62,409,000; payments for the pest management program under section 3(d) of the Act, $10,000,000; payments for the farm safety program under section 3(d) of the Act, $4,563,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $7,978,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $444,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,060,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,965,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $33,868,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of Extension Activities, $16,531,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $15,513,000, as follows: for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $1,000,000, to remain available until September 30, 2007 for the critical issues program, and $1,513,000 for the regional rural development centers program; and $12,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2007.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $5,935,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $724,000.

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $823,635,000, of which $4,140,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $38,634,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which $33,340,000 shall be available for a National Animal Identification program: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building:

In fiscal year 2006, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,996,000, to remain available until expended.

## AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $78,032,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $65,667,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,055,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,347,000.

## GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $38,400,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $590,000.

## FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $837,264,000, of which no less than $756,152,000 shall be available for

Federal food safety inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided,* That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $635,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,023,738,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,250,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided,* That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,600,000,000, of which $1,400,000,000 shall be for guaranteed loans and $200,000,000 shall be for direct loans; operating loans, $2,116,256,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans, $266,256,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,020,000; and for boll weevil eradication program loans, $100,000,000: *Provided,* That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,960,000, of which $6,720,000 shall be for guaranteed loans, and $10,240,000 shall be for direct loans; operating loans, $134,317,000, of which $36,360,000 shall be for unsubsidized guaranteed loans, $33,282,000 shall be for subsidized guaranteed loans, and $64,675,000 shall be for direct loans; and Indian tribe land acquisition loans, $81,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $305,127,000, of which $297,127,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided,* That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $77,806,000: *Provided,* That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided,* That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $744,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $793,640,000, to remain available until March 31, 2007, of which not less than $10,457,000 is for snow survey and water forecasting, and not less than $10,547,000 is for operation and establishment of the plant materials centers, and of which not less than $27,312,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $7,026,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $60,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C.

701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $25,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $27,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,360,000, to remain available until expended: *Provided*, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed $3,411,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $627,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $657,389,000, to remain available until expended, of which $38,006,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $531,162,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $88,221,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, $6,200,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $1,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $17,500,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $21,367,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the ''Rural Utilities Service, High Energy Costs Grants Account''.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $152,623,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,821,832,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,140,799,000 shall be for direct loans, and of which $3,681,033,000 shall be for unsubsidized guaranteed loans; $35,969,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,000,000 for section 524 site loans; $11,500,000 for credit sales of acquired property, of which up to $1,500,000 may be for multi-family credit sales; and $5,048,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $170,837,000, of which $129,937,000 shall be for direct loans, and of which $40,900,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,521,000; section 515 rental housing, $45,880,000; section 538 multi-family housing guaranteed loans, $5,420,000; multi-family credit sales of acquired property, $681,000; and section 523 self-help housing and development loans, $52,000: *Provided*, That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $455,242,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $650,026,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $20,000 per project for advances to non-profit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements

entered into or renewed during the current fiscal year shall be funded for a four-year period: *Provided further*, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $41,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2006, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $32,728,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,212,000.

For the cost of direct loans, $14,718,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2006, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2006, for the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $887,000 shall be available through June 30, 2006, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,719,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,993,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $18,877,000 shall not be obligated and $18,877,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $24,000,000, of which $500,000 shall be for cooperative research agreements; and of which $2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,000,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed $15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): *Provided*, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $23,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; municipal rate rural electric loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $2,100,000,000; Treasury rate direct electric loans, $1,000,000,000; guaranteed under-writing loans pursuant to section 313A, $1,000,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $424,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $6,160,000, and the cost of telecommunications loans, $212,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,907,000 which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs.

For administrative expenses, including audits, necessary to continue to service existing loans, $2,500,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

Of the unobligated balances from the Rural Telephone Bank Liquidating Account, $2,500,000 shall not be obligated and $2,500,000 are rescinded.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of direct distance learning and telemedicine loans, $50,000,000; and for the principal amount of direct broadband telecommunication loans, $463,860,000.

For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $25,750,000, to remain available until expended, of which $750,000 shall be for direct loans: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $9,973,000, to remain available until expended: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $599,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $12,412,027,000, to remain available through September 30, 2007, of which $7,224,406,000 is hereby appropriated and $5,187,621,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available

under this heading shall be used for studies and evaluations: *Provided further*, That up to $5,235,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,257,000,000, to remain available through September 30, 2007: *Provided*, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That only the provisions of section 17(h)(10)(B)(i) shall be effective in 2006; including $14,000,000 for the purposes specified in section 17(h)(10)(B)*(i)*: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That on or after October 1, 2005, or the date of enactment of this act, whichever is later, any individual seeking certification or recertification for benefits under the income eligibility provisions of section 17(d)(2)(iii) of the Child Nutrition Act of 1966 shall meet such eligibility requirements only if the income, as determined under title XIX of the Social Security Act, of the individual or the family of which the individual is a member is less than 250 percent of the applicable nonfarm income poverty guideline: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $40,711,395,000, of which $3,000,000,000 to remain available through September 30, 2007, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $178,797,000, to remain available through September 30, 2007: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2006 to support the Senior Farmers' Market Nutrition Program, as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2007.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $140,761,000.

TITLE V

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $148,224,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $65,040,000, to remain available until expended: *Provided*, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than $5,000,000 in local-currency funding support for rural electrification development overseas.

□ 1345

POINT OF ORDER

Mr. GOODLATTE. Madam Chairman, I raise a point of order.

The Acting CHAIRMAN (Mrs. CAPITO). The gentleman will state his point of order.

Mr. GOODLATTE. Madam Chairman, I make a point of order to the provision in title V Public Law 480 title I Direct Credit and Food for Progress Program Account, that begins with the colon on page 54, line 4 through ''overseas'' on line 9 of H.R. 2744, the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

I make a point of order against the provision that begins with the colon on page 54, line 4 through ''overseas'' on line 9 in that it violates House rule XXI, clause 2 by changing existing law and inserting legislative language in an appropriations bill.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision includes language conferring authority. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $3,385,000, of which $168,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $3,217,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, $11,940,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,107,094,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,279,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,440,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $1,839,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,837,928,000: *Provided*, That of the amount provided under this heading, $305,332,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2007 but collected in fiscal year 2006; $40,300,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,318,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2006, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2006 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $444,095,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $519,814,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $178,713,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $99,787,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $243,939,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $41,152,000 shall be for the National Center for Toxicological Research; (7) $58,515,000 shall be for Rent and Related activities, of which $21,974,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $134,853,000 shall be for payments to the General Services Administration for rent; and (9) $117,060,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That of the funds provided herein for other activities, $5,853,000 may not be obligated until the Commissioner or Acting Commissioner has presented public testimony on the President's 2006 budget request before the Committee on Appropriations of the House of Representatives: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $5,000,000 to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURE TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $98,386,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN (Mr. FORBES). Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of title VII is as follows:

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 320 passenger motor vehicles, of which 320 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to $8,000,000 in the low pathogen avian influenza program for indemnities, up to $1,500,000 in the scrapie program for indemnities, up to $33,340,000 in animal health monitoring and surveillance for the animal identification system, up to $3,009,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)); Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $1,565,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: *Provided*, That notwithstanding

section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 713. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 714. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 715. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 716. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 717. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further,* That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 718. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which:

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, which-ever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 719. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 720. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2007 appropriations Act.

SEC. 721. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 722. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 723. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 724. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking ''$27,998,000'' and inserting ''$28,498,000''.

SEC. 725. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 726. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kane County, Illinois, Indian Creek Watershed Flood Prevention Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed $1,000,000 and Hickory Creek Special Drainage District, Bureau County, Illinois, not to exceed $50,000.

SEC. 727. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 728. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 22 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 729. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd–7).

SEC. 731. Agencies and offices of the Department of Agriculture may utilize any unobligated salaries and expenses funds to reimburse the Office of the General Counsel for salaries and expenses of personnel, and for other related expenses, incurred in representing such agencies and offices in the resolution of complaints by employees or applicants for employment, and in cases and

other matters pending before the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, or the Merit Systems Protection Board with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107–171 (7 U.S.C. 2655).

SEC. 733. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 154,500 acres in the calendar year 2006 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,012,000,000.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 737. With the exception of funds provided in fiscal year 2003, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $50,000,000 made available by section 601(j)(1)(A) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)(A)).

SEC. 738. None of the funds made available in fiscal year 2005 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the $120,000,000 made available by section 6401(a) of Public Law 107–171.

SEC. 740. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 741. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838 et seq., in excess of $258,000,000.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107–171 in excess of $60,000,000.

SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107–171 in excess of $83,500,000.

SEC. 744. With the exception of funds provided in fiscal year 2005, none of the funds appropriated or otherwise made available by this or any other Act shall be used to carry out section 6029 of Public Law 107–171.

SEC. 745. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105–264.

SEC. 746. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107–171 in excess of $51,000,000.

SEC. 747. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 748. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 749. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426–426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 750. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107–171 in excess of $60,000,000.

SEC. 751. Agencies and offices of the Department of Agriculture may utilize any available discretionary funds to cover the costs of preparing, or contracting for the preparation of, final agency decisions regarding complaints of discrimination in employment or program activities arising within such agencies and offices.

SEC. 752. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in fiscal year 2006 shall remain available until expended to cover obligations made in fiscal year 2006, and are not available for new obligations.

SEC. 753. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to implementation of interim final regulations regarding vendor cost containment in accordance with the provisions set forth in section 17(h)(11)(G) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children if it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits or is in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966.

SEC. 754. There is hereby appropriated $1,000,000, to remain available until expended, for a grant to the Ohio Livestock Expo Center in Springfield, Ohio.

SEC. 755. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an Agricultural Management Assistance Program as authorized by section 524 of the Federal Crop Insurance Act in excess of $6,000,000 (7 U.S.C. 1524).

SEC. 756. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Biomass Research and Development Program in excess of $12,000,000, as authorized by Public Law 106–224 (7 U.S.C. 7624 note).

SEC. 757. Notwithstanding 40 U.S.C. 524, 571, and 572, the Secretary of Agriculture may sell the US Water Conservation Laboratory, Phoenix, Arizona, and the Western Cotton Research Center, Phoenix, Arizona, and credit the net proceeds of such sales as offsetting collections to its Agricultural Research Service Buildings and Facilities account. Such funds shall be available until September 30, 2007 to be used to replace these facilities and to improve other USDA-owned facilities.

SEC. 758. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 759. None of the funds appropriated or otherwise made available by this Act shall be used for the implementation of Country of Origin Labeling for meat or meat products.

SEC. 760. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Bridgeton, New Jersey, the City of Kinston, North Carolina, and the City of Portsmouth, Ohio as rural areas for the purposes of Rural Housing Service Community Facilities Program loans and grants;

(2) the Township of Bloomington, Illinois (including individuals and entities with projects within the Township) eligible for Rural Housing Service Community Facilities Programs loans and grants;

(3) the City of Hidalgo, Texas as a rural area for the purposes of the Rural Business-Cooperative Service Rural Business Enterprise Grant Program;

(4) the City of Elgin, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Utilities Service water and waste water loans and grants;

(5) the City of Lone Grove, Oklahoma (including individuals and entities with projects within the city) eligible for Rural Housing Service Community Facilities Program loans and grants; and

(6) the Municipalities of Vega Baja, Manati, Guayama, Fajardo, Humacao, and Naguabo (including individuals and entities with projects within the Municipalities) eligible for Rural Community Advancement Program loans and grants and intermediate relending programs.

SEC. 761. The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 762. The counties of Burlington and Camden, New Jersey (including individuals and entities with projects within these counties) shall be eligible for loans and grants under the Rural Community Advancement Program for fiscal year 2006 to the same extent they were eligible for such assistance during the fiscal year 2005 under section 106 of Chapter 1 of Division B of Public Law 108–324 (188 Stat. 1236).

SEC. 763. Of the unobligated balances available in the Special Supplemental Nutrition Program for Women, Infants, and Children reserve account, $32,000,000 is hereby rescinded.

SEC. 764. None of the funds provided by this Act shall be used to pay salaries and expenses and other costs associated with implementing or administering section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the 2006 reinsurance year.

SEC. 765. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

SEC. 766. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 767. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $7,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

The Acting CHAIRMAN. Are there any points of order to that portion of the bill?

POINTS OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order against section 749 that begins on page 77, line 1, and ends on page 77, line 16, in that it violates House rule XXI, clause 2, by changing existing law and inserting legislative language in an appropriation bill.

The Acting CHAIRMAN. Does anybody wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

Are there any other points of order to this bill?

Mr. GOODLATTE. Mr. Chairman, I make a point of order against section 760 that begins on page 81, line 1 through 7 and beginning with ''and'' on page 81, line 11 through ''programs'' on line 17 in that it violates House rule XXI, clause 2, by changing existing law and inserting legislative language in an appropriation bill.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this provision includes language conferring authority. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

On page 73, line 16, insert after the dollar amount the following: ''(increased by $40,000,000)'';

On page 75, line 10, insert after the dollar amount the following: ''(decreased by $13,000,000)'';

On page 75, line 15, insert after the dollar amount the following: ''(decreased by $17,000,000)''; and,

On page 75, line 20, insert after the dollar amount the following: ''(decreased by $10,000,000)''.

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BONILLA. Mr. Chairman, I am offering this amendment as part of the agreement that I referred to earlier with the chairman of the Committee on Agriculture.

I am offering the amendment under the agreement that we would add $40 million back to the Environmental Quality Incentives program account. That is what the amendment does, and it is paid for by increasing the limitations on the Conservation Security program, the Wildlife Habitat Incentives program, and the Farm and Ranchlands Protection program.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

In section 757, strike ''and the Western Cotton Research Center, Phoenix, Arizona, and credit the net proceeds of such sales'' and insert ''and credit the net proceeds of such sale''.

Mr. KOLBE. Mr. Chairman, I rise today in suppor of Mrs. DELAURO's amendment to strike part of Section 757 of Title VII of the Agriculture Appropriations bill for Fiscal Year 2006.

In 1966, the Arizona Cotton Growers Association and the Arizona Cotton Planting Seed Distributors deeded a piece of property located at 4135 East Broadway Road in Phoenix To USDA for $1.00 to help with the construction of the Western Cotton Research Center. With the construction of a new facility for the research center at the University of Arizona'a Maricopa Agricultural Center, the research and its staff will move within the next two years, leaving this property behind.

I think it is appropriate that this property, which abuts the headquarters of the Arizona Cotton Growers Association, revert back to that group, since they deeded this property to USDA originally for only $1.00.

I fully support removing the language allowing the Secretary of Agriculture to sell the Wester Cotton Research Center, Phoenix, Arizona and crediting the net proceeds of that sale as offsetting collections to the ARS Buildings and Facilities account.

Mr. BONILLA. Mr. Chairman, this is a good amendment that the gentleman from Arizona (Mr. PASTOR) has worked very hard on for some time and the gentlewoman from Connecticut (Ms. DELAURO) is offering on his behalf, and we are happy to accept the amendment.

The Acting CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I thank the gentleman for accepting the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN of Kansas:

Add at the end (before the short title), the following new section:

SEC. 7____. Of the amount made available under the heading ''ANIMAL AND PLANT HEATH INSPECTION SERVICE—SALARIES AND EXPENSES'', $15,000,000 shall be used by the Secretary of Agriculture to carry out sections 454 and 455 of the Plant Protection Act (7 U.S.C. 7783, 7784).

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved. The gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Chairman, today I offer an amendment to appropriate funds for the eradication of noxious weeds.

I first would like to thank the gentleman from Texas (Mr. BONILLA), the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, as well as the gentlewoman from Connecticut (Ms. DELAURO), for their leadership in what I know is a very difficult task of allocating funds within the budgetary restraints that we find ourselves. I would also like to thank their staff for their hard work and their efforts to accommodate my amendment.

This amendment would allocate within the Animal and Plant Health Inspection Service $15 million to fund the Noxious Weed Control and Eradication Act of 2004. This legislation, the act, was authorized for the past 2 years, but no funding has yet been appropriated to carry out the purpose of the program.

The Noxious Weed Control and Eradication Act passed the House in October of 2004 and allows the Secretary of the Department of Agriculture to establish a grant program to control and eradicate noxious weeds.

This legislation gives local weed management entities the ability to control local weed problems and provides the funding necessary for them to meet a very serious need in many places across the country.

This legislation has broad bipartisan support and will benefit the entire Nation.

Noxious weeds are a significant environmental and economic concern. I know from my own experiences in Kansas, we have a difficult time controlling the very difficult and noxious weeds. Sericea lespedeza is a weed that has invaded many acres of the foothills region of Kansas, which contain some of the few remaining acres of native tall grass prairie.

Sericea lespedeza is just one example of many invasive species that create economic hardship across the country; and by finally providing these funds, we can help in the battle to eradicate this and prevent a major outbreak of noxious weeds.

This is a matter in which timing is critical; and we need to give our communities, our local entities, and our farmers, landowners, the tools they need to manage our natural landscapes.

Mr. Chairman, I thank my colleagues for the offering of this amendment.

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Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, is it the gentleman's intention to withdraw his amendment?

Mr. MORAN of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Kansas.

Mr. MORAN of Kansas. Mr. Chairman, based upon previous conversations with the gentleman from Texas and the staff of the agriculture subcommittee, I am willing to withdraw my amendment under the understanding that we have reached in regard to cooperation on this issue in the future.

Mr. BONILLA. Mr. Chairman, absolutely. Let me point out that the gentleman from Kansas is not only working hard on this particular issue, but he is a key player on agricultural issues that we deal with on a daily basis here in Washington. I am not only on this issue, but whatever issue the gentleman brings forward, we are ready and willing to discuss, work with and solve problems with him. He comes to the table every day very serious about these issues and truly in his heart wants to solve issues that face agriculture across the country.

Mr. MORAN of Kansas. Mr. Chairman, I ask unanimous consent to withdraw my amendment and look forward to working with the gentleman from Texas (Mr. BONILLA) in regard to this issue being considered in the future.

The Acting CHAIRMAN (Mr. FORBES). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Acting CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. REHBERG

Mr. REHBERG. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. REHBERG: Strike section 759 (page 80, lines 7 through 10), relating to the delay in country of origin labeling for meat and meat products.

Mr. REHBERG. Mr. Chairman, here we are addressing an issue we have addressed many times over the last several years. I find myself in a precarious position because I do support the agriculture appropriations bill, and I think the gentleman from Texas (Mr. BONILLA) deserves a pat on the back for the fine work he has accomplished over the last several months in putting this piece of legislation together.

The issue I am talking about today is country-of-origin labeling. The thing we cannot kid ourselves about is that the actions that were taken within the Committee on Appropriations will effectively delay country-of-origin labeling's implementation, but, unfortunately, it probably kills it because there is that attempt that is occurring.

This was an issue supported by the House of Representatives and passed, supported by the Senate and passed, and ultimately signed by the President of the United States. What I find ironic is the opponents say this would be costly, difficult to implement, and it is not a safety issue. I brought along a number of articles today that kind of take the wind out of the sails of that argument.

I find interesting that, in the Auburn Journal in northern California, one of the areas that has been allowed to be implemented is seafood. Fruits and vegetables are shortly behind. The only ones that are not being able to be implemented are cattle. So I draw Members' attention to an article in the Auburn Journal dated May 25, 2005.

What this article says is, ''Seafood savvy now know where their meal grew up.'' It states, ''In the seafood section at Raley's supermarket, small blue containers line the shelves, filled with red and tan fish. Labels on the clear wrappers give traditional information about the seafood type and nutritional facts. In the bottom right-hand corner, however, a new label is attached: a small white rectangle with bold black print that reads 'Product of Ecuador,' 'Product of China,' or 'Product of U.S.A.'

''Raley's has been labeling its seafood products since January, said Keith Allen, Auburn Raley's meat department manager. While the burden of labeling falls on grocers, it has not been difficult for the meat department staff to adjust to the change. 'It is just a matter of putting the sticker on the package,' he said Monday.

''By naming the country of origin, the labels give savvy customers the opportunity to choose fish from countries with high sanitation standards and better growing conditions. Several customers have already commented on the change, Allen said.

''Annette Eastman, shopping at Raley's Tuesday morning, said she was glad to see the new labels. She would prefer not to buy seafood from countries such as Mexico because she worries that the quality of the water where the fish that are raised is poor.

'' 'I would much rather buy something from the U.S.A.,' she said, pointing to the fish fillet labeled 'Product of the U.S.A.' Another shopper, Tammieh Vernon, also said the labels would influence her seafood purchases.''

Interesting as well, I pulled this article off the Internet. The title: Country-of-origin labeling good news for Texas shrimp enthusiasts. May 15, 2005.

''Texans who are picky about where their shrimp comes from can now rest assured that they are getting exactly what they want. As of April 4, labeling of fish and shellfish for country of origin and method of production became mandatory. The announcement by the USDA requires retailers to notify their customers of the country of origin of the seafood they buy.

'' 'It is a win/win situation for Texas,' said Agriculture Commissioner Susan Combs. 'Texans love to buy Texas products, and this way they will know they are getting the quality they love. In turn, sales will increase, providing a boost to Texas shrimp producers and the State's economy.'

''With these new rules and regulations, more Texas consumers will have the opportunity to buy Lone Star State shrimp. This new regulation enables consumers to quickly differentiate between domestic and imported products, said D'Anne Stites, Texas Department of Agriculture's coordinator.

''Country-of-origin labeling or COOL regulations will make marketing easier as customers can see firsthand what

they are getting. Stites said, 'Consumers will be able to ask for Texas shrimp with the knowledge of what is available in front of them.' ''

So it is a marketing issue, very clearly. But I think the people of America want to know where their livestock does in fact come from.

It was interesting to see that Japan shut our markets down on Christmas Eve of 2003 and still have not opened them. Unfortunately, 23 percent of our exports go to Japan. And why did they not open their markets and why did they close them in the first place? Because we could not prove that our livestock that we are exporting to Japan did not come from Canada.

So it is not a trade issue. In some ways, it is a safety issue; and that is unfortunate.

I might also point out on May 25 of this year the USDA closed its border to cattle from Durango, Mexico. Agriculture Secretary Mike Johanns on Tuesday announced that USDA Animal and Plant Health Inspection Service has closed the U.S. border to cattle from Mexico's state of Durango due to inadequate health inspection programs there.

The ACTING Chairman. The gentleman's time has expired.

Mr. REHBERG. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The ACTING Chairman. Is there objection to the request of the gentleman from Montana?

Mr. BONILLA. Mr. Chairman, reserving the right to object, I ask unanimous consent from this point on debate on this amendment be limited to 30 minutes with 15 minutes allotted to the gentleman from Montana (Mr. REHBERG) and 15 minutes allotted to myself who will rise to oppose this amendment.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I have no problem with the time limit, but I would not want a time limit that boxed the minority out of control of any time.

Mr. BONILLA. Mr. Chairman, my unanimous consent request is to allow 15 minutes for the proponent of the amendment and 15 minutes in opposition to the amendment.

Mr. OBEY. Mr. Chairman, could the gentleman split the time in opposition to the amendment in two?

Mr. BONILLA. Mr. Chairman, I ask unanimous consent for the gentleman from Montana (Mr. REHBERG) to control 15 minutes and to be split between myself and the minority 7½ minutes each in opposition to the amendment.

Mr. OBEY. Mr. Chairman, I have no objection.

Mr. REHBERG. Mr. Chairman, point of clarification, if the intent is to split the proponents of the amendment, so I am a proponent, 15 minutes in favor of my amendment and 7½ minutes each to those that are opposed to the amendment, is that what the unanimous consent requests?

Mr. BONILLA. Mr. Chairman, the gentleman's understanding is correct. In reality, there will probably be more speakers in favor of the Rehberg amendment.

The Acting CHAIRMAN. Does the request of the gentleman from Texas include any amendments to the amendment of the gentleman from Montana (Mr. REHBERG)?

Mr. BONILLA. No.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIRMAN. The gentleman from Montana (Mr. REHBERG) will control 15 minutes, the gentleman from Texas (Mr. BONILLA) will control 7½ minutes, and the gentlewoman from Connecticut (Ms. DELAURO) will control 7½ minutes.

The Chair recognizes the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. This is an issue that many of us have been working on for many years. The country-of-origin labeling provisions that were part of the last farm bill would present a nightmare to many producers in this country. Good, salt-of-the-earth people in agriculture know that this would impose up to $1 billion in additional costs to their already overworked people and to their budgets, which are already being taxed.

This is also an issue for anybody who believes that grocery stores and retailers are part of Americana in this country, and they would rise in strong opposition to this amendment because there is a liability in the country-of-origin labeling that would in essence make your friendly corner grocery store liable for trial lawyers to come in and say you did not put the fact that this calf may have been born in one country, processed in another country, and now on the meat counter in your local grocery store. Now the lawyers can come along and say, we are taking you to court, causing the price of beef to go up for American families. That is not something that would reflect favorably for anyone in this country, whether you are a producer, a retailer or a consumer.

This is a marketing issue. I realize there is an intent by this country-of-origin labeling provision to mandate that these labels be put on products. Nothing could be more anti free enterprise than to mandate labeling on a product. If consumers want this, they will ask their retailer to put it on the product so they can favor that product over another.

I am not sure what the origin of the country-of-origin labeling provision was in the last farm bill, but there is no doubt it would create additional costs that consumers would have to bear.

I would also want to compliment the chairman of the authorizing committee, the gentleman from Virginia (Mr. GOODLATTE), for introducing a bill to make this country-of-origin labeling provision voluntary. There are dozens of cosponsors on the bill. It is a bipartisan effort. Many of us have been working on that for a long time, and we hope that this provision that I have put in this bill remains by voting no on the Rehberg amendment.

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

Mr. REHBERG. Mr. Chairman, I yield 10 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I simply want to rise in support of the gentleman's amendment. There is no earthly reason why consumers should not know where their food is coming from, and I would hope the House would pass the amendment.

Mr. REHBERG. Mr. Chairman, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Chairman, I rise in complete support of this amendment, and I want to commend the strong and tenacious leadership of the gentleman from Montana (Mr. REHBERG) for his offering of the amendment today. I also rise with no small measure of frustration and exasperation that this amendment is even necessary today.

The 2002 farm bill made a promise to farmers and ranchers across this country. It promised them that the Secretary of Agriculture would implement a program to inform consumers where their meat and vegetables come from. Producers in South Dakota see tremendous potential in this program and urged its inclusion in the farm bill. In fact, had this provision not been in the bill, I think that many of them would not have supported its passage. This promise was supposed to be fulfilled by September 30 of last year.

□ 1415

The program should already be up and running. Instead, the large meat packers have rallied to kill this program because they do not want American consumers to discover how much of the meat in the grocery case is actually imported. And these packing interests have found strong and willing allies here in this body. Two years ago in an appropriations bill, Congress voted to delay the implementation of this program until September 30 of next year.

Now we see that this 2-year delay was not enough for them. Their allies in this Chamber are at it again today, seeking to delay implementation of this important program for yet another year. This is unconscionable and it is just the tip of the iceberg. Leadership in this body is breaking faith with rural America on a host of important issues. The administration is leading the fight to reopen our border to Canadian beef despite ongoing concerns about the safety of their beef supply and over the strong objections of many U.S. ranchers and consumer groups.

Rural America is also under attack in the budget process. The 2007 budget, which recently passed this body with only Republican votes, will cut $3 billion from farm safety net programs in the coming years. The President's budget was even worse, seeking a cut of almost $6 billion in farm bill programs. Because of this budget, the farm income safety net, conservation programs and food stamps are now facing huge cuts in the coming years. I see mandatory country-of-origin legislation as a win-win situation and no more delays are justified. It is a win for consumers who get the security of knowing where their meat comes from, and it is a win for our producers who can build a stronger marketplace for their meat based on the quality of the product.

Let us not forget that American consumers have shown overwhelming support for COOL. A nationwide poll taken last year found that 82 percent of consumers think food should be labeled with country-of-origin information; 85 percent said they would be more inclined to purchase U.S. products; and 81 percent said they would be willing to pay a few cents extra for food that is grown here at home. American consumers want the ability to be as informed about their food purchase decisions as they are about virtually all of the other consumers goods they purchase. Country-of-origin labeling gives them this tool and they support it.

Let us restore our commitment to rural America. I urge my colleagues to support this amendment. A 2-year delay is long enough. Let us allow the Agriculture Secretary to fulfill the promise of the 2002 farm bill by giving producers the marketing tools that they need and consumers the information that they are seeking on the origin of the food they buy.

Mr. REHBERG. Mr. Chairman, I yield 4 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I agree with the statements made by my colleague from Montana, and I thank him for the leadership he has shown on this issue. Our amendment is very simple. It would allow country-of-origin labeling, better known as COOL, which was approved by a majority of this House in the last farm bill, to go forward this next year. We have got to stop yet another backdoor attempt to halt country-of-origin food labeling rules. Consumers deserve to know where their meat is produced and that it is safe, and farmers and ranchers deserve the fair deal provided by open and honest labeling.

The gentleman from Montana is up here today for the same reason I am. Like me, he represents an agricultural district and country-of-origin labeling is something that our farmers want. That is why country-of-origin labeling enjoys such broad support in the agriculture community. Our amendment is supported by the National Farmers Union and over 120 other organizations.

Over the last few days, I have received letters of encouragement from many Oregon farmers thanking me for helping to bring this amendment forward. Our farms grow the best produce and raise the best livestock in the world, and American consumers know this. Studies have shown that Americans want to buy American commodities and are even willing to pay a premium to do so. Our Nation's farmers and ranchers produce the best and safest commodities in the world and consumers deserve the chance to know where their food is born, raised, and processed.

Country-of-origin labeling provides U.S. agriculture producers the opportunity to promote their excellent products. The labeling law does not violate international trade agreements, would not drastically increase producer and consumer costs, does not require third-party documentation for trace-back or disadvantage any commodity. Thirty-five other countries require country-of-origin labeling, and COOL has already gone into effect for fish and shellfish. Labeling products is simply a promotional tool for U.S. producers and an information source for consumers.

For these reasons, we had country-of-origin labeling provisions added to the last farm bill. Country-of-origin labeling has been delayed for several years and has been studied to death. This provision in the agriculture appropriations bill continues that trend.

Country-of-origin labeling is good for American farmers and good for American consumers. I encourage my colleagues on both sides of the aisle to stand up for their constituents and vote for the Rehberg/Hooley amendment.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time. I certainly think that of all the discussions we have had on this floor, everyone on both sides of the aisle has nothing but the best intentions, and I respect that. I think that as we move forward in the protection of our food supply, it is important for us not to burden an industry with requirements and costs that go above and beyond what is necessary for us to protect the public health and safety. I think that this bill goes too far when it absolutely requires mandatory labeling of the products.

I think that we can do this on a voluntary basis, give our producers the right to put the label that they wish as far as the origin of their product on their product, and put it on the grocery store shelf and see what happens. We have no indication that just labeling the country of origin makes a significant difference in the marketing of these products, and I think it is an unnecessary extra layer of regulation that we are about to put on an industry that many times has a very difficult time staying in business anyway.

I rise in opposition to this amendment and recognize that everyone on both sides of the issue has nothing but the best of intentions and certainly wishes the industry well and especially our grass-roots producers. We want to do what is necessary to help them all we can. But I still would encourage a ''no'' vote on this amendment and look forward to seeing this issue at some date, maybe long after I am gone from this place, resolved, because it has been around a long time.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time, and I join him in rising in strong opposition to this amendment. This amendment is foolhardy just like the underlying provision that was placed in the farm bill at the last minute. We debated this thoroughly in the House Agriculture Committee prior to the writing of that farm bill and the committee members, 51 members, all from agricultural districts, overwhelmingly rejected this amendment as not in the best interest of America's farmers and ranchers. The Senate held no hearings, insisted on this provision, and it was put into law.

What we found after it was put into law was that it does harm. It does exactly the opposite of what farmers and ranchers intended. It increases the cost an estimated $10 per head for cattle, $1.50 for hogs, a similar amount for sheep; and it has the effect, the opposite of what was intended. It will make our products less competitive with foreign meat products, not more competitive. That is wrongheaded.

Secondly, it imposes unbelievably stringent liability on the retailers, and every one of them is writing their own separate set of regulations, so that if this law is allowed to take effect, and I commend the gentleman from Texas (Mr. BONILLA) for postponing that because we need to have a voluntary system, if it goes into effect, we are going to have a separate set of regulations for each retailer that farmers and ranchers will have to comply with in order to get their products sold. Once again they will say no liability risk if we buy the foreign product, no problem complying with additional regulations, they are going to buy more foreign product, not less.

Finally, last year I offered in the Committee on Agriculture legislation to do this the right way, to make it voluntary. When we did so, again the committee members overwhelmingly voted not to do this mandatory system, but to make it voluntary. That is what we should continue to work toward today. The way to do that is to keep the provision of the gentleman from Texas in this bill and delay the implementation of this very bad legislation.

Mr. REHBERG. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, today I rise in support of this amendment to strike the language which would once again delay full implementation and rightful implementation of country-of-origin labeling for meat and meat products. Congress authorized mandatory COOL in the 2002 farm bill, and delaying it further is an injustice to American farmers, ranchers, and consumers.

According to the Food and Drug Administration, which is the Federal agency charged with ensuring food safety, less than 1 percent of all food products imported into the United States are inspected by customs. If a meat product enters the country shelf-ready, such as ground beef, it is not required at all to be inspected by the USDA. A USDA approval stamp only appears on meat products which have been transformed into a graded cut. What this means is that less than 1 percent of the beef that is imported from foreign countries is inspected by the USDA. The USDA is in place to protect us. As a housewife and a mother, I would gladly pay a few extra cents on every pound of hamburger or on every pound of beef that I buy if I knew that that beef was produced in the United States, because I would have a sense of safety that my family was eating meat that was inspected, because all American beef is inspected.

Essentially, a shipment such as ground beef could be imported into America from a foreign country and wind up on a family's dinner table having never been inspected by American authorities. Without the implementation of mandatory COOL, we will continue under a voluntary program, and the status quo clearly does not effectively protect the safety of American consumers.

America's agriculture industry produces some of the safest, highest quality products in the world. If given a chance, Americans will choose American products time and time again.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise in support of the Bonilla provision to delay implementing mandatory country of origin labeling, which is known as COOL, for meat and meat products for 1 year. This distinction is important. This delay is for meat and associated products alone. In the 2002 farm bill, we added the COOL requirement for fruits and vegetables. The conference, however, expanded the mandate to meat, fish, perishable agricultural commodities, and peanuts. As most things not vetted by committees, these regulations brought a number of problems and unintended consequences. Several government and private studies have identified numerous costs added, especially for consumers.

American families should not pay the price for marketing beef without it being any safer than it is now. The House has previously voted to delay mandatory COOL in order to review the law and develop a voluntary option. The Bonilla provision to delay COOL labeling for meat is the right thing to do. I ask the House to join me in keeping this provision and oppose the motion to strike.

Mr. REHBERG. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

□ 1430

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time.

I hear a lot of talk about voluntary, but we have no mandatory right to recall tainted products. We have voluntary labeling of drugs, which can hurt people. We have voluntary marketing studies after a drug has been brought to market. When are we going to do something that makes sure that we are protecting people's interests?

Country-of-origin labeling is about providing people the information they need to make an informed choice to protect the safety of their families. Thirty-five other countries that we trade with, including Canada, Mexico, members of the European Union, have country-of-origin labeling. Seven out of ten people say they are willing to pay more to know where their food is coming from.

Food imports are increasing. The number of inspections of imported meat is actually decreasing. Consumers have a right to know, given the fact that we continue to have major recalls of meat products. This year we have had over 30 recalls.

This effort is about being able to trace back contaminated product in the event of a recall. Knowing the source of an outbreak is a critical part of the process so that we can quickly take action to prevent people from getting sick. It is critically important considering the 76 million sicknesses, 5,000 deaths that occur every year from food-borne illness.

Some say that if we halt the implementation of the country-of-origin labeling for meat, it will allow more time to consider the impact on the food industry. Congress has given the USDA more than 2 years to design a program that is fair to all parties including industry and consumers. Country-of-origin labeling will not violate trade agreements, lead to retaliation. It will not bankrupt the food industry. It simply says to consumers they will know where their food comes from. We owe the American people that.

I urge my colleagues to support the Rehberg-Hooley amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman for yielding me this time.

I would address it this way, that I am cool towards mandatory COOL, not towards Montana or my colleague from up there. We have a situation here where we have our cart ahead of our horse. We cannot identify our meat until we can identify where it comes from.

We have initiated a trace-back system for an animal ID in this Congress. That needs to be done first. I introduced that amendment in the Committee on Agriculture last year. Identify where the livestock comes from first, then have the discussion about whether it is mandatory or whether it is going to be an option for our producers. And whether it is a benefit to us from an economic standpoint, a retail standpoint, that really needs to be looked at from the marketing perspective and the more voluntary perspective. But I say delay that until we know where these animals come from. We are going to get that done in this Congress in the next couple of years, and then we can take a look at it from the perspective of what is the most legitimate approach. But right now we have our cart in front of our horse.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a distinguished Member from the great City of Midland.

Mr. CONAWAY. Mr. Chairman, with all due respect to my good colleagues from Montana and others who have spoken in favor of this, I rise in opposition to it.

It is not about food safety. If it were about food safety, then the 52 percent of meat that Americans consume would be involved in this labeling process, and that is not the case. Any meat consumed in retail food establishments is not affected by this labeling. So when one goes into their local restaurant and orders a steak, it will not come out labeled as to where that steak comes from. So if it was really about food safety, my colleagues would be speaking about that.

It is really a marketing program, a heavy-handed approach by this Federal Government to demand a marketing program that may or may not work. The voluntary COOL program that the gentleman from Virginia (Mr. GOODLATTE) is proposing, of which I am a cosponsor, will give the industry an opportunity to design a system that works for them. We all have to look at the Certified Angus Beef programs and Idaho potatoes to understand that the free market can, in fact, devise labeling opportunities or labeling programs that do benefit consumers and allow consumers to make that choice. So I stand against this amendment, with all due respect.

Ms. DELAURO. Mr. Chairman, I reserve the balance of my time.

Mr. REHBERG. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues noticed, this is about marketing essentially, and it is

about the fact that an entire industry was created in places like Texas to take advantage of cheap Mexican calves, bringing them across the border, fattening them up, and selling them in our food system without any knowledge of where they come from. Born, raised, and processed means we are proud of USA agriculture, USA livestock.

There is an unintended consequence, Mr. Chairman. The unintended consequence is the gentleman from Texas's (Mr. ORTIZ) very own State loves the country-of-origin labeling that was mandated by that same farm bill on fish. I will read one more time that quote: ''It's a win-win situation for Texas,'' said Agriculture Commissioner Susan Combs. ''Texans love to buy Texas products, and this way they'll know they're getting the quality they love. In turn, sales will increase, providing a boost to Texas shrimp producers and the State's economy.''

They love it when it works to their advantage. They are opposed to it when they think it might change something.

This is a good piece of legislation. It may not, it may not be a health issue to the gentleman from Texas, but it obviously is a health issue to some of our trading partners.

On December 23, when the cow was found in the State of Washington that had Mad Cow disease, it took exactly 24 hours for 60 of our trading partners to shut off our exports, 60 of them. One-third have now reopened those markets. Our largest export market has not, and that is Japan. So it is a health issue with them.

The problem that exists right now, and it was very quietly done, but on May 21, as I mentioned before, the state of Durango in Mexico can no longer send live cattle to the United States along the Texas border because they were mixing cattle between two regions within their state, one that has the ability to be exported and the other that does not. These are the trading partners that are sending us their livestock that we do not have the ability to label where it came from.

Unfortunately, bovine TB is contagious, infectious, and a communicable disease. It affects cattle, bison, deer, elk, goats, and other species, including humans, and it could be fatal.

We want to know where our livestock came from. Is it so simple that we cannot understand that we currently exempt some of the issues or some of the products like beads and ball bearings and bolts and nuts and buttons, feathers, hair nets? There are not many exceptions to the labeling laws in this country: rags, ribbons, screws, sponges, wicking, candle, and livestock. Livestock because it is about the pocketbook.

I am here to stand before the Members today and ask them to support the amendment. Give us the opportunity to show that labeling livestock will be met with the same kind of enthusiasm by the consumer and those of us who are truly cattle producers. I am a producer. I still have to deal with this. Perhaps I will have to pay for it. But I know the American consumer will want the opportunity to purchase my livestock because I know where it came from. It is a closed herd. It was born, it was raised, and it is processed in America.

That is what makes America great, is the opportunity to label. Voluntary does not work. If voluntary worked, we would be doing it now. But it does not. Why? Because the meat processors and the supermarkets will not allow us the opportunity to have it labeled. They say they can. They say they might. But we cannot make them, and when we cannot make them, we have no influence nor ability to do it.

Fruits and nuts will soon have country-of-origin labeling as well. It has been allowed to move forward, and what they did is they segregated our support for country-of-origin labeling. They let the fish go. The Texas producers love it. They let fruits and nuts go. California and the rest of the producers will like it. But they will not let livestock go for purely economic reasons.

It is time we send a message to those that are standing in the way and allow us the opportunity to tell the American consumer born, raised, and processed in America means something. Buy American.

(Mr. HAYES asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. HAYES. Mr. Chairman, I rise today in opposition to the amendment offered by Mr. REHBERG and Ms. HOOLEY, I applaud Chairman BONILLA for including a provision in the agriculture appropriations bill that would limit USDA's funding for implementing the mandatory country-of-origin labeling law for meat and meat products. The country-of-origin labeling laws as currently written clearly requires more Congressional attention before going into effect by September 30, 2006.

As a member of the Agriculture Committee and as Chairman of the Livestock and Horticulture Subcommittee, I have held hearings to discuss how mandatory country-of-origin labeling will affect the entire livestock industry. I have personally heard the numerous concerns of producers, processors, suppliers, and retailers in trying to implement this onerous program. These hearings raised many questions, and the livestock witnesses specifically pointed out the tremendous potential for increased costs and unintended consequences. All of the witnesses, regardless of being for or against country-of-origin labeling, unanimously stated that this is not a food safety issue but a marketing issue. Saying labeling is needed because of recent cases of BSE, for example, is bogus—especially since this particular disease does not occur in the muscle cuts we consume!

I have also heard concerns from many of my constituents in North Carolina about this issue. I can tell you that not one of them has said this law will bring them additional revenue or market advantages. They all express their deep concern that this law will instead cause significant burdens and headaches in order to be in compliance with the law.

Having participated in the hearings and listening to the worries of my constituents, I firmly believe a voluntary approach is a better solution. I am pleased to cosponsor the Meat Promotion Act introduced by Agriculture Committee Chairman GOODLATTE which requires the Secretary of Agriculture to establish a voluntary program for labeling meat and meat products. I believe this legislation better fits the true intent of country-of-origin labeling—to maximize producer benefits and avoid the costs and regulatory intrusions that a government-mandated program would entail.

Unfortunately, a ''Fire, Ready, Aim'' approach led to the creation of the current mandatory country-of-origin labeling law. This issue clearly needs further attention and delaying the implementation of the law for meat and meat products is a step in the right direction. I would like to reiterate that the provision included in the agriculture appropriations bill only affects meat and meat products.

I urge my colleagues to support the appropriations bill and reject the Rehberg-Hooley amendment.

Mr. REHBERG. Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. REHBERG).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REHBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Montana (Mr. REHBERG) will be postponed.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, last night I went before the Committee on Rules to seek the ability to offer an amendment to the bill today that would have given the Food and Drug Administration, the FDA, two critically important new authorities to improve the agency's drug safety operations. It would have given FDA the authority to require drug companies to conduct post-marketing studies of FDA-approved drugs and the authority to mandate changes to the labels of FDA-approved drugs. But the Committee on Rules would not allow the amendment.

Almost every week we hear about another unsafe drug and the significant harm that those drugs are doing to millions of people. Yet Congress has done nothing. The most recent case is the cholesterol-lowering drug Crestor, which a recent study found is significantly more likely than other drugs in its class to cause muscle deterioration that can lead to kidney disease and kidney failure.

Flip through the headlines of the last few months, and we will see many more examples. Of the two most significant drug failures of the last year, they are antidepressants and Vioxx. For years, evidence was building that antidepressants seem to cause an increased rate of suicide among users,

particularly young people. The FDA, however, failed to heed this evidence and delayed taking any action for years because the agency said it did not have enough data to do anything about these reports of suicide.

The reason for this was FDA could not order the drug companies to conduct further clinical trials after a drug is approved. When the agency finally did have enough data back in 2003, it first sought to hide it but eventually told antidepressant makers that there needed to be a warning on suicide. However, it took more than 9 months before that warning was placed on any drug label because the FDA had to negotiate with the drug companies over the label's wording. Patients went 9 extra months without knowing all the risks.

Vioxx was finally removed from the market last September because it increased the risk of heart attacks and strokes. Notably, it was the drug manufacturer, Merck, that removed the drug, not the FDA. An estimated 90,000 to 140,000 Americans suffered heart attacks and strokes as a result of Vioxx. Of these, 30 to 40 percent, or as many as 60,000 people, probably died.

Dr. David Graham, a heroic doctor at the FDA, put these numbers into perspective when he testified before the Senate Finance Committee last November. He compared the number of heart attacks and strokes caused by Vioxx to plane crashes. Dr. Graham stated the Vioxx numbers are the equivalent of two to four airplane crashes every week, week in and week out, week after week, for the past 5 years. If it really were planes that were crashing, then the Congress would be doing something about it. Yet we have done nothing to empower the FDA to prevent another Vioxx.

FDA knew about the dangers of Vioxx more than 5 years ago, and in 2002 the agency decided Vioxx's label needed to have a warning about the increased risk of heart disease. Yet it took nearly 14 months before that warning was added to Vioxx's label because the FDA again had to negotiate the wording with the drug company. FDA could not simply tell Merck that its label must say Vioxx causes increased risk of heart attacks and strokes. Nor could FDA order Merck to conduct a new clinical trial about Vioxx's safety when the FDA learned of other studies indicating safety problems.

□ 1445

My amendment would change that. These commonsense changes are nearly universally accepted by patient safety organizations, endorsed by nearly every major medical journal, and even by a few drug companies. FDA's own director of the Office of New Drugs has said she believes it would be extremely helpful for the agency to have these powers and authorities. They are also endorsed on a bipartisan basis, including by Senators CHARLES GRASSLEY and THAD COCHRAN, who have cosponsored a bill that would do almost exactly what I am proposing today.

These changes cannot wait to happen. They cannot wait any longer. Delay is going to cost lives, many lives, tens of thousands of lives in all probability. The amendment should have been made in order by the Committee on Rules, and I am asking the House now today to make this amendment in order. This amendment needs to be considered by the full House of Representatives, and it needs to be considered for no other reason than because by not considering it, we are placing hundreds of thousands of people across this country in dire jeopardy.

We need a Food and Drug Administration that can deal with the drug companies and with the medical manufacturing establishments that it allegedly regulates, deal with them in an effective way, so that we can have true regulation on behalf of the safety and security of the American people, which we do not have today and which this Congress has refused to bring about.

So I am taking this opportunity, Mr. Chairman, to bring this amendment to the floor of the House. I want this amendment considered, and I hope that every Member of the House will see it his or her duty to adopt this amendment today.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill, insert after the last section the following:

SEC. 7____. (a) POSTMARKET STUDIES.—Chapter V of the the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following section:

**"SEC. 505C. POSTMARKET STUDIES REGARDING SAFETY OF DRUGS; PHASE 4 STUDIES.**

''The Secretary may require that the manufacturer of an approved drug conduct one or more studies to confirm or refute an empirical or theoretical hypothesis of a significant safety issue with the drug (whether raised with respect to the product directly or with respect to the class of the product) that has been identified pursuant to—

''(1) the MedWatch postmarket surveillance system;

''(2) a clinical or epidemiological study;

''(3) the scientific literature;

''(4) a foreign government that regulates drugs or devices;

''(5) an international organization concerned with the safety or effectiveness of drugs or devices; or

''(6) such other sources as the Secretary determines to be appropriate.''.

(b) ORDER REGARDING POSTMARKET LABELING.—Section 502 of the the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(x) If it is a drug and the Secretary determines that its labeling fails to provide information, including specific wording, required by the Secretary by order on the basis that the information is necessary to ensure its safe and effective use.''.

Mr. BONILLA. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) is recognized in support of his amendment.

Mr. HINCHEY. Mr. Chairman, I know that this issue is controversial. I know that there are Members of the House who really do not want to address it this afternoon. But we should put that aside. We should put it aside because the safety and security of the American people are at stake here.

The Food and Drug Administration was established by this Congress in order to ensure that pharmaceuticals and subsequently various forms of medical devices and other materials which are used by people who are ill, that those devices and materials can be used by people in a way that is safe and secure and sound. But the fact of the matter is that that is not happening, and we have the ocular proof in front of us every single day.

I mentioned a few moments ago the situation of antidepressants. These antidepressants came on the market without proper, careful review; and in addition to that, they began to be marketed for off-label uses. As a result, large numbers of teenagers, young people, people in their twenties, began to use them when they should not have been using them, and the usage of those antidepressants induced suicidal potential in those people, and many of them carried it out. Many, many people took their lives in direct relationship to the use of those antidepressant drugs.

When that became apparent, the Food and Drug Administration was not able to deal effectively with the drug manufacturers because they did not have the authority. They do not have the authority to tell the drug manufacturers that when a problem becomes evident after the drug is on the market that the drug company should, at the very least, change the label, put information on the label that tells people this kind of experience has been shown to happen by this group of people so that people can be warned about it and therefore not be likely to take it and so that doctors can understand that and not be likely to prescribe it.

That simple act would save the lives of tens of thousands of people. Failing to do it almost inevitably is going to cost the lives of tens of thousands of Americans, because it will not be much longer before we see another antidepressant situation or Cox-2 inhibitor situation, Vioxx situation, come on the market if we do not change the rules, if we do not give the FDA the power to deal effectively with these drug manufacturers.

The Vioxx case is a very clear, strong case in point. After a certain period of time when that drug was on the market, it became obvious that people who were taking it were suffering strokes and/or heart attacks. The FDA, when it became aware of that, was not able to do anything effectively about it. They did not even ask the drug company to take the drug off the market.

Finally, Merck came to the table and properly removed Vioxx from the market, but only after hundreds of thousands of people in this country were seriously affected, and we estimate at least 60,000 people lost their lives, and the number may be higher than that; and all of that began to get the attention of the press and people across the country began to understand it.

Now, for God's sake, what are we doing here? Are we just going to stand by idly while these circumstances continue to happen, while more and more drugs come on the market, week after week, month after month, while more and more people take them without understanding the implications and more and more people suffer, even die, as a result of that?

This Congress has the responsibility to act. We need to make that Food and Drug Administration live up to its responsibilities. And by simply saying in a technical way that, no, we cannot do it today, that does not meet the need, not by any stretch of the imagination.

This amendment needs to come to the floor, and this amendment needs to get the kind of attention that it properly deserves on behalf of the safety and security and the lives of the American people and to be adopted.

So I move the amendment, and I ask my colleagues to embrace it today. Vote for it; support it. Let us pass it this afternoon.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.''

This amendment directly amends existing law.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, it is hard for me to believe that the rules of this House do not help ensure that the people we represent can trust their government. It is hard for me to believe that the rules of the House would mean that this House can busy itself telling other people how they should deal with end-of-life issues for dear ones, telling independent courts that they should not be quite so independent, and yet would not allow the supposedly greatest legislative body in the world to deal with a direct obligation of government, which is to ensure the public safety of the American people.

This amendment would be in order if no Member objects to it. The Committee on Rules, as I understand, when they passed out the rule from the Committee on Rules, they did not protect this amendment under the rule. That does not mean that it cannot be considered by the House. The House can only avoid dealing with this issue if a Member chooses to block the House from acting on it.

Mr. Chairman, I would urge the gentleman from Texas to withdraw his point of order so that we can vote on this most crucial issue. But if the gentleman does not withdraw his motion, then I would, reluctantly, as I am sure would the sponsor of the amendment, have to concede the point of order.

The CHAIRMAN. Does any other Member wish to be heard?

Ms. DELAURO. Mr. Chairman, I wish to speak on the point of order.

Mr. Chairman, I want to echo my colleagues' comments, because I think that we have an obligation. In my opening comments, I said that I believed that this bill is about what the House of Representatives and Members who are part of this effort have been asked to do, and we have been asked to protect the public interest on a whole variety of measures, and, in this case, we are talking about life and death.

The CHAIRMAN. The gentlewoman must confine her remarks to the point of order.

Ms. DELAURO. Mr. Chairman, it would seem to me that the regular order of the House would be to allow legislation that in fact meets the definition or the goal of the mission that we have been entrusted with. I wish that the Committee on Rules would have made this amendment in order because it is so critical to public safety.

I concur with my colleague when he says if it is not made in order, then we have to concede the point of order. But what we are conceding is the life and death of American people, and that is not the regular order.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment proposes directly to change existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MR. SCHWARZ of MICHIGAN

Mr. SCHWARZ of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SCHWARZ of Michigan:

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.

Mr. SCHWARZ of Michigan. Mr. Chairman, CCC funds are transferred to APHIS because of foreign Animals, Pests & Diseases that have come into the United States and are destroying agriculture resources and products. Since this is a tight budget year and the dollars appropriated will not fully take care of the emergency situation of the spread of EAB and the millions of ash trees in need of more attention from the CCC and OMB.

Therefore, this amendment is a sense of Congress to support the requests of USDA and APHIS to fund the eradication program of EAB within Michigan before it spreads to other states.

Michigan has natural barriers which are the great lakes that provide a natural containment with this emergency eradication plan.

This is an emergency situation for our agriculture community and as with any invasive species, we continue to run in to the obstacle of funding from OMB. With this amendment we want the OMB to reconsider the severity of the EAB situation. This amendment is meant to suggest, in strong terms, that it is Congress's intent that the mechanism within this statute is to be used to meet the foreign pest emergency needs of Indiana, Ohio, Virginia, Maryland & Michigan.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. SCHWARZ of Michigan. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman has discussed this amendment with us and with the minority; and to forgo further debate, I would be happy to accept the amendment.

Mr. SCHWARZ of Michigan. Mr. Chairman, reclaiming my time, I thank the chairman and am delighted that he has decided to accept the amendment, and we will move on.

Ms. KAPTUR. Mr. Chairman, I rise in support of the Schwarz amendment emphasizing the intent of Congress that full funding for the control of Emerald Ash Borer must be provided. I had intended to offer an amendment emphasizing the need for emergency funding and thank Chairman BONILLA for his work with us on this issue, and with respect and appreciation knowing we still have much to work on will not extend floor debate today.

It is vital that we take action as quickly as possible to deal with control and containment this year. USDA, at the order of the Office of Management and Budget, has not been able to fully respond to the requests for funds from Ohio and Michigan. Ohio recently requested an additional $10.1 million that is needed immediately.

The Emerald Ash Borer was identified in Michigan in July, 2002. It has been in Michigan for perhaps five years, having come in packing material from Asia.

Since then, several counties in southeastern Michigan and now counties in northwestern Ohio have been infected with this creature. Literally billions of ash trees are at risk unless this creature is stopped. Regrettably, there is no known way to eradicate the insect without starving it from new wood sources. So as trees by the thousands are being cut down in our region.

As I said, the State of Ohio has recently asked the Department of Agriculture for an additional $10.1 million in emergency funding to

control the spread of this insect. This is in addition to the $11.6 million that was requested earlier this year, although USDA provided only $10.2 million. This is in addition to more than $50 million that has already been provided to Michigan to control the spread of the insect from its primary infestation site.

Mr. Chairman, Ohio needs more funding now to control this insect for which it bears no responsibility. Neighborhoods are being devastated in Ohio, as they already have been in Michigan. Businesses are adversely affected. Property values are being adversely affected. The longer we take the provide effective controls, the more damage will be caused, the broader the area of infestation will become, and the more it will ultimately cost to end this infestation.

I had planned to offer my own amendment calling for emergency use of funds to deal with this problem, even though I know that the bill already provides some funding for emerald ash control in the coming year—$14 million even though expert opinion suggests that we will need $55 million. Hopefully this money will come via the emergency route.

Chairman BONILLA and ranking member DELAURO, I thank you for your support. I want to work with you to secure the right level of funding to deal with this disease, as well as the many other invasive species pests that plague several states. They may be different in their makeup, but they are equally devastating to the communities they infest.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHWARZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 83, after line 19, insert the following section:

SEC. 7____. None of the funds made available in this Act may be used—

(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) to make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

□ 1500

Mr. HINCHEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 30 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) will control 15 minutes, and the gentleman from Texas (Mr. BONILLA) will control 15 minutes in opposition.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would prohibit the Food and Drug Administration from appointing scientists who have conflicts of interest to FDA advisory committees. The amendment does not change current law; it simply makes sure that the FDA is adhering to current law.

The FDA is charged with protecting the public health and, to assist with this mission, the FDA relies heavily on advisory committees composed of outside scientists to guide the agency policy on the safety and effectiveness of drugs and medical devices when questions arise regarding those products. While the FDA is not bound by the decisions of these panels, the agency itself calls advisory committees one of its most important resources for helping to regulate the over 150,000 marketed medical products that the FDA oversees.

Because of the critically important nature of these committees, there should be no question as to whether the committee members are looking out for the public health. But recent FDA actions have created serious doubts about whether committee members are serving only the public interests and, as a result, industry biases now taint many advisory panel decisions.

Over the past few years, the FDA has routinely waived conflict of interest prohibitions and appointed scientists with direct conflicts of interest to serve on these critical public panels. These appointments completely undermine the objectivity of this outside advice and bias the committee's recommendations, which are reached by a vote of the panel members, some of whom have financial ties to the products being reviewed by that very same panel.

There have been numerous high-profile examples of this over the past 18 months. Just this past April, for example, the FDA convened an advisory committee to examine whether or not to allow silicon breast implants back on the market. That committee contained a scientist who had just recently made a promotional video for a manufacturer of those implants.

Two months prior to that, the FDA convened an advisory panel to review the safety of Cox-2 inhibitors, drugs like Vioxx, which have caused tens of thousands of heart attacks and strokes. Ten of the 32 scientists on that panel had direct financial links to the manufacturers of those drugs. When it came time for the committee to make its recommendations, those ties made all the difference. Without the votes of the ten conflicted scientists, two of those three drugs and the Cox-2 inhibitor class would have been voted down by the panel, instead of receiving the very narrow support and approval they did as a result of those conflicted scientists' votes.

Last year, when there was a huge controversy around the link between antidepressants and suicide, especially among young people, the FDA convened an advisory panel to make recommendations on how the agency should handle those drugs. Three of the 11 scientists on that committee had been paid consultants to the manufacturers of those antidepressants.

These examples are just the tip of the iceberg. Advisory panels on OxyContin, oncology drugs, even over-the-counter athletes' foot creams, all had scientists with conflicts of interest. Almost every advisory committee meeting begins with an FDA statement waiving the conflicts of interest of some of the scientists on that panel.

If you think that scientists who rely on drug companies for their financial wherewithal are going to recommend that the FDA take action that will harm the company that is paying them, then you are living in a fantasy world.

The FDA claims that it cannot find enough qualified scientists without conflicts of interest to fill its advisory committees. This statement is laughable on its surface and an insult to the thousands of independent doctors across this country. It is also not accurate. As the medical journal, The Lancet, recently editorialized, ''It is hard to believe that in a country with 125 medical schools, not to mention the pool of international experts, the FDA cannot find experts who do not have financial ties with companies whose products are under review.'' Of course, the FDA can find scientists without conflicts of interest. They just do not want to do it, and they are not doing it.

Advisory committees are critical parts of the FDA's regulatory scheme, and they should be free of any direct conflict of interest. Without this, there is no way to assure the public that a panel's recommendations are fair and unbiased and in the interest of the public health.

After one of the most tumultuous years in the FDA's history, this amendment is needed to restore the public's confidence and integrity that has been lost in the FDA's advisory system. A wide range of public health groups support this amendment, and numerous recent editorials have called for this kind of reform. I urge all of my colleagues to support this amendment.

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

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. Let me explain what this extreme restriction on the Food and Drug Administration would do. The amendment would not allow funding to grant conflict of interest waivers for any Food and Drug Administration advisory committee. The effect would

be that the top experts in the field of vaccine research or cancer treatments or cardiac devices would not be able to advise the Federal Government about vaccines, biological products, medical devices, and drugs.

The conflict of interest waivers exist so that the most knowledgeable scientists, the ones you would want to consult if your own family was ill, can advise government agencies. These top scientists are few in number and very specialized. Most of them have worked in research sponsored by industry at some point in their careers. We in Congress devised this waiver system so that such experts could serve the government when the need for their services outweighed the potential of conflict of interest due to financial ties to the industry.

Since many fields of research are specialized and unique, the conflict of interest waivers are necessary. The granting of a waiver is not pro forma but a measured decision by an impartial party. In some cases, waivers are granted only for participation in the advisory group discussion, and the individual is not permitted to vote on the advisory committee recommendation.

I would also like to draw the attention of my colleagues to the term ''advisory.'' Advisory committees make recommendations to FDA but do not vote on product approvals. Product approval decisions are made by federally employed scientists.

I would ask my colleagues not to cripple the advisory committee system by making it impossible to recruit the appropriate level of scientific expertise. Please vote no on this amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise to speak on the Hinchey amendment to require that the FDA stop waiving conflict of interest revelations by their advisors and to start to make an affirmative search for scientists who can give unconflicted advice to this critically important agency.

Unfortunately, there is abundant evidence that scientists are being invited onto and accepted onto these committees, even when they tell the FDA that they have a conflict. They are permitted to serve, regardless of conflict. This must stop.

Other agencies, such as the NIH, have regularly found unconflicted, fully qualified professional advisors so that the agency can receive the best, unbiased advice possible.

I am mindful that there may be scientists whose expertise deserves to be presented to an advisory committee, and nothing in this amendment, as I understand it, precludes these individuals from being asked to testify before a committee.

When enacted, this amendment will also start to contribute to and rebuild the credibility of the actions of FDA. We cannot have even the aura of influence by the pharmaceutical industry or other regulated industries when it comes to the FDA.

Surely, in a country that is renowned for its scientific and medical expertise, I think we have 125 medical schools in the United States, that it is possible to find scientists without conflicts of interest to advise the FDA and to protect the public health.

I urge support for the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, can I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from New York has 8 minutes remaining.

Mr. HINCHEY. Mr. Chairman, is there anyone on the other side who wishes to speak on the amendment?

Mr. LATHAM. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Iowa has 13 minutes remaining and reserves the balance of his time.

Mr. HINCHEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

As I hear this discussion move forward, I find it nothing short of absolutely amazing that anybody can rise to defend the current system.

The pharmaceutical industry in this country is corrupt from top to bottom. They have corrupted the Food and Drug Administration. They have corrupted academia to the point where they pay anybody that might ever issue an opinion about any of their products, and this continues to get worse day by day. We have evidence to all of these things, and it is absolutely and utterly ridiculous that we do not hold FDA accountable to provide a system of unbiased opinions so that the American people can get a safe product. We have seen the results of this corrupt system and the willingness of our own government to allow the pharmaceutical industry to continue to rob our own people, and it goes on and on and on. It is wrong. It does not make any sense. It puts the public health at risk.

We just had a big debate on whether or not to label meat and where it comes from. We know what these drugs will do, we have plenty of people that know what they will do, and when we put the information out there, anybody can figure it out. You do not have to be all broke out in brilliance to know when this stuff is bad. But when you are on the payroll of these companies, folks just kind of seem to have a little trouble saying, this is a terrible drug and we do not want to put it on the market. It is a bad idea.

I am the only registered pharmacist in the United States Congress, and it is astounding to me to see what has happened to this industry in the last 30 years and the willingness for them to take advantage of the American people over and over and over again.

Mr. Chairman, if this body is going to do anything to serve the public health and welfare of our people on this day, we should pass this amendment, and I thank the gentleman from New York for courageously bringing it to the floor of this House.

Mr. LATHAM. Mr. Chairman, I continue to reserve my time.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I rise today in support of the Hinchey amendment, and I appreciate the effort he has been doing with these last two amendments, and I hope we will continue his work, because the amendment is very important. It will help us put a stop to the conflict of interests which actually weakens the drug approval process.

The FDA advisory committees are charged with ensuring that the medicines our families take are safe and effective.

□ 1515

Current law prohibits conflicts of interest between the members on the advisory committee and the companies whose drug is being examined by the advisory committee.

Though the FDA has the authority to waive this prohibition under certain limited circumstances, this exception has now become the rule, and too often the FDA places scientists with financial connections to the drugs they are examining on the advisory committees.

Conflicts of interest create disastrous consequences. In some cases, one-third of the advisory committee's appointees do part-time consulting work, research or own stock in the companies whose drugs they are considering. Such a committee approved the drug Vioxx. As many as 100,000 people have been injured by taking Vioxx. Had the members of the advisory committee with ties to the industry been removed, Vioxx would not have been approved.

Some will argue and some may argue that scientists with financial connections to the industry may still be unbiased. However, this week an article in the Philadelphia Inquirer reported that senior executives at Merck threatened to damage a Harvard researcher's career if he publicly lectured about the health effects of Vioxx.

In such an environment, where those who are trying to help protect our families are threatened by drug companies, it is inconceivable that advisory committee members can remain unbiased as they examine their part-time employer's drugs. The financial interests are too great, not only for those who sit on the advisory committee, but also the drug companies who produce these drugs, and do whatever they can to get them approved.

We have so much work to do in this area. The Hinchey amendment does not put any new requirements upon the FDA, merely enforces the law as is written; and this Congress should stand up and enforce the law as explained in previous Congresses.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume.

I would like to note that in response to past amendments in the same effect, the Office of Government Ethics has said the government would be depriving itself of much of the best and most relevant outside expertise in many areas.

The amendment would prohibit waivers for financial interests that are so insubstantial, remote, or inconsequential that they are typically permitted, even for regular full-time government employees.

They went on to say, existing law strikes the correct balance between protecting the government from inappropriate conflicts of interest and recognizing the need for temporary experts who may have unavoidable conflicts in relevant fields of inquiry. I think those concerns are relevant to the Hinchey amendment before us and support a ''no'' vote on this amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I frankly find the arguments that have been presented against this amendment, in a word, incredible. They seem to me to be coming from the entities in our country, in our economy, that need regulation. It seems as if the words were written by them.

We have 125 medical schools in this country. We have a bevy of expert scientists who are capable of dealing with these kinds of issues. For anyone to stand on the floor of this House and say that you cannot construct a panel, an advisory panel to advise the Food and Drug Administration with regard to the safety and security of a particular drug without putting on that panel one-third of the members who are conflicted in their interests, who are being paid by the economic entities that are about to be regulated, or should be regulated, or who have done commercial advertisements for some of those entities, that you cannot construct a panel without having a third of the members with that kind of conflict of interest, is the most absurd statement I think I have ever heard uttered on the floor of this House.

We have scientific bodies throughout our government and throughout the private sector, throughout the National Institutes of Health, throughout any number of scientific organizations, who put together panels; and they are never obliged to include within those panels people who are conflicted in their interests with regard to the decisions that are going to be made by those panels. It is ridiculous, absurd to stipulate that you cannot construct a panel without having people with a conflict of interest.

I am just asking the Members of this body to tell the Food and Drug Administration that when you draw together a panel, do the same thing that other regulatory bodies do. Make sure that among the members of those panels, there is no one who is conflicted in their interests.

No one who is being monetarily compensated by the entity that is being regulated; in the case of the drug companies no one who is getting money from the drug companies, no one who is on the payroll of drug companies. That is all you have to do. It is a very simple thing. There are thousands of people to reach out to who are capable and qualified to come onto those panels and make those kinds of decisions.

To say that you cannot put together a panel without including in it one-third of the members who are conflicted in their interests is absolutely ridiculous.

And so, Mr. Chairman, I ask the Members of this body to do something that is in the best interests of the people of our Nation. Let us have a Food and Drug Administration that is actually carrying out its regulatory authorities as this Congress set them up to do.

Let us have an FDA that actually regulates the entities.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, let me just ask a point of inquiry here. As I understand it, this amendment is for a year's duration?

Mr. HINCHEY. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from New York.

Mr. HINCHEY. That is correct.

Ms. DELAURO. Does it not make sense that we try this to see what is workable? I mean, we are not talking about in perpetuity. Am I right in my assessment of that?

Mr. HINCHEY. The gentlewoman from Connecticut (Ms. DELAURO) is correct. This would simply be for 1 year. It is a trial, in effect; and we ought to put it in place.

Mr. LATHAM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWEENEY:

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 under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603) or under the guidelines issued under section 903 the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127).

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendment thereto be limited to 30 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, several weeks ago we passed on the floor here an amendment banning the slaughter of wild horses that had been sneaked into the omnibus bill by a substantial bipartisan vote.

This amendment I offer today is a supplement to that amendment, and one that we have sought a vote on, an up-or-down vote, for several years in this body. For that reason in particular, I want to thank the subcommittee chairman for affording us this opportunity.

The amendment essentially would end the use of taxpayer dollars to enable and subsidize foreign enterprises, largely operating in opposition to the vast opinion and support of United States citizens, and in fact the majority of States have outlawed the slaughter of horses for human consumption; and yet this process continues on.

Mr. Chairman, there has been a lot of misinformation spread about this issue. The opposition will say this amendment will lead to an increase in the abuse of horses, or horses running wild in our streets. Such statements are not true, and I want to offer some facts.

First of all, each year 65,000 horses are slaughtered in this country for human consumption in Europe and in Asia, not here, where they are sold as a delicacy.

Another 30,000 are trucked to Canada and Mexico for slaughter. Misstatement number one, that slaughter is the same as humane euthanasia, it is not, Mr. Chairman. Slaughter is not the same as humane euthanasia administered by a veterinarian. Euthanasia of horses is administered by lethal injection, whereas slaughter is administered by unskilled, untrained workers using the captive bolt. Many times this is administered improperly, causing unnecessary pain and suffering before death, and that is after these horses have been transported in excess of 1,000 miles in the most inhumane conditions perceived.

Misstatement number two, that if this legislation is successful, we will

cause an overpopulation of horses. Passage of this amendment will not cause an overpopulation of horses, since each year the numbers are this, about 690,000 horses die in the U.S., many of which are euthanized by licensed veterinarians.

Slaughter represents only 1 percent of the horses that die each year, and this would not result in overpopulation of horses as some have suggested.

Mr. Chairman, it is simply this: Americans do not profit from slaughtering horses. Horses are not bred in the United States for that purpose. This is an export-driven market. Foreigners eat our horses and foreign companies make money off the sale of the meat. This amendment simply says that the use of American taxpayer dollars to pay for the salaries and the work of USDA inspectors ought to stop, and those resources ought to be committed to making sure the food supply and the food chain here in this country are fully protected.

Let us stop this practice, a practice that flies in the face of generations of precedent here in Congress and strong opposition by the American public.

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

Mr. BONILLA. Mr. Chairman, I do rise in opposition to this amendment, and yield myself such time as I may consume.

The gentleman from New York (Mr. SWEENEY), for whom I have a great deal of respect, has worked on this issue for some time. I know he also has a separate legislating bill that he is trying to move through the process, where this issue and this whole topic could be more appropriately addressed through the authorizing committee.

This amendment will shut down an industry without having a hearing, or any due process. The amendment creates a crisis for animal health issues. It prohibits USDA from inspecting horses that may have West Nile virus, or vesicular stomatitis, both of which can affect other animals and humans if those horses are destined for slaughter.

The estimated cost to feed and care for 50,000 horses is at least 60 to $100 million per year. Who will pay, or will more horses go to the rendering plant instead? What is the real effect of this measure? There is no way of knowing, because it has not been vetted through the process.

Demand for the product will not change. Almost all of the meat from the U.S. is exported, and those countries will simply find another source. I oppose this amendment very strongly.

Mr. Chairman, I yield for as much time as he may consume to the chairman of the authorizing committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment. This amendment is a piece of legislation that has been introduced by Members of the House that would ban horse slaughter in the country.

And, quite frankly, this legislation has been opposed by me and many others, but it is also a fact that this particular amendment is far worse than the legislation that the gentleman has offered for this reason: the principal concern stated by the gentleman from New York (Mr. SWEENEY) is that the manner of the transport and the actual slaughter of these horses is inhumane.

But this amendment would simply limit the inspection of the horses for the purpose of slaughter; does not in any way stop what his other legislation at least attempts to do, that is, the transport of the horses to Canada, Mexico or anywhere else for the purpose of slaughter. The effect of that then is that the inhumane transport and the slaughter itself continue, but the horses are transported far greater distances.

Now, the gentleman makes reference to the fact that this is only 1 percent of the horses that die each year. And he cites 65,000 as a figure. But I would suggest to the gentleman that he is way, way, way off on his numbers, because there are not 65,000 times 100 or 6½ million horses dying each year in this country.

With the average life expectancy of a horse of more than 25 years, that would mean that we have more than 150 million horses in the United States. We do not have anywhere near that number. So this percentage is a far higher percentage.

That gives rise to the concern raised by the gentleman from Texas (Mr. BONILLA) and many others that you are going to have hundreds of thousands of unwanted horses, perhaps at the rate of as many as 50,000 a year according to the American Veterinary Medical Association. At a cost of $2,000 per horse to take care of them, that is a hundred million dollars times the average life expectancy that would remain in the lives of these horses if they were not sent to slaughter.

If that average is 10 years, you are talking about a billion dollars after you get 10 years out from now in terms of having to support and take care of these horses.

Now, the gentleman says no problem with that, but the evidence is pretty sparse that there will not be any problem with that because no country anywhere ever, ever has banned the slaughter of horses. That is what his amendment would accomplish.

□ 1530

So I suggest that that is a very, very bad idea with far-reaching complications.

I am not by any means alone in this concern. More than 60 reputable horse organizations, animal health organizations, and agricultural organizations have banded together to oppose this amendment, and they are some of the most respected people who own horses and take care of horses in the United States. The American Quarter Horse Association, the largest association of horse owners in the world, strongly opposes this amendment. The American Painted Horse Association, the second largest association of horse owners, opposes this amendment. More than a dozen State horse councils, including the New York State Horse Council and the Virginia State Horse Council, oppose the gentleman's legislation.

It is also opposed by those who take care of the health of our horses, very respected organizations like the American Veterinarian Medical Association, the American Association of Equine Practitioners. More than 7,000 horse doctors, the people who take care of horses themselves, are concerned about the implications of what this amendment will have if it is allowed to go into effect and ban the slaughter of horses.

Now, I do not believe anybody in this room eats horses. What this is about is what is the best approach for the humane treatment of horses, and the American Veterinarian Medical Association and the American Association of Equine Practitioners recognize the method by which horses are slaughtered in the United States as a humane method of euthanasia of disposing of horses.

So the bill does not prohibit other means of deposition of horses. If people still want to put down their horse by some other means, it does not stop them from doing that. It will simply stop the proper inspection of these horses, which, as the gentleman from Texas correctly notes, will deprive us of a lot of useful information that will be gathered by those veterinarians about diseases and so on that will confront these horses if indeed they do not get properly inspected and they have serious diseases.

Other organizations that oppose this: The American Farm Bureau opposes this legislation. The American Meat Institute opposes this legislation. The Equine Nutrition and Physiology Society opposes this legislation. The Animal Welfare Council opposes this legislation. The National Horse Show Commission opposes this legislation. Organizations that represent literally millions of horse owners in this country and elsewhere around the world oppose this legislation because of their concern, not about whether somebody is eating horses or not but whether or not these horses will be treated humanely if they are not allowed to go through the process they go through today.

So I urge my colleagues to oppose this amendment. It is not in the best interest of America's horses, it is not in the best interest of America's horse owners, and it is not in the best interest of the fiscal concerns that we must have if we are confronted down the road with the possibility of having to take care of these many, many horses.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me quickly respond to some of the information that has been put out there.

First of all, on the cost end of it, CBO said already this is a cost-neutral proposition. In fact, it is my contention that it will give the USDA extra resources to do the job of protecting the American food chain.

Secondly, we talked about the failure of a lack of a hearing. We looked for a hearing for 2 years. That necessitated bringing this legislation.

Finally, if we are simply going to get into a debate over which organizations support it, there are vastly more organizations, some of the most preeminent experts in the horse industry who support this legislation, including Congress's top veterinarian, Senator ENSIGN, who is introducing a counterpart bill in the Senate.

Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, first question, what is the effect of this amendment?

This amendment in simple terms will stop the slaughter or human consumption of horses, the meat of which will be exported to foreign countries. It does not stop, affect or any way impede euthanasia by veterinarians. It stops the brutal slaughter at slaughterhouses. Sometimes horses are jacked up by their hind legs and have their throats slit. This is the kind of slaughter that this bill will prohibit so that the meat can be exported to Europe and other places.

Secondly, who is affected? Slaughterhouses in two States. That is it. Three different slaughterhouse locations in two States. That is it. Those are the net effects because, you see, Americans do not eat horse meat.

These horses are not slaughtered in this country, 65,000 last year, for consumption here. They are slaughtered for consumption in Europe and Asia, and 35,000 were not trucked to Mexico and Canada only to be euthanized there. They were shipped there to be slaughtered. So this affects foreign consumers of American horse meat. That is all. No Americans are affected, and only three plants in two States are actually affected.

Who is for it and who is against it? I will leave this 7-page memorandum which shows individuals, organizations, horse raisers, horse racers, horse farmers, horse lovers of all kinds who support it, including a substantial number of veterinarians. Seven pages long, that is how many people are in favor of it.

Next question: What do we know about the consequences of this? What happens when you stop the slaughter of horses at, albeit, just three plants? Well, we know from practical experience in five States, including California, the largest State for the last 7 years, this law has been in effect Statewide in California and four other States and in California since 1998. What has been the effect? Have there been horses that have been left for neglect, derelict horses? No, there have been no effects. Have there been horses that have been too numerous to be euthanized? No. Practically, in the five States that have implemented this law, there has been no effect whatsoever.

Finally, what is the legislative history of this bill? The legislative history is we filed a bill like this in the last Congress. We filed it again in this Congress. In the last Congress, after we put on an effort to win support for it, we collected 225 co-sponsors. We never had a hearing. We were entitled to one. So we come here today using a different parliamentary procedure.

But this bill has been thoroughly exposed, thoroughly supported, thoroughly argued for and against; and today we are entitled to this vote on the House floor. And if the 225 Members who have supported our bill in the past come forward, we will see that the will of the House is that this becomes the law of the land.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman for yielding me time, and I appreciate the opportunity to say a few words on this issue.

As I listen to this debate and I am listening to the points that are being made by the other side, and, by the way, I rise in opposition to the Sweeney amendment, one of the questions that has not been answered here is what is the distinction between a steer, a hog, and a horse? Why would we elevate the horse to a level beyond that of another animal? Does it have a certain intrinsic value that distinguishes it?

That is something that I would like to hear, but I think it is important for the people who own horses to manage their horses.

Another question is, should horses be eaten? I have not really heard the answer to that. I know they do that in other places of the world. I have never eaten a horse. I had some zebra in Africa last year and, actually, it was the best meat I had on the continent. I never felt the desire to eat a horse, but they do that in other countries.

We have a horse herd that needs to be managed. Whatever that is, whether it is a 1 percent, a 2 percent or a 10 percent of the herd that is slaughtered, all of it does something that allows them to cull out the herd. It saves those horses from disease and starvation. And if you have seen those horses as I have in dry lot that were not taken care of, you do not want to turn these horses over to the people who do not have the means to take care of them.

But the U.S. horse herd should be managed. We should be humane with our animals. We should treat them well and give them veterinarian treatment, and those that do not fit into the plans need to be managed and taken care of and euthanized.

Now there is also the address made that we are doing this for foreign interests, that this is for the interests of foreign markets and foreign palates. We have a balance of trade that is now a minus $617 billion a year. What is wrong with marketing American products that help that, reduce the deficit in the balance of trade? And, by the way, if it is the euros that come from France, that is okay with me. I think that is a great way for us to start to repair the balance of trade.

Another thing we cannot do is set up a species in this country that sets it up as a sacred species. American horses cannot be turned into sacred cows by the Sweeney amendment.

Mr. SWEENEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from New York (Mr. SWEENEY) has 8½ minutes remaining. The gentleman from Texas (Mr. BONILLA) has 6 minutes remaining.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me quickly answer my good friend, the gentleman from Iowa (Mr. KING) by saying 2 things. When Ferdinand, the great horse champion, was sold for slaughter, he was marketed as ''eating an American champion.'' There is a distinction there.

Number two, I would ask how many zebras, how many cows do we know the names of? We know the names of many horses, and the fact is horses are not raised in this Nation for human consumption.

Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I want to commend the gentleman from South Carolina (Mr. SPRATT) and the gentleman from West Virginia (Mr. RAHALL) and the gentleman from New York (Mr. SWEENEY) for bringing this amendment to the floor.

I would point out that we hear a lot from the American Equine Veterinarian Practitioners and the American Quarter Horse Association about their great concern for these horses, and yet there are hundreds of organizations in the country today who provide funding through their foundation to provide retirement homes for unwanted horses. Yet I am not aware that the American Equine Veterinarian Practitioners do that through a foundation, nor the American Quarter Horse Association, nor do they do it through a foundation; and they are the most prolific breeders of any breed in the country.

I will also say we are talking about two foreign-owned companies here, one owned by a French family, one owned by a Belgium family. They are the only ones slaughtering horses in America.

In addition to that, the Attorney General of Texas, who is now a U.S. Senator, wrote a legal opinion while he was Attorney General stating that it was illegal to slaughter horses in Texas. And yet, despite that, the slaughterhouse brought a lawsuit, and that case is now pending in U.S. District Court.

The Mayor of Kaufman, Texas, where one of plants is located, has written a letter to us urging us to try to shut these plants down because of their consistent violation of environmental laws.

But one of the things that is most difficult about this process is that, first of all, I think everyone would agree horses have not been raised for slaughter. Unlike cows, pigs and chickens, they have not been raised for slaughter.

When you take a cow, pig, chicken or whatever to an auction house you know it is going to be slaughtered. But many people when they take a horse to an auction are unaware because there is a lack of disclosure. In fact, there is an effort made to conceal that self-described ''killer buyers'' are at the auction house and they take the horses to slaughter.

Then the process of the captive penetrating bolt being administered by low-skilled workers, low-paid workers who frequently have to do it two or three times before the horse is stunned and then his throat is slit, I would dare to say that is not humane. Now the leadership of the American Equine Practitioners say that it is humane. But if you talk to individual veterinarians, they would take controversy with that.

For every page of supporters opposing this legislation, we have pages of entities and individuals and organizations that support this legislation. And I might add a few of them that support it.

We have the owners of the last 12 Kentucky Derby winners supporting it. We have the National Thoroughbred Racing Association supporting it. We have the Thoroughbred Owners and Breeders Association supporting it. We have the New York Racing Authority supporting it. We have Churchill Downs supporting it. I could go on and on and on. But, most important, we have an inconsistent policy in the U.S. Government today on this issue. We prohibit sending horses out of America by sea for the purpose of slaughter, and yet we allow them to be slaughtered in the United States.

So it is an inconsistent policy. There is a lack of disclosure at the auction house. And when California banned horse slaughter, the only thing that they found was that, one, horse theft went down and horse abuse and neglect did not go up.

□ 1545

With that, I would urge the support of the Sweeney amendment.

Mr. BONILLA. Mr. Chairman, I yield for as much time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for the time.

I want to respond to a few of the remarks made by the gentleman from Kentucky and the gentleman from New York.

First of all, he talked about an inconsistent policy because we do not allow horses to be shipped overseas for slaughter purposes by boat. We do nothing to stop that from being done with regard to transport to Canada or Mexico. The fact of the matter is this amendment does not stop it.

So when my colleagues talk about the humane treatment of horses, this amendment is going to result in more inhumane treatment of horses if that is their guide, because they are going to be shipped greater distances to Canada and Mexico because they cannot be sent to slaughter facilities in the U.S.

Second, the gentleman from New York makes reference to the great racehorse Ferdinand, like this amendment would have stopped Ferdinand from having gone to slaughter. It absolutely would not have. I did not like seeing Ferdinand go to slaughter, but Ferdinand was sold to a Japanese owner and exported not for slaughter purposes but for breeding purposes; and later on in Japan, he was slaughtered. This amendment will do absolutely nothing to stop that same situation from happening to any other racehorse in the world.

Thirdly, the gentleman makes references to just three slaughter facilities. That is not true either. There are other slaughter facilities for horses. For example, there is a slaughterhouse in Nebraska which solely slaughters horses for zoos and sanctuaries for big cats which would be essentially shut down by this amendment because horses provide the proper type of high protein diet for those animals, when they are not out racing across the savannahs, because beef simply is not good for cats, these large cats.

The gentleman from New York says it is budget neutral, but the fact of the matter is all he is talking about there is budget neutral in terms of this particular amendment not costing any money; but consequences of the amendment will cost a lot of money because this amendment does absolutely nothing to stop the many practices that occur in this country that create unwanted horses, everything from nurse mares in the thoroughbred racing industry, to Premarin mares to produce the drug Premarin, to the foals of those mares, to the fact that for every Smarty Jones that is created, there are hundreds and hundreds of unwanted racehorses who do not make the grade and other horses that are unsuitable for riding and other pleasure purposes or showing. Those horses, as well, will fall into that category of unwanted horses.

Nor does the amendment do anything to take care of all those unwanted horses as they start to accumulate in our society. We have already talked about the massive estimated costs that will take place as a result of that.

Finally, the gentleman from Kentucky talks about the facilities that exist that would take care of horses, and we have some of those facilities in the country today. This amendment does not establish standards of care that horse rescue facilities must meet.

The humane society of the United States, which supports the amendment, admits that equine shelters are less well-established than cat and dog shelters. Citing extreme costs and staff time needed to shelter horses, the humane society warned of needing to be aware of distinctions between sheltering horses and sheltering other companion animals. Current horse-rescue facilities are overwhelmed with the amount of horses they already care for without this amendment being in effect and are in desperate search of additional funding.

The American Association of Equine Practitioners estimated that in the first year alone of a slaughter ban 2,700 additional equine facilities would be needed to keep up with unwanted horses displaced by the ban, compounding the problem by adding additional facilities that will also be searching for additional funding.

This is a bad, bad idea. I know there is a lot of emotion that says this is a great thing to do. It is not and it is not in the best interests of the horses of this country to pass this amendment. I urge my colleagues to oppose it.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

I just simply say, before I recognize, that the gentleman raises some interesting points; and I would hope that the authorizing committee could go to hearings in the near future.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my friends, the gentleman from New York (Mr. SWEENEY); the gentleman from South Carolina (Mr. SPRATT); and the gentleman from Kentucky (Mr. WHITFIELD).

What has become of us as a country, selling these horses off for horse meat to be eaten on the other side of our oceans?

The wild horse is an icon of American history. The gentleman from Iowa asked what is the difference between a horse and a steer and a hog? The horse is an icon along with the bald eagle. What is the difference between a bald eagle and a pigeon or a turkey? And if you do not know the difference, we cannot explain it to you.

Shakespeare once said that ''Horses are as full of spirit as the month of May and as gorgeous as the sun in midsummer''. Does everything have to be converted to the bottom line? There are so many alternatives to slaughtering these beautiful creatures that are on public lands. We used to have 1 million at the turn of the century. We are down to 35,000 wild horses on public lands. That is sad and wrong.

We have responsibility over these beautiful creatures. They ought not be cut up in such an inhumane way, and shipped overseas for people who want

to eat horse meat. That is not what we are about as a country. There are so many other alternatives.

We can use animal contraception methods. We could reopen over 100 herd management areas that the Bureau of Land Management has closed. We could start centers such as the one I saw this weekend, 61 horses brought from the wild West for adoption. They came from Nevada and Wyoming and California, beautiful creatures. People in the east coast are adopting them.

There are so many things we could be doing rather than selling these beautiful creatures for horse meat. We are not just about dollars and cents. We are about the things that made our country great. The wild horse is one of those things. It inspires poetry; and if my colleagues do not understand that, I guess we can't very well communicate why this is so important to us. But I trust the majority of this Congress knows what we are talking about.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Before I recognize my final speaker to close, Mr. Chairman, let me just point out if it is about the bottom line, it is about making sure USDA inspectors inspect the American food chain and not foreign food chains.

Mr. Chairman, I yield the balance of the time to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New York for yielding me time, and I appreciate his leadership, as well as the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from South Carolina (Mr. SPRATT).

I want to remind my colleagues that this particular amendment, which is a funding limitation, however, is still very similar to an amendment that the House voted on shortly before we broke before the Memorial Day district work period. That particular amendment passed in an overwhelming fashion and in a bipartisan fashion. So this is truly bipartisan when it comes to recognizing how valuable the horse is to this country and what a symbol it is of our freedom and how important it is to recognize this truly American icon.

When Americans think of the horse, I do not believe they think of it in terms of foreign cuisine on the tables of countries around the European area.

This amendment has invoked a lot of emotion and misinformation. The opposition has said that this will increase the abuse of horses and horses running wild out West. Such statements are not true.

Here are the facts. Each year some 65,000 horses are slaughtered in this country for human consumption in Europe and Asia where they are sold in restaurants as a delicacy. Another 30,000 are trucked to Canada and Mexico for slaughter. This amendment will end that slaughter of American horses for human consumption overseas.

Slaughter is not the same as humane euthanasia administered by a veterinarian in a very controlled environment. Euthanasia of horses is administered by legal injection, whereas slaughtered is administered by unskilled, untrained workers using the captive bolt. Many times this is administered improperly, causing unnecessary pain and suffering before death.

Passage of this amendment will not cause an overpopulation of horses. Each year 690,000 horses die in the U.S. many of which are euthanized by a licensed veterinarian. Slaughtered horses represent only 1 percent of horses that die each year. This would not result in an overpopulation of horses as some suggest.

There are alternatives available. Americans do not profit from slaughtering horses. This is an export-driven market. Foreigners eat our horses and foreign companies make money, and we should stop looking at it in that perspective and start looking at it in the American perspective.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SWEENEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. SWEENEY) will be postponed.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KING of Iowa) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

## LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2744, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2744 in the Committee of the Whole pursuant to House Resolution 303, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the CONGRESSIONAL RECORD and numbered 3 and 6;

Amendment printed in the CONGRESSIONAL RECORD and numbered 5, which shall be debatable for 30 minutes;

An amendment by Mr. HEFLEY, regarding an across-the-board cut;

an amendment by Mr. TIAHRT, regarding regulations;

an amendment by Mr. BROWN of Ohio, regarding school food program;

an amendment by Mr. KUCINICH, regarding genetically engineered fish;

an amendment by Mr. KUCINICH, regarding BSE testing;

an amendment by Mr. WEINER, regarding minimum guarantees for agriculture funding for States;

an amendment by Mr. STUPAK, regarding FDA clinical trials;

an amendment by Mr. STUPAK, regarding FDA whistleblowers;

an amendment by Ms. KAPTUR, regarding Emerald Ash borer;

an amendment by Mr. GARRETT of New Jersey, regarding 213A of the Immigration and Nationality Act.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

There was no objection.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2744.

□ 1600

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further 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, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. SWEENEY) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the CONGRESSIONAL RECORD and numbered 3 and 6;

An amendment printed in the CONGRESSIONAL RECORD and numbered 5, which shall be debatable for 30 minutes;

an amendment by the gentleman from Colorado (Mr. HEFLEY) regarding an across-the-board cut;

an amendment by the gentleman from Kansas (Mr. TIAHRT) regarding regulations;

an amendment by the gentleman from Ohio (Mr. BROWN) regarding school food programs;

an amendment by the gentleman from Ohio (Mr. KUCINICH) regarding genetically engineered fish;

an amendment by the gentleman from Ohio (Mr. KUCINICH) regarding BSE testing;

an amendment by the gentleman from New York (Mr. WEINER) regarding minimum guarantees for agriculture funding for States;

an amendment by the gentleman from Michigan (Mr. STUPAK) regarding FDA whistleblowers;

an amendment by the gentleman from Michigan (Mr. STUPAK) regarding FDA clinical trials;

an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding Emerald Ash borer; and

an amendment by the gentleman from New Jersey (Mr. GARRETT) regarding 213A of the Immigration and Nationality Act.

Each such amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BLUMENAUER:

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.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Texas (Mr. BONILLA) each will control 15 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I yield myself 3 minutes.

The United States sugar program is an archaic remnant of a Depression-era policy to artificially raise prices of sugar. Today, it harms American companies and consumers, while preventing developing nations from competing in the global market place. Everybody pays. U.S. consumers alone paid an additional 1 to $2 billion directly, and much more indirectly.

This is not a program that benefits our average family farmer. Under the 2002 farm bill, the sugar program has 42 percent of the sugar benefits going to the most profitable 1 percent of large corporate sugar farmers. This policy weakens our credibility for trade liberalization as it continues protection of sugar policies that restrict trade. These continuing subsidies are harming progress in the current Doha Round, a key component of which is to reduce unnecessary agricultural subsidies worldwide.

We saw an example in the discussion of the Australian Free Trade Agreement where, to keep our outrageous sugar subsidies in place, the United States acceded to Australia's position on maintaining monopolies for the export of wheat, barley and rice, therefore closing off export opportunities to United States farmers producing these crops.

It is, I think, outrageous in current American free trade CAFTA, where we are watching the door barely open over the next 15 years. If it were to pass, these countries would be able to export only 1.7 percent of the U.S. consumption.

This policy of supporting high-cost producers and limiting imports through quotas deprives more low, cost-efficient producers in developing nations. These protectionist policies in developed countries have deprived poor, desperately poor countries like Ethiopia, Mozambique and Malawi of $238 million in sales since 2001.

The current U.S. sugar program emphasis on overproduction has caused environmental degradation in environmentally sensitive areas, particularly the Florida Everglades and the Mississippi Delta wetlands. The down payment on cleaning up the Everglades that are significantly damaged by sugar production is nearly $8 billion.

Mr. Chairman, the impact on jobs in the United States is also unfortunate. The number of employees in sugar-using industries, an estimated 724,000 jobs, is 12 times the 61,000 sugar production jobs in the United States. It produces a loss of jobs as sugar-intensive industries like confectionery move to Canada and other low-cost areas. This is an opportunity today to correct that.

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

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for the great job the gentleman has done on the appropriations bill, along with the ranking member, the gentlewoman from Connecticut (Ms. DELAURO). It is kind of surprising that we have this many controversial amendments on the floor today after we worked things out in subcommittee pretty well.

I think it is an amazing thing that we are one of the few countries in the whole world that is still able to feed itself, and we arrived at this point because we had a government that supported programs that guaranteed and made sure that we always had an adequate supply and processing capacity of food and fiber so we never had to worry about whether or not we were going to have enough.

These programs do not enrich farmers. They may keep them in business in hard times, but they do not enrich them, but they do provide for adequate production of food and fiber.

Now we bring an amendment to attack the sugar industry. The last time we did away with the sugar program, the price of sugar went wild, absolutely wild.

We hear those that are opposed to the sugar program come to the floor and talk about how cheap sugar is in the world market. The fact is, all of the sugar production in the world is supported by the countries where it is produced. What is in the world market is what is excess to their own needs. It is a matter of fact that it is essential to our own well-being to have the ability to produce enough sugar in this country to take care of our own needs. Any country that cannot supply adequate food and fiber production and processing capacity is at risk in a far greater way than we have ever faced in the United States of America. Over and

over again these very modest programs that keep this production at a safe level are attacked over and over by those that just simply do not understand what it is all about.

Now I hear them talk about how farm programs enrich people. I happen to have been involved with farm programs my entire life. If anybody thinks it is a way to get rich, let me encourage them to go buy one. They are for sale every day because people go broke trying to make a living on them. Go buy one and get just rich with them. I do not know anybody who would tell Members that is the best way to make a dollar in this country. These people do it because they love it and because they are good at it, and they do not ask the government to take care of them.

It is for the well-being of the American people that we provide these programs that guarantee an adequate production of not only sugar but a lot of other food and fiber products that are necessary for our own national security. It is not a give-away program or an enrichment program for a few, as it has been described. Let me encourage this body to follow the recommendations of the subcommittee and to vote against this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 2 minutes.

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

Mr. BLUMENAUER. Mr. Chairman, I have great respect for the gentleman from Arkansas (Mr. BERRY), but the fact is that the people who are involved with sugar are not going broke. The point I made is that the top 1 percent get 42 percent of the benefits.

We do not have a problem of sugar production in this country. First of all, we produce so much sugar and if it falls below the target level they just turn the sugar over to the government and walk away from the loans. In 2002, we were paying more than a million dollars a month just to store the surplus sugar, just to store the surplus sugar.

We have 41 other countries around the world that are ready, willing and able to go into the United States market, but are not able to do so. Some of us say we believe in free trade, but we will not allow free trade when it comes to sugar because it is so intensely protected.

I have here and include for the RECORD an open letter to the United States Congress and the President signed by 50 prominent academicians, consumer experts, trade advocates, taxpayer advocates, and people who care about the environment that talk about what an outrage it is to continue this pattern.

Mr. Chairman, we just heard ''people are not asking the government to take care of this.'' Wait a minute, the government absolutely is taking care of the sugar industry in this country.

I am not talking about the problems that genuinely affect family farms. If we were doing the right thing instead of lavishing subsidy on people who do not need it and funding the promise of the agriculture bill for things like environmental cleanup, we could help those family farmers. I think it is about time to get this in perspective and not confuse lavish sugar benefits with helping ordinary family farmers.

MARCH 15, 2005.

OPEN LETTER TO THE PRESIDENT AND THE U.S. CONGRESS

SOUR SUBSIDIES—U.S. SUGAR POLICY IS UNFAIR TO AMERICAN CONSUMERS AND TO POOR COUNTRIES; HARMS THE ENVIRONMENT

*Summary:* The current sugar policy in the United States—a system of price supports and import restrictions—cannot be justified on economic or humanitarian grounds. It imposes high costs on U.S. consumers and taxpayers and causes job losses in the U.S. In addition, the sugar program causes enironmental damage and blights economic opportunities for many small farmers in poor countries, primarily for the benefit of a small group of well-off producers.

The U.S. sugar policy started 70 years ago during the Great Depression as a temporary support program for U.S. growers. The system of price supports and import restrictions allows growers in the U.S. to charge consumers and other users artificially high prices for sugar and other sweeteners, currently more than two to three times the world market price. During those 70 years, 18 presidential elections have taken place, and still consumers and taxpayers are paying to support sugar beet and sugar cane growers.

The sugar program is a transfer of wealth from those who often can least afford it to a smalll group of sugar producers. The American public transfers about $1.3 billion each year to support the sugar beet and cane growers in the U.S. The primary beneficiaries of the program are a few large corporations rather than small family farm operations, as was originally intended.

The disadvantaged lose the most when food prices are manipulated to support sugar producers. American consumers are forced to pay two to three times the world market price for sugar. Because sugar is a key ingredient in many foods, including whole grain breads, high-fiber cereals, and fruit preserves, the higher prices have a disproportionate impact on those families, who pay a larger percentage of their income on food. As a result, families with children and people on low and fixed incomes are hit the hardest by the U.S. sugar program. Sugar reform would give American families a real break for their food budget.

The miguided support policy destroys precious natural habitats. The current sugar policy's incentives for overproduction have caused environmental degradation in ecologically sensitive areas, including the Florida Everglades and the Mississippi Delta wetlands. The impact is particularly acute in the Everglades, as the U.S. grows much of its cane sugar in Florida, resulting in the diversion of sorely-needed water from the country's most famous and endangered wetland. Sugar producers are seriously polluting these valuable wetlands to produce sugar that could be produced with less cost and pollution in a number of other countries. In addition, the U.S. is growing sugar beets with high costs and poor sugar yields per acre on land that could readily be shifted to crops with higher comparative advantage, such as feedstuffs.

Domestic sugar policy has contributed to the loss of jobs in the sugar-using industry. The number of employees in the sugar-using industry—an estimated 724,000—vastly outnumbers the 61,000 sugar production jobs in the United States. The artificially inflated domestic sugar price increases the costs of production for sugar-using industries, which has led to some companies moving their facilities to other countries and has added to U.S. job losses in these industries.

Sugar producers in developing countries bear the brunt of rich countries' support programs. Domestic subsidies and protectionism distort the price of sugar on the world market. Poor farmers in developing countries—no matter how efficient—cannot compete with sugar unloaded on the world market by rich countries' subsidized producers, and a valuable opportunity for achieving higher living standards is lost.

The United States undermines its global leadership role in promoting open trade by insisting on indefensible sugar protectionism. While the U.S. promotes open trade in many venues, it is one of the worst offenders in distorting world sugar markets. The United States' exemption of sugar from recent trade negotiations has undermined the country's ability to negotiate and achieve more open trade with other nations. This special protection of sugar has cost other U.S. producers broader export opportunities and U.S. consumers the chance to benefit from more open trade with these countries.

The U.S. sugar policy affects other economic and policy objectives besides trade. Reforming one of the most protectionist agricultural programs could contribute to economic growth and stability in other parts of the world and demonstrate U.S. willingness to embrace broader international cooperation.

As a group of non-profit organizations representing consumers, citizens, and taxpayers, we support a fundamental reform of the United States' sugar policy.

Removing protectionist barriers to sugar around the world could lower the price for U.S. consumers by 25 percent from current, artificially high levels.

Reducing support in the U.S. could save consumers and taxpayers up to $1.3 billion per year.

The net loss to the U.S. economy due to the sugar support program in 1998, the most recent year for which analysis is available, is about $900 million, according to the U.S. General Accounting Office.

Reducing sugar cane production in Florida could improve environmental quality as water-retention capacity in the Florida Everglades watershed could be increased.

Lowering sugar overproduction can help reduce the impact of pesticide and fertilizer usage on the environment.

Reducing costs for sugar-using industries could help retain workers.

The benefits for developing countries would also be substantial:

If rich countries' sugar subsidies and trade barriers were eliminated, it is estimated that the world market price of sugar could rise by almost 40 percent, providing valuable economic opportunities. At the same time, consumers in heavily protected markets such as the U.S. would still enjoy an overall benefit of a reduction in prices of about 25 percent.

If the U.S. is serious about helping poorer countries, it has to open up its markets for those countries' products, which would help U.S. consumers and create employment not only in poor countries but also in the large sugar-using sectors in the U.S.

The undersigned urge our public and political representatives to debate the need for reforming this destructive policy that hurts consumers and taxpayers in the United States, harms the environment, and holds back further ecommic development in many poor countries around the world.

Frances B. Smith—Consumer Alert; Barbara Rippel—Consumer Alert; Rhoda

Karpatkin—Consumers Union; Mark Silbergeld—Consumer Federation of America; Pam Slater—Consumers for World Trade; John Frydenlund—Citizens Against Government Waste; Dennis Avery—Hudson Institute—Center for Global Food Issues; Alex Avery—Hudson Institute—Center for Global Food Issues; Greg Conko—Competitive Enterprise Institute; Fred Smith—Competitive Enterprise Institute; Fred Oladeinde—The Foundation for Democracy in Aftica; Tad DeHaven—National Taxpayers Union; Chad Dobson—Oxfam America; Philip D. Harvey—DKT Liberty Project; Phil Kerpen—Free Enterprise Fund;

Clayton Yeutter—Former U.S. Trade Representative and former U.S. Secretary of Agriculture; Nathaniel P. Reed—Chairman Emeritus, 1000 Friends of Florida and former Assistant Secretary of the Interior; Professor William L. Anderson—Dept. of Economics, Frostburg State University; Professor James T. Bennett—Dept. of Economics, George Mason University; Sam Bostaph, Ph.D.—Associate Professor and Chairman, Dept. of Economics, University of Dallas; Donald J. Boudreaux—Chairman, Dept. of Economics, George Mason University; John Brätland, Ph.D.—Economist, U.S. Department of the Interior;

Peter T. Calcagno, Ph.D.—Assistant Professor of Economics, Department of Economics and Finance, College of Charleston; Professor Lloyd Cohen—School of Law, George Mason University; Professor John P. Cochran—Metropolitan State College of Denver; James Rolph Edwards, Ph.D.—Professor of Economics, Montana State University-Northern; Professor Kenneth G. Elzinga—Robert C. Taylor Professor of Economics, Dept. of Economics, University of Virginia; Professor William P. Field—Dept. of Economics (emeritus), Nicholls State University; Professor Gary Galles—Professor of Economics, Pepperdine University; S. D. Garthoff—Adjunct Faculty, Dept. of Economics, Summit College—The University of Akron;

Professor Robin Hanson—George Mason University; David R. Henderson—Research Fellow, Hoover Institution; Robert Higgs, Ph.D.—The Independent Institute; Professor Steven Horwitz—Professor of Economics, Associate Dean of the First Year, St. Lawrence University, Canton, NY; Professor Daniel Klein—Dept. of Economics, Santa Clara University; Professor Laurence Iannaccone—Dept. of Economics, George Mason University; Dr. Arnold Kling—www.econlog.org; Professor Dwight R. Lee—Ramsey Professor of Economics, University of Georgia; Professor Leonard P. Liggio—Atlas Economic Research Foundation; Professor Roger Meiners—University of Texas at Arlington;

Professor Andrew Morriss—School of Law and Dept. of Economics, Case Western Reserve University; Professor Svetozar Pejovich—Dept. of Economics (emeritus), Texas A&M University; Dr. William H. Peterson—Independent economist, Washington, DC; Professor Adam Pritchard—University of Michigan; Professor Gary Quinlivan—Dean of the Alex G. McKenna School, St. Vincent College; Professor Charles K. Rowley—General Director, The Locke Institute; Karen Vaughn, Ph.D—Professor of Economics (ret.), George Mason University; Professor John T. Wenders—Dept. of Economics, University of Idaho; Bart Wilson—Associate Professor, Dept. of Economics, George Mason University; Professor William Woolsey—Dept. of Economics, The Citadel.

Mr. BONILLA. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the authorizing committee.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the Blumenauer-Flake amendment which calls for reductions of the loan rates established in the 2002 farm bill for both sugar beets and sugarcane.

Farmers have crafted their business plans based on the assurances of the 2002 farm bill. Much of the crop of sugar that will be placed under loan in fiscal year 2006 is already in the ground. Farmers have invested time and money in that crop, often with capital borrowed from the bank. It is unfair now to reduce the returns that farmers counted on when planning, financing and planting that crop.

This debate concerning the sugar program is an important one. However, it is a debate we should conduct at the appropriate time: during authorization of a new farm bill.

□ 1615

As chairman of the House Agriculture Committee, I have announced my intention to hold hearings, and the committee will begin work on a new farm bill this fall. During that process and not when we are on the House floor debating an appropriations bill is the correct time for discussing and possibly making important changes to U.S. sugar policy.

Mr. Chairman, in my capacity as chairman, it is my responsibility to look at all of agriculture and consider what is best for the United States and our farmers and ranchers. However, I must note that the U.S. sugar industry does not take the same view when it comes to CAFTA. That free trade agreement is good for U.S. agriculture, but U.S. sugar is the only major agriculture group opposing it. I am disappointed that we do not have total agricultural support for that FTA. I hope that sugar interests will look to help us with that legislation and find a way to close the gap and see that it is passed.

But regardless, the policy that was put in place by the 2002 farm bill must remain intact. I urge my colleagues to vote ''no'' on this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. FLAKE), the coauthor of this amendment.

Mr. FLAKE. I thank the gentleman for yielding me this time, and I thank the gentleman for bringing this amendment forward.

Mr. Chairman, this represents a bipartisan step in the right direction. There are much needed reforms in this area. These agriculture subsidy programs are out of control, not just in the area of sugar but sugar is right on top. It is amazing that you could have something as sweet as sugar that leaves such a bitter, sour taste in consumers' mouths when you realize that we pay more than $1 billion a year extra just from the inflated cost of sugar to support this program.

Supporters of the sugar program like to say this does not cost taxpayers any money, but they ignore the fact that it costs to store the sugar. It costs to implement the program. And when you levy a tax on consumers by inflating the cost, it is just like a tax. It is just like a tax. So we are paying. Every time you bite into a candy bar, that is a couple of cents that you are paying extra. It is the principle of diffuse costs/concentrated benefits. No one is going to come to Washington to lobby to get 4 cents off their candy bar price, but the top 1 percent of those who are getting this subsidy are sure going to come here to lobby and they do and they are. That is why it is so difficult to get rid of these subsidies.

Let me just remind my colleagues some of the organizations that are for this amendment. The National Taxpayers Union, a statement from them says, Sugar interests like to make the claim that the sugar program is at no cost to taxpayers. As I said, they conveniently ignore that this monstrous program costs staffing and operating the bureaucracy necessary to support it.

Another statement from Citizens Against Government Waste: It is bad enough that the archaic sugar program forces American consumers to pay two or three times the world price for sugar and sugar-containing products. Even worse is the fact that more than any other farm program, this is an obstacle to advancing freer international trade for all agricultural products. We saw in our free trade agreement with Australia, for example, this was a stumbling block. It is a stumbling block right now to CAFTA. So it comes up again and again and again.

We have got to stand for free trade. I do not know how in the world you can support this program and truly stand for the principles of free trade. The Free Enterprise Fund said, In 2004 government price controls through quotas and loan guarantees priced U.S. sugar at more than 20 cents a pound, more than double the world price of 8.6 cents. So it is inflating the cost all over.

Also, for those conservatives out here, the Club For Growth has come out against this subsidy program and for the Blumenauer/Flake amendment. The Club For Growth will be scoring this amendment. For those who feel that fiscal responsibility is important, vote for the Blumenauer/Flake amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD), a distinguished member of our subcommittee.

Mr. BOYD. Mr. Chairman, I want to thank the gentleman from Texas for yielding me the time.

Mr. Chairman, I am troubled by the attack on sugar cane and sugar beet growers that this amendment represents, and I strongly would like to urge all my colleagues to reject this proposal. Mr. Chairman, all U.S. commodities covered by the 2002 farm bill are eligible for loans from the Federal Government. So sugar cane and sugar beet farmers are not receiving special treatment. The only difference between the sugar loan program and other commodity loan programs is there is no cost to the taxpayer. Sugar farmers have had the same loan level for 20 years. Inflation continues to increase production prices.

Mr. Chairman, this amendment reopens the farm bill and singles out one commodity. This is an issue that we should discuss when the 5-year farm bill expires and is reenacted in 2007. I would urge my colleagues to reject this proposal and not yank the rug out from our American farmers who are trying to produce food and fiber for our country and others around the world.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 minute. I have great respect for my friend from Florida, but I have three brief observations. First of all, the notion that there is no cost to the taxpayer is just simply not the case. Consumers in this country by all independent estimates are paying between $1 billion and $2 billion a year extra in the price that they pay for sugar and sugar-related products. Second, there is never a good time to consider this. This amendment is not pulling the rug out from underneath sugar producers. It would be a 6 percent reduction in the lavish Federal subsidy. This will be a good signal for people to get serious about making a change.

I heard my friend from Virginia talk about the problem under CAFTA. That is an example of how hard-nosed and extreme the sugar interests are. Getting 1.7 percent of the market over 15 years is such that they consider it being tantamount to World War III. I think that is an example of the mindset of this industry, how intransigent they are and why we need to address it today.

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

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment. I know a great many sugar producers who have had to buy the sugar beet factory in order to have a viable business. In doing so, they have taken out extensive loans and the whole financial structure is based on the current sugar program. And so to change the program in the middle of the stream when these people are oftentimes selling at marginal rates, sometimes below the forfeiture level, and then to say, well, we are just going to change it 5 or 6 percent, the margin of profit sometimes is no more than 2 or 3 percent.

So to say to these people, it makes no difference and we are going to just willy-nilly change the farm bill makes absolutely no sense. You can do it for wheat, you can do it for corn, you can do it for any crop; and that is why we have a farm bill, to make sure that people have some continuity, have something to hang their hat on.

I certainly rise in opposition and I urge a ''no'' vote.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON), who is a member of the Committee on Appropriations.

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman yielding me this time.

First, let me talk about some of the comments that were just made and tell you that the world cost of production of sugar is about 16 cents, (not the 8.5 cents) is the world price. The world price is a dumped price. That means when a country overproduces sugar and cannot get enough money for it, it just dumps it on the market for whatever it can get. That is the dumped price. What happens, as the gentleman from Oregon said, this does not cost jobs in the United States.

The reality is that if you look at Mexico and Canada, right now the price of sugar in the United States is around 22 cents. The price of sugar in Mexico is 23 cents. The price of sugar in Canada is about 21 cents. These companies are not moving to these foreign countries because of the price of sugar.

The reason they are moving there is the same reason they are moving to Mexico, where Mexico will allow a company to move there, build their facility, employ their people, buy world-dumped-price sugar, and then sell it back into the United States but not allow it to be sold into Mexico to compete with their domestic sugar supply. That is what we are dealing with. We would allow free and fairer trade across the country, free trade and fairer trade in sugar, but this is not it.

I urge my colleagues to reject this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 minute. No one has more respect for the gentleman from Idaho than I have, but the dynamic that is going on here is that we provide the most lavish support for sugar production in the world. These other countries cannot compete with us. I have mentioned and I have entered into the RECORD areas where countries like Mozambique and Malawi, where they are losing business, they cannot compete in terms of what the United States does with our dramatically subsidized sugar.

Were we to stop this program, and bear in mind I am not suggesting stopping it, everybody is exercised because we are talking about a 6 percent reduction, but if we were to go to a world market price we would find that the world price would increase but we would find that prices in the United States would decrease, and we would save damage to the environment and to United States production. I think it is a win-win situation.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I am not here to protect the industries in Mozambique. I am here to protect the people in Belle Glade, Florida. If the gentleman from Florida (Mr. HASTINGS) were with us today, he would tell you the same thing. It is about jobs in this country. I appreciate all this ruckus being made on the floor about subsidies. There are no subsidies. Sugar is at the lowest price it has been in decades. When was the last time a candy bar reduced its price? When was the last time a Coca-Cola was sold cheaper in the machine? Has it happened? No. It has not happened. We are talking about trying to reintroduce an amendment that has been introduced for now 10 years, since I have been in this process.

They talk about wealthy growers, wealthy farmers. You come out to Belle Glade and see people that are farming sugar in my district, people that need jobs, people of all races and ethnicities, people that are working hard for a living supplying America's sugar needs. They are not on the dole. They are not on the take. They have not forfeited their sugar. They have not turned in their goods. They have not asked the government for special favors or money. They have worked hard and paid their taxes. But all of a sudden on the floor I am told I have got to help the people in Mozambique. Well, God bless America. I will help my people. You help Mozambique.

Mr. BLUMENAUER. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank my colleague from Oregon for yielding me this time. I rise in strong support of this amendment by both my colleague from Oregon and my colleague from Arizona. It is very important to note that if we talk about free trade and we talk about free markets, we ought to follow that talk with action. The reality is you simply cannot defend current policy. I listened to one of my colleagues on the floor just a few moments ago who talked about the dire consequences of this amendment.

Let me tell you how precisely how dire they are. It would reduce the effect of the sugar loan program by 6 percent. Quite frankly, we have to begin at some point. If we believe in free markets, if we believe there ought to be open trade on these issues, then we need to begin somewhere.

I just listened to my other colleague from Florida, a gentleman I admire greatly. He said visit these poor sugar farmers and see that they are barely making their living. I understand that. Except that on that theory, the government owes it to everyone in America to

subsidize their income. That simply is not the kind of America that I believe in. It is not the kind of America that the Founding Fathers envisioned. U.S. sugar policy today, the subsidies we provide, the loan programs we provide cost American consumers as much as $2 billion each year. How do we defend that policy back home? Is it not appropriate now that we begin to send the message that we should wean ourselves from unproductive subsidies and policies that discourage productive capacity and production by people of goods and services we need?

No one wants to put today's sugar farmers out of work, but we do need to make sure that there is free trade in America and that no product is given beneficial treatment. This is a reasonable start. I urge my colleagues to support the amendment.

□ 1630

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise today in opposition to the Blumenauer-Flake amendment to H.R. 2744. I have lots of respect for the gentleman from Oregon (Mr. BLUMENAUER), but I must speak up for our sugar producers and for jobs in South Texas.

Nearly every year an anti-sugar-farmer amendment is offered to the agriculture appropriations bill, and almost every year the same misinformation is recklessly spread about sugar farmers. Before voting on the Blumenauer-Flake amendment to H.R. 2744, consider these facts:

I repeat what the gentleman from Florida (Mr. BOYD) said earlier. All U.S. commodities covered under the 2002 farm bill receive loans from the Federal Government. Sugar is not receiving a special treatment. I represent lots of ag producers, and it is a fact that loan levels for sugar farmers have remained unchanged for 20 years.

Therefore, I urge my colleagues to vote ''no'' on the Blumenauer-Flake amendment to H.R. 2744.

Sugar prices in the United States are low by world standards. Grocery shoppers in other developed countries pay 30 percent more for sugar than U.S. consumers.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need the sugar or not. As the world's fourth largest net sugar importer, we're the only major sugar-producing country that is a net importer.

146,000 Americans are employed by the U.S. sugar industry. A vote for the Blumenauer-Flake Amendment to H.R. 2744 is a vote against 146,000 hard-working farmers and workers in 19 States.

Therefore, I urge my colleagues to vote "no" on the Blumenauer-Flake Amendment to H.R. 2744 and save over 100,000 American jobs.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time.

It seems curious to me that at a time when our trade deficit is the deepest in the history of our country and that we face the prospect that this year the United States may actually import more agriculture goods than it exports, that we would hear in the urging of the passage of this amendment that bringing in foreign product is the thing we need to do.

I represent sugar beet growers in the Red River Valley. This is an industry that they have built from scratch with sweat and toil at an enormous financial risk. Presently, it makes a $2 billion contribution to our economy and employs directly 2,500; indirectly, 30,000. This is a vital industry to the region I represent and needs to be protected.

It is simply not responsible to take on a component of the economy as important as, for example, this industry is in the region I represent by amendments offered in the course of appropriations debate.

I urge my colleagues to reject this amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON), the distinguished ranking member of the authorizing committee.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I rise in opposition to the Blumenauer-Flake amendment; and I just want to correct some misinformation that is put out here, some of it by the gentleman from Oregon (Mr. BLUMENAUER).

We are not the highest-priced support system in the world. In fact, CAFTA was brought up. I was in Guatemala, and the internal price in Guatemala is actually higher than the internal support price in the United States. We are importing 1½ million tons of sugar that we do not need that the gentleman from North Dakota (Mr. POMEROY) and I could grow in the Red River Valley with our farmers, and here we are in CAFTA letting sugar come in from a country that has an internal price support that is higher than the United States. The Europeans are 50 percent higher than we are in this country, and this program does not cost any money directly for the government.

But the irony of this amendment, if we pass it, we probably will have forfeitures for the first time in 20 years, and we will cost the government money.

So oppose the Blumenauer amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

I stand here today, and if sugar is such a great and wonderful and high-priced subsidized commodity, someone needs to call Hugh Andre or Nooni Duplantis or call the management at the two sugar mills that shut down in Louisiana. They did not shut down because they were making money. These boys are not having problems getting their production loans because they are making money. They are having problems because they are having a tough time making the bottom line, and it is just not working.

When we start talking about free trade, we are getting things confused here. Sugar in the GATT gave up 15 percent of the imports allowed in this country under the agreement with the United States Government that that would be it, no further depletions in the future agreements. Yet every time there is an agreement, sugar is in it. Do the Members know that there is not another agreement in a third world developing country that grows sugar, that sugar has been included? Canada got out of the agreement. They produce sugar.

I ask that the Members vote against this amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL), who will wrap up this debate for our side, again strongly opposing this amendment.

Mr. ENGEL. Mr. Chairman, I rise in very strong opposition to this amendment.

I want to come clean and say that I have an extremely large sugar refinery in my district, so I have followed the sugar industry throughout the course of my career in the House of Representatives.

It is very easy to hoist up a straw man and say that they are the root of all evil. But remember the old series ''Dragnet'' where they said, ''Just the facts, ma'am, just the facts''?

The facts are that this is an agriculture bill, not a farm bill. Congress made promises to farmers in the 2002 farm bill, and sugar farmers made decisions based on these promises. Sugar is not receiving special treatment. All U.S. commodities covered under this farm bill receive loans from the Federal Government, and loan levels for farmers have remained unchanged for 20 years. Sugar policy, unlike other farm policies, operates at no cost to the taxpayers, that is, no cost to the taxpayers. In fact, sugar prices in the United States are low by world standards.

So America's sugar farmers cost taxpayers nothing, provide U.S. consumers with prices that are lower than the rest of the world, and open their market to imports more than other countries.

This northeasterner from New York absolutely opposes this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself such time as I may consume.

It is a fascinating debate that we are having. I appreciate the spirited nature, and I hope that it leads to a broader discussion, because I hope each and every Member does his or her own individual research and considers some

of the fantastic claims that have been made here.

I had one of my colleagues say, ''We have the most open market in the world for sugar in the United States.'' Let us take a step back and have people examine that, because no expert that I have heard suggests that that is remotely the case.

''Sugar does not receive any special benefits or treatment''? Not true. Sugar alone has this system of keeping out production from 41 other countries except under tightly controlled circumstances and providing lavish guarantees to many large sugar producers.

The point I made earlier, was not that somebody couldn't cite a poor sugar farmer that he or she may know someplace. The point I made is that if the Members care about poor farmers and other areas of agriculture, take a look at this program. Forty-two percent of the benefit goes to the top 1 percent of the producers. It is outrageous. It is how they are able to become the top agricultural contributors to political campaigns in the United States Congress, even though sugar farmers are only 1 percent of our farm production.

I heard the gentleman from Florida (Mr. FOLEY) say he did not care about people in Mozambique. It was about jobs in Belle Glade, FL. That is an interesting quotation to come from him as a champion of open trade and a member of our Committee on Ways and Means. I will look forward to hearing his saying something like that when it comes to CAFTA or the next trade legislation. That is completely contrary to what I have understood his position to be in the past.

The fact of the matter is that when it comes to lavish support for the sugar industry, we turn a blind eye, either for politics or for sentimentality, but the fact is that we are consistently, consistently, paying raw sugar prices two to three times the world price. Do not take my word for it. Go to the nonpartisan Congressional Research Service that we rely upon or, as I mentioned, the experts that I am putting in the RECORD.

We consistently, consistently in this country pay more. That is why we are taking $1 to $2 billion out of the pockets of the consumer and into the hands of the sugar industry, and that is the tip of the iceberg in terms of the costs.

I mentioned Florida. We would not be putting 450,000 acres in sugarcane production in Florida draining into the Everglades if it were not for this lavish program. But we are as a Congress because of the legacy of the explosive growth.

I will wrap up by saying there is a lot to say. I urge colleagues to examine it and to approve the Blumenauer-Flake amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) will be postponed.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, energy prices, specifically natural gas prices, in the United States have reached drastically high levels and are devastating our agricultural sector. Maintaining abundant supplies of natural gas and other various forms of energy are essential to keeping American agriculture competitive within the world marketplace.

According to the Fertilizer Institute on May 26 of this year, ''Natural gas is the feedstock for producing nitrogen fertilizer and accounts for up to 90 percent of the cost of its production. As a result of the ongoing natural gas crisis in the United States, 21 nitrogen fertilizer production facilities have closed since 1998. Sixteen of those plants have closed permanently, while five plants remain idle.''

If present policy of denial of access to decades of natural gas reserves continues in this country, the future offers no hope for relief. The U.S. Department of Energy projects that by 2010 the Nation's demand for natural gas will increase by another 30 percent. We cannot continue to have the highest natural gas prices in world. We are at $7, Canada is at $6, Europe is at $5, China is at $4, and the rest of the world is below $2, and two countries are below $1.

Mr. Chairman, as we move toward a conference with the Senate, may I have the gentleman from Texas's (Chairman BONILLA) commitment to work with me in securing report language calling for the Economic Research Service to examine the impact of rising natural gas prices on our domestic agricultural economy and the effects that has on American agriculture in the world marketplace?

Mr. BONILLA. Mr. Chairman, reclaiming my time, I would be happy to work with the gentleman and anyone associated with this issue to ensure that the Economic Research Service examine the high energy costs of natural gas prices and their impact on the rural agricultural economy.

Mr. PETERSON of Pennsylvania. Mr. Chairman, if the gentleman will continue to yield, I thank him for his answer.

AMENDMENT NO. 6 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CHABOT:

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.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

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

□ 1645

Mr. CHABOT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the rationale behind this amendment is simple: hard-working taxpayers should not have to subsidize the advertising costs of food industry associations or cooperatives, or State and regional trade groups. Yet this is exactly what the Market Access Program does.

Since 1997, MAP has cost the American taxpayers nearly $1 billion. Let me put that another way. Despite a massive budget deficit and unsustainable spending on entitlement programs like Social Security and Medicaid, the Federal Government continues to spend more than $100 million annually to underwrite the overseas advertising costs of groups like the Popcorn Institute and the Catfish Institute and the Ginseng Board, just to name a few.

Let me be clear. I strongly support American businesses of all kinds marketing their products around the world. I just do not think that the American taxpayer should have to pay for their advertising costs. It seems reasonable to believe that if trade associations felt that advertising their products in other countries would be beneficial, they would do it, and they would pay for it.

Mr. Chairman, the General Accounting Office, the GAO, has reviewed the MAP program and has concluded that MAP has no discernible effect on U.S. agricultural exports. Let me repeat that: no discernible effect. But at an estimated cost of $140 million last year, MAP does have a discernible impact on the American people in the form of lighter wallets and in the red ink of our budget deficit.

Let us be honest. Most American businesses do not benefit and do not try to take advantage of government handouts like MAP. Most businesses want to keep more of what they earn. They want fewer burdensome regulations that limit growth and stifle productivity, and they would like the opportunity to compete on a level playing field in markets around the world. That would be a true Market Access Program.

However, the U.S. Department of Agriculture plans to spend $125 million on MAP in the 2006 fiscal year. If recent

history is any indication, those groups that market pistachios and prunes and papaya and pears and pet food and popcorn will do pretty well, getting nearly $6 million in 2004. The National Watermelon Promotion Board benefited from MAP in the past too.

We should ask ourselves, if these groups truly thought it would benefit their bottom line to advertise in foreign markets, would they not do it on their own dime? Would they not do it themselves? If it was their own money, would they not be more likely to work harder to make sure the money was well spent? Would that not make for more effective market access?

MAP is the poster child for corporate welfare. It is wasteful spending in the name of job creation and market access that fails to provide either.

I urge my fellow Members of Congress to join me and the gentleman from Ohio (Mr. BROWN) and join the National Taxpayers Union, Citizens Against Government Waste, Taxpayers For Common Sense, and U.S. PIRG in casting a vote for the overburdened American taxpayer. Please vote ''yes'' on this amendment.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting to hear the term ''corporate welfare'' that was brought before the public to a large degree in the previous administration to try to attack a lot of private sector investment opportunities that helped create jobs. This does not fall into that category.

This is a situation where individual companies that receive assistance from the MAP program have to match 50 percent of any funds received. In addition, participants are required to certify that Federal funds used under the program are to supplement and not replace private sector funds.

Farmers, ranchers, and rural business owners from all regions of the country benefit from the program's employment and economic effects from expanded agricultural export markets. More than 1 million Americans have jobs that depend on exports. This program helps to ensure that American agricultural products have export markets.

MAP is an effective program and deserves everyone's support. I urge a ''no'' vote on this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Chairman GOODLATTE), also in opposition to this amendment.

Mr. GOODLATTE. Mr. Chairman, I also rise in opposition to the amendment. This is not the time for unilateral disarmament when you are talking about the trade competition that we face in the world.

The gentleman mentions it is a $140 million program. The European Union alone spends $2 billion each year on export subsidies. So the opportunity for us to promote exports by giving companies an incentive to buy American agricultural products when they then provide sales and services overseas is well worth it, if indeed you are facing that kind of competition.

The European Union has a trade surplus in agriculture with the United States. One of the reasons they do is because they provide far more of this type of support than we do. So to take away what little we have while we are in the midst of intense negotiations with the World Trade Organization is, to me, unilateral disarmament.

What this program does is promote the export of American agricultural products. It is estimated that for every $1 billion of U.S. agricultural exports, we create 15,000 jobs in this country. Last year we exported over $60 billion worth of agricultural products, creating nearly 1 million jobs. Taking away this program is going to take away some of those jobs. It is not a good idea. I urge my colleagues to reject the amendment.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Ohio for his commonsense amendment. If this Congress were not a captive of special interests, the Chabot/Brown amendment would pass unanimously.

We in this body, we preach balanced budgets; yet we spent, as the gentleman from Ohio (Mr. CHABOT) said, $1 billion on this program, on this welfare program. We preach in this body prudent spending, yet we are suggesting spending $125 million for fiscal year 2006 on this program. We preach free enterprise in this body day after day after day, yet we are using government dollars to advertise on behalf of private interests.

The Market Access Program, as the gentleman from Ohio (Mr. CHABOT) said, gives away $100 million annually to groups like the Catfish Institute, the Popcorn Institute, the Ginseng Board to market their products overseas. We encourage these organizations, these private for-profit or not-for-profit, it does not matter, we encourage them to advertise overseas if that helps their bottom line. But they should do it on their dime, not on the taxpayer's dime. It simply does not make sense.

I know what budget cuts mean to my district in Cleveland when we have seen the cuts that happened to NASA and the kinds of job loss in my community. We have seen what Medicaid cuts cost in terms of quality health care. Yet we are going to spend $125 million on a program that clearly shows no real benefit to those organizations. If they did show benefit, they would be spending their own money.

Mr. Chairman, I urge my colleagues to support the Chabot amendment, to join National Taxpayers Union, Citizens Against Government Waste, Taxpayers For Common Sense, U.S. PIRG, and a whole host of other groups in passing this amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) will be postponed.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. KING of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman yielding on this important subject matter. It is an issue that I know the gentleman has done due diligence on and paid attention to.

I rise today to address the issue of an amendment that I had prepared to offer that I will not be offering that would require the Secretary of Agriculture to report to Congress on the National Animal Identification System, including the effectiveness of the pilot programs funded in the FY 2005 budget year. Analysis of the economic impact of the proposed system on the livestock industry and the expected costs of the implementation of the system need to be part of a report.

USDA has been working diligently to establish a National Animal Identification System since December of 2003. That is when they discovered bovine spongiform encephalopathy, BSE, in a Canadian cow in Washington State. On May 5, 2005, USDA announced their Draft Strategic Plan and Draft Program Standards. The Department plans on making this a mandatory system by 2009, which would identify animals for disease surveillance.

It is not a new concept, Mr. Chairman. In fact, in the 90s we had implemented a plan to address and identify cattle vaccinated for brucellosis, which is a bacterial disease that affects cattle, hogs, and other livestock. This program has been successful and is scheduled to be phased out. This is not a new thing for the USDA.

I have been saying since before the discovery of BSE that we need an animal identification system that is up and running. It would be an insurance policy for livestock owners in the case of a disease outbreak. It would also be a system that is beneficial for foreign trade. It would be creative, and it would be invaluable for our marketing opportunities and for our breeding information.

Overall, the need for this system is immediate. The Canadians and the

Australians, whose system I have visited and observed, and others already have electronic systems in place that they continue to refine.

For the sake of disease surveillance in trade, for the future of the livestock industry, I would like to see a system up and running as soon as possible. In fact, I am in the process of finishing my own bill on animal identification that I plan to introduce in the coming weeks.

One of the most important and immediate needs is to know what the USDA has been doing. They have invested approximately $18 million in a pilot program working in cooperative agreements between the States and the tribes, and the accountability of the USDA yet has not been apparent to us. We need to know how these projects are progressing and how they justify their worth to the taxpayer.

Also the USDA has spent another $15 million on development, infrastructure, promotion and staff overhead of the animal identification system that they are seeking to implement. It may only be the tip of the iceberg, but when the USDA issued its Draft Strategic Plan and Draft Program Standards in May, many hoped to see a cost estimate for the system.

Farmers are concerned about the costs that they might have to invest into them out of their profit margins. So I have those similar concerns. I am asking the USDA to produce that report. In fact, last year in the report language of the same appropriations bill, there was a request for a report on BSE itself, and that was to be before this Congress on July 15 of 2004. We have not seen that report yet, and I hope we are able to get one. The CBO score for this proposal, by the way, I did have it scored, scored it at zero; so there is not a cost to our budget.

Again, I hope we would be able to get some report language that could address this important topic of animal identification.

I thank the chairman for his diligence on this issue and for yielding to me.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman for bringing this issue to the forefront. It is something that I have been working on and many other Members as well, and we are committed to working through conference to address the gentleman's needs.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to express my pleasure with the gentleman raising the issue of animal identification. I would simply like to say that I, for one, believe that we are not moving ahead on this matter nearly fast enough. We need a national program. We need to get to 48-hour track-back as soon as possible, and we should be doing everything possible to move USDA forward.

We have a pilot project on this issue going on in Wisconsin which appears to be very successful, but I am afraid that there is much more foot-dragging than we can afford on this issue. I would simply say that I would hope that both the USDA and the Congress would become much more aggressive than it has been so far in establishing a truly effective national animal ID program, so that we can assure the consuming public that every bit of meat that is produced is in fact safe to eat. The sooner we do, the sooner we set up this kind of a system, the sooner every farmer, every rancher, and every consumer will be better off.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by Mr. WEINER of New York; amendment No. 8 offered by Mr. REHBERG of Montana; amendment offered by Mr. HINCHEY of New York; amendment offered by Mr. SWEENEY of New York; amendment No. 5 offered by Mr. BLUMENAUER of Oregon; and amendment No. 6 offered by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1700

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 201, not voting 6, as follows:

[Roll No. 230]

AYES—226

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fossella
Frank (MA)
Gibbons
Gilchrest
Gingrey
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rogers (MI)
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—201

Abercrombie
Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Farr
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris

Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Akin
Cox
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush

□ 1726

Messrs. PEARCE, ORTIZ, ALEXANDER, GALLEGLY, GARY G. MILLER of California, LINDER, BARTLETT of Maryland, and Mrs. BONO changed their vote from ''aye'' to ''no.''

Messrs. CUELLAR, MARSHALL, TANNER, BRADLEY of New Hampshire, EDWARDS, HOEKSTRA, GORDON, SCHWARZ of Michigan, Ms. CORRINE BROWN of Florida, Mrs. KELLY, Mrs. JONES of Ohio, and Mrs. CUBIN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. REHBERG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Montana (Mr. REHBERG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 240, not voting 6, as follows:

[Roll No. 231]

AYES—187

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Carson
Conyers
Costa
Cramer
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Everett
Fattah
Filner
Fortenberry
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Istook
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McMorris
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (FL)
Miller, George
Mollohan
Moore (WI)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Owens
Pallone
Pascrell
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Pomeroy
Rahall
Rangel
Regula
Rehberg
Rogers (AL)
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wilson (NM)
Woolsey
Wu
Young (AK)
Young (FL)

NOES—240

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costello
Crenshaw
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McNulty
Meeks (NY)
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Otter
Oxley
Pastor
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn

NOT VOTING—6

Cox
Ford
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush

□ 1735

Mr. FORBES changed his vote from ''aye'' to ''no''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 210, not voting 6, as follows:

[Roll No. 232]

AYES—218

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo

Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jenkins
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Platts
Pomeroy
Rahall
Rangel
Reyes
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—210

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

NOT VOTING—6

Cox
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush
Slaughter

□ 1745

Messrs. SHAYS, THOMPSON of Mississippi, BOREN, WYNN and MORAN of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SWEENEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. SWEENEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 158, not voting 6, as follows:

[Roll No. 233]

AYES—269

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Capito
Capps
Capuano
Cardin
Carnahan
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Dreier
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gohmert
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hayworth
Herseth
Higgins
Hinchey
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Pickering
Pitts
Platts
Poe
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Smith (NJ)
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—158

Akin
Alexander
Baker
Barrett (SC)
Barton (TX)
Beauprez
Berry
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Buyer
Calvert
Camp
Cannon
Cantor
Cardoza
Carson
Carter
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (TN)
Deal (GA)
Delahunt
DeLay
Dingell
Doolittle
Drake
Duncan
Edwards
Emerson
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goodlatte
Granger
Graves
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Honda
Hulshof
Istook
Jenkins
Johnson, Sam
King (IA)
Kingston
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris

Melancon
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Pastor
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pombo
Pomeroy
Price (GA)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Scott (GA)
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Walden (OR)
Walsh
Watt
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Young (AK)

NOT VOTING—6

Cox
Hastings (FL)
Jackson-Lee (TX)
Menendez
Rush
Slaughter

□ 1755

Mr. ROGERS of Michigan, Ms. WATERS and Ms. CORRINE BROWN of Florida changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, on rollcall No. 232, 233, had I been present, I would have voted "aye" on both.

AMENDMENT NO. 5 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 280, not voting 7, as follows:

[Roll No. 234]

AYES—146

Akin
Allen
Andrews
Baldwin
Bartlett (MD)
Bass
Bean
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (SC)
Burgess
Burton (IN)
Capps
Capuano
Carson
Castle
Chabot
Chocola
Conyers
Cooper
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
Dent
Doggett
Doyle
Duncan
Ehlers
Emanuel
English (PA)
Eshoo
Fattah
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gordon
Green (WI)
Hart
Hayworth
Hefley
Hensarling
Herger
Holt
Hostettler
Inglis (SC)
Inslee
Istook
Jackson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (RI)
Kind
Kingston
Kirk
Kolbe
Kuhl (NY)
Langevin
Lee
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Manzullo
Markey
Matheson
McDermott
McHenry
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Myrick
Ney
Owens
Pallone
Pascrell
Paul
Payne
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Simmons
Smith (NJ)
Smith (WA)
Solis
Souder
Stark
Sweeney
Tancredo
Tiberi
Tierney
Udall (NM)
Upton
Van Hollen
Velázquez
Wamp
Watson
Waxman
Weiner
Wilson (SC)
Young (FL)

NOES—280

Abercrombie
Ackerman
Aderholt
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Beauprez
Becerra
Berry
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Edwards
Emerson
Engel
Etheridge
Evans
Everett
Farr
Feeney
Filner
Foley
Ford
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kline
Knollenberg
Kucinich
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pelosi
Peterson (MN)
Pickering
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwarz (MI)
Scott (GA)
Serrano
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—7

Cox
Hastings (FL)
Hinojosa
Jackson-Lee (TX)
Larson (CT)
Menendez
Rush

□ 1803

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 234, had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Chairman, I inadvertently voted ''no'' on an amendment to the fiscal year 2006 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, H.R. 2744. I intended to vote "aye" on the Blumenauer-Flake Amendment regarding payments to the Sugar Loan Program, rollcall vote number 234.

AMENDMENT NO. 6 OFFERED BY MR. CHABOT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 66, noes 356, not voting 11, as follows:

[Roll No. 235]

AYES—66

Akin
Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Capuano
Carson
Castle
Chabot
Davis, Jo Ann
DeGette
Dent
Doggett
Duncan
Ehlers
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Hayworth
Hensarling
Hostettler
Hyde
Inglis (SC)
Istook
Kucinich
Linder
Lipinski
LoBiondo
Manzullo
Markey
Matheson
McDermott
McHenry
McKinney
Miller, Gary
Moore (WI)

Myrick
Paul
Pence
Price (GA)
Ramstad
Rohrabacher
Royce
Schakowsky
Sensenbrenner
Shadegg
Shays
Smith (NJ)
Tancredo
Tiberi
Tierney
Van Hollen
Waxman
Wilson (SC)

NOES—356

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

NOT VOTING—11

Camp
Cox
Crenshaw
Hastings (FL)
Jackson-Lee (TX)
Menendez
Moore (KS)
Rush
Slaughter
Spratt
Sullivan

□ 1811

Mr. RYAN of Ohio changed his vote from ''aye'' to ''no.''

Mr. BARRETT of South Carolina changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. TERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 83, after line 19, insert the following sections:

SEC. 7____. None of the funds made available in this Act may be used by the Secretary of Health and Human Services to keep in effect an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act for a clinical trial that concerns a serious or life-threatening disease or condition and is not included in the registry of such trials under section 402(j) of the Public Health Service Act.

SEC. 7____. None of the funds made available in this Act may be used by the Secretary of Health and Human Services to approve an application under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act that—

(1) is for a drug for a serious or life-threatening disease or condition; and

(2) is under subparagraph (A) of such section supported by a clinical trial that—

(A) has received an exemption under section 505(i) of such Act; and

(B) is not included in the registry of clinical trials under section 402(j) of the Public Health Service Act.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from Texas (Mr. BONILLA) reserves a point of order on the amendment.

Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to give patients and doctors the information they deserve about the safety and effectiveness of prescription drugs.

My amendment is simple. It requires the Secretary of Health and Human Services to make sure clinical trials that are required to be listed in a public database by law are in fact listed, and it requires those clinical trials to be listed before a drug is approved to be marketed.

My amendment requires nothing of HHS but to enforce the current law. As part of the Food and Drug Administration Modernization Act of 1997, Congress mandated that a central drug trial database be created to house all clinical trials for all serious and life-threatening diseases and conditions. Three years later, in 2000, clinicaltrials.gov became the online site of the clinical trials data bank. FDA issued guidance on registering their trials in the clinical trials data bank in March of 2002. Two years after the guidance for the industry has been issued, compliance with the law has been dismal at best.

While 80 percent of drug trials are privately conducted, only 13 percent of them are listed on clinicaltrials.gov. FDA analysis from 2002 showed that less than half of all cancer trials are on the FDA Web site. An FDA official last year told The Washington Post that they have seen no ''big increase in the monthly submission of privately sponsored protocols'' since 2002. Drug company compliance has been so lax that last year even the editor in chief of the Journal of the American Medical Association, JAMA, assumed the registry was only for federally funded clinical trials.

□ 1815

The reality is that this law is not a lack of understanding, but the law has been ignored by the drug companies. This amendment is simple. Before the FDA can approve a new drug application, the clinical trials must be registered at clinicaltrials.gov first. FDA cannot allow these drug companies to continue to ignore the law. We said in 1997 that the drug companies must share their drug trial information with patients and doctors, especially those with serious injuries and illnesses or life-threatening disease.

This issue is not controversial. Last June, the American Medical Association adopted a resolution calling for a Federal database of clinical trials. The AMA and others are concerned that drug companies emphasize the results of positive tests while playing down

the negative or inconclusive results as they did with Vioxx, Accutane, and the adolescent antidepressant drugs. The New England Journal of Medicine and others require studies to be listed on the Web site before the journals will publish articles about the studies.

This amendment does not create any new duties. This amendment does not expand the database to other drugs. No drugs are going to be denied approval, as long as the trials get listed. It just requires the enforcement of this widely supported, lifesaving law. I urge my colleagues to support my amendment.

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

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIRMAN (Mr. TERRY). Does any Member wish to be heard on the point of order?

Mr. STUPAK. Mr. Chairman, this does not require any new duties, none whatsoever. If the chairman would point that out to me, maybe we could have a discussion about it; but there are no new duties being required here. It does not require the drug companies to do anything different than they were required to do in 1997. They do not have to report the results of the studies. They just have to report it. In addition, it does not mandate posting trials for anything else, because we have limited it more to the serious and life-threatening, exactly what the law said in 1997. We did not expand the scope of it. The FDA simply has to enforce what they are supposed to enforce by law. The FDA has already published several guidelines to drug companies about which drug trials have to be listed, when they have to be listed, and what has to be listed. If they can get them listed, it can be approved. The amendment simply instructs the Secretary of HHS, not FDA but HHS, to ensure compliance. It makes sure one hand of the HHS talks to the other.

When we drafted this amendment, it should be made germane because it concerns the use of funds for carrying out the Federal Food, Drug and Cosmetic Act and funds for that purpose provided in the bill. As to whether there are those duties, I referred to the Secretary here. I did not refer to anyone else, the same as the 1997 law. We have said ''Secretary'' because it is used in both the Food, Drug and Cosmetic Act and also the Public Health Service Act, that is, HHS administers both of these acts. Therefore, there is nothing new.

The argument is not that there is a new duty for HHS to check whether clinical trials are registered because the Public Health Service Act section, 402(j), states that the database, and I am using the exact language now, 402(j) of the Public Health Act says, shall include a registry of clinical trials, end of quote, for which investigative and new drugs have been provided.

There is nothing here new. All we are saying is the concepts used in my amendment are used in current law. We use the word ''exemption.'' That is in current law. We use ''registry of clinical trials.'' Current law. We refer to only serious or life-threatening disease or condition. That is current law. There are no new duties here.

The Acting CHAIRMAN. The gentleman from Texas makes a point of order that the amendment offered by the gentleman from Michigan proposes to change existing law in violation of clause 2 of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provision either are merely ministerial or are already required by law.

In the statutory context chosen by the amendment, a Federal official at the Food and Drug Administration would be required to examine a registry of clinical trials maintained by a different entity, the National Institutes of Health, before exempting a drug for a clinical trial or approving an application for a drug under existing law. Under the terms of section 402(j) of the Public Health Service Act, the registry of clinical trials is fluid, with each clinical trial sponsor being allowed 21 days after the approval of a drug to submit required information. In the opinion of the Chair, an examination of the contents of that fluid registry of data maintained by the NIH would constitute a new duty on the Federal officials at the FDA. The Chair finds that the gentleman from Michigan has not met his burden to show that the new duty imposed is ministerial.

Accordingly, the point of order is sustained and the amendment is not in order.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his inquiry.

Mr. STUPAK. Mr. Chairman, does the Federal Food and Drug Administration and NIH not fall underneath the Health and Human Services, HHS, Department?

The Acting CHAIRMAN. As the Chair has ruled, although the two entities are within the same Department, the amendment would require that one entity examine the other entity's registry.

The Chair has ruled on the point of order.

Mr. STUPAK. Mr. Chairman, in all due respect, I do not require any of that. I require the Secretary of Health and Human Services to do it; not the FDA, not the NIH, the Secretary of Health and Human Services. These agencies, Food and Drug Administration, NIH, are underneath their jurisdiction. That is why we drafted it this way, to get around the germaneness issue. We are not requiring FDA or NIH. It is only the Secretary of HHS.

As to the second part of your ruling, Mr. Chairman, you said we are creating new law. We were very careful, as I pointed out, that every word used in the proposed amendment is the same words used in the Public Health Service Act and the Federal Food, Drug and Cosmetic Act. That is exemption, that is in both acts; registry of clinical trials, exact same words; and limits to, quote, serious or life-threatening disease or condition, again words all found in the 1997 act which we require the Secretary to do, so we do not get into this thing about putting a new requirement on FDA or NIH.

The Acting CHAIRMAN. The Chair has ruled. The gentleman's comments are post-facto argument and not a proper parliamentary inquiry.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. 7____. Appropriations made in this Act are hereby reduced in the amount of $168,320,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I will not take a lot of time with this. I rise again today to offer an amendment to cut the level of funding in this appropriations bill by 1 percent. This amount equals $168.32 million, which represents only one penny off every dollar.

As most Members are aware, I have offered a series of amendments on appropriations bills like this. It is no criticism of the committee or the job that they have done. It is just the idea that we need somewhere to begin to draw the line, and the budget we have next year is simply too large, and we can do something about the deficit right now.

By voting for this amendment, you are stating that American taxpayers should not have to pay higher taxes in the future because we could not control our spending today. This fiscal year 2006 agriculture appropriations bill provides nearly $17 billion in total discretionary resources and represents an increase of $93 million over the President's request.

Mr. Chairman, I ask for support of this amendment.

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

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Again in a bipartisan way, this subcommittee works very hard to put a bill together each year with the majority-passed budget constraints that we have to live under. The gentleman from Colorado is a good Member who comes to the table year in and year out, and sometimes week in and week out, with an effort to cut the bill even further. However, again, with all due respect to his efforts, the bills that we put together on appropriations are done as a part of a team effort. We feel like we are at the rock bottom number that we could possibly be at at this point and strongly oppose the amendment.

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

Mr. HEFLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KUCINICH:

Page 83, after line 19, insert the following section:

SEC. 7____. None of the funds made available in this Act for the Food and Drug Administration may be used for the approval or process of approval, under section 512 of the Federal Food, Drug, and Cosmetic Act, of an application for an animal drug for creating transgenic salmon or any other transgenic fish.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment today to begin a discussion in this House which is aimed at ensuring the livelihood of commercial fishermen and protecting our oceans, lakes, and streams. This amendment is a reasonable and moderate safeguard. It will delay FDA approval of genetically engineered fish for a year. This amendment is necessary because commercial fishermen and environmentalists have raised concerns that GE fish may pose ecological risks. Scientists from Purdue University and the University of Minnesota have raised a number of serious questions about the ecological impacts of GE fish. These risks include GE fish escape from ocean pens into the environment, which could impact wild populations of fish.

In this first chart, Mr. Chairman, GE fish are being engineered to grow faster and bigger. However, several fish ecologists from the University of Minnesota and Purdue University have expressed concerns with these salmon, as their accidental release may create environmentally disastrous extinctions of natural wild salmon species.

In the second chart, the bottom fish is the same age as the two smaller fish on top.

□ 1830

But, of course, what we have here is a genetically engineered fish on the bottom.

The third chart, scientists have determined that a larger fish has an advantage in mating. Thus, larger GE fish, which are more aggressive and consume more food, attract more mates than wild fish. In essence, one could call this one the "handsomely big GE fish" is more successful than the "lonely natural fish."

Scientists have also determined that these GE fish may survive for only a limited number of generations in the wild. Their offspring will be less fit and less likely to survive. So we are talking about the survival of species here.

On the fourth chart, mutant fish are created as GE fish escape into the wild and mate with natural fish. The mutant's fish larger size gives an advantage in mating, forcing new genetic traits to be integrated into the wild. But these mutant fish may only survive for a limited number of generations in the wild. The implications are serious. After several generations, natural fish may go extinct because larger GE fish are more successful than natural fish in mating. Mutant fish also go extinct because their mutant genes decrease the survivability of the species.

As a result of GE fish producing unfit offspring that are more successful in mating, the Purdue scientists predict that if 60 genetically engineered fish were introduced into a population of 60,000 wild fish, the species would become extinct within only 40 fish generations.

Scientists call this outcome the Trojan Gene Effect. The end result is a possible extinction of important commercial fish species like salmon. The National Academy of Sciences has examined this issue in their report "Animal Biotechnology: Science Based Concerns, 2002," and found "considerable risk" and a need for more research.

"Transgenic Atlantic salmon pose a near-term regulatory issue. A brief review of the hazards they pose provides a useful illustration of the environmental hazards posed by GE aquatic species more generally.

"The committee's review," continuing on of the quote, "of ecologic principles and empirical data suggests a considerable risk of ecologic hazards being realized should transgenic fish or shellfish enter the natural ecosystems. In particular, greater empirical knowledge is needed to predict the outcome should transgenes become introgressed into natural populations of aquatic organisms."

The American Society of Ichthyologists and Herpetologists, the science society of experts on fish, amphibians, and reptiles, has joined the call for a 1-year moratorium. This amendment is strongly supported by commercial fishermen because their struggling industry cannot afford a negative ecological impact on the wild fish species that they depend on for their livelihood.

Several States have passed legislation regulating GE fish, including prohibitions, labeling requirements, and permit requirements. The States include Alaska, California, Maryland, Oregon, Michigan, Minnesota, Wisconsin, and Washington.

Mr. Chairman, I brought this discussion to this House for the purposes of alerting the Members of Congress that we need to have a deep debate about this, that we need to do more research, we need to get into this; and for that reason I would have the debate continue.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. TERRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 83, after line 19, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 768. None of the funds made available under the heading "FOOD AND NUTRITION SERVICE—Food Stamp Program" in title IV may be expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a).

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from New Jersey (Mr. GARRETT) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Today I rise to support an amendment that hopefully will be seen as a common sense amendment. It deals with H.R. 2744, more specifically with the Food Stamp Program aspect of it, and simply says that we should be complying with the Immigration and Nationality Act when we pass this legislation. The amendment is common sense because it simply says that we should always abide by current Federal law.

As it stands right now with regard to current Federal law, 8 USC 1183(a), it states that an affidavit must be filed by a sponsor of an alien who is in this country legally today. This affidavit of support is a legally binding guarantee on the part of a sponsor that the immigrant that is in this country that they are sponsoring will not become a public charge of this country. That is, that they will not become dependent on welfare. And it is limited for a period of 10 years or until that person becomes a citizen, whichever comes first. This ''public charge'' requirement is nothing new. It goes all the way back to our immigration policy way back in 1880.

Secondly, with regard to current law, current Federal law states that this affidavit is enforceable against the sponsor of the immigrant by any Federal Government or State, or political subdivision thereof, or any other entity that provides any means-tested public benefit. This means that the sponsor and not the U.S. taxpayer is to be the individual that is responsible for the alien. It also requires providers of these benefits to seek reimbursement from the sponsors and even allows the government to sue for noncompliance.

Just a side note here of interest, there is another law currently on the books in this country, 8 USC 1227, and it makes it clear that aliens who are in country who do become public charges within 5 years of their entry into this country that they are actually subject to deportation in some cases.

The amendment that is before us simply says this: It simply states that no funds appropriated in this Act under the Food Stamp Program will be spent in noncompliance of current Federal law. This amendment is simply about enforcing current law. If one does not like the current law that goes all the way back to 1880, they certainly have a right to try to change that, but that should be done in another piece of legislation and not through this vehicle. So by not supporting my amendment, they are publicly admitting on the floor in the United States that our laws elsewhere on the books are not to be complied with.

I will just end with this: Yesterday, a group of constituents was in my office from a group called Bread for the World, and they came to emphasize the fact that people in this country are going hungry and that there is not quite enough money in the Food Stamp Program today, in their opinion, that it is not adequate to provide all that is needed. So, under such circumstances, we should not be adding to the incentive for other people to become part of this program and become public charges to the taxpayer.

I, therefore, conclude by saying I urge of all my colleagues to support this common sense amendment.

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

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. This is somewhat unusual, and I appreciate the gentleman from New Jersey's (Mr. GARRETT) concern in this area. However, this is almost like going into a neighborhood and seeing a family that is playing by the rules and respecting the law and we are going to pass a law that says you have to do that all over again. So, in our view, it is unnecessary and duplicative and there is no indication that USDA is doing anything to contradict statutory provisions right now related to collection from sponsors of food stamp benefits paid to sponsored aliens.

So, because of the redundancy and the statement of the obvious, frankly, I would oppose the amendment.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments, and if we can be provided with some evidence that the Department is, in fact, complying with the law, that would be greatly appreciated. It is our understanding that currently aliens who are in this country under this program who have a sponsor are, in fact, receiving food stamps under the current law and that there has been no effort whatsoever, ever, in any cases to go after and reclaim those funds from the sponsor in the case. So I would be appreciative of that information at a later date or now if the gentleman has it.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would just note that the responsibility for enforcing the laws that the gentleman is referring to actually fall under the U.S. Citizenship and Immigration Services, USCIS, and the State welfare departments. States are responsible for making demand for and collecting from sponsors any benefits paid to sponsored aliens. So there is no indication that the USDA is violating any of these regulations and rules, again emphasizing that the responsibility for compliance here lies with other agencies and some at the State level.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) will be postponed.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 83, after line 19, insert the following section:

SEC. 7___. None of the funds made available in this Act may be used by the Food and Drug Administration to conduct any investigation of, or take any employment action against, an officer or employee of the Food and Drug Administration pursuant to the officer or employee providing to the Congress or the public information or opinions that concern such Administration and are not prohibited from disclosure under section 301(j) of the Federal Food, Drug, and Cosmetic Act.

Mr. BONILLA. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer an amendment that will ensure that the FDA continues to carry out its mission to promote drug safety and effectiveness and assist the public in obtaining accurate science-based information.

The FDA's mission is not to conduct secret investigation of its own employees. Unfortunately, some of the FDA's recent actions seem like they are more about protecting themselves than protecting the American public.

My amendment is very simple. It forbids the use of funds by the FDA to conduct any investigation of or take any action against an FDA employee who provides information or an opinion to the public or Congress that concerns the FDA and is not prohibited from being released under the law.

Congress has expressed serious concerns regarding recent reports that FDA has asked Dr. David Graham to leave his current position within the Office of Drug Safety after more than 20 years of service. Dr. Graham has been a dedicated public servant, working to ensure the safety of America's drug supply. Dr. Graham was asked to

testify before Congress at the request of a committee Chair and was under an obligation to answer a question posed by the committee based on his expertise. And Dr. Graham, to his credit, answered, in his opinion, there are five more drugs that we should look at, including the drug called Accutane, which has over 250 suicides associated with it. The public's interest and society's safety is certainly not served when the FDA goes around and asks their safety officers to leave their job because they have done their job and honestly answered a question put forth by committee members in a congressional setting.

In the words of Dr. Janet Woodcock, the former director of the Center of Drug Evaluation and Research, ''. . . FDA thrives on differences of scientific opinion. That reality is our culture. Our scientists have the right to speak up and disagree and have a vigorous scientific debate. That's how we arrive at the best decisions.''

However, the FDA actions are contrary to this statement. The treatment of Dr. Graham and other employees undoubtedly has had a chilling effect on the willingness of FDA's employees to speak up and disagree when they believe the public's health is at risk.

Other reports have said that the Director of the Center of Drug Safety himself, Dr. Steve Galson, contacted the editor of the Lancet to suggest that Dr. Graham manipulated a study to be published in the Lancet. At the same time, according to the Government Accountability Project, FDA managers posed as whistleblowers, attacking Dr. Graham's credibility in an effort to discourage the Government Accountability Project from taking from Dr. Graham as a client.

The FDA also launched an investigation into Dr. Andrew Mosholder when a newspaper reported he was not able to testify before an advisory committee about his concerns about antidepressant use in children. This shameful behavior by management of the FDA cannot continue, and we demand that we put a stop to it.

I ask for support of my amendment.

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

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the gentleman from Michigan's (Mr. STUPAK) amendment to provide whistleblower protection to FDA employees.

We have talked a lot today about scientific and management problems at the FDA, about whether their scientific advisory committees have been corrupted by pharmaceutical company influence, about how we can be sure that FDA has the tools that it needs to do its job to protect the health of the American people.

□ 1845

Yet I might just quote to you the White House Chief of Staff, Andrew Card, who said, ''The agency is doing a spectacular job,'' and should ''continue to do the job they do.''

Unfortunately, we know that the FDA has not always lived up to its responsibilities; and rather than encouraging employees to speak out and engage in scientific debate, the FDA has worked hard to silence employees who believe that a drug on the market is harmful to the health of the American people.

Dr. David Graham, as my colleague pointed out, is just one example of how things have gone wrong at the FDA. After 20 years of service, when Dr. Graham testified before the Senate Finance Committee at the request of the committee chairman in November of 2004, in response to a question, he listed, as has been stated, five drugs he believed to pose serious health risks.

His concerns turned out to be warranted. One of the drugs he mentioned, Vioxx, has since been removed from the market, following reports that it causes heart attack and stroke, and others on the list have been shown to have equally serious and sometimes deadly side effects.

FDA employees did all they could to stop Dr. Graham from testifying. A statement by the head of the agency, Dr. Crawford, was e-mailed to the reporters quoting something that Graham said in an internal e-mail. After the hearing, Dr. Graham himself said, ''Senior management at the FDA did everything in their power to intimidate me prior to my testimony.''

FDA employees went out of their way to slander Dr. Graham. The director of the Center of Drug Safety, Dr. Steven Galson, contacted the editor of the Lancet to suggest that Dr. Graham manipulated a study which was about to be published.

The Government Accountability Project has reported that FDA managers posed as whistleblowers to attack his credibility. Fortunately, they were foolish enough to call from government phones so that the source of the calls was easy to trace and the trail ended at the FDA.

FDA has since said that they are working to improve the handling of differences of opinion and that it acknowledged the right of employees to raise concerns to oversight groups. In that case, they should welcome the passage of this amendment to give its employees whistleblower attention.

Mr. Chairman, the Food and Drug Administration is charged with such an important responsibility. It ensures that medications that Americans take every day are safe. It should be simple; it should be done without influence, by industry or anyone else.

Unfortunately, that is not always the case; and when things go wrong, we depend on scientists at the agency to alert the American public that they may be putting their health in serious jeopardy with a certain medication. This amendment simply says that we will ensure that they can do that without fear of reprisal.

I urge my colleagues to support the amendment.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN (Mr. TERRY). The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. STUPAK. Mr. Chairman, if I may, I ask for the learned chairman to tell me where we are imposing a new duty on the FDA. What we are asking here is simply that the FDA follow the law; that they not use funds, as my colleague put it, for reprisals against employees who are encouraged to speak their mind, and when they speak their mind, they are investigated and harassed and intimidated and asked to leave their jobs.

My amendment specifically says we do not disclose, and make sure we do not disclose, anything that is confidential, proprietary, proprietary interests of the drug companies. As long as those are not disclosed and not confidential in that manner and no one does it, then there is no reason to be harassing, intimidating, and investigating people who testify before advisory committees.

There is no new change in the law. All we are saying is FDA, you are also subject to law. You have to follow the law. And those things that are confidential and proprietary in interest, we do not expect you will disclose them; therefore we do not do it.

So if someone can tell me what is the new duty, I will be happy to draft my amendment before we are done tonight, and we will make it in order then. I really do not see any new duty being imposed here, with all honesty. I am not trying to be flippant; I am just trying to get an answer to my question. Just like the last one, there is no new duty.

So if someone can tell me that, I will be happy to change the amendment to make it germane.

The Acting CHAIRMAN. The gentleman from Texas makes a point of order that the amendment offered by the gentleman from Michigan proposes to change existing law, in violation of clause 2(c) of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires

them to make investigations, compile evidence or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provision either are merely ministerial or are already required by law.

The Chair finds that the limitation proposed in the amendment offered by the gentleman from Michigan does more than merely decline to fund employment investigations. Instead, it requires the officials concerned to make determinations regarding a specific type of employee behavior prior to initiating an employment investigation. This is a matter which they are not charged with under existing law.

On these premises, the Chair concludes that the amendment offered by the gentleman from Michigan proposes to change existing law.

Accordingly, the point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. STUPAK. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. STUPAK. Mr. Chairman, we drafted these amendments carefully with legislative counsel and others to make sure they were germane. If you want to rule that they are not germane, I guess you have the right to do that; and I will not appeal the ruling of the Chair because I can count the votes.

But the thing I would ask, when a Member has a parliamentary inquiry, if someone would at least tell us where the amendment is wrong so it can be corrected. With all due respect to the chairman, you read what was put forth, but you never say what is wrong with our amendment.

What is wrong with these last two amendments that made them not germane, so we can correct it to be within the parliamentary setting of this body? We have part of the House institution telling us our amendments are in order. We get to the floor, and we find them not in order.

I guess it is just a little frustrating when we talk about the health and safety of the American people, and we have examples where the FDA has not done their job, so we try to correct it in the only body we can, through legislative amendments, and we come here and we get this ''speak-legalese,'' and I do not have anything against legals since I am an attorney myself. But just a simple question like where are we legislating in this appropriations bill, when we have such tightly crafted amendments that are even taken from existing law so we do not legislate on an appropriations bill and we are still ruled out of order or not germane.

If you can answer that parliamentary inquiry, I would appreciate it.

The Acting CHAIRMAN. With regard to the inquiry, the Chair states again that the amendment, by limiting funds for some, but not all, employment investigations, requires the officials concerned to make determinations regarding a specific type of employee behavior prior to initiating an employment investigation in order to discern whether it is an employment investigation of the type for which funds have been limited. Those are determinations which they are not charged with under existing law.

Mr. STUPAK. But, Mr. Chairman, with all due respect, the FDA does make investigations under current law under their own administration. So how can you say they are not charged with the duty of doing investigations of their employees? They make that determination every day, whether a member can speak at an advisory committee, whether a member can answer a question, an FDA doctor, at a congressional hearing, as we saw with Dr. Graham.

I am bemused, to say the least.

The Acting CHAIRMAN. The Chair has ruled.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment, but I do understand that the gentleman is going to withdraw his amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have the number one economy in the world. It is the envy of the world. But we are looking at some signs that I think indicate a long-term problem. Where will this economy and this country be 10 years, 15 years, 20 years from now? We have a lot going on around the world as far as other countries trying to develop a stronger economy, looking forward, eliminating the barriers that were created by their own governments, so that they can keep and create jobs in their own country and outside the United States.

Last year our trade deficit was $670 billion. This year it looks like our Federal deficit is going to be down from the projected $375 billion to down around $300 billion. But still that is a lot of money. Even though we have seen some good things happen because of the tax relief that President Bush pushed and was passed by the House and Senate, we still need to look forward and see how we are going to create a strong economy, not only in the agricultural area, but in all facets of the United States.

Right now we know that in the agricultural community regulatory costs are creating problems down on the farm. We already know that less government regulation not only means granting freedom to allow Americans to pursue their dreams; it also means providing the space for businesses to thrive in agricultural areas and creating more jobs in those same areas communities. Instead, our Federal Government has become a creeping ivy of regulations that strangle enterprise and that makes it more difficult to keep and create jobs in rural America.

Unrealistic and unnecessary prohibitions, along with burdensome mandates, are creating difficulties for our farmers, ranchers, and those involved in the agricultural industry. How can we expect our agriculture economy to develop and grow when bureaucracy prevents farm businesses from starting or expanding? With the decreasing numbers of farms and the growing average age of farmers, we need to be doing everything we can to eliminate the barricades farmers and ranchers face so that, as they provide the food to feed our Nation and the world, they can do so in an easier fashion.

One area where the United States Department of Agriculture has an opportunity to reduce burdens for the private industry is in the area of national animal identification. I know there is concern among private industry that implementing a national system to track cattle and other animals will end up creating huge costs that will get passed on back to the producer. There is even greater concern among the private industry that there will be no value added to the end product, despite the increased costs associated with implementing an animal identification program.

As the Department of Agriculture looks at implementing national animal ID, I think they should work closely with industry to find a private solution to help pay for the costs associated with creating such a vast and complex system.

While working with State governments and universities is an important process, I hope that USDA will be forward-thinking in forging public-private partnerships to pursue market solutions that will help producers recover costs associated with implementing technology needed for animal identification.

I believe that anytime that we can provide support through private initiatives that will deliver objectives sought by the Federal Government, I

think we should jump at the opportunity to forge these partnerships and create a win-win-win situation, for the government, for the taxpayer and for industry.

Each and every Federal agency should take into consideration the effect proposed policies will have on competitiveness of U.S. businesses, including farms and ranches.

I plan to withdraw this amendment today because I am very encouraged by the forward thinking of our subcommittee chairman on agriculture in appropriations, the gentleman from Texas (Chairman BONILLA). I believe we can work together and strengthen farmers and ranchers and agriculture businesses financially through less regulation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available by this Act to the Secretary of Agriculture may be used, after December 31, 2005, to purchase chickens, including chicken products, under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, unless the Secretary shall take into account whether such purchases are in compliance with standards relating to the wholesomeness of food for human consumption, pursuant to section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)).

Mr. BONILLA. Mr. Chairman, I know the gentleman is going to speak on his amendment, but I just want to let the gentlemen know that we are happy to accept the amendment and move forward with the vote as soon as he would like.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed will each control 5 minutes.

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

□ 1900

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume. My remarks will be brief. I thank the gentleman from Texas (Chairman BONILLA) for his support.

We all know the importance of antibiotics to our public health, beginning some 60 years ago with penicillin and other antibiotics. We also know the increasing problem of antibiotic resistance in people who have not been cured because of their resistance to antibiotics that have been administered to them.

This amendment says the USDA can only buy chicken products for school nutrition programs if it complies with the requirement of existing law that foods purchased for these programs be ''wholesome,'' meaning protected from antibiotic resistance. This amendment tells the USDA that we are serious, this Congress is serious about protecting the American people from the dangers of antibiotic resistance. I ask my colleagues to support the amendment.

On March 14, 1942, the world changed.

A woman named Anne Miller had been hospitalized in New Haven, Connecticut, for more than a month with a strep infection. Every conventional treatment had failed, and doctors feared she would not last the day.

But then, Anne Miller got an experimental injection of a new medicine called Penicillin. And in just over 12 hours, her temperature had returned to normal.

A half-century ago, America's hospitals were jammed with patients suffering from strep, pneumonia, meningitis, typhoid fever, rheumatic fever, and other killers.

Penicillin and other antibiotics allowed us to bring these lethal infections under control and save millions of lives. These new miracle drugs changed the world.

But a new danger—antibiotic resistance—is threatening to turn back the clock, by making the antibiotics we rely on ineffective.

When an antibiotic is used on a person or animal, it may kill some of the bacteria, but it will not kill all of them. The survivors reproduce, propagating these hardier ''antibiotic resistant'' bacteria.

Antibiotic resistance is a serious and growing public health problem: 38 Americans die every day from antibiotic resistant infections, according to the World Health Organization—some estimates suggest the number is more than twice that large; Antibiotic resistance costs America's health care system an estimated $4 billion every year; The Centers for Disease Control has called antibiotic resistance one of its ''top concerns''

Human medicine is partly to blame. Doctors are often pressured to overprescribe antibiotics, leading to the spread of resistance. And both the medical profession and the CDC have taken this seriously, with outreach campaigns to educate both doctors and patients about the dangers of antibiotic overuse.

But animal agriculture is also to blame. About 70 percent of antibiotic use in America is not for people but for the cows, pigs, chickens, and other animals people eat. And about 70 percent of those antibiotics are not even used to treat sick animals, but to prevent illness or just to make healthy animals grow faster.

And the overuse of antibiotics in animal agriculture has serious consequences. Fluoroquinolones—the class of antibiotics that includes Cipro—are an important example.

Cipro, as we know all too well, is used to threat Anthrax. But Cipro is also used to treat infections by a foodborne bacterium called Campylobacter.

The FDA approved fluoroquinolones for use in human medicine in 1986. And FDA approved fluoroquinolones for use in chickens in 1995.

During the 9 years between 1986 and 1995, no more than 3 percent of Campylobacter cases in the U.S. involved resistant bacteria. But just 2 years after FDA approved fluoroquinolones for use in chickens, resistance in humans had jumped to 13 percent. By 2001, 19 percent of the Campylobacter infections in humans were antibiotic-resistant.

The FDA has begun a response to this problem—by proposing to ban fluorquinolone use in poultry. But the company that makes them has sued, and litigation could take several years to resolve.

Private industry also has recognized the problem. Leading fast food chains like McDonald's and Wendy's have told their suppliers they will not buy products made from chickens raised with fluoroquinolones. And leading chicken producers like Tyson, Gold Kist, and Purdue have also committed to stop using fluoruoquinolones.

But the National School Lunch Program lags behind, and the USDA still buys our children chicken raised with fluoroquinolones.

Congress acted in 2004—adding report language of the FY2004 Agriculture Appropriations bill that asked USDA to initiate ''a policy to not purchase chickens for these programs from companies that do not have a stated policy that they do not use fluoroquinolones in their chickens.''

That language was approved by a bipartisan majority in this House. It was approved by a bipartisan majority in the Senate. And the bill accompanying it was signed by President Bush.

Unfortunately—but not surprisingly—USDA did nothing to implement that provision.

It is time for Congress to order USDA to step up to the plate. And that is exactly what my amendment does.

Existing law requires that USDA take steps to ensure the wholesomeness of food delivered through school nutrition programs. If USDA actually applies that requirement when purchasing chicken products, I believe the agency will be unable to conclude that a substance FDA wants to take off the market because of public health concerns is wholesome.

Last year, we asked the USDA to do the right thing. The USDA ignored our request.

This year: tell the USDA that we are serious about protecting the American people from the dangers of antibiotic resistance; Let us pass this amendment.

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

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KUCINICH:

Add at the end (before the short title), the following new section:

SEC. 7____. The Department of Agriculture, at the request of a producer or processor, shall test ruminants, ruminant products, and ruminant by-products for the presence of bovine spongiform encephalopathy, subject to reimbursement by the producer or processor of the costs incurred by the Department to conduct the test, and none of the funds made available in this Act may be used to pay the

salaries and expenses of personnel of the Department to enforce any regulatory prohibition on such testing by the Department of Agriculture of ruminants, ruminant products, or ruminant by-products for the presence of bovine spongiform encephalopathy.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

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

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

My amendment would permit anyone to test for Mad Cow if they so desired. It would require the USDA to perform the test and require the requestor to pay for it.

This amendment may strike my colleagues as unnecessary. After all, any food manufacturer should be able to test their own product for safety. Let me explain.

Mad Cow disease has been detected in 187,000 cows all over the world. Its early symptoms include weight loss, loss of balance, and acting skittish. The cow later descends into drooling, arching its back, waving its head, and exhibiting unusually aggressive behavior. It is inevitably fatal.

Variant CJD, as it is called, which is the disease humans can get from eating infected cattle, has resulted in over 150 deaths in Europe. Most of those occurred in the U.K., the epicenter of the human and bovine outbreaks. The U.S. was spared until 2003 when the first case of Mad Cow was detected in Washington State.

Immediately, countries that had invested heavily in their own testing and processing infrastructure in order to assure a safe beef supply closed their borders to American beef exports. Countries like Japan, which now tests every cattle slaughtered, demanded similar testing rates and practices of their own of any importer, including the United States. In the case of Japan, the U.S. refused to meet their demands. As a result, an industry trade group claimed losses of $4.7 billion for cattle producers.

Small businesses like Gateway Beef Cooperative, which processes 200 cattle per week, were losing $50,000 per week. Creekstone Farms Premium Beef was losing about $40,000 per day. Some businesses responded with a logical plan. They wanted to test all of their cattle, just like Japan. Not only would it restore access to a crucial overseas market, but it would give them a competitive advantage in parts of the world where consumers demanded the highest safety standards. It was a solution that let the free market work its purported magic by allowing consumers to choose how safe they wanted their beef.

But, Mr. Chairman, the USDA stopped them. They invoked a 1913 law, originally intended to ''protect the farmer and stock raiser from improperly made and prepared serums, toxins, and viruses.'' The law gives them control over ''veterinary biologics'' like diagnostic tests. In this case, the USDA took control over who could test their cattle and when by using this law to license use of the diagnostic test only to themselves. An American company was forbidden from testing their own product for safety.

Their reasoning? Allowing companies to test all of their cattle, FDA says, ''would have implied a consumer safety aspect that is not scientifically warranted.'' In other words, the FDA worried that consumers will see a label indicating that their meat has been tested for Mad Cow disease and assume it is safer than meat that has not been tested.

Why would they worry about that? Is this not the way it is supposed to be? If your food has been tested, you can be assured it is safer. It is not a reason to prevent testing. In fact, it is a strong argument in favor of allowing testing.

The real reason the USDA will not let a business owner test their own product is that the beef industry is afraid that a new standard of safety will be set and the marginal cost of adequate testing will cut into their shareholder profits. They also stand to lose if a sufficient number of tests are conducted and another Mad Cow case surfaces. In the meantime, Japan and South Korea are under enormous pressure to lower their beef testing standards and reopen their borders to American beef. They look at all their options.

Option number one is to require the U.S. to bring their testing rates up to speed with other industrialized nations. France and Germany test over half their cattle. The U.K. tests all cattle over 24 months old. Japan tests every single one. Meanwhile, the United States boasts about their ramped-up testing rate. In 2004, the year after we found our first case of Mad Cow, the USDA tested 176,468 out of roughly 35 million cattle. That is about a rate of one-half of 1 percent. In other words, about one out of every 200 cattle was tested.

On top of that, the administration proposed to reduce funding for surveillance by two-thirds this year, from $69 million to $29 million.

The second option for Japan and South Korea is to give in to U.S. demands, drastically lower their safety standards, and allow beef that is held to a safety benchmark that is orders of magnitude lower than their own. In so doing, they would risk undermining fragile public confidence in meat safety. It is not right that the administration would play politics with global food supply.

Now, my amendment would allow voluntary testing to occur by requiring the USDA to perform the test on demand. That way the integrity of the testing procedures is maintained under close supervision, and there is accountability and transparency.

In the future, there must be a provision to ensure that Congress does not reduce the amount of USDA funding with funds paid by industry for the testing program.

In trying to rescue their business by giving consumers what they want, some American beef producers could help fill the leadership vacuum left by the USDA. They should be allowed to.

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

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of Rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I want to say that the gentleman is right. There is a point of order, because we need to legislate to fix this problem. I hope that when the authorizing and appropriating committees meet next year that they will consider this approach, giving it the consideration it deserves. It is for both American cattlemen and consumers.

The gentleman is correct. I will concede the point of order, and I thank the Chair.

The Acting CHAIRMAN. The point of order is conceded and sustained.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

Add at the end (before the short title) the following new section:

SEC. 7___. Using funds that would otherwise be paid during fiscal year 2006 with regard to cotton, tobacco, and rice production, the Secretary of Agriculture shall make grants to the several States in an amount, for each State, equal to at least 0.75 percent of such funds, to be distributed to active agricultural producers in the State in a manner approved by the Secretary.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

First of all, I think this represents the final amendment on the bill and gives me another chance to offer my thanks to the chairman and ranking member for doing well with a bill that provides far too little funding for the important agriculture programs of this country.

What does this amendment do? My amendment would require that every State in the Union, all of the States, get at least .75 percent of the funding provided for cotton, tobacco, and rice in this bill. Every single State should get .75 percent. Even though 24 States in the Union have no cotton, have no rice, have no tobacco, this amendment would require that .75 percent of the funding be reserved for those States.

Before the chairman has a chance to say it, I will say it for him: It is a preposterous concept. It is a mind-boggling concept, in fact. Why would we allocate funds in an agriculture bill for places like I represent in New York City that have no agriculture programs?

But I say to my colleagues, that is exactly what we recently did in the homeland security bill. We said that we are going to allocate a fixed amount of money in the homeland security bill, notwithstanding the fact that there might be little or no homeland security needs. Did this create a wise funding formula? Well, only if one thinks that Wyoming should have the highest per capita funding in the country for homeland security grants, and California and New York will be one and two for the least per capita.

Now, of course, one would not want to leave Wyoming unprotected, but I believe that having a minimum guarantee in that bill was simply foolish. After all, New York City had been the target of actual terrorism six times between 1993 and 2001. Twice the World Trade Center was attacked. Efforts were foiled to destroy the Holland and Lincoln Tunnels and the GW Bridge. We were a target in the Anthrax attacks, a subway bomb plot and, of course, a mission that was disrupted to blow up the Brooklyn Bridge by al Qaeda in 2003.

I am not saying that we should not find a way to make every city and locality safe. But are we really better off because of this formula that has .75 percent going to every State? Have we not perhaps reached a point that now cities and States are trying to figure out, how the heck do we spend this money? Well, the answer is, yes, we have reached that point.

Madisonville, Texas, population 4,200, I understand one of the nicer places in Texas, used a $30,000 homeland security grant to buy a custom trailer, and I am not making this up, a custom trailer that will be used during the annual October Mushroom Festival for people who are overheated or injured; and it will double, forgive me, no disrespect to the people of Madisonville, Texas intended, it will double as a command center during supposed emergencies should al Qaeda attack Madisonville, Texas.

Now, Mr. Chairman, it would be absurd for my amendment to become law. It would be a mockery of this House to say that every State should get the same amount of tobacco funding even if there are no tobacco farms, the same amount of cotton funding even if there are no cotton farms, and the same amount of funding even if there are no rice farms. It would be absurd. Why, then, do we have other elements of the bill, other elements of our law, other appropriation bills that are allocated that way? It does not make any sense. Is it really the way it should be?

I have to tell my colleagues something. I am going to be magnanimous. I am a representative from Brooklyn and Queens and the beautiful City of New York. We do not have tobacco farms. I will tell my colleagues what I am going to do: Keep your cotton and tobacco subsidy. Keep your agriculture subsidy. We are not farmers, and we are very grateful to the men and women of this country who are. They make it possible for all of us to eat at prices that are extraordinary. We are the envy of the world when it comes to agriculture.

But can we not also agree that when it comes to things that are not so enviable, like the challenge that cities like New York face when dealing with homeland security, maybe, just maybe, my colleagues can be equally magnanimous? Maybe, just maybe, they can say, you know what? Where we have need, where we have threat, we are going to ask for money. Where there is no threat, where there is no need, we are not.

So I would urge my colleagues to vote no on the Weiner amendment, but I would urge my colleagues to keep it in mind the next time we consider homeland security grants.

Mr. Chairman, I, to the relief of everyone, I am sure, yield back the balance of my time.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of Rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment gives affirmative direction in effect.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. WEINER. Mr. Chairman, to paraphrase a line from a movie, I am out of order; this whole House is out of order in the way it allocates homeland security funds. I do not dispute the point of order, and I will yield to the ruling of the Chair.

The Acting CHAIRMAN. The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2, Rule XXI.

The point of order is sustained, and the amendment is not in order.

□ 1915

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN (Mr. TERRY). Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Mr. HEFLEY of Colorado and Mr. GARRETT of New Jersey.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HEFLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 80, noes 335, not voting 18, as follows:

[Roll No. 236]

AYES—80

| | | |
|---|---|---|
| Akin | Fossella | Norwood |
| Baker | Foxx | Paul |
| Barrett (SC) | Franks (AZ) | Pence |
| Bartlett (MD) | Garrett (NJ) | Petri |
| Bass | Gibbons | Pitts |
| Bean | Graves | Price (GA) |
| Beauprez | Gutknecht | Radanovich |
| Bishop (UT) | Hayworth | Ramstad |
| Blackburn | Hefley | Rogers (MI) |
| Bradley (NH) | Hensarling | Rohrabacher |
| Brady (TX) | Herger | Royce |
| Burgess | Hostettler | Ryan (WI) |
| Buyer | Inglis (SC) | Sensenbrenner |
| Chabot | Issa | Sessions |
| Chocola | Jenkins | Shadegg |
| Coble | Jones (NC) | Shays |
| Cox | Keller | Shimkus |
| Cubin | Linder | Shuster |
| Davis, Jo Ann | Lungren, Daniel E. | Stearns |
| Davis, Tom | Mack | Sullivan |
| Deal (GA) | Manzullo | Tancredo |
| Dent | Matheson | Tanner |
| Diaz-Balart, M. | McCotter | Taylor (MS) |
| Duncan | Miller (FL) | Terry |
| Everett | Miller, Gary | Wamp |
| Feeney | Myrick | Westmoreland |
| Flake | | Wilson (SC) |

NOES—335

| | | |
|---|---|---|
| Abercrombie | Bachus | Berman |
| Ackerman | Baird | Berry |
| Aderholt | Baldwin | Biggert |
| Alexander | Barrow | Bilirakis |
| Allen | Barton (TX) | Bishop (GA) |
| Andrews | Becerra | Bishop (NY) |
| Baca | Berkley | Blumenauer |

Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—18

Cannon
Culberson
Gohmert
Gordon
Hastings (FL)
Istook
Jackson-Lee (TX)
Johnson, Sam
King (IA)
Marshall
McHenry
Menendez
Payne
Pickering
Reynolds
Rush
Wasserman Schultz
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1938

Messrs. BAIRD, LYNCH, INSLEE, RANGEL, KENNEDY of Rhode Island, Ms. VELÁZQUEZ, and Ms. HART changed their vote from ''aye'' to ''no.''

Mr. FOSSELLA changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. McHENRY. Mr. Chairman, on rollcall No. 236 I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. PICKERING. Mr. Chairman, on rollcall No. 236 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 258, not voting 6, as follows:

[Roll No. 237]

AYES—169

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Kuhl (NY)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Otter
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Simmons
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOES—258

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Gerlach
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens

Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—6

Gordon
Hastings (FL)
Jackson-Lee (TX)
Menendez
Pickering
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in the vote.

□ 1948

Mr. COLE of Oklahoma and Mr. BARROW changed their vote from ''no'' to ''aye.''

Miss McMORRIS changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PICKERING. Mr. Chairman, on rollcall No. 237 I was unavoidably detained. Had I been present, I would have voted "aye."

The Acting CHAIRMAN (Mr. TERRY). The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006''.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. TERRY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 303, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 18, not voting 7, as follows:

[Roll No. 238]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
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
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
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)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
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)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
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—18

Bass
Bean
Bradley (NH)
Flake
Fossella
Franks (AZ)
Hefley
Kucinich
McDermott
Miller, Gary
Paul
Rohrabacher
Royce
Sensenbrenner
Shays
Stark
Tancredo
Taylor (MS)

NOT VOTING—7

Gordon
Hastings (FL)
Jackson-Lee (TX)
Menendez
Owens
Smith (TX)
Young (AK)

□ 2006

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. BASS). Pursuant to 22 U.S.C. 276h, and the order of the House of January 4,

2005, the Chair announce the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, chairman, and Ms. HARRIS of Florida, vice chairman, appointed on April 14, 2005:

Mr. DREIER of California;
Mr. BERMAN of California;
Mr. BARTON of Texas;
Mr. MANZULLO of Illinois;
Mr. WELLER of Illinois;
Mr. REYES of Texas; and
Mr. MCCAUL of Texas.

## THERE HE GOES AGAIN

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

Mrs. BLACKBURN. Mr. Speaker, yesterday I came to the floor to ask my colleagues across the aisle to speak out against their party leader Democratic National Committee Chairman Howard Dean. I listed a few of the absolutely ridiculous, and in many cases offensive, comments he has made since January, but apparently I spoke too soon. It appears that Mr. Dean was not through embarrassing himself and his party and in the process offending millions of Americans.

Yesterday, in an interview, he said Republicans, and I am quoting here, ''all behave the same, and they all look the same. It's pretty much a white Christian party.''

Mr. Speaker, today he defended those remarks. And what is more, the gentlewoman from California (Ms. PELOSI), the minority leader, said that she thought Chairman Dean was ''doing a good job.''

All I can say is that I hope the Members across the aisle will let the gentlewoman from California (Ms. PELOSI) know that Howard Dean should not be given a pass for his behavior, it is unacceptable, and it is offensive.

## OPEN SEASON ON CHRISTIAN WHITE FOLKS

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

Mr. KINGSTON. Mr. Speaker, I stand in support of the comments of the gentlewoman from Tennessee (Mrs. BLACKBURN). It is too bad more Members are not here, but I think it is proper for the Democrat Members of this Chamber to demand an apology of their Democrat leader, rather than the endorsement the gentlewoman from California (Ms. PELOSI) has given him when he dismissed the Republican Party as a bunch of white Christians.

I am not worried as a Republican. I am offended as a white Christian. I know that the season is always open for people like Mr. Dean who loves divisive politics. It is always open season on Christian and on white folks because they are the group you can kick and you can get away with it. It is politically correct.

But I am sick and tired of it, and I would call on my Democrat colleagues to ask the gentlewoman from California (Ms. PELOSI) to rethink her assessment of Mr. Dean when she says he is doing a good job representing their party. And I would also call on my Democrat friends to ask Mr. Dean to apologize, maybe not to the Christians of the world, because, obviously, he does not care about them, but maybe to any of the other groups that he seems to constantly offend as each week goes by while he is chairman of the Democratic National Committee.

## WHITE HOUSE ENERGY POLICY

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

Mr. MCDERMOTT. Mr. Speaker, I am here to express gratitude for the free press, in England. Because it is only for the English that we can finally find out what went on in the White House with Mr. CHENEY and the oil boys. It says in the Guardian this morning, after the meeting with Mr. Blair yesterday, President Bush's decision not to sign the United States up for the Kyoto Treaty was partly a result of pressure from ExxonMobil, the world's largest oil company.

In briefing papers given before the meeting to the U.S. Secretary of State, Paula Dobriansky, between 2001 and 2004, the administration is found thanking Exxon executives for the company's, quote, active involvement in helping to determine climate policy.

The President of the United States rejected Kyoto in part, and this is a quote, rejected in part on the input from you, the Global Climate Coalition.

Mr. Speaker, the President of the United States runs the most secretive operation down there and does not tell us that the oil companies are running our energy policy. As long as that is what is going on in this country, we will continue to continue to be enmeshed in the Bush war and whatever goes on in Iran and whatever goes on anyplace else, and we will continue to destroy the environment.

It is time to end that, Mr. Speaker.

[From the Guardian, May 8, 2005]

REVEALED: HOW OIL GIANT INFLUENCED BUSH

WHITE HOUSE SOUGHT ADVICE FROM EXXON ON KYOTO STANCE

(By John Vidal)

President's George Bush's decision not to sign the United States up to the Kyoto global warming treaty was partly a result of pressure from ExxonMobil, the world's most powerful oil company, and other industries, according to U.S. State Department papers seen by the Guardian.

The documents, which emerged as Tony Blair visited the White House for discussions on climate change before next month's G8 meeting, reinforce widely-held suspicions of how close the company is to the administration and its role in helping to formulate U.S. policy.

In briefing papers given before meetings to the U.S. under-secretary of state, Paula Dobriansky, between 2002 and 2004, the administration is found thanking Exxon executives for the company's ''active involvement'' in helping to determine climate change policy, and also seeking its advice on what climate change policies the company might find acceptable.

Other papers suggest that Ms. Dobriansky should sound out Exxon executives and other anti-Kyoto business groups on potential alternatives to Kyoto.

Until now Exxon has publicly maintained that it had no involvement in the U.S. government's rejection of Kyoto. But the documents, obtained by Greenpeace under U.S. freedom of information legislation, suggest this is not the case.

''Potus [president of the United States] rejected Kyoto in part based on input from you [the Global Climate Coalition],'' says one briefing note before Ms. Dobriansky's meeting with the GCC, the main anti-Kyoto U.S. industry group, which was dominated by Exxon.

The papers further state that the White House considered Exxon ''among the companies most actively and prominently opposed to binding approaches [like Kyoto] to cut greenhouse gas emissions''.

But in evidence to the UK House of Lords science and technology committee in 2003, Exxon's head of public affairs, Nick Thomas, said: ''I think we can say categorically we have not campaigned with the United States government or any other government to take any sort of position over Kyoto.''

Exxon, officially the U.S.'s most valuable company valued at $379bn (£206bn) earlier this year, is seen in the papers to share the White House's unwavering scepticism of international efforts to address climate change.

The documents, which reflect unanimity between the company and the U.S. administration on the need for more global warming science and the unacceptable costs of Kyoto, state that Exxon believes that joining Kyoto ''would be unjustifiably drastic and premature''.

This line has been taken consistently by President Bush, and was expected to be continued in yesterday's talks with Tony Blair who has said that climate change is ''the most pressing issue facing mankind''.

''President Bush tells Mr. Blair he's concerned about climate change, but these documents reveal the alarming truth, that policy in this White House is being written by the world's most powerful oil company. This administration's climate policy is a menace to humanity,'' said Stephen Tindale, Greenpeace's executive director in London last night.

''The prime minister needs to tell Mr. Bush he's calling in some favours. Only by securing mandatory cuts in U.S. emissions can Blair live up to his rhetoric,'' said Mr. Tindale.

In other meetings documented in the papers, Ms. Dobriansky meets Don Pearlman, an international anti-Kyoto lobbyist who has been a paid adviser to the Saudi and Kuwaiti governments both of which have followed the U.S. line against Kyoto.

The purpose of the meeting with Mr. Pearlman, who also represents the secretive anti-Kyoto Climate Council, which the administration says ''works against most U.S. government efforts to address climate change'', is said to be to ''solicit [his] views as part of our dialogue with friends and allies''.

ExxonMobil, which was yesterday contacted by the Guardian in the U.S. but did not return calls, is spending millions of pounds on an advertising campaign aimed at influencing politicians, opinion formers and business leaders in the UK and other pro-Kyoto countries in the weeks before the G8 meeting at Gleneagles.

## 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.

## MAY JOBS NUMBERS

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

Mr. PALLONE. Mr. Speaker, when is President Bush going to level with the American people about the U.S. economy? This past weekend during his weekly radio address he said the economy is on the right track. The President's statement came one day after disappointing job numbers showed our economy only created 78,000 new jobs in May, the smallest number in almost 2 years.

Keep in mind the economy has to create 150,000 each month just to keep pace with more workers entering the workforce. Last month's numbers created only half that number.

Mr. Speaker, President Bush has yet to create his first job since coming to office 5 years ago. In fact, the economy has to create an additional 24,000 jobs just to get back to where it was when he took office in 2001.

Let us compare President Bush's 5-year jobs record to past Presidents. No other modern day President has presided over an economy where not a single job was created over a 4-year period. The Center for American Progress averaged the number of jobs created by modern Presidents who served 2 years. The Center determined the average number of jobs created by those Presidents through 52 months was 5.9 million jobs. The largest job creation came under the last two Democratic Presidents to serve two terms, President Clinton, who created 11.9 million jobs during his 52 months of his Presidency, followed by President Lyndon Johnson who created 7.6 million jobs.

It is hard for me to believe after hearing these numbers President Bush could possibly be satisfied with the fact that his policies have yet to create one single private sector job. It is also hard to believe that congressional Republicans seem satisfied with these abysmal job numbers.

□ 2015

You do not hear any of my Republican colleagues questioning the President's economic proposals of the last 4 years.

You also do not hear President Bush or congressional Republicans voice any concern over the sharp cut in manufacturing jobs that has taken place on their watch. Since President Bush took office 5 years ago, our economy has lost 2.8 million manufacturing jobs, including 7,000 more in May. Yet neither the President nor congressional Republicans are willing to do anything to strengthen the manufacturing sector. In fact, congressional Republicans have blocked Democratic initiatives to help the manufacturing industry. Instead, they are more interested in passing $36 billion worth of tax incentives for large corporations to ship American jobs overseas.

The weakness of the job market is also showing up, Mr. Speaker, in the continued stagnation of workers' earnings. It is almost hard to believe, but wages have actually declined since the end of the recession. Again, according to a report from the Center For American Progress, real average hourly earnings declined to $16 in April of this year. That is 7 cents lower than the earnings mark at the end of the recession in November 2001. This means that over the last 4 years, on average, American workers are not getting paid any more than they were when our economy was actually in a recession.

It is no wonder Americans are trying to squeeze every last dollar out of every paycheck. While wages have stalled in my home State of New Jersey, health care, college tuition, child care and gasoline costs have increased an average of $6,000 for a New Jersey family every year.

President Bush and congressional Republicans tell the American people that the policies they have implemented over the last 4 years are working. If the President and congressional Republicans believe this economy is on the right track, I shudder to imagine what a wrong-track economy would look like.

Mr. Speaker, polls show only 32 percent of the American people think the economy is moving in the right direction. It is clear the Republican way of growing this economy simply is not working. If they would only admit that the economy is a concern, maybe we could begin to fix it collectively. I think it is time for a new economic plan that creates millions of high-paying jobs, penalizes companies that send job overseas, and helps companies confront skyrocketing health care costs. Our economy will not be back on track again until the middle class stops feeling squeezed.

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

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

## SMART SECURITY AND THE NPT CONFERENCE

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, I am more than disappointed by reports that last month's conference to review the nuclear nonproliferation treaty was not a success. At the treaty review conference, representatives from more than 150 nations met at the United Nations headquarters in New York for a month of meetings to address the most urgent global threat we face, the proliferation of nuclear weapons. This conference provided a great opportunity for the global community to improve its collective efforts to prevent other nations from developing nuclear weapons capabilities, deter terrorists from obtaining nuclear weapons, and ensure that the current nuclear states work to reduce their nuclear stockpiles.

Let us not forget that the nuclear nonproliferation treaty, which the United States ratified in 1972, does not just declare that non-nuclear states cannot develop nuclear weapons. It also states that the countries currently in possession of nuclear weapons must work to reduce their stockpiles, with the ultimate goal of getting rid of nuclear weapons altogether. Clearly, the goals for the treaty review conference were challenging; but the United States could have, and should have, made headway by living up to our international commitments.

Unfortunately, a major reason that the NPT conference was considered a failure was America's focus on the threats posed by Iran and North Korea, while at the same time failing to agree to reduce our own nuclear arsenal. The United States currently possesses more than 10,000 nuclear weapons. In fact, at the same time the NPT conference was taking place, the Bush administration and many Republicans in Congress were actually pushing ahead with plans to fund a new nuclear weapon, the so-called bunker buster bomb. The Bush administration's continued pursuit of nuclear weapons, while demanding that Iran and North Korea disarm, demonstrates a rare level of supreme arrogance and hypocrisy, even for this most arrogant of Presidential administrations.

Mr. Speaker, I wholeheartedly agree that the threats posed by Iran and North Korea must be taken seriously. If we fail to take the proper diplomatic actions, both nations could soon possess a sizable and dangerous nuclear arsenal. But why would we expect other countries to dismantle their nuclear infrastructures unless we maintain our nonproliferation commitments?

SMART security, H. Con. Res. 158, which is a Sensible, Multilateral, American Response to Terrorism, is a positive approach to this very challenge. SMART security promotes efforts to reduce the buildup of nuclear weapons and materials, using the cooperative threat reduction program as an

example of how to accomplish this important goal. Through CTR, the United States and Russia are working together to dismantle excess nuclear weapons and materials in the states of the former Soviet Union. And because of CTR, 20,000 Russian scientists who formerly worked to create nuclear weapons are now working to destroy them.

SMART security also urges an expansion of the successful CTR program to countries like Libya and Pakistan. Using our diplomatic relationships with these countries to encourage them to give up their dangerous nuclear materials is part of SMART security. But CTR is merely one of the broad array of national security initiatives in the SMART security platform. Any attempt to rid the world of nuclear weapons must begin with nonproliferation efforts here at home, in the United States of America. We must fulfill our international pledge to reduce our own nuclear stockpiles and resist building new nuclear weapons. President Bush's continued efforts to study and fund the bunker buster bomb is the exact opposite of these efforts.

The United States must set an example for the rest of the world by pursuing smart policies, policies that promote nuclear reduction, not nuclear proliferation; policies that support global initiatives to secure nuclear materials, not global nuclear buildup. It is time to end the era of nuclear weapons. This effort begins here in the United States Congress with SMART security.

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

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

## ORDER OF BUSINESS

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent to give my Special Order at this time.

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

There was no objection.

## PEAK OIL

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

Mr. BARTLETT of Maryland. Mr. Speaker, several times during the past few weeks, I have stood on this floor to talk about peak oil. The chart I have here symbolically shows what we are talking about. The blue curve here represents the amount of oil that the world produces and uses. Of course, over a period of time, the world will use as much oil as it has been producing and that has been going on now for 100 years. Currently, the increase in use rate of oil is about 2 percent. That is what this curve represents. Knowing that, we can put some time on the abscissa of this curve because a 2 percent compound growth will double in 35 years. This use curve, which goes up from here to here, has doubled in that amount of time, so that is a 35-year period.

What this chart shows is that at some point in time, and the only argument is when, the world will peak in its oil production. But before the world peaks in oil production, it is noted from this curve that the demand will be exceeding for several years, it is like a decade, if this is the curve which is followed, the demand will be exceeding supply.

What this has given rise to, of course, is a look for oil around the world. The second largest importer of oil in the world, which is China, has been scouring the world for oil. This chart shows the places where China has secured leases for oil. It is in Canada, it is in Colombia, Venezuela, Brazil, Argentina, negotiating in Russia, in Africa and all over the Middle East, of course; and we have a symbol here showing that they were negotiating for an oil company in our country, Unocal.

When I spoke on the floor the last time about this, I noted that Chevron had bought this oil company, had bought Unocal; but now just in the June 6 issue, this year, just this week, Time magazine, there is an article called ''The Great Grab.'' It says: ''In quest of oil, China is on a collision course with U.S. firms and U.S. policy. Chevron, one of the world's oil giants, announced in early April that it was buying Unocal, a smaller rival, for about $17 billion. The Chinese National Offshore Oil Corporation, CNOOC, may make a counteroffer for Unocal, the world's ninth largest oil company. If it does, it would mark the first major takeover fight between a U.S. company and a Chinese competitor.''

Think about it, Mr. Speaker. The Chinese have now secured rights for oil north of us in Canada, to our neighbors to the south, and now they are about to buy a major oil company, the ninth largest oil company in the world, right on our soil. Competitors are worried, the article says, that China is so eager to do deals that it will warp the market. Western oil majors are concerned that they won't be able to compete, according to Gary Ross, CEO of Petroleum Industry Research Associates, because the Chinese companies, most still state-owned, are willing to accept a lower rate of return. To acquire Unocal, CNOOC would have to offer more than the $17 billion that Chevron said they would pay for it, plus the $500 million breakup fee that Chevron booby-trapped to its Unocal bid.

This is not the only place in the world that China is doing the great oil grab. It says: ''But Beijing is completing a long-term $70 billion oil and gas deal with the Iranian regime.'' I would like to note, Mr. Speaker, that this crisis is not just noted now, because almost a year ago, Jane Bryant Quinn, in an article in Newsweek, it was August 16, 2004, called ''Gas Guzzlers' Shock Therapy,'' had this to say:

> My fellow Americans, drop the fantasy that we'll return to cheap gasoline, that was a year ago, it was a lot cheaper, and pump it for as long as our withered hands can steer an SUV. As the prophet saith, the end is nigh. Demand for oil is running high. In fact, we're gobbling up the stuff. But world production grew by only 0.6 percent a year for the past 5 years. At some point, supplies will shrink, not grow.

Mr. Speaker, this is really quite alarming, that in our country the second largest importer of oil in the world is now buying a major company.

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

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

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

## EXCHANGE OF SPECIAL ORDER TIME

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that I may replace the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

## HONORING DR. LEWIS L. HAYNES

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

### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of this Special Order.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor the life and legacy of a true World War II hero, Dr. Lewis L. Haynes. Dr. Haynes was the physician aboard the ill-fated USS *Indianapolis*, the ship that carried integral components of the weapon that brought about the end of World War II. However, the Indy, as she was called by her crew, has been immortalized in history for another distinction. On July 30, 1945, she was sunk by a Japanese submarine. It

would take nearly 5 days of wading in the shark-infested Pacific Ocean for the survivors to be rescued.

During the closing weeks of World War II, Captain Charles McVay, III, Dr. Haynes, and the rest of the crew of the USS *Indianapolis* were charged, albeit unknowingly, with the daunting task of transporting key components of the atomic bomb from San Francisco Bay to the island of Tinian.

□ 2030

After completing their mission and dropping off their cargo, the Indy set sail for the Philippines where she was to meet up with the rest of the Pacific Fleet to prepare for what everyone believed was going to be an invasion of mainland Japan. Very few people knew about the top secret weapon that could potentially end the war, including Captain McVay.

Just 3 days into their voyage to the Philippines, a Japanese submarine spotted the Indy just after midnight. The submarine then fired six torpedoes at her, two of which struck the battleship and would prove her undoing. Amid the chaos, Dr. Haynes tried to do everything he could to help the survivors stay alive to make it off the ship. As the Indy sank, he treated as many of the ship's crew as he could with morphine and wrapped them with bandages. Realizing he was running out of time, he began fastening life vests around the men, directing them off the ship into the dark, unknowing water below. Simultaneously, a radio distress signal from the Indy was received on the island of Leyte. Although it was reported, no action was taken to save the crew.

It took only 12 minutes for the USS Indianapolis to sink into the Pacific Ocean. About 300 men died in the attack, leaving 900 more to fend for their lives in the deadly water. In the midst of the pandemonium, the crew of the Indy was scattered throughout the ocean. Some groups were lucky enough to have a lifeboat and some supplies. Others were fortunate enough to have life vests. However, some had nothing to help keep them alive.

Dr. Haynes found himself in charge of the largest group of survivors. Although they did not have a lifeboat, the group, called the ''swimmers'' by Dr. Haynes, was fortunate enough to have life vests and belts. Dr. Haynes and Father Conway, the ship's chaplain, would swim around to the crew to treat the sick and injured and to round up the lone men floating adrift.

Days would go by, and Dr. Haynes would watch helplessly as more of the young crew passed away from disease, dehydration, and shark attacks. He did what he could to ease their pain and suffering. He fought off attacks when the men went mad from hallucination. He gave those men hope and a reason to live when all seemed lost. However, with no food, water, or medical supplies, Dr. Haynes was no longer a physician but more of a coroner. After Father Conway died, Dr. Haynes would give the dead their last rights by reciting the Lord's Prayer. He knew he had to stay alive. His boys depended upon him.

Finally, on August 3, 1945, after 4½ days in the deadly ocean, the survivors would be rescued. In the end, only 317 of the 1,196 crew survived the catastrophe. Those who did survive would go through weeks of intense therapy for their injuries. It would take Dr. Haynes a month of convalescence before he could walk again. Additionally, he suffered third-degree burns on his face and hands from the explosions aboard the Indy.

Because of the bravery of the crew of the USS *Indianapolis* in transporting the atomic bomb across the ocean, they helped end World War II and subsequently saved countless American lives. We will forever be grateful to those men for their contributions to freedom. Moreover, we should acknowledge the individual heroism of men like Dr. Lewis Haynes who helped save lives by keeping hope.

Mr. Speaker, although Dr. Haynes' life ended on March 11, 2001, when he died at his home in Florida, his legacy will live forever. May we never forget the sacrifices made by our greatest generation and all of the members past and present of our Armed Forces. It is because of their selflessness that we enjoy the freedom we have today.

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

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

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

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

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

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

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## METAMORPHOSIS

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

Mr. GOODE. Mr. Speaker, I rise this evening to read a poem by Molly Brown. Molly is a 13-year-old who suffers from cerebral palsy, and she is the daughter of a college professor at Sweet Briar and his wife. She read this poem at an Adaptive Ski event for injured soldiers from Iraq and Afghanistan that was held at Wintergreen in Nelson County in my district.

Commander William L. Shade of Nelson County American Legion Post 17 sent me this poem, and I want to share it with the United States House of Representatives.

The poem is entitled ''Metamorphosis.''

For every soldier who lost something in Iraq:
What do I say to those
Who have looked time's end in the eye
And faced it, heads raised,
With their own eyes open
Not afraid to fear?
What comfort can I offer those
Who lost the life they knew,
And must begin again
With eyes that see
A world transformed?
How do I greet the boy
Who donned an Army jacket
And stepped on a bus,
Ending his childhood
Before his time?
I speak slowly,
Knowing this is all I can say;
I hope that on the mountain,
As you take your first fall
And powder, cool as moonlight, hits your cheek
That you can regain
If only for a moment
All that you have lost
And see before yourselves
A future uninhibited and bright.

By Molly Brown.

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## UNITED AIRLINES PENSION COLLAPSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. GEORGE MILLER) is recognized for 60 minutes as the designee of the minority leader.

Mr. GEORGE MILLER of California. Mr. Speaker, last night the gentlewoman from Illinois (Ms. SCHAKOWSKY) and I myself read into the RECORD statements that we have received from the employees and the retirees of United Airlines who were worried to death about the fact that their pensions are going to be severely cut as a result of United's decision to terminate their employee pension plans as part of its bankruptcy proceedings.

Tonight, we would like to again read many of the e-mails that we have received from these retirees and these employees outlining what the real human toll is of the actions of United Airlines and the inactions of this Congress to deal with this growing crisis in the American pension plans for workers.

As the Members will later hear, Mr. Speaker, some of these 2,000 people who responded to the first ever congressional E-hearing by my Democratic colleagues on the Committee on Education and the Workforce, through their ingenuity, we were able to extend an opportunity to these individuals to

be heard because there was no forum in this Congress for them to be heard. There was no forum that said that the average people who are being impacted by this policy will be heard. So we came up with the idea of having a congressional on-line E-hearing where the retirees and the employees of United Airlines could express directly to the Congress the concerns that these changes have made to them. I think these average Americans are beginning to notice and beginning to articulate the fact that this Congress has not dealt with these concerns, with the concerns that affect their daily lives.

So, Mr. Speaker, I would like to read an e-mail from Fred P. Euler from Santa Barbara, California. He writes to us in the e-mail: ''As a retired United Airlines pilot, I need your help to stop United Airlines from dumping our pension plan in the lap of the Pension Benefit Guarantee Corporation and possibly the taxpayers. The Retiree Pilot Pension Plan is adequately funded and should be paid by United Airlines, not the PBGC. The amount that the PBGC will pay out will have a devastating impact on thousands of retired pilots who devoted their careers to United Airlines and are now shocked, saddened and angry about the callous disregard displayed by United Airlines and the PBGC if it succeeds in seizing our pension plan. I am 69 years old with 32 years of service. It is estimated that my monthly loss will be about $2,000, which is over 30 percent of my pension.''

Jeanne Miller of Murrieta, California, writes: ''I am writing this in the hope it might save the termination of United Airlines pension plans . . . I worked as a dedicated flight attendant for over 33 years. I am a single mom with one child who has graduated from college, we are both still paying tuition, and a son who is in his first year of college. I retired reluctantly in June, 2003. United offered a deal to those flight attendants willing to retire early that was hard to resist: good medical benefits and a pension that was enough to support me and my son . . . Now they are threatening to take all of that away.'' Under the previous plan, she ''would have been able to be the caregiver for both of my parents, who are disabled and unable to live by themselves without care.

''If United turns over our pension to the PBGC, it will create a tremendous hardship.''

John Givens of Redondo Beach, California: ''I was a 36½-year employee who was forced into retirement when United closed my reservation office in Long Beach, California. My retirement was good enough that my wife, who is disabled, and I thought we could make it. We have raised seven children, two who are still in college. They work part time but will have to drop out because I will no longer be able to help them. I will lose approximately 55 percent of my pension due to the rules.''

Mr. Speaker, these are e-mails from United retirees and United employees who now see their economic future deeply clouded, deeply threatened by these actions by United. They see the fact that they worked hard for 30 years, for 33 years, for 36 years. There is no way now that they have retired where they can go and accumulate the necessary resources to have the retirement that they carefully planned for by their hard work on behalf of United Airlines. These are the people who are crying out for help before their retirement nest eggs are destroyed by the United Airlines.

The gentlewoman from Illinois (Ms. SCHAKOWSKY) and I have introduced legislation to put a 6-month moratorium to see whether or not the pilots, the machinists, and the others can negotiate with United to try to protect these individuals' retirement.

Mr. Speaker, the gentlewoman from Illinois (Ms. SCHAKOWSKY) joined me last night, and I yield to her tonight for her comments and for the letters that she has received through this e-mail hearing.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding to me.

I want to express my appreciation for all that he has done to draw attention to the plight of United employees and how what has been happening with them really reflects the larger looming pension crisis in our country. He has repeatedly called on Congress to protect defined benefit plans and to ensure that the rank and file workers have the same retirement security that executives with golden parachutes do. As he frequently says, ''What is good for the captain is good for the sailor.'' I thank him for his leadership and his fight for workers, and I really appreciate working with him on this important issue.

As he knows, United Airlines, like so many other corporations, has exploited loopholes in the law to disguise the true financial standing of its pension funds. The company knowingly underfunded its pensions and hid the truth from its workers about their retirement security, all quite legally. The nearly $10 billion shortfall at United was only revealed when the company asked the bankruptcy court to terminate its pension plans and now the employees are the ones that are going to have to pay the price. These dedicated employees have had the rug swept out from under them, and their retirement security is in serious question through no fault of their own.

United employees have tried to be responsible. They have tried to plan ahead. When they signed up for their jobs they believed they were making informed financial decisions for today and for their retirement. United offered luring packages of benefits, included defined benefit pensions, meaning employees were guaranteed a set figure for their retirement when their years of work for United Airlines were done, years down the road.

Now, because United is using the bankruptcy court to back out of its pension agreements, United employees and retirees are being tossed into retirement without a parachute. Tens of thousands of the flight attendants and machinists that are affected are in Illinois, 10,000 of them. It seems now that the only ones who are making honestly informed decisions about what they were getting into were the executives like Chairman Glenn Tilton, who squirreled away his $4.5 million retirement fund in a trust that cannot be touched during bankruptcy proceedings. He made sure to protect his retirement package because he, like his employees, knows exactly how important planning ahead is.

I would like to share a few stories from United employees in Illinois who, because they were being fiscally responsible, know exactly how losing their pensions will affect them. These are letters that came through the E-hearing, the on-line hearing that the gentleman and his committee held.

□ 2045

This is the story of Michael Moore from Crystal Lake, Illinois. It is the other Michael Moore. He writes: ''I hope you have some time to hear from a small voice and on a quiet street in Illinois. I am a 54-year-old maintenance mechanic for United Airlines. Having 25 years for the company in today's world is a trick in itself. My wife and I have raised our four children and they are out building a life of their own. You work, you plan and you save for this point in your life, only to have lost it all. I have only 4 months until I was planning to retire and now I can't. I have lost $60,000 in the United Airlines employee stock option plan back in 2001, gave up a total 23 percent wages in the last few years, sold my home and now will lose my pension and health care. What is next?

''There has to be a better way. We can't just allow large corporations to just terminate pension plans. The pension plan is our deferred wages traded from our current wage to provide a retirement in the future, a legal contract. Now it is not worth the paper it was written on.

''I feel I am a perfect example of how Mr. Bush's Social Security plan will fail. As the employees of United continue to give and give and give, our top management make more and more. Something isn't right.''

If I could go on, I have a couple more. This is what Paula Carlson from Oak Lawn, Illinois, had to say: ''I have been a flight attendant for almost 20 years for United Airlines, and if my pension is terminated I will be paid as if I terminated my employment at 47, even if I continue to work and retire from United Airlines when I am 62. My retirement plans were for the full pension I was promised, a 401(k) and Social Security. Now I will have to live off of $400 monthly approximately from my pension, instead of $2,800 monthly.

''I can hardly contribute to my 401(k) due to pay cuts at United. I will be at

poverty level and may have to be a burden on my son, who is only 16, but hopes will make a decent enough living to help me out.

''We have been deceived our whole lives about hard work paying off. The only ones paid off are the CEO and the board of directors. They come in with their guaranteed payoff and the company they have been hired to build or maintain can collapse right from under them, while the workers who built the companies lose everything and become a burden on their children and our society. What has happened to our country?''

Let me read one more. This is a good one. The following is Joseph Gillick's story. He is a flight attendant based out of Chicago, lives in Espyville, Pennsylvania:

''If you have traveled frequently on United Airlines during the last 13 years, chances are you have become familiar with my voice and face. I have worked as a flight attendant for United Airlines for 29-plus years. My name is Joseph Gillick, I am based in Chicago Illinois, and I am the safety video spokesperson seen on United flights worldwide.

''I submit United senior executive's bankruptcy strategy under the leadership of CEO Glenn Tilton is an affront to basic human values, financially wrong and unquestionably unpatriotic.

''If senior executives are successful in dumping pension obligations, forcing the PBGC to take responsibility, I will immediately lose 50 percent of my meager $1,100-a-month pension benefit. I am presently the primary caretaker of my 89-year-old mother. With ever-increasing health care and home care expense, my mother and myself are just two out of countless thousands of citizens who will be unquestionably harmed and placed in dire financial circumstances.

''No question United is operating under severe financial circumstances. Difficult decisions must be made. Corporate change must occur. Yet at the end of the day, will we be able to say all possible solutions were explored before allowing United executives to dump employee pension responsibilities?''

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time, I think the gentlewoman has raised a number of people who wrote her from Illinois, the retirees and employees of United raised this point, that it was actually the President that said what is good for the crew is good for the captain.

What we see here clearly is what so many of these employees recognize, and what we have watched now is company after company that terminates these employee pension plans, that go into bankruptcy, at the end of the day the company goes on, less these liabilities, and the very people who administered the company into the bankruptcy, their pensions in many cases were guaranteed, they were moved outside of bankruptcy, they were put into trusts, or as the company is reorganized, they then go back to issuing stock options for themselves, issuing bonuses, as if nothing happened.

Yet what we see here is tens of thousands of United employees who are left in the dust bin. Many of these people cannot go back to work. They cannot go back and accumulate a retirement nest egg again, and I think it is something we see run through all of our letters. I want to thank the gentlewoman for raising that point.

Ms. SCHAKOWSKY. Mr. Speaker, if the gentleman will yield further, let me say one thing about that. It is not as if they are saying we want things to be exactly as we were promised when we came in. These employees have given up about $3 billion in benefits already.

Mr. GEORGE MILLER of California. Reclaiming my time, time and again these employees have given back on retirement, have given back on wages, have given back on hours to keep this airline flying; and yet at the end of the day, the executives walk out to the new company and the employees are stuck without their retirement, without their health care benefit.

I now recognize my colleague, the gentleman from Massachusetts (Mr. TIERNEY), who was part of our e-hearing, the first-ever Congress e-hearing to provide this kind of access to ordinary Americans who are suffering the disaster, the personal disaster of the larger disaster of the United Airlines decision to go into bankruptcy and get rid of these pensions and health care plans.

Mr. TIERNEY. Mr. Speaker, I want to thank the ranking member, the gentleman from California (Mr. GEORGE MILLER), and thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) as well for your leadership on this issue, and for convening this e-hearing and also taking this time on the floor tonight.

I think it is imperative to read as many of these e-mails as possible into the RECORD and express the voice of so many people that earned their pensions, that worked their long work lives and took as a form of deferred compensation the rights to these pension benefits. They sacrificed pay raises and sacrificed other benefits in exchange for what they thought was a promise from the company that they were going to get this pension when they retired.

One UAL person wrote in and said, ''I joined UAL with stars in my eyes believing the promise of opportunity, a secure benefit package and the enthusiasm of being part of something great.''

Well, it really has not been something great for them. As the gentleman mentioned, in every way the employees tried to work it out with the company. I am so used, as the gentleman is, from hearing executives tell us, oh, the employees will not cooperate, the employees and their high costs are driving this company down.

Well, it was the employees at UAL that actually went into an ESOP program, an employee stock option program, that turned out to be near worthless for them in the long run. Some lost hundreds of thousands of dollars trying to help the company out. They underwent cuts in pay, they forewent benefits, and all of this to find the company surreptitiously sneaks into bankruptcy for 2½ years and then slides their benefits into bankruptcy and they end up going into the Pension Benefit Guarantee Corporation and getting about 30 to 40 percent of the benefits, if they are lucky.

These letters, these e-mails, are written about feelings of betrayal, absolute feelings of betrayal. They say it is a sign of what they think is happening to the moral fiber of this country. They wonder on a philosophical level how this is going to impact the values that they have been brought up with and they have been instilling in their children.

Jacob Acker said not too long ago that in 1938 FDR talked about the last great unconquered frontier of America was the frontier of uncertainty and insecurity. And then as a country we set out to do something about it. We worked with corporations, with employee groups, we worked with private groups and our government and we put in Social Security, we put in pensions, we put in health care benefits, the minimum wage, the GI Bill. We put in structures and security so people in this country would no longer feel that they were confronting that frontier of insecurity and uncertainty.

But here we are in 2005, we find out executives and management of a company can turn it around and take their promises and turn them into dust and take their employees and put them into sheer desperation, so that again in 2005 we are again facing a frontier of uncertainty and insecurity. And it is incumbent on this Congress to finally act.

I say to the gentleman from California (Mr. GEORGE MILLER), as ranking member of this Committee on Education and Workforce, and the members on the minority side who have been banging away for some time now saying this is an impending problem that has to be addressed, where is Congress on this matter? Where is the White House on this matter? They are dealing with issues the American public does not even care about. You look at what has happened so far this year on the agenda of this Congress and the White House. It is not about jobs, it is not about health care, it is not about education for people's children, and it is not about pension protection and retirement.

The closest the President comes is trying to privatize Social Security, which would put these people in further jeopardy. And that is what I hear often from the people at United. Boy, if they ever realized about the guaranteed benefit of Social Security being

important, they now realize it, because what they thought was a benefit due them from their employment has gone out the window.

As I said, these stories are touching. But they are more than touching; they are tragic. For many of the people here, it is too late to start over. I think in one of the letters that either the gentleman or the gentlewoman from Illinois (Ms. SCHAKOWSKY) read, they talked about dedicating their life to the company for a promise and now being faced with decisions that they never thought they would have to face and making choices they never thought they would have to make.

What about their health care? Are they going to be able to afford it for themselves, for their loved ones, particularly for their children? There are 120,000 employees that face these deep benefit cuts. It is going to make a serious impact, and many of them are concerned for themselves, but, even more so, for what happens if other companies follow in the footsteps of United.

What happens if this Congress under Republican leadership continues to fail to act to shore up these defined benefit pensions, to shore up the Pension Benefit Guarantee Corporation system so that it takes care of people, to make sure that every corporation does not decide to slide into bankruptcy and dump its responsibilities onto the PBGC and to hurt their employees and leave them no recourse. We need to act.

Let me read one letter, if I can, from my district, Kevin P. Creighan and Cathy J. Hampton from Lynn, Massachusetts. They e-mailed in: ''We know that approximately 120,000 current and former employees will suffer if United Airlines is allowed to hand its pensions over to the PBGC. I will address the concerns of two of those current employees, my wife Cathy and myself, as examples of the upcoming devastation.

''Cathy has been with United for 27 years, and I have been there for 29, a combined 56 years of working hard, earning a living, and all along expecting a pension in 7 years' time when we planned to retire. At our retirement, between us we expected to have 70 years of loyal service to our employer, single employer; and we each expected to receive monthly pension checks of about $2,500 per month.

''If United is allowed to break its promise to pay our pensions, our actuaries tell us we would each probably receive less than $1,000 per month. We are already told that we could work an additional 15 years and we might get closer to our current pension, but that is predicated upon a very strong stock market and successful investments. Work 15 more years, and only to get closer to something else.

''Our retirement income would drop by 60 percent unless we choose to work beyond 70 years of age. This is not the American way. We thank you for considering how dreadful this situation is, not only for the two of us, but for our 120,000 colleagues who have worked every bit as hard.''

We have letter after letter from Massachusetts residents and people in my district that show, exactly as the gentleman's have, this is a tragic failure of Congress to respond and a tragic action by a corporation that should know better and should have acted differently.

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time, I thank the gentleman. Again, he has raised an important point. These employees of United Airlines, these employees for the last several years have worked with this company to give back part of their retirement, give back part of their health care, give back part of their wages, give back part of their hours, all the rest of it. They were struggling to stay in the middle class. These are good, middle-class jobs. They were struggling to stay in those jobs, to stay in the middle class with the assurance of that retirement.

Very often people think, well, the retirement is something you get at the end of your employment. The fact of the matter is, every hour of pay you have negotiated, you give something for retirement. You earn it on an hourly basis. Your employer decides how much they want to pay you and they figure in your benefits and all of the rest of it. It is a package.

Now, of course, here at the end, people after 30, 40 years, finding out that they have lost a huge percentage of their retirement and have no ability to replace it.

Mr. TIERNEY. If the gentleman will yield further, one of the things not true is most of these executives have not worked anywhere near the number of years that these employees have worked for that company. Many of them come on as directors of the board or in high-level positions for a much shorter period of time, qualify for some pretty extravagant pension rights of their own, solidify them by putting them in a trust that cannot be touched in a bankruptcy proceeding, and go out merrily into the sunset having destroyed a company, or at least their employees' chances to have a decent, dignified retirement.

Mr. GEORGE MILLER of California. Mr. Speaker, reclaiming my time, over the last several years, the gentleman is quite correct, we have seen CEOs and other corporate officers who are retiring, and they have worked for the company for 3 years and they are given a retirement package as if they worked at that company for 23 years, if they worked at that company for 15 years. So they just make up the retirement package for the CEOs and they go on their way.

The CEOs that ran United into the ground here, that have destroyed this company, they get severance packages, they get golden parachutes, they go on their way. The employees who are left struggling trying to rebuild this airline to try to keep it competitive, they are the ones that take the slicing and the dicing of the loss of the pensions, the loss of the health care, the loss of the retirement.

Mr. TIERNEY. If the gentleman will yield further, compare that to John Lagadinos from Billerica, Massachusetts. He is a retired aircraft mechanic with 42 years of service with United Airlines, 35 years were spent working the nightshift, afternoons, midnights, working most weekends, Saturdays, Sundays and holidays, with, as he says, no social life to speak of.

He says, ''We also worked in rain, sleet and cold, heat and cold. The executives didn't. So cold in the winter our hands would be cracked and bleeding from working on the aircraft outside.

''Contractually our monthly medical insurance for my wife and I was $22 per month pre-65 years of age and $24 per month post-65.

□ 2100

But, recently, that has been increased to $214 per month, with a decrease in coverage and an increase in out-of-pocket cost. So it is not bad enough that their pension rights are being shaved down to less than 15 percent but that they are heaped on with additional medical expenses, another promise that was made to them that is not being kept by corporations, as more and more companies are starting to default on their retirement health benefits as well. So it is a double whammy.

The prescription drug costs have increased from the $5 generic, $10 name brand to $19 generic, $51 name brand. His wife and he use four name brand drugs costing $204, that used to cost them $40.

Then he talks about what the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) talked about earlier. These same employees went into an employee stock option plan at the request of the company to try to save the company. They were not allowed to contribute to the 401(k) that they paid on their own. The company never contributed to the 401(k). In lieu of wages, they were given useless stocks and ended up selling on the employees for about a dollar a share. For this individual, it was costing about $160,000, which he lost.

He says, with all of these losses and losing a portion of our pension, too, I do not know how we will make it. They do not want this to become a precedent for other companies. Thank you for your concern and action.

Concern is something that we have here. Action is what this Congress needs to do and which it has not been doing.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman very much for participating in this.

I would like, before I recognize the gentleman from New York (Mr. OWENS), to read one last letter that we have here tonight, and I will read others in the coming days, from Ann Clegg of San Francisco, California:

''I retired as a flight attendant from United Airlines in 2002 after 37 years of

service. I was promised a pension and quit at age 58 after carefully considering the money I would live on, and my pension was a big part of that. Now, with the threat of the reduction of my pension, obviously, my standard of living will be greatly reduced. I ask you, if there is anything good, right, and honest in this country, why is this happening? I worked and believed a promise that should be upheld by my company and the government. I would not have retired early had I known that United Airlines would be allowed to renege on its promise. This is wrong and shameful. Please help.''

The point is, again, these people upheld their end of the promise. The promise was between the employees and the company, the handshake was between the employees and the company, and that is why these people are so devastated when the company made the decision to go into bankruptcy and to discharge these pension obligations and their health care.

I know the gentlewoman from Illinois (Ms. SCHAKOWSKY) and I knew the gentleman from New York (Mr. OWENS) and I know the gentleman from Massachusetts (Mr. TIERNEY) have read these letters.

So very often, these very same families that are losing their retirement income have serious health problems within their families, either their children, their spouse, their parents, who they are taking care of. Their own retirement benefits and their health care benefits for their family were very important to them, and now they are saddled with increasing health care costs, with a diminished health care plan, if any at all, and, obviously, a greatly diminished pension. So these people are really suffering a double hit by the actions of United.

We have written to our committee, the Committee on Education and the Workforce, for several years now, asking them to have hearings, asking them to look at this problem, asking them to look into the PBGC. Only today, as the Senate held its hearings, did people start talking about the loopholes.

We have known about those loopholes on the committee for years, to bring to everyone's attention how the pension plan was gamed, how the real figures are not disclosed to the employees, not disclosed to the investors, not disclosed to the public, the conditions of these pension plans. Only when it is too late are those disclosures made as the company enters into bankruptcy and there is very little the employees can do about that.

It is absolutely a scandal what has taken place here and the inaction of this Congress. Only now do we start to see them take action. But no inquiry before, no discussion of the problem, and even as we start to take this action we will not have the full information before us about the extent of this problem, and not just United Airlines but in major corporations all across the country.

I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Speaker, I do not have to remind the gentleman from California about his efforts to have the committee go to the administration and get that information about where does the rest of the employment situation lie, where are the rest of these pensions in terms of their viability. The fact of the matter is we have been unable to get that information until very recently. We got some of it.

But what is the problem with disclosing that to the American public? What is the problem with the Congress knowing the full extent and the public knowing the full extent, how many companies are in this precarious situation? That, if anything, would force Congress hopefully to get up and act.

Something that we have known, something that the gentleman has led the way in writing to the committee, speaking to the committee and the administration on this issue and now trying to get the information that will compel them to act on it. Because it is devastating to learn just how many companies are in a situation that are near default or problematic.

Mr. GEORGE MILLER of California. Mr. Speaker, I just recently wrote to the chairman of the committee and, after reviewing that information that was given to us by the PBGC, I asked him, I think it is very important that the committee go ahead and have a vote and make this information public. Because, obviously, what we have seen is there is a huge disparity between what the public has been told of the pension problems of these companies and what the PBGC has been told in secret, out of the public eye, not for disclosure, what the real situation of these pension plans are.

So that we have millions of Americans who believe the conditions of their company's pension plan is one thing, and the company knows it is another. In many cases, as we wrote to the chairman and said, the difference is hundreds of millions of dollars and, in some cases, billions of dollars in terms of those liabilities. I think that those employees, when they see how this can happen with the United case, those employees are entitled to that information.

Interestingly enough, the President of the United States asked 4 years ago that this information be made public, but the companies are lobbying hard so it will not be made public, and, so far, the committee has not responded to our letter. But certainly before we begin writing a new pension bill we ought to have this information laid out on the public record so people can comment on it to see whether or not the bill that we are considering, the ideas that the President has will make this worse or make it better. I thank the gentleman for raising that point.

I would like at this time to recognize another member of the Committee on Education and the Workforce, a member of long standing of the Committee on Education and the Workforce who, in every session of this Congress, has taken on the responsibilities of this committee to look at these issues that confront working families in the workplace, in their health care, in their daily lives in the workplaces of America, and that is the gentleman from New York (Mr. OWENS).

Mr. Speaker, I am going to yield the balance of our time to the gentleman from New York (Mr. OWENS) for the purposes of this discussion and to read the communications from individuals from New York.

Mr. Speaker, I thank the gentleman for joining us tonight.

## HUMAN SUFFERING AS A RESULT OF CORPORATE THEFT

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 7, 2003, the gentleman from New York (Mr. OWENS) is recognized for the remainder of the designee of the Minority Leader's time.

Mr. OWENS. Mr. Speaker, may I ask how much time I have left?

The SPEAKER pro tempore. Approximately 30 minutes.

Mr. OWENS. Mr. Speaker, I want to begin by thanking and congratulating my colleagues on the Committee on Education and the Workforce, the ranking member, the gentleman from California (Mr. MILLER), the gentlewoman from Illinois (Ms. SCHAKOWSKY), and the gentleman from Massachusetts (Mr. TIERNEY), I want to thank them for their invention of the congressional e-hearing. This is not a small thing. We now have a device, one more productive milestone for communication, that can allow us to reach out into the entire Nation, beyond the Beltway, beyond the partisan arguments of the Congress.

This is a very important new instrument for freedom of speech and for freedom of the minority party. We are, as Democrats, a minority party, and we are an oppressed minority party in that we are not given the right to call hearings or we are not allowed to recommend hearings and have the majority party follow through on those hearings. That was not the case when the Democrats were in the majority, but that is the way it has developed with the present Republican majority.

So we have a device now whereby any citizen can participate. They do not have to pay the fare to come to Washington, but you can participate in a hearing, and I think this is a device that we should look forward to using more often.

We should understand that in street language what my colleagues have been talking about is a legal swindling, legal theft. How can there be legal theft? Well, whatever the Congress approves is legal. They sometimes approve things that are immoral and illegal, really. They sometimes approve things that are devastating for people.

But legality means we made it legal, because it is a law.

By law, we are allowing corporations to run rampant over the rights of individuals in a most profound and basic way, and that is they are taking their money. They are taking the money of people who have put their money aside in a pension plan and who entrusted the corporation to be the guardian for the money that they have saved over the years.

I am going to begin with one letter, because I think it is very important to keep this on a plane where we understand that the people of America are speaking. I think the e-hearing solicited at least 1,000 responses, and I think that some of those responses need to be amplified, and we need to hear them and the rest of America.

I want to begin with one which does not come from New York State. I am going to read a few from New York State, but this one happens to come from a lady who lives in Doylestown, Pennsylvania, Carolyn A. Rosenberg. I give her name, I give her location, because I think she wanted to participate in a hearing, and she wants to be heard. She wants it to be public, what she is about to say. I must say that what is in this letter is very intimate, very painful, it shows a great deal of human suffering, and I congratulate her, I thank her, for being willing to share it with the rest of America.

''Representative George,'' she says, ''my vivid recall of 9/11 is lying on the kitchen floor in a fetal position crying uncontrollably, feeling like I am going to vomit, praying to God to keep my husband safe, and wondering where my husband is, what he is experiencing, and what the hell is going on. My next thought, rational or not, was to jump in the car and go pick up my son from his Jewish preschool, figuring these lunatics would want to kill him because of how we choose to worship God, yet my body wouldn't let me get up off the cold floor. I desperately hoped for someone to call me, anyone, and tell me my husband was safe.

''Presently, as I write this, my body is shaking. It is difficult to keep my emotions in check and to focus on what I want to say. My husband recently retired from United Airlines after a 24-year pilot career with them and a 40-year career as a professional aviator. What is happening at United to all its employees, present and past, is appalling. The people with the power of this company belong to the group that boasts Ken Lay, Bernie Ebbers and Dennis Kozlowski as some of its members. The Executive Council for the Pilots Union is also right there with them.

''The effects of the United Airlines bankruptcy has been staggering to my family. The stress on my husband and myself individually is enormous, not to mention the strain on our marriage. We have lost a significant portion of our savings due to United's collapse. At mid-life I am forced to go back to school to switch careers, and wondering how I will pay for it. I have to find a job that will pay me what I was making, plus the 61 percent retirement loss my husband is going to suffer. Yes, that percentage is accurate. My husband used the Pension Benefits Guarantee Corporation formula. My kids want to know why we won't buy them Game Boys, why we never eat out anymore, why the house was freezing in the winter, why we are canceling the cable, why we might sell the house, and why we won't buy a replacement vehicle to our 13-year-old minivan with the loud noises.

''I'm not a rocket scientist, but I know that United's employee pension funds don't have to be turned over to the PBGC to allow UAL to emerge from bankruptcy. I expect, no, I demand, that these smart people at the top actually formulate a plan to preserve what all the employees have worked so hard to earn.

''I feel pretty darned (not the word I want to use) mad, betrayed, and depressed. I feel that my husband and I have no control over our financial future and also feel, unfortunately, that this won't be resolved for years. Congress, it's your turn to step up to the plate and do something since United Airlines' management isn't, nor this administration (and I'm a Republican). Carolyn A. Rosenberg, Doylestown, Pennsylvania.''

I want to thank Mrs. Rosenberg for sharing that with us. I want to thank her for participating in the e-hearing. I hope that we will be able in the future to have many more e-mail hearings since we are not allowed to have hearings of people in person.

Mr. Speaker, I will enter the entire letter of Ms. Rosenberg into the RECORD.

REPRESENTATIVE GEORGE. My vivid recall of 9/11 is lying on the kitchen floor in a fetal position; crying uncontrollably; feeling like I'm going to vomit; praying to G__d to keep my husband safe; and wondering where my husband is, what he's experiencing, and what the hell is going on! My next thought, rational or not, was to jump in the car and go pick up my son from his Jewish preschool, figuring these lunatics will want to kill him because of how we choose to worship G__d, yet my body wouldn't let me get up off the cold floor. I desperately kept hoping for someone to call me—anyone—and tell me my husband was safe.

Presently, as I write this, my body is shaking; it's difficult to keep my emotions in check and focus on what I want to say. My husband recently retired from United Airlines after a 24-year pilot career with them and a 40-year career as a professional aviator. What's happening at United to all its employees, present and past, is appalling. The people with the power at this company belong to the group that boasts Ken Lay, Bernie Ebbers, and Dennis Kozlowski as some of its members. The executive council for the pilots' union is also right there with them.

The effects of the United Airlines bankruptcy has been staggering to my family. The stress on my husband and myself individually is enormous, not to mention the strain on our marriage. We've lost a SIGNIFICANT portion of our savings due to United's collapse. At mid-life I'm forced to go back to school to switch careers (and wondering how I'll pay for it). I have to find a job that will pay me what I was making plus the 61% retirement loss my husband is going to suffer—yes, that percentage is accurate; my husband used the PBGC formula. My kids want to know why we won't buy them Game Boys, why we never eat out anymore, why the house was freezing in the winter, why we're canceling the cable, why we might sell the house, and why we won't buy a replacement vehicle to our 13-year old minivan with the ''loud noises.''

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CAROLYN A. ROSENBERG,
*Doylestown, PA.*

I want to just take one moment to reminisce about the early days, my early days in Congress. Within a few years after I came to Congress, more than 23 years ago, we had what is called the savings and loan bailout scandal.

□ 2115

Savings and loans bailout scandal. I call it scandal. It was another one of those swindles, legal swindles, legal stealing, sanctified by the Congress. We have spent more than half a trillion dollars of the taxpayers' money paying for the swindling and the crookedness that went on in the savings and loans banks.

I said more than half a trillion, because whenever I try to get the final figure, and really how much taxpayers were charged for that swindle, nobody ever can come up with a hard figure. So I recommend that there are some sophomores out there listening, high school sophomores, and bright students, you might want to go and check out and see if you can research and search out the amount of money that the United States Government, the taxpayers, had to put up to pay for the transgressions of the savings and loans failures.

Legal swindling. That is what it was. Stealing. Legal stealing. Systematic swindling. Sanctioned and guaranteed by the government. And I use those harsh words because we are about to enter another one of those fantastic bailouts. It has already begun. The airlines now are going to have what the savings and loan banks had, a bailout by the taxpayers.

Now, there are two things at work here. I want the fullest possible sympathy for the people who are suffering, like Mrs. Rosenberg, and some of the other people's whose letters I will read in a few minutes. But we must sympathize fully. We must understand that

those are human beings, families that need somehow to be justly compensated.

They need the full amount that they have invested returned to them. And that is our first priority. It must be our first priority. If in the end the only way they can get that is through the Federal Government, taxpayers, then I guess we will have to do that. But what a shame.

These are individuals who never expected, never wanted to be the beneficiaries of taxpayer welfare. That is what it is going to be, a subsidy given to them from the government to make up for something that they should have gotten as a result of their own individual responsibility.

We stress a great deal, and certainly this administration and this White House and the present domineering majority party in the Senate and in the House of Representatives, they stress personal responsibility. But the personal responsibility does not seem to extend to the corporate executives who take the money of the people, the investors, and the money of the employees and illegally use it and end up empty handed, expecting a bailout again from the taxpayers. That is what we are dealing with here.

We must sympathize. We must try to get ways to get more than 60 percent. Now, once as you heard from the letter, in this case the pilot says, I will only get 60 percent. Now, I face a 60 percent loss. That means I will only get 40 percent of what I should have gotten. The loss is 61 percent. You know, we would like to see them get a hundred percent of what they should get.

And I do not want anything I say now to let us lose sight of that important consideration. But we must understand the job of Congress now is to stop further thievery. Stop further swindling. Let it by known right now that this whole acquiescence, surrender to rule by corporations, which has gotten completely out of control under the present administration, this has got to stop. You cannot let corporations continue to plunder the economy and plunder its citizens.

Yes, we have had other plunders. We know the military industrial complex, which President Eisenhower, as he was going out of office, said, beware. Beware of the military industrial complex. They will rob America blind. They had taxpayer's money in this amount, and they are doing that. They are still doing that. It is an open bottomless pit that we are dropping money into, military expenditures.

Above and beyond Iraq. Iraq had to have a special appropriation. But we are spending more than a half trillion dollars on the military already. Today the New York Times had on its front page a story of how the program for the procurement and the development of weapons has gotten completely out of control; and it cited as an example, in the early part of the story, a naval weapon that has been under consideration for some time. And when it was tested, the missile blew up, melted and was no good.

But, yet, it was reported to have been a success, and additional money was given to keep the development going. Thus far, that development process has cost $400 million; $400 million to develop a weapon which blew up and obviously is not workable. But, also, they pointed out that we do not need to be in a weapons race. Who are we racing against? Who is it that has better weapons already than the United States of America? Why do we need to madly pour money down the drain after building more weapons?

The military industrial complex continues to rip off the taxpayers of America. The banking and credit card complex is what the savings and loan people were all about. The savings and loan scandal started with the failure of a few big banks, a few big banks after being mismanaged. Can you imagine banks with billions of dollars being mismanaged, on the verge of bankruptcy, and the United States Federal Reserve Board, the guy who was there at the time, who was in the particular banking regulation agency, recommended that we not allow them to fail?

The phrase was, they are too big to fail. If they fail, they will drag down many other industries with them. Well, first it was one bank, then in a few months it was four banks. And then it came out that the savings and loans, all of the hundreds of savings and loans banks across the country many of them were in serious difficulty because of the fact that the savings and loans program, the Federal Government guaranteed $100,000. If any individual put their money in the bank, up to $100,000 was guaranteed by the Federal Government; therefore they were abusing that, and in some places they were offering tremendous interest to get people to deposit up to $100,000, and it ran away from them.

They did not have the money to cover when people came to collect their money. And this happened in large amounts across the whole country. Everybody got in on the swindle who was in the savings and loan industry, not everybody became crooked, but a large percentage. So in the end it cost us more than a half a trillion dollars.

And I wager that we probably have gotten close to a trillion dollars, but you cannot go find that figure. It was all so cleverly done, with the approval of so many very important and powerful people, and so you cannot get the full story.

We are on our way now to a bailout of the airline industry. Phase 1: shortly after 9/11, we all agreed that the airlines had been unfavorably, unjustly penalized economically, that because they were grounded as a result of trying to ensure the safety of the American people from the air they had lost a tremendous amount of revenue. So we did an unprecedented thing. We gave a single industry money to make up for their losses.

The airlines got billions of dollars, appropriated by Congress, taxpayers' money, to help cover their losses. Step 1: but, evidently, you know, their business practices are such that they did not look at the situation and say, well, you know, like a farmer has to worry about the drought, and manufacturing has to worry about a declining interest of consumers, you have to make your adjustments, you have to do things differently. No, the airlines did not adjust, so they continued to lose money, because they did not make adjustments in terms of their commitment of volume and employees, et cetera; and they are still losing tremendous amounts of money.

And now they wade into the pension funds of the employees. And we are expected, we taxpayers are expected to cover that cost. Where will it go? How many billions will it be? Do you know? There is no way to know, because we are so compliant in our obedience to corporations, we bow down in America. The America of the last 20 or 25 years has been more and more bowing down to the power of the corporations. We do not demand that corporations act responsibly.

We do not demand that corporations, which are part of the Pension Benefit Guarantee Fund Corporation, that they disclose the situation with respect to their pension funds. It seems to me that that is a reasonable demand; it ought to be an automatic demand. Any common sense will tell you if you are going to take the responsibility of bailing out someone in the future if they get into trouble, the least that you should be able to do is to be able to demand that they show us how they are proceeding in their business, what is the likelihood that they may get into trouble, and what is the trend, what may be the place in which the crisis occurs.

We have every right to demand that corporations disclose the basic information about their pension funds. And yet we are not getting that information. The transparency is not there. The regular reporting is not there. Why does Congress allow the taxpayers to take on responsibility of insuring these people, while at the same time making no demands? That is what the new legislation is all about. It is old legislation. We Democrats on the committee, as the gentleman from California (Mr. GEORGE MILLER), the ranking member of the committee, pointed out before, we have been saying for years, we need to strengthen our pension laws. We need to deal with this in a different way. We need to be more responsible as a government. We have been saying it, but in the last 8 years we did not have control; the Republican majority did. And they seem to believe that there is nothing corporations can do that is wrong.

You know, we had the great theory that persists even until today, laissez

faire is better, laissez faire, fancy French means ''leave it alone.''

Businesses say laissez faire, leave us alone. Government is best by following a laissez faire policy, leave business alone. And that has been the story of American capitalism. We have left business alone. But it has not worked the other way. Business has not been willing to leave government alone. And here is our dilemma.

Business has taken over government. Business has taken over government, and business demands that laws be made in ways which guarantee that their profits will be maximized, that whatever damage occurs in their case that they will be bailed out. You know, we just finished an agricultural appropriation bill today. The agricultural industry is one of those industrial complexes, the agricultural industrial complex feeds off the taxpayers enormously.

The agricultural industry is still giving subsidies to farmers. In most cases they are not going to individual farmers; they go to farm corporations, because when Roosevelt started the program for the dirt farmers of the country, small amounts of money went to them to help them grow crops, participate in the program, use experimental information from the various county agents, et cetera.

Small amounts went to individuals farmers. But the individual farmers had the right to sell their so-called quota allotment to someone else. So corporations have, over the years, bought up all of those allotments, and you have corporations now that get tremendous amounts of subsidies as a result of that original program to bail out poor farmers. The poor are not benefiting from the agricultural industrial complex at this point. The agracorporations, the big agricultural industry, benefits now.

We struggled more than a year ago to bring down the amount of money that each agricultural corporation can get. Taxpayers should not give them any more than $275,000 per year. We should not give away any more than $275,000 a year. I think the House passed that. I was surprised to learn a few months ago that it was overridden by the Senate, and then at a conference, we all agreed, and the number is not now $275,000.

Agricultural corporations can get from the taxpayers of America up to $340,000 a year; $340,000 in welfare. That is what it is, a subsidy from the government, money from the government. If you are going to call one subsidy welfare, any subsidy from the government is a welfare payment.

I do not think welfare is a dirty word. But let us call it what it is. The only difference is that a family of four in America right now can only get about $7,000 a year, family of four on welfare, you know, children and one adult, really, because it is for mothers. Aid to Families With Dependent Children, and that means it has to be a single-family home, in most cases there is no father, because one adult and three kids, 6 or $7,000 per family per year, versus $340,000 for a farm, an agricultural corporation farm program.

□ 2130

That is what we are doing in America. The farm bill that we passed today has billions of dollars in there to give away to farm subsidies, sometimes for not growing grain, et cetera, but it is a giveaway of American taxpayers' money.

The farmers now constitute less than 2 percent of the population. Less than 2 percent of the population is walking off with a tremendous percentage that is available for needy groups. $340,000 for each corporation, that is the maximum amount they can get. Is it not wonderful we set a maximum, that they cannot go to a million?

This is a nature of a corpaucracy, the corpaucracy that we have allowed ourselves to get entangled in. The old terminology for economic systems and political systems is obsolete, to talk about communism or fascism or any other ''ism.'' I think in terms of it being a system that is set and being run a certain way, and you can talk about it in term of certain theoretical principles that will follow, there is always a pattern. Not the case.

We have a situation now where in America we have social for the rich. Socialism bailed out the savings and loan banks. Socialism meant the government, the people distributed their wealth into the banks to make up for what they had lost. Socialism means the government, the people will bail out the airlines. The government, the people will distribute money to the farmers to keep the market healthy and to see to it they do not overflow with certain commodities and see to it our exports.

For whatever reason, it is a government action, and I do not condemn all government action. I think the complexities of our civilization are such that we need a mixture, but let us recognize and admit that it is a mixture. Sometimes socialist principles need to be applied.

Socialist principles involve central planning. Central planning is necessary in order for the agriculture bills to work. Central planning is necessary in order to bail out the savings and loans. Central planning is necessary to have a Pension Benefit Guarantee Corporation. There is some central planning that societies in this day and age need. But let us not fool ourselves. That is government coming to the aid of business, the private sector being helped greatly by the public sector, by the ordinary taxpayers.

It is very interesting now, we have a great deal to worry about China. China is an economic giant coming on so fast until it is beginning to worry even the capitalists who are making the most money as a result of their relationship with China. We get cheap goods from China. We sell it at high prices here, big profits. Our relationship with China was too good to pass up. You can get things too cheap. You can get them so cheap manufactured and you can come back here and sell them in a market which has a different standard of living and you make tremendous profits. That is how we have caved in to China.

China is a Communist government politically. China is as totalitarian as a government can get in the final analysis. They do not hesitate and they do not pretend to be democratic. They will not hesitate to step in and change the rules if they want to change the rules in terms of any one of the industries in China. They put a great deal of conditions on our businesses when they go there. It is a planned economy. It is a totalitarian economy which still restricts people a great deal.

They are finding trouble restricting people because of the Internet and they cannot keep information from flowing. There are a number of things that a modern world is going to undue the Chinese totalitarian approach. But they at this point are a Communist totalitarian state with a mixed economy, and where capitalism suits them and they can make profits off of capitalism they are doing that.

We are a mixed economy here, but we do not admit it. We now need socialism to bail out the airline industries. You need socialistic actions, just as we had socialism to bail out the savings and loan industry.

Mr. Speaker, in the last few minutes I want to read a couple more of these letters, because I think it is very important to get it down to what this e-mail hearing was trying to get to, ordinary Americans suffering in this situation, not the Beltway theoretician or politicians but ordinary Americans who deserve better.

''Dear Congressman, I am a 49-year-old flight attendant based in the JFK New York area and a 28-year veteran with United Airlines. If United Airlines is allowed to terminate our defined pension plan and the Public Benefits Guarantee Corporation takes over, I will be losing over 50 percent, half, of my promised benefits. The elimination of our retirement plan will result in my inability to maintain my family's basic necessities in retirement.

''The employees at United Airlines have already lost their savings from the ESOP program, 401(k) UAL stock Stock Investments, UAL Employee Stock Purchase Program, and wages and benefit cuts that average between 30 percent and 50 percent. Currently, we are barely making ends meet and have lost much of our savings. Ironically, our CEO, chief executive officer, of the corporation, Mr. Glenn Tilton, of 2 years will retire with a $4.5 million package. Please, please help stop this assault on our lives, our families, and our airline. Help save our pensions and what is left of our dignity. Frank Annunziata, East Meadow, New York.''

Here is another statement from Arthur Mount, a retiree living in Stony Brook, New York.

''In 2003, I retired from this once great company after almost 38 years of continuous service. I started with United in June of 1965 as a ramp serviceman at JFK airport, and in April in 1967 became a pilot, finishing my career in April, 2003, as a captain. There are many things that I am concerned about regarding a loss of my pension, but my biggest apprehension is in regards to my wife. With the termination of my pension as proposed by the management of United Airlines, what sort of life can she expect? Who will take care of her? Where will the money be for the things she will need? Is she to end up as a financial burden to our children? It has been said that a true leader leads by example. Apparently the senior management of United Airlines does not hold to such a high standard. Their pensions are secure. Somehow or another I cannot help but believe that if the pensions of this company's senior management were to be treated exactly as they proposed mine to be, that another solution, other than termination, would have been proposed. Arthur Mounts, retiree, Stony Brook, New York.''

Mr. Speaker, I will also include in the RECORD a letter from Leola Robinson from the Bronx, New York and a letter from James P. Lattimer from Bronxville, New York.

Mr. Speaker, I would like to close by saying it is the business of the Congress to protect the American people from these kinds of legal swindles and legal thefts. This is suffering that should not take place in the United States of America in the year 2005. We can do better.

We have bills that are being proposed which will make certain that no future employees of other large corporations will have to suffer what the United Airline people have suffered. We urge you to participate if you have the opportunity to participate in any future e-hearings and that we have your participation fully.

DEAR CONGRESSMAN MILLER: As a result of the termination of my pension with UAL I will be the only one, and the first in my family, to not have a pension. I have been in the airline industry for 32 years working for Saturn Airline in the 70's, then Trans America, enduring with Seaboard and finally with Capital (dollar sign on the tail). With each airline I've had to support my daughter and myself on a ''Flight Attendant salary'' which was never enough living in New York City. I have survived under great duress.

I finally came to UAL hoping to get some decent benefits and a retirement plan which is the very least an employee should expect after devoting time and giving loyalty to this company.

Needless to say I am extremely disappointed at recent events in which UAL sought to dissolve the defined pension benefits. Now my future looks bleak. At my encouragement, my daughter became a UAL Flight Attendant as well as her husband and they now cannot support their family of five and they have no hope of future benefits and retirement. How cruel.

Sincerely,

LEOLA ROBINSON,
*Bronx, New York.*

DEAR CONGRESSMAN MILLER: I know you have been inundated by communications from UAL employees and retirees concerning the termination of our pension funds. I would like to add my voice to protest this termination of my pension. I flew for UAL for thirty two plus years (retiring at 60 in August of 2002). My loyalty, labor and perseverance could not be questioned. Now, in return for my labors, I find that the company is attempting to greatly diminish the pension that was promised by contracts and that I worked hard to obtain. Since there are alternatives (e.g. freezing the pension) to termination that would be a better solution, these avenues should be given time to explore.

Personally, should the plan be terminated, I could see a reduction of 60–75 percent in my retirement income, with no potential to replace this income. This would necessitate sale of our house and a drastic change in our lifestyle. I am also aware that thousands of my fellow employees and retirees would suffer similar situations, many of them very drastic changes. But I also see further beyond that and foresee a domino effect where other airlines (e.g. Delta, Northwest, American) could seek the same relief; along with some of the larger national companies (Ford, GM). This would put an undue burden on the PBGC, necessitating a government bailout, and a possible depression and recession. I don't feel this is a house of cards, but a real and viable outcome. I strongly feel that our burdens should not be passed along to our children and grandchildren.

I fully support you in your efforts and the efforts of Rep. Janice Schakowsky to sponsor HR 2327 and my appreciation of your actions cannot be measured.

Thank You.

JAMES P. LATTIMER,
*Bronxville, New York.*

## IRAN STUDY GROUP

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

Mr. KIRK. Mr. Speaker, there are key moments in the life of our country in the course of this Congress when the United States faces a path towards democracy or towards war. That choice may be approaching in the policies we face regarding Iran's development of nuclear weapons.

I, for one, choose diplomacy over conflict; and I believe that the United States and our allies can achieve our ends to the Iranian nuclear program without a shot being fired in anger. This should be our goal; and towards that end I join with my Democratic colleague, the gentleman from New Jersey (Mr. ANDREWS), to form the bipartisan House Iran Study Group.

The mission of our group is to review the situation in Iran, to measure the potential threat, to examine our military options, but most importantly to find and promote diplomatic policies that advance our security interests without a resort to arms.

I could not have chosen a better partner for this effort than my colleague from New Jersey. He is, first and foremost, not a Republican or a Democrat. He is an American. We both agree with Senator Arthur Vandenberg's dictum, who said that partisanship should end at the water's edge. We are also dedicated to the ideal that, when acting abroad, Republicans and Democrats are joined together as Americans.

We formed the Iran Study Group last year to carefully review the facts about Iran, to make sure the U.S. government is reviewing all of its policy options and to push diplomacy towards a successful conclusion. And I want to recognize my colleague from New Jersey.

Mr. ANDREWS. Mr. Speaker, I appreciate this opportunity tonight. I want to thank my friend from Illinois for his compliment. It is truly appreciated, and I know it is shared on my side that I very much appreciate, Mr. Speaker, my work with my colleague from Illinois. I also want to point out that he is one of the Members here who simply does not talk about his patriotism but he practices it.

He is active reservist. He serves his country in uniform on a regular basis, as do his brother and sister reservists. I think he honors this institution and this country by his service, and I thank him for it.

I appreciate the work we have done in our Iran Study Group. The emphasis is on the word ''study.'' We think the country faces a truly perilous situation with the prospect of the mullahs who run the Iranian government obtaining a nuclear weapon. We have devoted ourselves to analyzing how this problem came about and to carefully analyzing how we might solve it.

Our intention tonight is to have a discussion of those solutions that would be based on diplomacy, and I look forward to having my friend from Illinois lead that discussion, and I will join it so I can complement his points as to how we can solve this problem.

Mr. KIRK. Mr. Speaker, I thank the gentleman from New Jersey (Mr. ANDREWS).

When we review the situation in Iran, we see a nation with a proud Persian language and a culture that now is under a religious regime that has a very weak hold on the voters of its nation.

Time and again old revolutionary leaders of Iran have lost elections to reformers, but they keep power through the religious Guardian Council, Revolutionary Guards and the Iranian Intelligence Service. These ruling extremists have kept Iran as a pariah nation, unable to build lasting ties to the West.

While nearly everyone under 40 in Iran favors good relations with the West and even the United States, Iran's current Guardian Council maintains her isolation.

Now, all U.S. Presidents, Republican and Democrat, since 1979 have certified

that Iran is a state sponsor of terrorism, that Hezbollah would collapse in the Middle East without the direct support of Iran's intelligence service, the MOIS. And under the Guardian Council, Iran took a clear turn towards nuclear weapons despite her status as a signatory to the nuclear non-proliferation treaty.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I want to explicate the nature of the regime of which he speaks. This Congress and our Presidents of both parties did not choose the terrorists label lightly.

This is a regime which has its antecedent roots in the holding of American diplomats hostage for 444 days, an image which we will not soon forget. It is a regime where people are imprisoned and tortured for dancing at wedding celebrations. It is a regime in which women who express their points of view are brutalized, assaulted and tortured in Iranian prisons. And perhaps the most striking piece of evidence as to the real nature of this regime is found in the run-up to the elections which are going to be held in Iran on the 17th of June, in 9 days.

1,014 people registered to be part of that election, to be on the ballot for this election, and the ruling council that the gentleman from Illinois (Mr. KIRK) made reference to under the Iranian system has the right to chose who goes on the ballot and who does not.

I say this again. If you want to run for office, you file your nominating petitions, and then a ruling council decides whether or not you are worthy to be on the ballot. Of the 1,014 persons who filed to be on the ballot on the June 17 election in Iran, six of them were permitted to be on the ballot by the ruling council, six people out of 1,014 people.

□ 2145

This is not a regime that can have a nuclear weapon. We have to start this discussion from the proposition that it is unacceptable for a regime of this dark nature to have a nuclear weapon.

Mr. KIRK. Mr. Speaker, I would agree. Iran had grand ambitions under the Shah who planned to build 29 nuclear reactors. His plans and those of his successors are ironic given Iran's location atop one of the largest reserves of oil that emerged from the ground at less than a cost of $2 a barrel. With the fall of the Shah, Iran's nuclear ambitions were cut back but then revived with the help of Russia. Based at Bushehr, the Russian nuclear reactor project gives Iran a clear path to the production of plutonium despite Russia's assertions otherwise.

Until 2002, we had strong suspicions about Iran, but no clear allegations that she had violated her solemn commitment to the United Nations under the non-proliferation treaty; but then an exile group, the National Council For Resistance of Iran, exposed clear, undeclared nuclear activities, indicating uranium enrichment at that task; and the Arak heavy water production facility gives Iran a clear path towards the refinement of products which would become the center of a nuclear weapon.

This was just not according to the exile group. After 2 years of extensive inspections by the United Nations International Atomic Energy Agency, they reported that Iran had undeclared centrifuge atomic vapor, a laser isotope separation, a molecular laser isotope separation and plutonium separation activities, all in direct violation of Iran's formal obligations under the nuclear non-proliferation treaty and the safeguards agreement.

I yield to my colleague on these points.

Mr. ANDREWS. Mr. Speaker, I again thank my friend. It is important to note that we have nearly a quarter century of active deception from the Iranian regime on this point.

As recently as 4 years ago, 3 years ago, in international forums, the representatives of this government were actively denying that they were in pursuit of a nuclear weapon. For nearly a quarter century, we were told by the Iranian regime that activities which appear to be nuclear in nature were for a domestic energy program.

Now, one must find it curious that a nation that is sitting on one of the largest supplies of crude oil in the world, that is an exporter to the States, whose main export is crude, would find the need for a nuclear energy program. That alone is a rather curious proposition; but putting that aside, we had a quarter century of deception until, as the gentleman from Illinois (Mr. KIRK) says, in 2002 resistance leaders blew the whistle about the facilities at Arak and Natanz.

I want to be very clear, Mr. Speaker, that there has been controversy in this Chamber about the existence of weapons of mass destruction and ideological views coloring that discussion. There is no ideological dispute here. There is factual understanding by the French, by the Germans, by the British, by the EU, by the U.N., by every objective party in this case. It is not in factual dispute that there is a nuclear program going on in Iran.

Since the disclosures that became public in December of 2002, as the gentleman from Illinois (Mr. KIRK) just said, we had a 2-year process of inspections under the jurisdiction of the IAEA of the United Nations, and they confirmed the existence of plutonium, or rather of uranium, enrichment facilities. They confirmed the equipment and the infrastructure necessary to make the other parts of a reactor, including a centrifuge, that would lead up to the construction of a nuclear weapon.

So we want to be very clear tonight that what is in controversy is what will happen next with respect to development of this Iranian program. What is in controversy is what we ought to do about it. What is not in controversy is that the Iranians actively pursued a nuclear weapons program and that they actively deceived the rest of the world about that pursuit for a quarter of a century.

Mr. KIRK. Mr. Speaker, I thank my friend and I want to emphasize his point that the violations we are talking about were not based on faulty intelligence from the U.S. CIA. These violations that we are talking about are documented in formal, open reports by the United Nations international staff under Dr. Mohamed ElBaradei of the IAEA. Inspections through June of 2003 showed many reporting failures by Iran; and by mid-year, Iran admitted to enriching uranium, purification, reprocessing and later admitted to the United Nations of losing nuclear material that had been covered by her U.N. safeguards agreement.

Iran built a centrifuge enrichment plant at Natanz with 1,000 rotors and started construction at another facility with 50,000 rotors. Iran first claimed that it had not enriched uranium at all, and the IAEA reported then that it had found contaminations of enriched uranium at the Kalaye Electric Company, at one place, of 36 percent enriched uranium; at another, 54 percent on imported components; and at another, 70 percent enriched uranium inside its workshop. Until these discoveries by the U.N., Iran had only admitted to enriching uranium once to a level of 7 percent.

After the A.Q. Khan network was exposed in Libya, Iran also admitted to using advanced rotors of Pakistani design to enrich uranium. It also admitted in May 2004 that it had separated plutonium in much larger amounts than previously reported.

All of these actions point to a continuing effort by Iran to develop nuclear materials beyond an enrichment level ever needed for civilian power, giving us and the United Nations clear and convincing evidence that it is dedicated to the production of a nuclear weapon in violation of its commitment under the non-proliferation treaty at the U.N.

Now, Iran also has backed up its public statements with policy and announced just last month enacting legislation requiring the Iranian Government to develop nuclear technology, including enrichment of uranium, but this is not just the only part of the threat.

Iran not only has a nuclear program; it also has an aggressive missile development program, based on a North Korean missile, the No Dong, which the Iranians call the Shahab 3.

Iran's missile program brings many key U.S. facilities and friends into range, especially Israel. This is a picture of the latest Shahab 3 missile, almost 98 percent North Korean; and when you look at the range of these systems, you see that U.S. facilities like the Fifth Fleet, or our allies in Israel, come clearly into range.

When we look at this, we have a real danger now, nuclear weapons and missiles to promptly deliver them that represent a long-term threat to the Jewish State.

I yield to my colleague from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding.

This is truly a toxic combination of a dishonest regime that has actively deceived the rest of the world for a quarter century, the most lethal and deadly weapons known to man, and the ability to use those weapons both in a conventional and unconventional sense.

As the gentleman from Illinois' (Mr. KIRK) map shows very clearly, Iran tonight has the ballistic capability, has the ability to fire a missile that could cause nuclear havoc to U.S. troops in Iraq, in Kuwait, could cause the destruction of America's great friend in Israel. This is a real and present danger, but beyond the conventional danger is the asymmetric unconventional danger of the unconventional use of a nuclear weapon in an unconventional way: in a suitcase, in a rental truck, on a container being shipped into a port of the United States.

The risk that we are discussing tonight is not only the risk that one of the missiles that the gentleman from Illinois (Mr. KIRK) just described would rain down on U.S. troops in the Middle East or on our friends in Israel or in a friendly Arab state; the risk is that this risk could manifest itself in Times Square or in the Nation's capitol through the use of a nuclear weapon in an unconventional way. A toxic combination of a Jihadist regime, a 25-year record of deception, and the possession of this lethal technology is something we simply cannot countenance.

Now there have been efforts, intense efforts over the last 18 months or so to address this problem. I know that the gentleman from Illinois (Mr. KIRK) is going to outline them, and we are going to talk about how we support the intent of those efforts, how we are working through our working group to try to buttress the efforts, but how we believe that our country must be prepared both in the eventuality of the success of the negotiations or the failure of the negotiations in order to protect ourselves.

Mr. KIRK. Mr. Speaker, I point out the record of Iran is already clear in the late 1980s and early 1990s when she used chemical weapons and fired several hundred missiles in her war with Iraq.

Now, the U.S. and Israel, they are already spending hundreds of millions of dollars building a defense system against incoming Iranian missiles. If Iran's nuclear and missile programs go further, then the United States and Israel will have to commit hundreds of millions of more dollars to make sure that our allies in the Jewish State are able to resist incoming Iranian weapons. I will note that a missile fired from Iran, aimed, for example, at Tel-Aviv would arrive just 11 minutes after lift off, putting the Middle East on a hair trigger.

Given all of this, the United Nations' reports of violations, Iran's record of terror, nuclear and missile developments, all reported not by the CIA or MI6, but by the United Nations, what should we do?

Some say that we should let Iran have nuclear weapons, that we cannot stop technology, that we should not be able to classify the laws of physics, and so Iran will get nuclear weapons; but if we acquiesce to this, then this policy would commit us to a vast and expensive course of building missile defenses to protect our allies. While the Middle East would descend into a tense hair trigger peace, one irrational leader, one miscalculation and millions could die in a nuclear Jihad.

It would also put nuclear weapons in the hands of the Guardian Council, the same council that Presidents Carter and Reagan and Bush and Clinton and Bush all certified were the number one supporters of state terror, the men and women who funded operations like the gentleman said who would put a suitcase or a car bomb in a Western city.

I think we can do better. Some might say if this is so bad, then let Israel remove this threat by military means. In fact, in 1981 Israel destroyed Iraq's path to plutonium when it bombed the Osiraq reactor; but when we look at Israel and a potential attack on Iran, we see a vastly complicated operation of great cost and a chance of failure. At best, such an operation could set back Iran for a few years. At worst, it would enrage an enemy who would then use all of the means at her disposal to attack the Jewish homeland.

An attack by Israel on Iran would also destroy what is our greatest long-term asset in Iran, her young people, her young people who overwhelmingly report that they support better relations with America.

I think we can do better. We can stand between appeasement under an Iranian nuclear trigger or an attack against Iran. What could America do?

Mr. Speaker, I yield to my colleague from New Jersey.

Mr. ANDREWS. Mr. Speaker, I thank my colleague for yielding.

I certainly share the view that the Israelis did peace-loving people around the world a huge favor in 1981 when they took out Saddam Hussein's nuclear reactor program. The first Gulf War in 1991 and the recent hostilities which endure to today would have looked very different and much worse had Saddam been able to proceed with that program.

It is tempting to exercise the so-called Israeli option this time, to condone an action by the Israelis that would solve this problem. It is tempting, but it is illusory because the nature of this program is literally subterranean. Much of the developmental activity of the Iranian nuclear program is underneath the Earth.

□ 2200

They are not easily penetrated or perhaps not penetrable at all by an air assault. As the gentleman from Illinois (Mr. KIRK) has pointed out, in addition to the dubious prospects of success as a military proposition, there would be the unbelievable fallout of probably unifying the Iranian population against us and our Israeli allies and forfeiting what I believe is the best hope for a peaceful solution to this problem which would be voluntary, indigenous change led by progressive young Iranians who want to live in a country where they can speak and worship and vote and live as they choose. Running the risk of offending and alienating that block of forward-looking young Iranians would be a risk I do not believe we should bear.

As the gentleman from Illinois (Mr. KIRK) suggests, we need to resist the temptation of saying that the Israelis can once again take care of this problem as they did in 1981, because I do not think the record shows that. What we need to do is devise a robust, effective plan to sanction and leverage the Iranians toward a path of peace, rather than a path of development of nuclear weapons.

There is a sincere attempt led by the British and the Germans and the French to reach such a result. Most recently, that attempt has resulted in an agreement in November of 2004 which calls for the suspension of the Iranian enrichment program by the Iranians, an active inspection program by the United Nations, and then the extension of economic incentives so the Iranian economy may grow and prosper as a result of that proposition. There is hope that that will succeed. I hope it will succeed. I know the gentleman from Illinois (Mr. KIRK) does as well.

But the record must also show that since November of 2004 there have been at least three very serious problems reported with respect to compliance with the agreement. According to the IAEA, that is the United Nations arms inspection regime, Iran has limited IAEA access to two secret Iranian military sites, including a large complex at Parchin where suspected nuclear access may be taking place. Only two. The IAEA inspectors visited the site in January of 2005, but Iran has not allowed visits subsequently. So they have already begun to shut down the inspections.

Secondly, Iran is also alleged to have withheld information and conducted maintenance and other work on centrifuge equipment and uranium conversion activities. So there is centrifuge work continuing even though the official posture of the Iranian government is they have suspended nuclear weapons activities.

Finally, Iran is also beginning construction of a heavy water research reactor which could well be suited to plutonium production, and I would note for the record that discussions between our European allies and the Iranians do

not cover plutonium development of a weapon, they cover uranium enrichment. There are two major pathways to achieve a nuclear weapon. One is based on uranium, and one is based on plutonium. Even in its best day, this agreement is not addressing plutonium.

So to answer the gentleman's question directly, what should we do, we should anticipate what would happen if this agreement does not succeed, and we would define success as the abandonment of the nuclear weapons development program by the Iranians followed by a transparent inspection regime so the rest of the world could verify that it has not yet been restarted.

In order to do that, the gentleman from Illinois (Mr. KIRK) and I believe, and I think Democrats and Republicans can come together and believe, that a robust and effective program of economic sanctions is what we need. I know the gentleman from Illinois (Mr. KIRK) has worked on one particular idea which I think has very strong merit and ask the gentleman to outline that.

Mr. KIRK. Mr. Speaker, the gentleman from New Jersey (Mr. ANDREWS) and I support diplomacy with teeth. Over the last 18 months, the Iran Study Group has met with our allies, the U.K., Germany and France, and they have formed the EU–3 group to bring Iran back from the brink of an unstable and expensive nuclear arms race.

The essence of the EU–3 offer is to provide Iran with a set of carrots, spare parts for civilian aircraft, membership in the WTO, access to loans, all if Iran provides international guarantees and inspections to end the development of nuclear weapons. The EU–3's goal is not quite as idealistic as it may sound. South Africa, Argentina, Brazil and Ukraine all gave up nuclear weapons programs, and recently so did Libya. Iran can, too, if we can find the right mix of diplomatic incentives and disincentives for them.

I find the current U.S. policy debate on Iran is too simplistic. It is just two-dimensional: Either let Iran have the bomb, putting the Middle East under a nuclear hair trigger, or let Israel do it and have another war.

President Kennedy faced a similar dilemma looking at Cuba, but he broke out of the intellectual box that some would have him in to either let the Cubans have nuclear weapons or invade. He thought of a new policy, a quarantine, which allowed us to resolve the Cuban missile crisis without a shot being fired.

Are there policies which we can employ which will help the European Union succeed? I think there are. We all know this matter could be referred to the United Nations Security Council. We know, using its broad powers under Chapter 7 of the U.N. charter, the Security Council could impose sanctions, putting enormous pressure on Iran and isolate her completely.

What could those sanctions look like? We could do small things like outlaw Iran's participation in the Football Soccer World Cup. We could also ban airline flights in and out of Iran. We could block travel of anyone in the Iranian government outside her borders. We could impose comprehensive sanctions that would shrink Iran's economy. All of these means have been authorized by the U.N. Security Council against other countries and could be authorized by the United Nations against Iran if she says no to the European Union.

But what if one member of the Security Council vetoes action against Iran? Russia could veto action against Iran. She is, in fact, building a reactor in Iran. China also has extensive and growing relations with Iran. They could also veto action.

Some have talked about an oil quarantine against Iran. In fact, 20 percent of Iran's income is dependent on oil sales. An oil quarantine would implode Iran's economy, but it would also hurt our economy. The mullahs have threatened, if their sales were stopped, oil on the world market could hit $100 a barrel. That would hurt us. It would also hurt our allies in Japan and in Europe.

Are there other options available? In our bipartisan work in the Congressional Iran Study Group, we found that Iran has a unique vulnerability, one that opens a new window of diplomacy that could help us achieve all of our objectives without a shot being fired, and here is the vulnerability she has. Despite being a leading member of OPEC and one of the largest oil producers in the world, Iran is heavily dependent on foreign gasoline for her economic progress. In fact, one-third of all Iranian gasoline must be imported from overseas.

Iran's director of planning at the National Iranian Oil Derivative Distribution Company reported that Iran uses 67 million liters of gasoline. Only 39 million liters can be produced in Iran. Policies to expand oil refining capacity in Iran could in no way meet the demand; and in fact in Tehran they regularly debate rationing gasoline, ironically in a country that is a leading OPEC nation.

So we have this lever, a potential gasoline quarantine on Iran, a quarantine which would not affect international oil markets but would heavily affect just Iran alone. And if this policy was discussed, it could give a huge impetus to the European Union effort which my colleague, the gentleman from New Jersey (Mr. ANDREWS), and I both think offers the best chance for working our way out of this threat without anyone being hurt.

Mr. Speaker, I yield to the gentleman.

Mr. ANDREWS. Mr. Speaker, gasoline is the Achilles' heel of the Iranian autocrats. They have presided over such a dysfunctional country that they are in a situation where they sell crude oil in huge amounts to the rest of the world but import gasoline. Think about that. A country that is literally awash in the basic stuff that gasoline is made of cannot produce its own gasoline. Estimates go as high as 40 percent of the gasoline consumed by Iranian consumers is imported from other countries.

Now another measure of the importance of what the gentleman from Illinois (Mr. KIRK) is saying is this. Today when a citizen of Tehran fills up his or her tank of gas, they pay 40 cents a gallon. I wish I could go home and tell my constituents they were going to fill up their gas tanks for 40 cents a gallon. Obviously, it costs a lot more to produce gasoline than 40 cents a gallon in Iran, but this is such a sensitive issue for the population of the country that the Iranian parliament has voted, and as a matter of fact in January of this year the Iranian parliament voted to freeze domestic prices for gasoline and other fuels at 2003 levels.

Why did they do that? They did it because it would be so disruptive to the society and the economy to have a price shock that would reflect the true cost of a gallon of gasoline. If such a disruption occurred, it would shake the control, the iron grip the autocrats have over this country. They have identified their own weakness by freezing the price of domestic gasoline.

What the gentleman from Illinois (Mr. KIRK) is suggesting is a surgical sanction. We are going to be I believe going to the U.N. Security Council in this calendar year. That is my prediction. The gentleman from Illinois (Mr. KIRK) may not share that, but as I see things unfolding. On June 6, Monday, the Iranians once again said they would voluntarily suspend their uranium enrichment program until more talks ensued with the Europeans.

The election I made reference to earlier, the one where 98 percent of the candidates or more were expelled from the ballot, if we can call that an election, will take place on June 17. The talks will resume at some point in Geneva shortly after June 17.

I truly believe, given the track record we have seen thus far, that a referral to the U.N. Security Council is very near. We have seen after a dozen years of frustration with Iraqi sanctions that the U.N. Security Council taking a vote does not do a lot in and of itself. They took a lot of votes against Saddam Hussein over the course of a dozen years, but people still suffered and died and nothing really changed.

The key question if, and I think when, we reach the point of the U.N. Security Council, is what are we going to be asking for? Simply passing a resolution that condemns the Iranians for deceiving the rest of the world, violating their responsibilities under the nonproliferation treaty and continuing with the development of a nuclear weapon is not going to do it. It is going to take a meaningful sanction.

The gentleman from Illinois (Mr. KIRK) has laid out a very meaningful

sanction. He has wisely avoided the stick-your-head-in-the-sand approach of saying, if they have a few weapons, so what, they are a small country. I fear we would find out the ''so what'' would be very soon.

He has also avoided the risk to rush headlong into a military solution to this problem. Military action should never be taken off the table, never, but they should never be the first instinct or the first option. I believe what the gentleman from Illinois (Mr. KIRK) has outlined makes eminent sense, given the internal politics of Iran.

□ 2215

If Iran could only consume the gasoline that she produces domestically, one of two things would happen and they are both very disruptive to the regime. The first is that they would have to heavily subsidize the production that they already have internally; they would have to ration what people can use to hold the price down; and they would have to give up something else. Either food prices would rise, housing prices would rise, other energy prices would rise and the standard of living of the average Iranian would drop rather precipitously.

The other option would be to let the price of gasoline rise to meet the market curve of supply and demand, which I believe would cause chaos in that society. I believe that the hundreds and thousands of young Iranians who have taken to the streets in recent years want a change, and if the grip that their rulers have is weakened by the plan that has been set forth here, so be it.

The gentleman from Illinois said a few minutes ago about optimism, and he talked about Ukraine and about Libya and other countries giving up nuclear weapons. Another source of optimism I would daresay is this: If one went back and researched speeches made on this floor in 1985, if Members had stood and said, you know, within 6 years, millions of people in the Warsaw Pact countries are going to rise up and make changes within their countries without a violent revolution by simply demanding that change occur, they would have been hooted off this floor as being hopelessly naive and unaware of the way things really were.

I am not suggesting that Iran is like the Eastern European countries. I know the religion is different, the history is different, the culture is different. But I truly believe that human nature is not different. And I think that our 25-year-old students that we hear from in Tehran want the same thing that our constituents want and the same thing those brave Poles and Czechs and Germans and Ukrainians and Russians wanted, which is to live freely. And if we send a message that we will stand by them, I believe that they will be emboldened to try. And I think that the gentleman from Illinois' idea is not only an effective sanction but it is that powerful message.

Mr. KIRK. When we look at Iran, we have got an election coming up, not only just six candidates, they just added two more, but there is a key choice for the Iranian nation and the government to make, whether to pursue this nuclear weapons program, against the wishes of France, against the wishes of the United Kingdom, against the wishes of Germany and the United Nations, the IAEA and the formal commitments of Iran under the nuclear nonproliferation path, or to join the community of nations and build a growing economy in Central Asia, at peace with her neighbors, offering economic opportunity to her families.

But if she chooses the path of nuclear weapons and confrontation with the European Union, we do not have to resort, in my judgment, to any military means. We could impose a gasoline quarantine on Iran that would quickly implode her economy. This gasoline quarantine on Iran could be imposed by a coalition of the willing naval powers. But when you look at the position of anyone trying to import gasoline into Iran under an order of quarantine, you would find quickly that it would make no economic sense to try to run that quarantine. In fact, in my judgment, working with our British allies, Lloyd's of London likely would pull the insurance contracts for nearly all of the tankers attempting to service the Iranian market.

And working with our allies in the gulf who largely supply Iran's need for gasoline, they could by bilateral action simply abrogate contracts with Iran, making this quarantine fairly simple to operate and administer. The effect of this would be heavily on Iran, would put a number of people out of work, and with those thousands unemployed, then asking their government, why are we embracing a policy of confrontation, violating treaty commitments of our government and throwing me and my family out of work instead of going the direction that most people under the age of 40 would like to go in Iran, and that is embracing the West and having positive direction.

I think this is diplomacy with teeth. This is a way to break out of the intellectual box of either surrendering to an Iranian nuclear program run by a government who has the most extensive terror connections in the world or having some sort of war break out in the Middle East between our Israeli allies and Iran. I for one think that we should embrace a creative diplomatic posture that supports the European Union, that increases their likelihood of success and makes the Iranian government want to embrace a verifiable inspection regime that follows the path of Ukraine, that follows the path of Libya, that follows the path of Brazil and Argentina and South Africa and embraces a non-nuclear future.

For us, this is tense times ahead. My colleague talked about reference to the U.N. Security Council and any further action. We think that Iran is quickly moving towards a nuclear capability and, if the Guardian Council gets their way, could bring about a Middle East on a nuclear hair trigger. I think we can do much better. I think pitting our strength against their weakness, we can resolve this in a way that everyone is much more secure.

I thank my colleague. I also want to conclude by saying this, before I hand it over to him. We have had this debate on this floor as two colleagues from different parties working together in a bipartisan fashion. We have worked through the problem. We have met with ambassadors, with officials from the State Department, with our Israeli allies and reviewed carefully all of the options. I think on a bipartisan level when you work through all of these options and you listen to our allies and you listen to the experts, you will come to about where we are, a chance for a peaceful resolution of this that enhances security on a bipartisan basis. I think that represents the best traditions of this House, especially in our foreign policy where we set partisan differences aside.

I yield to conclude to my colleague from New Jersey.

Mr. ANDREWS. I thank my friend. It is characteristic of the gentleman from Illinois that he is a creative thinker and someone who wants to problem-solve rather than score political points. Working with him has been a terrific experience and one that I look forward to continuing on this and other ventures.

I think there is broad consensus in this House and in this country between the two parties on two points. The first is that there is a real and present threat to our survival in the form of Islamic jihadist terror. September 11 is the most dramatic example, but there are others. I think there are scarcely any people who believe that is not a very serious threat.

Mr. KIRK. Did you lose constituents on September 11?

Mr. ANDREWS. Of course I did. And lost people I knew personally. I think virtually everyone in New Jersey did in some way.

The second point of consensus is that America should always first use its economic and diplomatic and spiritual creativity to work with our friends and solve problems. No one here wants to rush to military conflict. And when we do get in military conflict, that is when it can be divisive and, frankly, should be, that we should have vigorous debate. What I like so much about the gentleman from Illinois' idea is that it fully employs the diplomatic and economic creativity of our country, and I think it does rise to a spiritual level of what our relationship will be with our friends in Iran for years to come. This is a surgical sanction that uses the might of our private sector.

The gentleman from Illinois made reference to the insurance sector. It is very true that the insurance industry

is very unlikely to insure vessels that would run afoul of a quarantine of gasoline. And if the insurers will not insure the cargo, the cargo does not flow. If the cargo does not flow, you do not need a naval quarantine. Frankly, the economics work in that advantage.

Secondly, this is a recognition that we want to share in the success of our European friends. They deserve credit for bringing us to a point where the Iranians are at least taking the position that they want to suspend this program. They deserve credit for saying they are ready to go to the Security Council, our British and French and German friends, should that need become evident. So this is an extension of a friendship with our allies in Western Europe, and it is a way to build on the success that they have had without resorting to armed conflict but by using the creative, economic and diplomatic tools at our disposal.

Finally, I would say spiritually, I do not doubt that someday, my daughters are 12 and 10, Jackie and Josie, and I think someday they will go to Iran. I want them to go to Iran as exchange students or as performers or as athletes or as people to visit friends that they have met in college or graduate school. I do not want them to go there as soldiers. We cannot ignore the reality that a jihadist despotic regime is trying to get a nuclear weapon, and we cannot ignore the high probability they will use it in ways that will terrify the world. But understanding of that threat does not imply a rush to military action. Instead, it implies a thoughtful, constructive plan such as the gentleman from Illinois has laid out.

It is our intention to introduce a resolution that lays out the ideas behind the gentleman from Illinois' discussion tonight. We want to persuade both Democratic and Republican colleagues and the administration to be supportive of this idea. We want to show that it is a reflection of our partnership with our Western European allies. And we want it to succeed. It is my hope that it is never necessary, that the mere fact that this is being discussed will embolden progressive, freedom-loving Iranians to take matters into their own hands. But I think it is going to take more than that. And I think that the idea the gentleman from Illinois has sketched out is one that will work. It is pragmatic, it represents our best tools and values, and I look forward to supporting it.

Mr. KIRK. I thank the gentleman and look forward to working with him and advancing this. We will be introducing our resolution next week.

## ANNOUNCING INTRODUCTION OF THE NEW APOLLO ENERGY PROJECT

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for half of the remaining time until midnight.

Mr. INSLEE. Mr. Speaker, I come to the floor tonight both to talk about a serious challenge of our country and some very optimistic news in that challenge. The challenge is to adopt an energy policy that will really be up to the problems we today face; and the optimistic news is that tomorrow with 15 of my colleagues, I will introduce the New Apollo Energy Project. The New Apollo Energy Project is a project that will really create a vision for this country's energy future that is up to the technological prowess of this country, that recognizes our can-do spirit, that recognizes the three challenges that I will talk about tonight, and will step up to the plate and solve those challenges. And it is about time for the New Apollo Energy Project because, indeed, we have challenges.

The New Apollo Energy Project of the bill we will introduce tomorrow will face three distinct challenges that we have in this country. It will face them head-on, and it will solve them. The first challenge that we face is somewhat related to the problems in the Mideast, the oil-producing region of the world that my colleagues were just talking about for the last hour. We know on a bipartisan basis that it is unhealthy for our personal national security; it is unhealthy for our ability to advance the cause of democracy, to be addicted to oil from the Mideast. It is unhealthy for any party who is in control of the White House. It is unhealthy for us across this country to have to make judgments about our foreign policy based on the politics, for instance, of the Saudi royal house.

Our addiction to Middle Eastern oil has cost this country dearly, and we must break that addiction. As I will talk about later, there is one way to do it and that is to adopt new technological fixes to wean ourselves off of oil so that this country can experience a new burst of democracy and spread it around the world, not afflicted and shackled to this pernicious addiction to Middle Eastern oil. The New Apollo Energy Project, I am happy to say, we will introduce it tomorrow, and it will take, I believe, the strongest, boldest, most ambitious step that this Congress has seen to try to deal with that problem.

The second problem: we are losing manufacturing jobs in this country by the thousands. We had a 14 percent reduction in manufacturing just in the last several years, since this last President took office. That is unconscionable. We need to adopt a new high-tech, new energy vision in this country that will make sure that the jobs associated with the efficient use of energy and the new production of energy are grown here in the United States. It is a sad commentary that the most fuel-efficient cars now are being built in Japan. The jobs of the future, building fuel-efficient cars, need to be in the United States of America. Those jobs need to be here.

□ 2230

Why are the jobs associated with the production of wind turbine technology which is actually the fastest-growing energy source in the United States, why are those jobs going to Denmark? Those jobs ought to be here. Why are the jobs associated with the solar cell industry going to Germany? Those jobs need to be in the United States.

The New Apollo Energy Project will seize on the basic can-do spirit of America to grow our homegrown technologies to bring those high-tech jobs and manufacturing jobs and construction jobs. We need to lay a lot of steel and copper to wire this country for the new sources of technologies that we need. Those jobs need to be in the United States of America. As I will talk about in a little more detail, the New Apollo Energy project will address that problem by growing over 3 million jobs in the next 6 years in this country associated with these new energy resources and efficiency systems.

So, first, we have a security concern. Second, we have a jobs concern. And the third concern is a global one, and that is the challenge of global warming. As we know from the National Academy of Sciences today, which came out with another report, another nail in the coffin of those who urged to take no action based on global warming, it is a fact. Arguing it would be like arguing gravity at this point. There are uncertainties of how significant it will be, but we need to step up to the plate and address global warming, and the New Apollo Energy Project is the most ambitious bill that has ever been introduced in this House to deal with that issue in ways that we will address.

So this New Apollo Energy Project will address three problems: A security problem associated with our addiction to Middle Eastern oil; a jobs problem associated with the loss of jobs going overseas due to other countries being advanced and getting ahead of us in this game; and, third, the need for our Nation to stop global warming. Rarely do we have a trifecta in one bill that will address three separate issues. But this needs to be done.

The reason we define our bill as the New Apollo Energy Project is it draws some inspiration from John Kennedy, who stood behind me here May 9, 1961, and said that America was going to put a man on the Moon in 10 years and bring him back safely. When he challenged America to do that, it was a very audacious, bold challenge. We had not even invented Tang yet. Rockets were blowing up on the launch pad. Many thought Kennedy had really engaged in a hallucinatory plan. But Kennedy recognized something that we should now recognize, which is that Americans, when they are challenged to invent new responses to problems we have, Americans come through.

In my district, we understand the power of innovation. Boeing Company, I represent the area north of Seattle,

where we are going to build the most fuel-efficient jet in the world, the Boeing 787. It is going to have 20 percent more fuel efficiency. It is going to be one of the most comfortable jets ever. I am looking forward to riding in it. That is the power of innovation.

My district includes the Microsoft campus. We understand the power of innovation. America has the greatest innovators the world has ever seen, and now it is time to harken back to the Kennedy spirit of putting a man on the Moon, to say we need to adopt a new energy policy that is equally ambitious and equally optimistic, and this is a very optimistic plan.

If I can, I would like to say that we have good news, too. We are developing a more bipartisan, I think, and across the ideological spectrum viewpoint that we have to deal with these issues: security, jobs, and global climate change.

I want to address the security issue. I happen to be a Democrat, but this is not just a Democratic issue. I am very interested in a letter sent to President George Bush on May 24, 2005, signed by a whole host of past Cabinet officers in Republican administrations and Democratic administrations, people who have been involved in the security challenges of the United States: Robert McFarland; James Woolsey, former official in the Bush and Clinton administrations, former chief of the CIA; C. Boyden Gray, former chief of the Agency in the Bush administration; Admiral William Crowe, U.S. Navy retired; Honorable David Oliver, former Principal Deputy Under Secretary of Defense. A whole score of folks involved in the defense of the security of this Nation.

Basically, their message to President Bush was simple, that we have to develop alternatives to oil and that our addiction to oil presents a security risk to the United States. They said very pointedly, I thought, that with only 2 percent of the world's oil reserves but 25 percent of the current world consumption, the United States cannot, cannot, eliminate its need for its imports through increased domestic production alone. They understand that the dinosaurs went to die somewhere else, mostly in the Mid East, and we need to develop alternatives to oil.

They went on to urge the President to adopt improved efficiencies and rapid deployment and development of advanced biomass, alcohol, and other available petroleum alternatives. They said that action to prepare for the day that when we need to wean ourselves from oil will pay dividends for our national security, our international competitiveness, and our future prosperity.

They made some really specific proposals, these security experts. They said that we should make it a national top security priority to significantly reduce our consumption of foreign oil through improved efficiency and the rapid substitution of advanced biomass, alcohol, and other available alternative fuels; and this effort should be funded at a level proportionate with other priorities for the defense our Nation. They look at this as a defense issue, as does our New Apollo Energy Project. They said the Federal Government should consider mandating substantial incorporation of hybrids, plug-in hybrids, and flexible fuel vehicles into Federal, State, municipal, and other government fleets.

The New Apollo Energy Project that we will introduce tomorrow does these things and much more because it recognizes the security threat to the United States that these security officials recognize and it takes action today.

Now I would like to, if I can, talk about the threat of global warming. That is one of the reasons we need to take action associated with the New Apollo Energy Project. There are some very interesting things that happened this week on the front of new energy. The National Academy of Sciences essentially yesterday came out with a report which concluded, as have the International Panel of Sciences previously studying this effort, that the earth is warming. A substantial portion of that is caused by human activity, that warming will occur even if we stop today because the carbon dioxide that causes global warming stays in the atmosphere for decades, and called for action now, not 10 years from now, to deal with this threat. This is the National Academy of Sciences, one of the most nonpartisan, prestigious groups in America. It joined other academies across the world actually yesterday in issuing this manifesto.

The reason they are saying that is quite clear. Global warming is a well-understood principle. Energy light, an ultraviolet spectrum can come through the atmosphere. When it bounces back, it is in the infrared spectrum. Unfortunately, in part, carbon dioxide traps infrared energy and does not allow it to radiate back to space.

Actually, it is a wonderful thing. If it was not for this aspect, we would have a frozen planet on our hands. But the fact of the matter is too much carbon dioxide causes global warming. We know that is happening. As the Academy of Sciences said today, we know it is happening through melting glaciers, changes in biological standards up and down the coastline, melting tundra in the Arctic, the disappearance. Glacier National Park will not have glaciers in 75 years at this rate due to global warming.

So how do we know this is occurring? If I can refer to a couple of charts here, we see with our own eyes some changes, and I will get to the theory of why this is happening. But we have seen with our own eyes some very substantial changes in our world as a result of global warming already.

This is a picture of the ice sheet in the Antarctic. And if I can refer to the glacier, it is the Pine Island Glacier as it comes down into the sea. It shows pictures on September 16, 2000; November 4, 2001; November 12, 2001. It shows a breakup of the ice coming down into the Antarctic. This piece of ice here is roughly 26 miles long and 11 miles wide. That is a substantial piece of the Antarctic breaking off, and this phenomenon we have now seen in substantial places across the Antarctic.

Now, obviously, one piece of ice does not the puzzle make, but what we are seeing now is these things with our own eyes. This is not a hypothetical issue.

If one travels to the Glacier National Park, they may say, where did the glaciers go? They melted. If they travel to Alaska and they see some buckled housing, it is because the tundra is melting. If one goes to Denali National Park and ask why trees have moved up, it is because the weather is getting warmer. We see this with our own eyes. The reason this has happened is because of carbon dioxide.

I actually stumbled across a pretty amazing chart today, disturbing and amazing. What this chart shows is the carbon dioxide and temperature levels going back from today, which starts here at zero, going backwards 400,000 years. So, basically, this chart shows carbon dioxide and temperature levels over the last 400,000 years.

Scientists know this because they find trapped particles of air, air bubbles essentially in glacier ice going back during that period; and they can analyze the air to determine both the carbon dioxide in these bubbles when they were trapped 400,000 years ago and the temperature by looking at the isotopes of oxygen and the concentration of trace materials. So we have a very good unarguable, all the scientists agree on this, record of what the earth has done.

There are three salient things from this record.

Number one, we see that there is a very close correlation between deviations in carbon dioxide levels in the atmosphere and global temperatures. The $CO_2$ levels as shown in the red line, we will see deviations over the last 400,000 years up and down. These are parts per million from about 180 at the bottom to 380 at the top of this yellow section.

So what we see is carbon dioxide levels have gone up and down, in some cycles, over the last 400,000 years. But it is pretty interesting because the temperatures, if the Members notice the blue line, pretty much follow in a regular path the red line. And what we see is that temperatures have followed changes in carbon dioxide levels. It is a very close correlation, as we are seeing now. Because what we are seeing now is an explosion of carbon dioxide. It is sort of human-caused volcanic of carbon dioxide which is sending $CO_2$ levels through the roof.

The second thing that was interesting in this chart is that when we come to today, which is this spot right here on this graph, this red line shows $CO_2$ levels, and it shows the $CO_2$ levels

that are expected by the scientists as a result of our burning fossil fuels, putting $CO_2$ into the atmosphere. And what it shows is today we are at about 375 parts per million. For every million molecules, there are about 375 molecules of carbon dioxide in the atmosphere. That is higher today than at any time in the last 400,000 years on earth. Anytime in the last 400,000 years, we have more $CO_2$ in the atmosphere than we have ever had in the last 400,000 years, and it is getting hotter rapidly. Ten of the last hottest years we have had in the last decade. Temperatures are rising.

But what is disturbing is that the scientists are projecting $CO_2$ levels to continue to go up essentially on a vertical line looked at geological time. By 2050, we are expected to have 550 parts per million. Our $CO_2$ will be up here, almost twice the highest level ever in the last 400,000 years of unrecorded history. That is under a business as usual if things go well.

Now, there is uncertainty in this. We do not know exactly what is going to happen. If things go well, the optimistic assumption, if we do business as usual, is by 2050, my children's lifetime, we will have 550 parts per million, almost double the carbon dioxide we had then. By 2100, my grandkids' lifetime, we will have 980 parts per million, almost three times as much carbon dioxide in the atmosphere than has ever been in global history as far as we can tell. It is disturbing when we see what has happened already in our world to think of this curve exploding in this nature.

□ 2245

That is why the National Academy of Sciences is calling for action today.

That is the good news. We have some scientists who want us to act. The bad news is the Bush administration refuses to do so. In fact, we read in today's New York Times that the chief of staff of the Department of Environmental Quality for the administration actually cooked the books and edited reports to change them to make it look like this is not such a big deal. That is very disturbing when you look at the real science that the National Academy of Sciences has projected.

Well, those are the challenges we have. The fact of the matter is, we can take action on this. We can take action now, starting tomorrow with the New Apollo Energy Project.

Basically, the New Apollo Energy Project is going to take a multiple approach to this. It recognizes that there is no silver bullet to this issue. There are many things that we all need to do and industry needs to help in to solve these multiple energy policies.

But one thing it does not do, it does not do like the energy bill did that passed this House, that gave 94 percent of all the taxpayer dollars to the oil and gas industry, one of the largest obscene subsidies, using taxpayer money to subsidize one of the wealthiest industries in American history already. It does not do that. It does not take the money out of taxpayer dollars and give it to the likes of Exxon, who last quarter had $7.5 billion profits. Why do they need subsidies when fuel is at $55 a barrel already? It does not do that. It uses a host of approaches to deal with this issue.

Now, one of the first things it does is it does what you would do if you want to reduce your energy consumption. The first thing is we stop wasting energy. The best way to create energy is not to waste it, not to throw it away. Unfortunately, because of some industrial policies that have not used efficiency, we are not using our heads when it comes to being efficient in use of energy. Let me show you one of the most discouraging things when you look at our national policy of some years.

This is a chart of the fuel economy, fleet fuel economy, both truck and car, from 1975 to 2005. I think it is one of the most troublesome graphs I have seen, because it shows a real failure by this U.S. Congress and, frankly, by some folks in deciding what cars and trucks to make for us.

What it shows is in 1975, this middle line basically is the average fuel mileage that a combination of our cars and trucks got. In 1975 we were getting a combination of about 14 miles per gallon, back in 1975. In 1975 we made a conscious decision to demand that our auto industry produce more fuel efficient vehicles, and they did. They were supremely successful in responding to that congressional mandate.

They almost, well, not doubled, but went up at least 65 percent, up to about 1984, when our fuel economy got up to about 22 miles per gallon combined. So we went from about 14 miles a gallon to 22 miles a gallon in less than a decade. A pretty good achievement, because we put our minds to it. We used our design capability, we advanced safer, roomier, more comfortable, more fuel efficient cars, and we did it because we used our brains. People designed and built cars that did that because we demanded through the U.S. Congress that that happen through something we called the corporate average fuel economy standards.

Then in 1985 the government basically fell off the wagon. They stopped making any more requests for further fuel efficiency, and our fuel efficiency since that time has actually gone down since 1985. So today the industry as a group provides us vehicles that get less gas mileage than our vehicles did in 1985.

Now, think about that. Since 1985 we have invented the entire Internet, we have perfected space travel, we have mapped the human genome, we have got cell phones for our kids coming out our ears, but the cars we drive get less fuel mileage than they did in 1985. That is a failure, and we need to do something about that.

We need to put our heads together, and the New Apollo Energy Project in part takes a small step. It does not specifically increase the standards, but it suggests we do research, we do research in finding how to have more fuel efficient cars in a whole host of ways, just like these national security experts suggested that we do.

It was pointed out to me by the architect of this plan, if we had simply continued this rate of improvement to 2005, if we had not stopped in 1985, we would be free of imported oil today from Saudi Arabia. Think how that would be a better situation.

So the first thing we do is we do not waste fuel. We do not waste energy in our buildings, and our new Apollo Energy Project has new building research and standards to try to encourage industry to provide us more fuel efficient buildings, one of which is to have the U.S. Government adopt more advanced standards for building Federal buildings. That is just a start.

States are doing this around the country. My State, the State of Washington, just adopted the most progressive efficiency standard for public buildings, and we ought to do the same. And we do this in the New Apollo Energy Project so we do not waste.

We do this in a variety of ways. We give consumers incentives. We give advanced tax breaks. If you buy a fuel efficient car, we give a tax break, unlike the House bill that passed here a few weeks ago. It gives producers incentives.

We want to save the domestic auto industry in the United States. It is in deep, deep trouble and we want to save it. There are two ways. Number one, we give it substantial assistance to get back on its feet through use of in some of its retooling expenditures and its tax treatment, and in a way I hope we will also assume some of the health care costs ultimately, the legacy costs of our domestic auto industry.

But that is not all we have to do to save the domestic auto industry. We also have to grab back the market share we are losing to the Japanese and soon the Chinese in fuel efficient cars. We take steps in that direction.

Third, we take some regulatory approaches. We realize there are certain things we simply have to do to get this genie back in the bottle. One of the things we have to do is limit the amount of carbon dioxide we are putting into the atmosphere. We do that by incorporating the standards over in the Senate. Senators MCCAIN and LIEBERMAN are leading an effort to establish a cap on the amount of carbon dioxide that goes into the air. We do this now for nitrogen and for sulfur. It is time to do it for carbon dioxide. We have learned that that gas, that toxic material, that pollutant, could cause us more problems than all of these put together.

We have been very effective. This is one of the real success stories in what we have done to clean up our air. We have cleaned it up of nitrogen, for sulfur to a significant degree. If the administration does not roll back our

mercury standards we hope to increase our safety for our kids from mercury. But we have not done it for carbon dioxide. That is the granddaddy of it all when it comes to changing our entire climatic system. So we need to add that pollutant to the list we control.

We know this works. We do a cap and trade system and we force polluting industries to bid, if you will, so we have the most efficient way to bring efficiencies to our production and manufacturing systems. Then we use the money generated from that auction to pay for the research and application of these fuel efficiency standards.

By the way, this is one of the great virtues of the New Apollo Energy Project. It is paid for. We have a $600 billion in real terms deficit, and we need to pay for things, and this is paid for.

We have provided a mechanism for paying for every penny of expenditures in the New Apollo Energy Project through two means: Number one, this auction of permits to put carbon dioxide in the air, which will generate billions of dollars; and, secondly, by closing a couple of corporate tax loopholes that allow corporations to move jobs offshore and then get tax breaks for doing that. On a bipartisan basis we ought to close some of those. So we pay for this bill, it is fiscally responsible, and I think that is important to do.

Now, why do we have optimism this is going to work? Well, for one reason, it is working. Let me tell you about some successes we are having in that regard.

First off, it should be noted this is not pie-in-the-sky by any means. I will just show you a picture and note a couple successes. This is a picture of the Hathaways' home in Loudoun County, Virginia. They built this home for about $365,000, which is in the realm of building costs here, not too different from houses of this nature.

When they built this home, they wanted to incorporate state-of-the-art technologies to try to reduce their energy usage. They built a home that did just that. They built a home that incorporates solar cell technology in the roof, some passive solar heating in the way they designed the home and oriented it, an in-ground heat pump, which is extremely efficient. This in-ground heat pump is just amazingly efficient. They used additional insulation and a few other whiz-bang items to try to reduce their energy consumption.

What they did is they produced, and I cannot recall the exact square footage, but you can see it is a pretty good-sized home, it looks nice, they produced a home that is attractive, comfortable and uses zero net energy off the grid, because they produce energy.

First off, they use it efficiently, and they produce energy through their solar roof system and their net consumption is zero. The way they can make it zero is while they are producing more energy than they are using, which happens frequently, they are feeding energy back into the grid, so their meter on the side of the home runs backwards a good part of the time when they sell back to the energy utility the energy they are generating. When you net the two out, they have a zero consumption. This is today, within about 60 miles of where I am standing, and it is working today.

But it is not just solar and those techniques. The good news is that our investments in these technologies over the last several decades are paying off big time, as they say. If you look at all of these new technologies, you find a very consistent dynamic, and that dynamic is that the more we build, the cheaper it becomes.

Right now in wind power we are building the largest wind turbine farm in North America in the southeast corner of Washington State. Some farmers are going to do pretty well in the leases associated with these wind farms.

These wind farms 20 years ago would have been very expensive. They started about 20 years ago and the electricity produced from them was much more expensive than gas or coal. As we developed the technology and produced more turbines, the cost has come down. Now in Washington State the cost of wind power is just about market-based with the cost of alternative fuel of gas turbines that you would have to produce to provide an alternative. In fact, I just saw some plans, one of our utilities is going to have 5 percent in the next decade of their energy produced through wind.

This is a real functioning system. If you look at what has happened at the cost, in 1980, the cost was about 35 cents per kilowatt hour. That has come down to by 2000 to about 3, 4, 5 cents, depending where you are, this incredible reduction just in the last two decades. That a combination of new technology and the scales of production as you ramp up.

What we find as we start to implement these things is they become much less costly. That is why a lot of people who sort have been naysayers of new technology say it will cost too much. Of course it will. The first time you build something it usually costs quite a bit. Look at our defense array. Guess how much the first laser beam we built cost for the Defense Department?

The same thing in solar cell. PV is photovoltaic. We see it cost about 100 cents per kilowatt hour in 1980. That has come down to 21–23 cents in the year 2000, and that curve is going to continue.

The same for biomass, which we are very excited about. We have a plant going in we hope in Monroe, Washington, shortly for biomass.

I met about a month ago with farmers in Eastern Washington who want to start an industry around mustard and grape seed to develop oils to fuel our cars and heat our homes. You look at biomass, 1980 again about 12 cents per kilowatt hour. That is down to about 7 cents now, and that line is projected to continue down. The same with geothermal and the same with solar thermal, basically just heating water on top of our roofs, which is very efficient as well.

□ 2300

So the good news is that as we focus on these energy systems they become much more efficient and thereby less expensive. So this is one reason that we have a sense of optimism in that regard.

Now I want to come back to, if I can just for a moment, to the certainty both of the reasons for optimism and the certainty for the need for action here. We know that we are the best innovators in the world, and we know we are people of science. And the science has shown that science works, and that is why these costs are coming down. The science has also shown the necessity for action.

I do want to refer to this report that was just issued by the National Academies of Science yesterday. It says that there is now strong evidence that significant global warming is occurring. The evidence comes from direct measurements of rising surface air temperatures and subsurface ocean temperatures and from phenomena such as increases in average global sea levels, retreating glaciers, and changes to many physical and biological systems.

Here is a pivotal statement. It is likely that most of the warming in recent decades can be attributed to human activities. This warming has already led to changes in the earth's climate. The scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action. Even if greenhouse gas emissions were stabilized instantly at today's levels, the climate would still continue to change and adapt to the increased emission of recent decades.

It went on to talk about the negative ramifications of climate change, increases in the frequency and severity of weather events such as heat waves and heavy rainfall. Increasing temperatures could lead to large-scale effects such as melting of large ice sheets, a major impact on low-lying regions in the world. At the level that the sea is predicted to rise, which is .1 to .9 meters, in Bangladesh alone 6 million people would be at risk for flooding.

Science tells us that we need to act, and there is no excuse, no excuse whatsoever for this administration to dig in its heels and refuse to act.

The President, it is interesting, because I have heard him say both publicly and to me personally that he realizes that this is an issue that he has to address. Yet he has refused to lift a finger to limit carbon dioxide emissions. He has refused to lift a finger to address the rest of the world, to try to engage the rest of the world in dealing with this issue. He has refused to lift a

finger to stop this Chamber from adopting an oil-soaked policy that might make former friends in the oil and gas industry rich but will impoverish the taxpayer directly through their taxes and our grandchildren through its climate.

This is inexcusable. Anyone with any respect, any decent shred of respect for the whole nature of scientific inquiry who willfully blinds themselves to this great threat, to this beautiful little blue globe we live on, cannot be said to be acting as a steward of the Creator's Earth. We are stewards of this Earth for future generations. It is our primary reason for living, and this administration is woefully inadequate in its discharge of that responsibility.

That is why I am pleased that myself and others tomorrow will introduce a bill that will get this great Nation engaged in using its talents to solve this problem. Because a country that did put a man on the Moon, who responded to John F. Kennedy's challenge in the 1960s, is equally able to respond to the challenge of energies in this century and much more so. Because we have seen, we have witnessed firsthand the incredible powers of this country when we challenge ourselves to use our technological prowess to invent our way out of the pickle which we are in now.

So I am happy that we are going to use not just one technology here, and it is not just solar and it is not just wind. We should do research, and my bill will call for research, in clean coal technology. If we can find a way to burn coal and not put carbon dioxide in the air, we should do so.

There are significant challenges in that: Where we will store the carbon dioxide if we cannot separate it from the gas stream? Those are big challenges, but we need to do the research, and we should not be blinded from those potential solutions as well.

It has to do with simple things like using management of our transportation systems to try to reduce our costs. It is by maximizing some of our public transportation systems. It is like some of even our zoning requirements to try to reduce the number of miles we have to drive to get to work. And, fortunately, with the Internet explosion, we are finding ways to reduce some of those, some of those expenses as well.

The point is that we have to let a thousand flowers bloom when it comes to energy, and our bill will do so by encouraging a whole raft of new research projects from soup to nuts on dealing with this issue.

I am very pleased to say that this bill will be introduced tomorrow, and I would encourage my colleagues to take a good look at this. Because we are all, all in this together, and this should not be a partisan bill. We see good leadership from John McCain on this over in the Senate and others. We see leaders in renewable technology on the Republican side of the aisle here in the House. And we are hoping as time goes on we will adopt a bipartisan vision along the way of the new Apollo Energy Project. America deserves it. We are up to it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Ms. PELOSI) for today after 4:00 p.m. and the balance of the week on account of his daughter's graduation.

## 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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. BARTLETT of Maryland) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today and June 9.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GOODE, for 5 minutes, today.

## ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, June 9, 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:

2243. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2005 through March 31, 2005; to the Committee on International Relations.

2244. 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.

2245. 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.

2246. 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.

2247. A letter from the Acting Chief Financial Officer, Export-Import Bank of the United States, transmitting the Bank's Annual Management Report for the fiscal year ended September 30,2004, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

2248. A letter from the Comptroller General, Government Accountability Office, transmitting information concerning GAO employees who were assigned to congressional committees during fiscal year 2004, pursuant to 31 U.S.C. 719(b)(1)(C); to the Committee on Government Reform.

2249. A letter from the Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2250. A letter from the Special Trustee for Amerian Indians, Department of the Interior, transmitting a draft bill, ''To resolve certain accounting discrepancies within the Individual Indian Money Account Pool and for other puroses''; to the Committee on Resources.

2251. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States for the March and September 2004 sessions, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

2252. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for the 2004 calendar year, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 481. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, with an amendment (Rept. 109–107). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 774. A bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado (Rept. 109–108). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 853. A bill to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States (Rept. 109–109). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 873. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Marina Islands, and for other purposes (Rept. 109–110). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1084. A bill to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes (Rept.

109–111). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1428. A bill to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes, with an amendment (Rept. 109–112). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2362. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. 109–113). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 432. A bill to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park (Rept. 109–114). Referred to the Private Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. GOODLATTE, Mr. BERMAN, Mr. BOUCHER, Mr. CONYERS, Mr. CHABOT, Mr. JENKINS, Ms. ZOE LOFGREN of California, Mr. COBLE, and Mr. WEXLER):

H.R. 2791. A bill to amend title 35, United States Code, with respect to patent fees, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself and Mr. DEFAZIO):

H.R. 2792. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself, Mr. STRICKLAND, and Mr. BLUNT):

H.R. 2793. A bill to promote health care coverage parity for individuals engaged in legal use of certain modes of transportation; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and 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. LEWIS of Kentucky (for himself, Mr. POMEROY, Mr. RAMSTAD, Mr. BEAUPREZ, and Mr. WELLER):

H.R. 2794. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. BERMAN, Mr. GOODLATTE, Mr. BOUCHER, Ms. ZOE LOFGREN of California, Mr. CANNON, Mr. SCHIFF, Mr. ISSA, Mr. CONYERS, and Mr. COBLE):

H.R. 2795. A bill to amend title 35, United States Code, relating to the procurement, enforcement, and validity of patents; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 2796. A bill to expand the use of DNA for the identification and prosecution of sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 2797. A bill to amend the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to extend registration requirements to juvenile sex offenders; to the Committee on the Judiciary.

By Mrs. BONO:

H.R. 2798. A bill to authorize the disinterment from the American Ardennes Cemetery at Neuville-en-Condroz, Belgium of the remains of Sergeant Roaul R. Prieto, who died in combat in April 1945, and to authorize the transfer of his remains to his next of kin; to the Committee on Veterans' Affairs.

By Mr. BRADLEY of New Hampshire (for himself and Mr. CANTOR):

H.R. 2799. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 2800. A bill to designate the State Route 1 Bridge in the State of Delaware as the ''Senator William V. Roth, Jr. Bridge''; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Florida (for himself, Mr. LARSEN of Washington, Mrs. DAVIS of California, Ms. HOOLEY, Mr. FORD, Mr. SNYDER, Mr. SMITH of Washington, Mr. PAUL, and Mrs. MCCARTHY):

H.R. 2801. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the costs of providing technical training for employees; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 2802. A bill to prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test; to the Committee on Energy and Commerce.

By Mr. FEENEY (for himself and Mr. FRANK of Massachusetts):

H.R. 2803. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Financial Services.

By Mr. FOLEY (for himself, Mr. SHAW, Mr. LEWIS of California, Mr. THOMAS, Mr. COX, Mr. CAMP, Mr. CUNNINGHAM, Mr. MACK, Mr. KELLER, Mr. HERGER, Mr. ISSA, Mr. MCHUGH, Mr. GREEN of Wisconsin, Mr. TERRY, Mr. KOLBE, Mr. BARTLETT of Maryland, Mr. HUNTER, and Mr. PAUL):

H.R. 2804. A bill to amend title III of the Americans with Disabilities Act of 1990 to require, as a precondition to commencing a civil action with respect to a place of public accommodation or a commercial facility, that an opportunity be provided to correct alleged violations; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 2805. A bill to direct the Secretary of Labor to revise regulations concerning the recording and reporting of occupational injuries and illnesses under the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H.R. 2806. A bill to reduce temporarily the duty on Paraquat Dichloride; to the Committee on Ways and Means.

By Mr. HULSHOF (for himself and Mr. THOMPSON of California):

H.R. 2807. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; 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. LAHOOD (for himself, Mr. JACKSON of Illinois, Mr. HASTERT, Mr. EMANUEL, Mr. DAVIS of Illinois, Ms. BEAN, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. SHIMKUS, Mr. LIPINSKI, Mr. MANZULLO, Mr. WELLER, Mr. EVANS, Mr. HYDE, Ms. SCHAKOWSKY, Mr. RUSH, Mr. JOHNSON of Illinois, and Mr. GUTIERREZ):

H.R. 2808. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicenntenial of the birth of Abraham Lincoln; to the Committee on Financial Services.

By Mr. LAHOOD:

H.R. 2809. A bill to temporarily suspend the duty on Carfentrazone; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 2810. A bill to extend the temporary suspension of duty on 3-(Ethylsulfonly)-2-pyridinesulfonamide; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. CROWLEY, Mr. RUSH, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. MCDERMOTT, Mr. OWENS, Mr. MCNULTY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Washington, Mr. GRIJALVA, and Mr. HONDA):

H.R. 2811. A bill to provide a United States voluntary contribution to the United Nations Population Fund only for the prevention and repair of obstetric fistula; to the Committee on International Relations.

By Mrs. MALONEY:

H.R. 2812. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, 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. MCHUGH (for himself, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, and Mr. DAVIS of Illinois):

H.R. 2813. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable; to the Committee on Government Reform.

By Mr. MCNULTY (for himself, Mr. HERGER, Mrs. MCCARTHY, and Mr. DAVIS of Florida):

H.R. 2814. A bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed to a sex offender for the treatment of sexual or erectile dysfunction; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Government Reform, Armed Services, Veterans' Affairs, and Resources, 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. MENENDEZ:

H.R. 2815. A bill to amend the Internal Revenue Code of 1986 to expand and enhance the HOPE and Lifetime Learning Credits, and to amend the Higher Education Act of 1965 to provide loan forgiveness opportunities for public service employees; to the Committee

on Ways and Means, 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. NEAL of Massachusetts:

H.R. 2816. A bill to provide duty-free treatment for certain tuna; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2817. A bill to suspend temporarily the duty on certain basketballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2818. A bill to suspend temporarily the duty on certain leather basketballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2819. A bill to suspend temporarily the duty on certain rubber basketballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2820. A bill to suspend temporarily the duty on certain volleyballs; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2821. A bill to suspend temporarily the duty on certain synthetic basketballs; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2822. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for police officers and professional firefighters, and to exclude from income certain benefits received by public safety volunteers; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2823. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. TAYLOR of Mississippi):

H.R. 2824. A bill to amend title 10, United States Code, to provide TRICARE Standard coverage for members of reserve components of the Armed Forces who serve at least one year on active duty oversea; to the Committee on Armed Services.

By Mr. SPRATT:

H.R. 2825. A bill to suspend temporarily the duty on 4-Chloro-3-[[3-(4-methoxyphenyl)-1,3-dioxopropyl-]amino]-do decyl ester; to the Committee on Ways and Means.

By Mrs. WILSON of New Mexico (for herself, Ms. HERSETH, Mr. SANDERS, and Mr. LANGEVIN):

H.R. 2826. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Energy and Commerce.

By Mrs. MYRICK (for herself, Mrs. CAPPS, Mr. ISRAEL, Ms. PRYCE of Ohio, Ms. ESHOO, Ms. DELAURO, Mrs. LOWEY, Mr. WAXMAN, Mr. HIGGINS, Mr. BISHOP of Georgia, Mr. MARSHALL, and Ms. BALDWIN):

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress regarding fertility issues facing cancer survivors; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. PAYNE, Ms. LEE, Mr. MEEKS of New York, and Mr. JEFFERSON):

H. Con. Res. 175. Concurrent resolution acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; to the Committee on International Relations.

By Ms. DELAURO:

H. Res. 307. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. DICKS:

H. Res. 308. A resolution supporting the goals of National Marina Day and urging marinas continue providing environmentally friendly gateways to boating; to the Committee on Transportation and Infrastructure.

By Mr. POMBO:

H. Res. 309. A resolution expressing the importance of immediately reopening the famous Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming; to the Committee on Resources, 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.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ROTHMAN introduced a bill (H.R. 2827) for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BLUNT and Ms. GINNY BROWN-WAITE of Florida.

H.R. 34: Mr. PLATTS.

H.R. 47: Mr. NEUGEBAUER and Mr. BACHUS.

H.R. 63: Mr. BACA, Ms. MCCOLLUM of Minnesota, and Mr. MCGOVERN.

H.R. 98: Mr. FRANKS of Arizona.

H.R. 111: Mrs. TAUSCHER, Mr. CRENSHAW, and Ms. CORRINE BROWN of Florida.

H.R. 153: Mr. PASCRELL.

H.R. 156: Mr. LIPINSKI, Mr. LANTOS, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, Mr. SCOTT of Virginia, Ms. NORTON, and Mr. CLEAVER.

H.R. 158: Mr. FALEOMAVAEGA and Mr. BURTON of Indiana.

H.R. 161: Mr. BRADLEY of New Hampshire, Mr. HIGGINS, Mr. MCNULTY, Mr. TOWNS, and Mr. FILNER.

H.R. 164: Mr. SERRANO.

H.R. 166: Mr. BARROW, Mr. THOMPSON of Mississippi, and Mr. CLEAVER.

H.R. 167: Mr. CLEAVER, Mr. VAN HOLLEN, Ms. DELAURO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 195: Mr. MCHUGH and Mr. TERRY.

H.R. 202: Mr. CROWLEY and Mr. MCDERMOTT.

H.R. 215: Mr. ROGERS of Alabama.

H.R. 302: Mr. STARK.

H.R. 303: Mr. LYNCH and Mrs. JO ANN DAVIS of Virginia.

H.R. 312: Mr. PLATTS, Mr. LANTOS, Mr. TERRY, Mr. MICHAUD, Mr. WYNN, Mr. HOSTETTLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. HALL, Mr. ROSS, Mr. SCHIFF, Mr. BRADLEY of New Hampshire, and Mr. DINGELL.

H.R. 332: Mr. FOSSELLA.

H.R. 363: Mr. INSLEE.

H.R. 478: Mr. FALEOMAVAEGA, Mr. FILNER, Mr. OWENS, Mr. RUPPERSBERGER, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. MCGOVERN, Mrs. DAVIS of California, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Mr. SCOTT of Virginia, Mr. LANTOS, Ms. NORTON, and Ms. SCHWARTZ of Pennsylvania.

H.R. 500: Mr. NEUGEBAUER, Mr. TOM DAVIS of Virginia, Mr. CANNON, and Mr. BILIRAKIS.

H.R. 547: Mr. ISRAEL.

H.R. 581: Mr. BEAUPREZ, Mr. ETHERIDGE, Mr. HINCHEY, Mr. PASTOR, and Ms. MILLENDER-MCDONALD.

H.R. 583: Mr. CLAY and Mr. SIMMONS.

H.R. 605: Mr. FORD and Mr. GORDON.

H.R. 670: Mr. PUTNAM.

H.R. 700: Mr. GRIJALVA.

H.R. 712: Mr. DANIEL E. LUNGREN of California and Mrs. MYRICK.

H.R. 761: Mr. ISRAEL.

H.R. 763: Mr. HASTINGS of Florida.

H.R. 822: Mr. TOWNS, Mr. OWENS, Mr. RANGEL, Mr. BRADY of Pennsylvania, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. WEXLER, Mr. AL GREEN of Texas, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Mr. COOPER, Mr. CARDOZA, and Ms. NORTON.

H.R. 823: Mr. MCHUGH and Ms. SCHAKOWSKY.

H.R. 839: Mr. SANDERS, Ms. NORTON, Mrs. MALONEY, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. ALLEN, and Mr. MORAN of Virginia.

H.R. 874: Mr. TANCREDO and Mr. CONAWAY.

H.R. 887: Ms. WOOLSEY and Mr. BISHOP of Georgia.

H.R. 893: Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. OWENS, Mr. JEFFERSON, Mrs. CHRISTENSEN, Mr. TOWNS, and Mr. DOGGETT.

H.R. 896: Mr. LAHOOD, and Mr. MCDERMOTT.

H.R. 930: Mr. PORTER, Mr. SESSIONS, and Mrs. MYRICK.

H.R. 968: Mr. HINCHEY.

H.R. 997: Mr. BASS.

H.R. 998: Mr. BOREN.

H.R. 999: Mr. GORDON, Mr. SCHIFF, Mr. SANDERS, and Mr. TOWNS.

H.R. 1002: Mr. DOYLE, Ms. LINDA T. SÁNCHEZ of California, and Mr. ETHERIDGE.

H.R. 1070: Mr. JENKINS, Mr. BROWN of South Carolina, and Mr. AKIN.

H.R. 1100: Mr. MORAN of Kansas.

H.R. 1116: Mr. WEXLER.

H.R. 1130: Mr. LYNCH, Mr. OLVER, and Mr. BISHOP of Georgia.

H.R. 1167: Mr. MILLER of Florida, Mrs. BLACKBURN, and Mr. OTTER.

H.R. 1195: Mr. BERMAN and Ms. HARMAN.

H.R. 1217: Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. LEVIN, Mr. RANGEL, and Mr. KENNEDY of Rhode Island.

H.R. 1220: Mr. HOLDEN and Mr. KILDEE.

H.R. 1243: Mr. CARTER and Mr. BISHOP of Utah.

H.R. 1245: Mr. GORDON, Mr. SIMMONS, Mr. BROWN of Ohio, Mr. HINOJOSA, Mr. CARDIN, Mr. BRADLEY of New Hampshire, Mr. FOSSELLA, Ms. HERSETH, and Mr. BRADY of Pennsylvania.

H.R. 1246: Mr. ABERCROMBIE, Mr. GRIJALVA, Mr. EMANUEL, Mr. RYAN of Ohio, and Mr. CLAY.

H.R. 1259: Mr. MILLER of Florida, Mr. GONZALEZ, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. ISRAEL, Mr. CLEAVER, and Mr. LARSON of Connecticut.

H.R. 1282: Mr. PAYNE.

H.R. 1295: Mr. MOORE of Kansas.

H.R. 1312: Mr. BERMAN, Mr. ISRAEL, and Mrs. MALONEY.

H.R. 1322: Ms. WOOLSEY and Mr. DINGELL.

H.R. 1335: Mr. REYES, Mr. GRIJALVA, Mr. BECERRA, Mr. HINOJOSA, Mr. BARTON of Texas, Mr. STRICKLAND, Mr. DREIER, Mr. EVANS, Mr. SIMPSON, Mr. STEARNS, Mr. BERRY, Mr. TANNER, Mr. ROSS, Mr. ISRAEL, Mr. SKELTON, Mr. COOPER, Mr. GONZALEZ, Mr. EMANUEL, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1337: Mr. MORAN of Kansas, Mr. ROGERS of Michigan, and Mr. MARSHALL.

H.R. 1345: Mr. RANGEL.

H.R. 1358: Mr. CUMMINGS.

H.R. 1366: Mr. LYNCH.
H.R. 1373: Mr. ISRAEL.
H.R. 1376: Mr. HONDA and Mr. KENNEDY of Rhode Island.
H.R. 1402: Mr. MOORE of Kansas, Mr. KUCINICH, Mr. INSLEE, and Ms. WOOLSEY.
H.R. 1415: Mr. BERMAN and Mr. ISRAEL.
H.R. 1426: Mr. ACKERMAN, Mr. BURTON of Indiana, and Mr. TURNER.
H.R. 1491: Mr. MILLER of North Carolina.
H.R. 1498: Mr. GILLMOR, Mr. KUCINICH, Mr. BOEHLERT, Ms. FOXX, and Mr. PLATTS.
H.R. 1505: Mr. MURPHY.
H.R. 1517: Mr. BURTON of Indiana.
H.R. 1518: Ms. HART.
H.R. 1594: Mr. BASS.
H.R. 1599: Mrs. MUSGRAVE.
H.R. 1637: Mr. BUTTERFIELD.
H.R. 1651: Mr. SWEENEY, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. GOODE, and Mr. GUTKNECHT.
H.R. 1668: Mr. OLVER and Mr. AL GREEN of Texas.
H.R. 1674: Mr. FARR.
H.R. 1689: Mr. KUHL of New York.
H.R. 1707: Mr. BROWN of Ohio and Mr. GEORGE MILLER of California.
H.R. 1708: Mr. BILIRAKIS.
H.R. 1709: Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Mrs. MCCARTHY, Mr. PAYNE, Mr. HINCHEY, Mr. OWENS, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. WEINER, Mr. BERMAN, Mr. BACA, and Ms. SCHWARTZ of Pennsylvania.
H.R. 1736: Mr. ISSA.
H.R. 1816: Mr. PUTNAM and Mr. TANCREDO.
H.R. 1945: Mr. HOLDEN, Mrs. BLACKBURN, Mr. MCINTYRE, and Mr. JEFFERSON.
H.R. 1951: Mr. EVANS.
H.R. 1952: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1954: Mr. PAUL and Mr. FORD.
H.R. 2048: Mr. BALDWIN, Mr. LYNCH, Mr. WAXMAN, and Mr. FRANKS of Arizona.
H.R. 2076: Mrs. JO ANN DAVIS of Virginia.
H.R. 2103: Ms. ROS-LEHTINEN, Ms. MILLENDER-MCDONALD, Mr. WOLF, Mr. BRADY of Pennsylvania, and Mr. CONAWAY.
H.R. 2123: Mr. EHLERS.
H.R. 2178: Mr. MICHAUD.
H.R. 2199: Mr. GRIJALVA and Mr. MARSHALL.
H.R. 2208: Mr. WESTMORELAND.
H.R. 2209: Mr. ALEXANDER.
H.R. 2238: Mr. GREEN of Wisconsin, Ms. SCHWARTZ of Pennsylvania, Mr. LARSEN of Washington, and Mr. BOUCHER.
H.R. 2259: Mr. GORDON and Mr. SCHWARTZ of Pennsylvania.
H.R. 2317: Ms. CORRINE BROWN of Florida, Mr. SIMMONS, Mr. LARSON of Connecticut, Mr. MILLER of Florida, Ms. WOOLSEY, Mr. FILNER, and Mr. CALVERT.
H.R. 2327: Mr. SHERMAN, Mr. CARDOZA, and Mr. RAHALL.
H.R. 2331: Mr. RANGEL.
H.R. 2335: Mr. BISHOP of Georgia and Mr. CUMMINGS.
H.R. 2356: Mr. PAUL, Mr. UDALL of Colorado, Mr. CARDOZA, Mr. MARSHALL, Mr. GORDON, Mr. DOYLE, Ms. ESHOO, Mrs. JO ANN DAVIS of Virginia, Mr. GIBBONS, Ms. GINNY BROWN-WAITE of Florida, and Mr. THORNBERRY.
H.R. 2357: Mr. BURTON of Indiana, Mr. BRADY of Pennsylvania, and Mr. KINGSTON.
H.R. 2363: Mr. MCHUGH and Mr. LANTOS.
H.R. 2412: Mr. LEVIN.
H.R. 2423: Mr. GORDON and Mr. CHABOT.
H.R. 2426: Mr. MCHENRY.
H.R. 2427: Mr. BAIRD, Mr. REHBERG, and Mr. PALLONE.
H.R. 2458: Mr. INGLIS of South Carolina.
H.R. 2574: Mr. MARSHALL.
H.R. 2594: Mr. MCNULTY.
H.R. 2600: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2629: Ms. JACKSON-LEE of Texas.
H.R. 2642: Mr. BOSWELL, Mr. LEWIS of Georgia, Mr. UDALL of New Mexico, Ms. HERSETH, and Mrs. MCCARTHY.
H.R. 2646: Mr. MILLER of Florida.
H.R. 2648: Mr. FITZPATRICK of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. BILIRAKIS.
H.R. 2662: Mr. STRICKLAND, Ms. BEAN, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WAXMAN, Mr. MICHAUD, and Mr. HIGGINS.
H.R. 2679: Mr. HERGER.
H.R. 2739: Mr. OBERSTAR and Mr. STARK.
H.J. Res. 10: Mr. JINDAL, Mr. ROSS, Mr. SKELTON, Mr. KINGSTON, and Mr. DEAL of Georgia.
H. Con. Res. 69: Mr. ROHRABACHER.
H. Con. Res. 90: Mr. CLAY, Mr. PAYNE, and Mr. HINCHEY.
H. Con. Res. 122: Mr. KUHL of New York.
H. Con. Res. 146: Mr. HONDA, Mr. MEEHAN, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Ms. BERKLEY, and Mr. COX.
H. Con. Res. 162: Mr. FRELINGHUYSEN.
H. Res. 17: Mr. BILIRAKIS.
H. Res. 83: Mr. CROWLEY.
H. Res. 121: Mr. UDALL of Colorado.
H. Res. 215: Mr. GARRETT of New Jersey and Mrs. MYRICK.
H. Res. 247: Mr. LEWIS of California.
H. Res. 272: Mr. MCDERMOTT and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 288: Mr. WEXLER, Mr. CUMMINGS, Mr. CLEAVER, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. LAHOOD, Ms. KAPTUR, and Mr. PASTOR.
H. Res. 297: Mr. MCDERMOTT, Mr. GREEN of Wisconsin, and Mr. RANGEL.
H. Res. 299: Mr. STUPAK, Mr. SANDERS, Ms. DELAURO, and Mrs. LOWEY.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, WEDNESDAY, JUNE 8, 2005 No. 75

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Wondrous sovereign God, thank You for the gift of another sunrise. We trust in Your unfailing love and rejoice in Your salvation. Lord, Your words are right and true. Your plans stand firm forever. In these challenging times, rule our world by Your wise providence.

As the Members of this Congress investigate and legislate, help them to hate the false and cling to the truth. Give them the wisdom to guard their lips and weigh their words. Guide them with righteousness and integrity. May they leave such a legacy of excellence that generations to come will be inspired by what they do now. Remind them of Your precepts, even through the watches of the night.

Lord, You are our help and our shield, and we wait in hope for You.

We pray in Your holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 8, 2005.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standard Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. FRIST. Mr. President, today we will return to executive session for the final statements regarding the nomination of Janice Rogers Brown. We have the up-or-down vote on her nomination scheduled for 5 p.m. today. And immediately following her vote, under provisions of rule XXII, we will proceed directly to the cloture vote with respect to the nomination of William Pryor. I expect cloture to be invoked on the Pryor nomination as well. Once cloture is invoked, I anticipate we will be able to lock in a time certain for a final up-or-down vote on William Pryor.

As I mentioned over the last couple of days, we also expect to consider the Sixth Circuit judges on which we have time agreements already in place, as well as the nomination of Tom Griffith to the D.C. Circuit Court.

I look forward to the Senate finally working its will with respect to these four or five nominations over the next 2 days. We will have a busy week focused on these judicial nominations.

Mr. President, I have a very brief statement on judges. Does the Democratic leader have any comments with regard to the schedule? I think our schedule is pretty clear. After discussions between the two of us and among our leadership in our various caucuses, we have a good plan for the next 4 weeks focused on judges this week, and then moving to energy next week, with a concentrated push on energy based on a bipartisan bill that came out of committee 2 weeks ago.

Following that, we will be addressing appropriations bills that are currently coming out of the Appropriations Committee.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Mr. President, I say through the Chair to the distinguished majority leader, we have spoken to staff on the situation involving the Griffith nomination. I have not had the opportunity to speak to the ranking member, Senator LEAHY. Hopefully, we can get that resolved so maybe even on Monday we can complete debate on that nomination.

We are trying to cooperate as much as we can getting through this little hurdle we have had here so we can move on to other issues.

Mr. FRIST. Mr. President, as we try to complete the business we have been addressing over the last several weeks, the one remaining item we have not really settled on is the Bolton nomination. I filed a motion to reconsider that vote. There are a lot of ongoing discussions. That is very important business that we need to address in the near future, and we will continue to discuss, as we have over the last couple of days, what the appropriate time is for that nomination to be brought back. I intend to do that.

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



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NOMINATIONS OF JANICE R. BROWN AND WILLIAM PRYOR

Mr. FRIST. Mr. President, today we will vote on the confirmation of Janice Rogers Brown to serve on the Court of Appeals for the D.C. Circuit. We are on a good path, a constructive, very positive path for getting up-or-down votes for these judicial nominees, and we will stay on that, as I just mentioned, over the remainder of this week, confirming these judges.

After 2 years of delay, Justice Brown will finally get the courtesy of an up-or-down vote. She will finally get the respect she deserves by getting an up-or-down vote. Indeed, all 100 Members, later today, will be able to come to the floor and vote to confirm or reject—yes or no, up or down—her nomination. I am delighted we have finally reached this point.

Following the vote on Justice Brown, we will move to the cloture vote on Judge William Pryor. Similar to Justice Brown, Judge Pryor's nomination, in the past, has faced deliberate delay and postponement and obstruction. But with the progress we are making, I believe William Pryor will also now get a fair up-or-down vote, a vote he deserves.

So I am very happy we have moved beyond the impasse on his nomination and that we are back to fulfilling our constitutional duty for advice and consent. That is what these nominees deserve. It gives them the respect they deserve. It gives them the courtesy they deserve.

Mr. President, I will yield the floor. We will continue to vote on judges this week, and then next week we will be turning our attention to lowering energy prices, to lowering natural gas prices for Americans, and we will be on that bill until completion. That is the Energy bill.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF JANICE R. BROWN TO BE UNITED STATES CIRCUIT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of calendar No. 72, which the clerk will report.

The legislative clerk read the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. The Democratic leader.

Mr. REID. Mr. President, I ask unanimous consent that today the Democratic time for debate, with respect to the Brown nomination, be controlled as indicated on the list which I now send to the desk.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the time from 11 a.m. until 12 noon shall be under the control of the Democratic leader or his designee.

The Senator from Wisconsin is recognized for 20 minutes.

Mr. FEINGOLD. Mr President, I will vote ''no'' on Justice Brown's nomination to the D.C. Circuit.

Let me first remind my colleagues of the importance of this particular circuit in our judicial system. The D.C. Circuit is widely regarded as the most important Federal circuit. It has jurisdiction over the actions of most Federal agencies. Many of the highest profile cases that have been decided in recent years by the Supreme Court concerning regulation of economic activity by Federal agencies in areas such as the environment, health and safety regulation, and labor law, went first to the D.C. Circuit. In the area of administrative law and the interpretation of major regulatory statutes such as the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, and the National Labor Relations Act, the D.C. Circuit is generally the last word, as the Supreme Court reviews only a tiny minority of circuit court decisions.

The D.C. Circuit is now almost evenly split, and has been for some time, between nominees of Democratic and Republican Presidents. There are five judges who were appointed by Republicans, including John Roberts, who the Senate confirmed earlier this year, and four by Democrats, and there are three vacancies. President Clinton made two excellent nominations that were never acted upon by the Senate Judiciary Committee. In one case, the committee held a hearing but never scheduled a vote, and in another, that of now-Harvard Law School Dean Elena Kagan, the Clinton nominee was not even given the courtesy of a hearing.

I want to express my great disappointment that the administration has not been willing to seek a compromise on the many vacancies that now exist on this court. By insisting on its often highly controversial choices for this circuit in particular, the administration has continued to push the Senate toward the ''nuclear'' confrontation that loomed over the Senate before the recess. Regrettably, President Bush is responsible for much of the ill will that has plagued this body for the past few years and the potentially disastrous upending of Senate precedents that we faced last month and may well see again.

If only the President had really been a uniter and not a divider; if only he had truly tried to change the tone in Washington and repair some of the damage done to the nomination process by previous Congresses; if only he had not squandered the opportunity that the four vacancies on the D.C. Circuit as of his inauguration in 2001 presented, we would not be in this situation today.

In light of this history and the importance of this Circuit, I believe it is my duty to give this nomination very close scrutiny. After reviewing this nominee's record and her testimony, I will vote ''no.'' I do not believe she is the right person at this time to be given a lifetime appointment to this important court. The fact that a majority of the Senate is apparently willing to confirm a nominee whose record so clearly demonstrates that she is not suited for such an important position is surprising and discouraging. I do not and will never apologize for supporting the filibuster to protect the Federal courts and the people of this country from her ideological, results-oriented judging.

At her hearing, I asked Justice Brown about a case on age discrimination called Stevenson v. Superior Court. The majority in that case said that Ms. Stevenson's wrongful discharge violated a fundamental public policy against age discrimination. Justice Brown dissented, saying that the plaintiff had ''failed to establish that public policy against age discrimination . . . is fundamental and substantial.'' She went on: ''Discrimination based on age does not mark its victim with a stigma of inferiority and second class citizenship.''

These statements looked shocking when I read them, but I wanted to make sure I understood Justice Brown's views, so I gave her a chance to respond. I questioned her about the case in the Judiciary Committee, and concluded by asking if it was fair to say she believed age discrimination does not stigmatize senior citizens. She agreed that it was. I appreciate her candor, but I have to say I found that testimony very troubling. Senior citizens in this country live every day with the stigma of age discrimination; it is a real problem, and I think everyone here takes it very seriously. Just because we all will be old someday, and, therefore perhaps will be subject to prejudice and discrimination of this type, does not make it any less reprehensible. I have not heard anyone in the Senate trying to defend Justice Brown's view on this issue; nor do I expect to, because it is truly indefensible.

I was also concerned by a comment Justice Brown made in 2000 about senior citizens. She said: ''Today 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 exact.'' When I asked her about this statement at her hearing, she made no effort to distance herself from it.

Justice Brown seemed to suggest at her hearing that we should ignore her inflammatory speeches because she was just trying to be provocative in talking to audiences of youthful lawyers. She said that in her judging she is nonideological. The problem with that position is that the caustic style and even some of the extreme language she used in her speeches makes its way into her opinions. For example, in a 2000 speech entitled ''50 Ways To Lose Your Freedom'' in which Justice Brown suggests there may be some validity to the substantive due process theory of the Lochner case, she says the following: ''[I]f we can invoke no ultimate limits on the power of government, a democracy is inevitably transformed into a kleptocracy—a license to steal, a warrant for oppression.'' That is a pretty provocative statement to be sure.

In 2002, Justice Brown issued a scathing dissent in a zoning case called San Remo Hotel v. San Francisco. In that case, San Francisco had a requirement that when residential hotels were converted into daily hotels, the owners pay a fee to help the government pay for affordable housing that would make up for the housing that was lost in the conversion. This seems like a fairly mild requirement to me, and the majority of the court saw nothing wrong with it. But her dissent used very strong language to criticize the requirement. She said, in words that sounds an awful lot like her speech, that San Francisco was ''[t]urning a democracy into a kleptocracy.'' In case that was not strong enough, she added that the government had imposed a ''neo-feudal regime.''

Frankly, I had a hard time imagining a more extreme statement than that, but Justice Brown came up with one: ''But private property, already an endangered species in California, is now entirely extinct in San Francisco.'' (*San Remo Hotel L.P.* v. *City and County of San Francisco*, 27 Cal. 4th 643 (2002).) She continued to use this dissent to showcase her extreme views on the takings clause: ''Where once government was a necessary evil because it protected private property, now private property is a necessary evil because it funds government programs,'' she said.

In her dissent, she argued that the zoning fee did not ''substantially advance legitimate government interests'' and therefore was ''obviously'' unconstitutional. Justice Brown's colleagues on the California Supreme Court rejected her analysis. They noted that Justice Brown's approach to takings law would open a Pandora's box of judicial activism, in that courts would have to examine the wisdom of a ''myriad government economic regulations, a task the courts have been loath to undertake pursuant to either the takings or due process clause.''

On May 23, 2005—just last month—the U.S. Supreme Court rejected the ''substantially advances'' test supported by Justice Brown in the San Remo case and affirmed that courts should not subject regulatory takings cases to heightened scrutiny. Other than Justice Kennedy's two paragraph concurrence, the entire court, including Justices Scalia and Thomas, unanimously agreed with Justice O'Connor's majority opinion in this case, *Lingle* v. *Chevron* (No. 04–163,—S. Ct.—, 2005 WL 1200710 (May 23, 2005).)

The U.S. Supreme Court's critique of the district court in Lingle paralleled the San Remo majority's critique of Justice Brown's dissent. In Lingle, the Supreme Court addressed whether a Hawaiian regulation that prohibited oil companies from charging extraordinary rent to franchisees constituted a regulatory taking. The Supreme Court held that it did not, and the Court explicitly rejected the test Justice Brown used in her takings analysis. Like the majority in the San Remo opinion, the Court noted that if the ''substantially advances'' test were the law of the land:

> [I]t would require courts to scrutinize the efficacy of a vast array of State and Federal regulations—a task for which courts are not well suited. Moreover, it would empower—and might often require—courts to substitute their predictive judgments for those of elected legislatures and expert agencies. Although the instant case is only the tip of the proverbial iceberg, it foreshadows the hazards of placing courts in this role. . . .

The Supreme Court rejected the district court's decision, and the view of the takings clause advanced by Justice Brown, because it would require that judges substitute their judgments for those of elected legislatures—something that many of Justice Brown's supporters have spoken out against on the Senate floor.

As a former State legislator and now a Federal legislator, I appreciate and respect the Supreme Court's reluctance to endorse this activist view of regulatory takings law promoted by Justice Brown. Some in this body, including many who style themselves advocates of judicial restraint, would like to enact her views by legislation. They have every right to try to do so. I will fight them hard, and fortunately, so far, they have not been successful. But for them to support a judicial nominee who so clearly wants to use her power as a judge to promote such a radical view of the law is disappointing.

Justice Brown's extreme comments in her opinions and speeches, and there are many, many such quotations that were discussed at her hearing, lead me to question whether she has the temperament to be a fair judge. Despite her testimony at the hearing that ''I am not an ideologue of any stripe,'' much of her record demonstrates the contrary. She seems to view the world through an ideological prism, and she expresses her views in the most divisive and striking language of any judicial nominee we have seen thus far.

Referring to cases upholding President Franklin Roosevelt's New Deal legislation, for example, Justice Brown has said that ''1937 . . . marks the triumph of our own socialist revolution.'' She went on to say that ''In the New Deal/Great Society Era, a rule that was the polar opposite of American law reigned.'' At her hearing, Senator DURBIN asked her about another speech, where she said that ''Protection of private property was a major casualty of the revolution of 1937.'' She said, ''I don't think that's at all controversial.''

The court to which Justice Brown has been nominated has a docket that is laden with challenges to government regulations and interpretations of Federal statutes dealing with economic regulation. I am not confident that Justice Brown will follow the law, rather than her personal views on the law, in hearing those cases.

I have heard my colleagues argue that Justice Brown will follow the law faithfully on the court, that she will be constrained by precedent, but I simply do not find these assurances reassuring. As Justice Brown herself acknowledged in the Hughes Aircraft case, ''all judges 'make law'.'' When they are faced with questions of first impression, they have no choice. And when they sit on a court of last resort, as Justice Brown does now, there is no one to stop them. Federal Courts of Appeals also often hear questions of first impression. And for all practical purposes, they are often courts of last resort, because the Supreme Court—again, an important point—reviews only a tiny percentage of their cases. So we must ask ourselves: How will Justice Brown use her enormous power as a Federal appellate judge when she has the opportunity to make new law?

Justice Brown's record does not give me comfort in answering that question. Too often, she seems to adopt contrary theories of judging and even statutory interpretation depending on which outcome she favors.

When the plaintiffs were victims of employment discrimination, she supported limits on punitive damages. (*Lane* v. *Hughes Aircraft*, Cal. 4th 405 (2000).) But when the plaintiffs were property owners prohibited from increasing rent in a mobile home park, she opposed any limit on damages. (*Galland* v. *City of Clovis*, 24 Cal. 4th 1003.)

When the California Supreme Court ruled that juries must be given a certain instruction to protect criminal defendants, Justice Brown dissented because of her faith in juries: ''I would presume, as we do in virtually every other context, that jurors are 'intelligent, capable of understanding instructions and applying them to the facts of the case.'' (*People* v. *Guiuan*, 18 Cal. 4th 558 (1998).)

But she suddenly stopped trusting juries when faced with the possibility

that they might award punitive damages to employers found liable for racial discrimination, writing: ''When setting punitive damages, a jury does not have the perspective, and the resulting proportionality, that a court has after observing many trials.'' (*Lane* v. *Hughes Aircraft*, 22 Cal. 4th 405 (2000).)

When property owners would benefit from a literal interpretation of a voter initiative, Justice Brown wrote: ''In my view the voters did not intend the courts to look any further than a standard dictionary in applying the terms. . . .'' (*Apt. Ass'n of Los Angeles Cty.* v. *City of Los Angeles*, 24 Cal. 4th 830 (Jan. 2000).) But only 11 months later, when those challenging an affirmative action program advocated a broad interpretation of a voter initiative, she had a different view. She said: ''We can discern and thereby effectuate the voters'' intention only by interpreting this language in a historical context.'' (*Hi-Voltage* v. *City of San Jose*, 24 Cal. 4th 537 (Nov. 2000).)

When she wanted to limit the explicit right to privacy in the California Constitution, she argued: ''Where, as here, a state constitutional protection was modeled on a federal constitutional right, we should be extremely reticent to disregard U.S. Supreme Court precedent delineating the scope and contours of that right.'' (*American Academy of Pediatricians* v. *Lungren*, 16 Cal. 4th 307 (Aug. 1997).)

But when the majority of her court relied on analysis from the United States Supreme Court on the question of remedies for a violation of constitutional rights, she said: ''Defaulting to the high court fundamentally disserves the independent force and effect of our Constitution. Rather than enrich the texture of our law, this reliance on federal precedent shortchanges future generations.'' (*Katzburg* v. *Regents*, 29 Cal 4th 300 (Nov. 2002).)

I urge my colleagues to review these cases before voting on this nomination. These examples lead me to conclude that the jurisprudence of Justice Brown is a jurisprudence of convenience. She is skilled at finding a legal theory to support a desired result. I do not think that kind of approach to judging should be rewarded with an appointment to the second highest court in the land.

This nominee has complained about ''militant judges'' while herself openly defying precedent when it suits her; she believes that the New Deal was a ''socialist revolution'' and that America's elderly ''cannibalize'' their grandchildren for handouts; she has expressed doubts about the application of the Bill of Rights to the States through the incorporation doctrine and has suggested a return to an era when the courts regularly overturned the judgment of legislatures on questions of economic regulation. Putting it simply, this nominee truly does have extreme views. To confirm her to a seat on the D.C. Circuit would be a grave mistake. So I cannot support this nominee, and I will vote ''no.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. I thank the Chair.

I rise today to speak on the nomination of California Justice Janice Rogers Brown to the D.C. Circuit Court of Appeals. Let me begin by saying that the last thing I would like to be spending my time on right now is talking about judges. I am sure that is true for many in this Chamber. I know that I certainly do not hear about filibusters and judges when I go back to Illinois and hold townhall meetings with people across the State. What I hear about are veterans who are concerned about their disability payments and families who are talking about how high gas prices are or how difficult it is to pay for college. And so I think this argument we have been having over the last several weeks about judicial nominations has been an enormous distraction from some of the work that is most important to the American people.

Moreover, I am not so naive as to think that speaking to an empty Chamber for the benefit of C–SPAN is somehow going to change people's minds or people's votes. I recognize that most of my colleagues, on both sides of the aisle, are fairly locked into their positions.

I do not expect the President to appoint many judges of my liking. One of the things I have told some of my colleagues on this side of the aisle is that there is only one sure way to make sure Democrats are able to block what they consider to be bad judges, and that is to win elections.

And yet I feel compelled to rise on this issue to express, in the strongest terms, my opposition to the nomination of Janice Rogers Brown to the D.C. Circuit.

I think it is important for the American people to know just what it is we are getting. After the Supreme Court, as my esteemed colleague from Wisconsin just stated, the D.C. Circuit is widely viewed as the second highest court in the land. Three of our current Supreme Court Justices came directly from this court. Under its jurisdiction fall laws relating to all sorts of Federal agencies and regulations. This is a special court. It has jurisdiction that other appeals courts do not have. The judges on this court are entrusted with the power to make decisions affecting the health of the environment, the amount of money we allow in politics, the right of workers to bargain for fair wages and find freedom from discrimination, and the Social Security that our seniors will receive. It is because of this power that we deserve to give the American people a qualified judicial nominee to serve on the D.C. Circuit.

Now, the test for a qualified judicial nominee is not simply whether they are intelligent. Some of us who attended law school or were in business know there are a lot of real smart people out there whom you would not put in charge of stuff. The test of whether a judge is qualified to be a judge is not their intelligence. It is their judgment.

The test of a qualified judicial nominee is also not whether that person has their own political views. Every jurist surely does. The test is whether he or she can effectively subordinate their views in order to decide each case on the facts and the merits alone. That is what keeps our judiciary independent in America. That is what our Founders intended.

Unfortunately, as has been stated repeatedly on this floor, in almost every legal decision that she has made and every political speech that she has given, Justice Brown has shown she is not simply a judge with very strong political views, she is a political activist who happens to be a judge. It is a pretty easy observation to make when you look at her judicial decisions. While some judges tend to favor an activist interpretation of the law and others tend to believe in a restrained interpretation of the law providing great deference to the legislature, Justice Brown tends to favor whatever interpretation leads her to the very same ideological conclusions every single time. So when it comes to laws protecting a woman's right to choose or a worker's right to organize, she will claim that the laws that the legislature passed should be interpreted narrowly. Yet when it comes to laws protecting corporations and private property, she has decided that those laws should be interpreted broadly. When the rights of the vulnerable are at stake, then she believes the majority has the right to do whatever it wants. When the minority happens to be the people who have privilege and wealth, then suddenly she is countermajoritarian and thinks it is very important to constrain the will of the majority.

Let me just give you a couple examples. In a case reviewing California's parental notification law, Justice Brown criticized the California Supreme Court decision overturning that law, saying that the court should have remained ''tentative, recognizing the primacy of legislative prerogatives.'' She has also repeatedly tried to overturn the fact that California law recognizes Tameny claims, a line of cases that establishes that an employer does not have an unfettered right to fire an employee, but that the right has limits according to fundamental public policy. She says judicial restraint is critical. She claims that public policy is ''a function first and foremost reserved to the legislature.''

So on these cases dealing with a woman's right to choose, worker protections, punitive damages, or discrimination, she wants the judge to stay out of the legislative decision-making process. But Justice Brown doesn't always want the courts to exercise restraint and defer to the legislature. When Justice Brown wanted to limit the ability of juries to punish

companies that engage in severe discrimination, a fellow judge on the California Supreme Court accused her of engaging in ''judicial law making.'' Instead of denying it, Justice Brown defended her judicial activism. She called it creativity. This is what she said: ''All judges make law. It is arrogance, carelessness and a lack of candor that constitute impermissible judicial practice, not creativity.''

Justice Brown has also gone out of her way to use her position in the courts to advocate for increased protections for property owners. In a case about a developer that wanted to break a city rent control law, Justice Brown dismissed the fact that a majority of the city's voters had approved of that law and thought that the case should be an exception to the philosophy of narrow judicial review. Justice Brown believed that this case was one in which ''some degree of judicial scrutiny . . . is appropriate.'' Which is it, Justice Brown? In some cases you think we should defer to the legislature and in some cases, apparently, you think it is appropriate for judges to make law. What seems to distinguish these two types of cases is who the plaintiff is, who the claimant is.

If the claimant is powerful—if they are a property owner, for example—then she is willing to use any tool in her judicial arsenal to make sure the outcome is one they like. If it is a worker or a minority claiming discrimination, then she is nowhere to be found.

Judicial decisions ultimately have to be based on evidence and on fact. They have to be based on precedent and on law. When you bend and twist all of these to cramp them into a conclusion you have already made—a conclusion that is based on your own personal ideology—you do a disservice to the ideal of an independent judiciary and to the American people who count on an independent judiciary.

Because of this tendency, and because of her record, it seems as if Justice Brown's mission is not blind justice but political activism. The only thing that seems to be consistent about her overarching judicial philosophy is an unyielding belief in an unfettered free market and a willingness to consistently side with the powerful over the powerless.

Let's look at some of her speeches outside of the courtroom. In speech after speech, she touts herself as a true conservative who believes that safety nets—such as Social Security, unemployment insurance, and health care—have ''cut away the very foundation upon which the Constitution rests.''

Justice Brown believes, as has already been stated in the Chamber, that the New Deal, which helped save our country and get it back on its feet after the Great Depression, was a triumph of our very own ''Socialist revolution.'' She has equated altruism with communism. She equates even the most modest efforts to level life's playing field with somehow inhibiting our liberty.

For those who pay attention to legal argument, one of the things that is most troubling is Justice Brown's approval of the Lochner era of the Supreme Court. In the Lochner case, and in a whole series of cases prior to Lochner being overturned, the Supreme Court consistently overturned basic measures like minimum wage laws, child labor safety laws, and rights to organize, deeming those laws as somehow violating a constitutional right to private property. The basic argument in Lochner was you can't regulate the free market because it is going to constrain people's use of their private property. Keep in mind that that same judicial philosophy was the underpinning of Dred Scott, the ruling that overturned the Missouri Compromise and said that it was unconstitutional to forbid slavery from being imported into the free States.

That same judicial philosophy essentially stopped every effort by Franklin Delano Roosevelt to overcome the enormous distress and suffering that occurred during the Great Depression. It was ultimately overturned because Justices, such as Oliver Wendell Holmes, realized that if Supreme Court Justices can overturn any economic regulation—Social Security, minimum wage, basic zoning laws, and so forth—then they would be usurping the rights of a democratically constituted legislature. Suddenly they would be elevated to the point where they were in charge as opposed to democracy being in charge.

Justice Brown, from her speeches, at least, seems to think overturning Lochner was a mistake. She believes the Supreme Court should be able to overturn minimum wage laws. She thinks we should live in a country where the Federal Government cannot enforce the most basic regulations of transparency in our security markets, that we cannot maintain regulations that ensure our food is safe and the drugs that are sold to us have been tested. It means, according to Justice Brown, that local governments or municipalities cannot enforce basic zoning regulations that relieve traffic, no matter how much damage it may be doing a particular community.

What is most ironic about this is that what Justice Brown is calling for is precisely the type of judicial activism that for the last 50 years conservatives have been railing against.

Supreme Court Justice Scalia is not somebody with whom I frequently agree. I do not like a lot of his judicial approaches, but at least the guy is consistent. Justice Scalia says that, generally speaking, the legislature has the power to make laws and the judiciary should only interpret the laws that are made or are explicitly in the Constitution. That is not Justice Brown's philosophy. It is simply intellectually dishonest and logically incoherent to suggest that somehow the Constitution recognizes an unlimited right to do what you want with your private property and yet does not recognize a right to privacy that would forbid the Government from intruding in your bedroom. Yet that seems to be the manner in which Justice Brown would interpret our most cherished document.

It would be one thing if these opinions were confined to her political speeches. The fact is she has carried them over into her judicial decision-making. That is why the California State Bar Association rated her as ''unqualified'' to serve on the State's highest court. That is why not one member of the American Bar Association found her to be very qualified to serve on the D.C. Circuit, and why many members of the bar association found her not qualified at all.

It is also why conservative commentators, such as Andrew Sullivan and George Will, while agreeing with her political philosophy, simply do not see how she can be an effective judge. Here is what Sullivan said:

> She does not fit the description of a judge who simply follows the law. If she isn't a ''judicial activist,'' I don't know who would be.

Sullivan added that he is in agreement with some of her conservative views but thinks ''she should run for office, not the courts.''

Columnist George Will, not known to be a raving liberal, added recently that he believes Justice Brown is out of the mainstream of conservative jurisprudence.

Let me wrap up by making mention of a subtext to this debate. As was true with Clarence Thomas, as was true with Alberto Gonzales, as was true with Condoleezza Rice, my esteemed colleagues on the other side of the aisle have spent a lot of time during this debate discussing Justice Brown's humble beginnings as a child of a sharecropper. They like to point out she was the first African American to serve on the California Supreme Court.

I, too, am an admirer of Justice Brown's rise from modest means, just as I am an admirer of Alberto Gonzales's rise from modest means, just as I am an admirer of Clarence Thomas's rise from modest means, just as I am an admirer of Condoleezza Rice's rise from modest means. I think it is wonderful. We should all be grateful where opportunity has opened the doors of success for Americans of every background.

Moreover, I am not somebody who subscribes to the view that because somebody is a member of a minority group they somehow have to subscribe to a particular ideology or a particular political party. I think it is wonderful that Asian Americans, Latinos, African Americans, and others are represented in all parties and across the political spectrum. When such representation exists, then those groups are less likely to be taken for granted by any political party.

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

Mr. OBAMA. Mr. President, I ask unanimous consent for a couple minutes to wrap up.

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

Mr. OBAMA. I thank the Chair.

I do not think that because Justice Brown is an African-American woman she has to adhere to a particular political orthodoxy, something that has been suggested by the other side of the aisle. Just as it would be cynical and offensive that Justice Brown be vilified simply for being a Black conservative, it is equally offensive and cynical to suggest that somehow she should get a pass for her outlandish views simply because she is a Black woman.

I hope we have arrived at a point in our country's history where Black folks can be criticized for holding views that are out of the mainstream, just as Whites are criticized when they hold views that are out of the mainstream. I hope we have come to the point where a woman can be criticized for being insensitive to the rights of women, just as men are criticized when they are insensitive to the rights of women.

Unfortunately, Justice Brown's record on privacy and employment discrimination indicates precisely such an insensitivity. I will give one example. In a case where a group of Latino employees at Avis Rent A Car was subjected to repeated racial slurs in the workplace by another employee, the lower court found that Avis, in allowing this to go on, had created a hostile environment. Justice Brown disagreed with and criticized the decision.

In her opinion, she wrote that racially discriminatory speech in the workplace, even when it rises to the level of illegal race discrimination, is still protected by the first amendment. This was despite U.S. Supreme Court opinions that came to the exact opposite conclusion.

Justice Brown went so far as to suggest that the landmark civil rights law, Title VII of the Civil Rights Act of 1964, could be unconstitutional under the first amendment.

I believe if the American people could truly see what was going on here they would oppose this nomination, not because she is African American, not because she is a woman, but because they fundamentally disagree with a version of America she is trying to create from her position on the bench. It is social Darwinism, a view of America that says there is not a problem that cannot be solved by making sure that the rich get richer and the poor get poorer. It requires no sacrifice on the part of those of us who have won life's lottery and does not consider who our parents were or the education received or the right breaks that came at the right time.

Today, at a time when American families are facing more risk and greater insecurity than they have in recent history, at a time when they have fewer resources and a weaker safety net to protect them against those insecurities, people of all backgrounds in America want a nation where we share life's risks and rewards with each other. And when they make laws that will spread this opportunity to all who are willing to work for it, they expect our judges to uphold those laws, not tear them down because of their political predilections.

Republican, Democrat, or anyone in between. Those are the types of judges the American people deserve. Justice Brown is not one of those judges. I strongly urge my colleagues to vote against this nomination.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the remaining time until 12 o'clock be allocated to me.

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

Mr. DURBIN. Mr. President, I thank my colleague. Naturally, I am a little bit inclined to be in his corner because he is from Illinois and he is my colleague in the Senate. But I also think what he demonstrated in his statement is the reason why he not only is so highly regarded in my State of Illinois, but across the Nation, despite his new status in the Senate. With his background as a professor of constitutional law and his life experience, he has brought special talents to this floor. I thank him for his eloquent statement on this important issue.

I guess most people are following this debate and are saying: What is the Senate doing? Why are they sitting around debating day after day, week after week about a handful of judges? Isn't there something more important to do? Shouldn't we be talking about the schools of America, whether they are doing a good job educating our kids? Isn't it about time Congress spends a few minutes talking about the cost of health insurance to businesses, to people working, to families? Why in the world won't somebody on the floor of the Senate stand up and talk about all the people across America who are losing their pensions, people working 25, 30 years, and they are losing everything? So why do they sit there hour after hour and day after day talking about a judge? What in the world is wrong with those people in the Senate? Are they so out of touch with ordinary families in America?

Good question. It is a valid question. We are spending entirely too much time on a handful of judicial nominees, nominees who, frankly, I believe personally, should never have been presented to the Senate in the first place. They are too radical, they are too extreme, they push the envelope. When it comes to the ordinary process where a President picks a judge, it is almost routine around here. Oh, we take a close look at this person. We want to know if that person is honest, has good temperament, has good legal skills, is somewhat moderate in their views, and if the answers to those questions are yes, that judge moves through the process quickly. There is not much to it.

In fact, take a look at the scorecard of what has happened with President Bush's judicial nominees: 209 of these nominees have almost skated through the process. It did not take any time at all. But over the last 4½ years, nine of them have run into resistance and debate, and that leads us to where we are today and where we have been for several weeks discussing nuclear options and constitutional crises and constitutional confrontations. It is because President Bush insists on sending some of the most extreme people to us for approval. If he picks moderate people, they fall into this category of 209 and move through here, but when some special interest groups get the attention of the White House and say, We have to have our person, then the process breaks down and the debate goes on. And instead of talking about issues that matter to the families of America, we end up consumed in this debate over a judge for the D.C. Circuit Court.

So you say to yourself: Why do you do this? Why do you spend all this time talking about one judge, for goodness' sake, out of the hundreds across America? There are several reasons.

No. 1, if you as a voter in America decide to choose a certain man or woman to represent you in Congress—either in the House or in the Senate—you are literally giving that person a contract to work for you, but it is a limited contract. In the House, it is 2 years. I will vote for you, they will swear you in, and I will watch you. If you do a good job, I may vote for you again. If you do a bad job, I will vote against you. It is 2 years in the House and 6 years in the Senate. It is a limited contract. So if I make a mistake as a voter and I choose someone to represent me in Congress and I watch him and say, Who in the world are they representing; they are not representing me or my family, I can try to correct that wrong in the next election—2 years in the House, 6 years in the Senate. The voters speak.

But when it comes to judges, it is a different world. When the judges go through this process and get the approval of the Senate, they are given lifetime appointments. If you love them, you have the benefit of their entire life on the bench committed to justice. If you do not like them, you are stuck with them for a lifetime, which means these men and women who go through this process are never reviewed again. Except for the most extraordinary cases of impeachment, they are there for life. So we take a little more time because this is an important decision. It is a lifetime appointment of someone to the Federal bench, and we should take the time to ask the most important questions, and we certainly should take the time when we find one who is so exceptional that it raises many questions about policy and philosophy.

We should take the time to ask hard questions, questions such as, Do we really want this person presiding on a Federal bench with all the power that brings for a lifetime if that person's views are so out of step with the rest of America? Is that what we want?

Secondly, this is an important court. I will say this: One could call all 100 Senators together today and give them a blank sheet of paper and ask them to write down the names of all the judges on the D.C. Circuit Court of Appeals, and I guess we could not come up with one or two. We kind of know who they are, but it is not as if we get up every morning saying: I wonder how that D.C. Circuit Court of Appeals is doing today. I wonder if they all showed up for work. I wonder what cases they are considering. No, it is not that. The D.C. Circuit Court of Appeals has a reputation. It has a reputation of being the launching pad for the Supreme Court. If one can get there, the highest regarded circuit court in America, they are one step away from the building across the street, the Supreme Court. And, yes, we do know the names of Supreme Court Justices, and we understand that many times each year they make decisions which can change America. So when we talk about the D.C. Circuit Court of Appeals, we are talking about a court with great potential for the judges on it, and we are talking about a court with jurisdiction over some of the most basic questions of government.

It is for those reasons, frankly, that we come to the Senate floor today to talk about Janice Rogers Brown. She is on the California Supreme Court. Of course, that is something that has been brought up many times as an indication of at least the voters in California having a positive view of who she is because they put her on the Supreme Court. But what they do not tell us about Janice Rogers Brown is that when she was first appointed to the California Supreme Court, she was judged not qualified by the Bar Association. Oh, they say, wait a minute, she was reelected with an overwhelming percentage. Ah, but that is not the whole story. She was not running against anybody. It is called retention. We have it in Illinois, too. What it means is you kind of run against yourself. It is not as if you run against another person. It is a ''yes'' or ''no'' vote on the ballot. Yes, she had a substantial percentage, but most judges running for retention do.

What we find in Justice Janice Rogers Brown is a person with such extreme views that it raises a serious question as to whether we want to give her a lifetime appointment to the second highest court in America, whether we want to position her for ascendency to the Supreme Court. That is what this boils down to. That is why this debate is beyond the usual debate.

President Bush's term will come to the end in 2008, absent some constitutional amendment, which I do not think will happen, and these judges, like Janice Rogers Brown, will be there long after George W. Bush is off to another career, whatever it happens to be. So we need to ask questions about who she is and what she believes.

What we do when we ask these questions is let her answer them. We have committee hearings where we ask the questions directly, but in other cases we ask the questions in hypothetical terms: What does she believe when it comes to certain things? We look to what she has said and what she has done for those answers.

When one looks at it, they find that she really is on the fringe. She is not a conservative; she is something else. She is something much more extreme. She has accused the courts of ''constitutionalizing everything possible'' and ''taking a few words which are in the Constitution like 'due process' and 'equal protection' and imbuing them with elaborate and highly implausible etymologies.'' Strip away the highfalutin language, and we get down to the bottom line.

The words ''due process'' and ''equal protection,'' which may be the foremost important words in that Constitution, she diminishes because she believes they have been used by courts to create rights. What does she say about the rights of Americans? Here is what she says: Elected officials have been ''handing out new rights like lollipops in the dentist 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.''

This is a woman who wants to sit on the bench and decide what the Constitution means, and the language she uses to describe what courts have turned to in this Constitution I believe gives us pause because we know that when it came 40 years ago yesterday, the Supreme Court across the street found what they thought was in our Constitution, though it was not explicit, and that was the word ''privacy.''

One can go through this entire Constitution and never find the word ''privacy.'' Forty years ago, the Supreme Court across the street was asked the following question: Can the State of Connecticut make it a crime for a married couple to buy birth control devices, pills, and other things? The State of Connecticut said: Yes, it is a crime, and we will send you to jail if you try to buy it, and we will send the pharmacist to jail who tries to fill the prescription.

Some people who are listening to this must be saying: The Senator from Illinois cannot be right. You mean it was against the law in Connecticut to even buy the birth control pill? Yes, it was.

So 40 years ago, the Supreme Court was asked: Can a State impose a law on its people so basic as to deny them the right to fill a prescription for birth control at a pharmacy? The Supreme Court across the street said: No, because we are dealing with a basic constitutional and human right of privacy. As an individual in America, one should be able to exercise their right of privacy to make their family decision when it comes to family planning. So in the case of Griswold v. Connecticut, 40 years ago yesterday, the Supreme Court said: We find in this Constitution the basic protection of your right of privacy. We do not care that some religious groups pushed through this statute in the State of Connecticut. They went too far. If they want to practice their religion, they can do that. But they cannot impose their religious views on every family who lives in Connecticut.

So today, 95 percent of families go to a drugstore and a pharmacy across America with no questions asked and buy basic family planning. They know what they want, and they are purchasing it. They have the right to do it because nine people sitting on the bench across the street said it is fundamental to being an American.

Listen to Janice Rogers Brown's view of what this Constitution says. Understand that when she faced the issue on whether there would be this basic right of privacy, she was the only dissenter on the California Supreme Court. Seven justices on the Supreme Court, six Republicans and one Democrat—she was one of the Republicans—she was the only dissenter. Here is what the case involved. It was the California antidiscrimination law providing health benefits for women. Janice Rogers Brown was the only dissenter. She argued that California could not require private employers to provide contraceptive drug benefits for women who wanted them. She ignored Griswold v. Connecticut. She ignored the inherent right to privacy. From her point of view, the State of California could prohibit the right of family planning information under health care plans sold in that State.

She wants to turn back the hands of time to a day when it became a legal struggle as to whether married men and women in this country could plan the size of their own families, or make the most intimate personal and private decisions without concern as to whether the Government would be watching over them and arresting them.

So when we say that Janice Rogers Brown is a danger if she comes to the D.C. Circuit Court, it is because she views the Constitution in such restricted terms that she could write out the conclusion of privacy which the Court found in Griswold v. Connecticut. That is how basic this is. That is how fundamental this is.

This is not just another judge in another court making decisions one will never hear about. It is a woman who is poised to move to the D.C. Circuit Court, the second highest court, one step away from the Supreme Court, whose view of America is very different than what we have seen across this country over the last 40 years when it comes to our basic rights of privacy.

The things she said about America trouble me, too. It is not just that she is conservative. President George W. Bush is conservative. He calls himself a compassionate conservative. He defends Social Security as an institution, though he sees its future a lot differently than I do. But when Janice Rogers Brown looks at Social Security and the other programs that came out of Franklin Roosevelt's New Deal, what she sees is socialism. Here is what she said. She calls the year 1937 ''the triumph of our own socialist revolution'' because the Supreme Court decisions that year upheld the constitutionality of Social Security. Is this a mainstream point of view? How many people do we run into who say we ought to get rid of Social Security because it is just pure socialism, it is too much government, we do not want to have Social Security there as kind of our last effort to provide a safety net for Americans? Janice Rogers Brown essentially reached that conclusion. Because of that extreme view, she became the poster child for the George W. Bush White House to put on the D.C. Circuit Court of Appeals. Why do we have to reach so far afield to find someone to fill this spot? Why do we have to turn to someone who is so out of touch with the mainstream of America?

These are not just her philosophical musings, things she dreams up and talks about among friends. This is how she rules on the bench. Given the opportunity, this is what we can expect in the future. She has been the lone dissenter in so many cases involving the rights of discrimination victims, consumers, and workers. Case after case, in 31 different cases, she was the only California Supreme Court justice to disagree with the majority. She said once in a speech: ''Since I have been making a career out of being the lone dissenter, I really didn't think anyone reads this stuff.''

Sorry, Justice, we do read it. Words matter, especially when they carry the weight of law and change human lives.

I am concerned not only about the views she has taken but the way she has expressed them. Justice Brown's extreme, often inflammatory rhetoric has no place on the bench. According to press reports, Justice Brown and the chief justice of her court are on such bad terms they do not even speak to one another; they communicate by memo. Boy, is that the kind of person we would like to have on a bench making big decisions, where she reaches the point where she cannot even talk to her fellow justice?

In her lone dissent in the case involving cigarette sales to minors, selling tobacco to kids, Justice Brown wrote: ''The result is so exquisitely ridiculous it, it would confound Kafka.'' She also wrote in her dissent in this case that ''the majority chooses to speed us along the path to perdition.''

Really? Regulating cigarette sales to kids is going to be leading us on the road to hell? Too much government? And they want this person to sit on the second highest court in the land and decide about safety and health for Americans? What a serious mistake.

The last point I make, as my time runs out, is one expected to be said by a Democrat on this side of the aisle, but not expected to have been read in the Washington Post on Thursday, May 26, in an article by George Will, a well-known conservative. He was very candid about Justice Janice Rogers Brown. He talked about the fact that she is one of the three who are part of the agreement here that is going to move forward. And he says:

> . . . 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 post-New Deal regulatory state. . . .

In a few words, George Will says it more elaborately.

She is out of the mainstream even for a conservative like George Will. If she is out of the mainstream for George Will and other conservatives, the big question today is whether five Republican Senators will agree with most Democrats that she should not be given a lifetime appointment to this bench to make the decisions and change the laws and try to reverse the course of America.

When it comes to matters of personal privacy, when it comes to programs as essential as Social Security, when it comes to protecting our children from tobacco companies and others who would exploit them, do we really want Janice Rogers Brown with the last word on the D.C. Circuit Court of Appeals? I think the answer is clearly no, and that is how I will be voting.

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

The PRESIDING OFFICER (Mr. ISAKSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, in listening to our Democratic colleagues discuss the President's judicial nominees, I have often thought if I had a dollar for every time they use the words ''far right'' or ''extreme,'' I could one day retire a rich and happy man. Some have reached new heights, though, in histrionics and hyperbole in discussing the Janice Rogers Brown nomination.

For example, our very good friend from New York, Senator SCHUMER, actually said yesterday he could not think of any judicial nominee of President Clinton who was as far to the left as Janice Rogers Brown is to the right.

Just as an initial matter, many Senators on this side of the aisle have noted that 76 percent of Californians—that is not 76 percent of Texans, or 76 percent of Alabamians, or 76 percent of Georgians—voted to reelect Justice Brown to the highest court of our most populous State, not known as a bastion of conservatism.

That certainly belies the notion that she is too conservative for the Federal bench. And with respect to the remainder of Senator SCHUMER's assertion that there were no far-left Clinton nominees who should have been disqualified from judicial service in the way he would disqualify Justice Brown, it seems to me our friend is suffering from a little memory loss. I can think of a number of Clinton nominees who were very much on the far left of the political spectrum and yet who, today, wear the robe of a Federal judge. My friend from Alabama has mentioned Judge Paez, for example. Senator SESSIONS noted that Judge Paez once remarked that a judge ought to be an activist. Judge Paez said a judge ought to be an activist if he believed the legislature was failing to address a problem. That, as Senator SESSIONS points out, is the virtual definition of judicial activism.

There are quite a few other Clinton judicial nominees who reside over on the political ''Left Bank.'' I do not have the time now to go through all of them, but I would like to discuss one, just one Clinton nominee in particular, a nominee with whom we are all very, very familiar. At the time of her confirmation, she had previously made numerous provocative statements and public policy pronouncements. Even when looked at today, almost 30 years removed from when they were first made, these statements are certainly not, by any standard, mainstream. But our Democratic colleagues did not argue then, and I doubt they would argue now, that these statements disqualified this Clinton nominee from Federal judicial service.

I speak of Supreme Court Justice Ruth Bader Ginsburg, whom I supported. Let me note that Justice Ginsburg is a learned and experienced judge. As I just indicated, I and the vast majority of our colleagues voted for her. In 1993, she was approved 96 to 3 for her current position on the Supreme Court. We did so, even though in her private capacity she had made some very thought-provoking comments on public policy issues. She theoretically mused. These kinds of theoretical musings frequently occur, as we all know, in academia and other extrajudicial writings. This is a good thing, frankly, in terms of having a healthy marketplace of ideas. While people's opinions should be considered in evaluating their fitness for the bench, the fact that someone makes a thought-provoking comment is not necessarily a reason to bar them from judicial service. This appears, however, to be the standard our Democratic friends would apply to Justice Brown.

So I ask my friends, what would be their view of Justice Ginsburg, under

the new standard that they seek to apply to Justice Brown? For my friends on the other side of the aisle whose recollections may be just a bit foggy, let me remind them of some of her thoughts. She once proposed—this is Justice Ginsburg, for whom I voted and who has had a distinguished record on the Supreme Court. We are not arguing about that. But she once proposed abolishing Mother's and Father's Day in favor of a unisex ''Parents' Day.''

She also called for making prisons and reformatories co-ed, and sex integrated.

She argued that restrictions on bigamy were of questionable constitutionality, and she opined that the U.S. Constitution might guarantee a right to prostitution.

She argued that there is a constitutional entitlement to have the Government pay for abortions. And, incidentally, when she made this assertion, the Supreme Court had ruled not once but twice that there was no constitutional right to have taxpayers pay for abortions.

Justice Ginsburg has even suggested that statutory rape laws were discriminatory, and that the ''current penalty of 15 years for a first offense is excessive.'' She also suggested the adoption of a statute that would, among other things, lower the age of consent for sexual activity to age 12.

Given their past enthusiastic support for Justice Ginsburg's nomination—a nomination which I also supported—compared to their current vigorous opposition to Justice Brown's nomination, our Democratic colleagues must be saying one of two things: Either they believe that Justice Ginsburg's musings about a possible constitutional right to prostitution and the need to abolish Mother's and Father's Day and all the rest are in the mainstream—they either believe those comments are in the mainstream, or they are saying it is OK for a Democratic nominee to the Nation's highest court to make provocative statements like that, but it is not OK for a Republican nominee to a lower court to make thought-provoking statements about policy issues.

I would be surprised if my Democratic colleagues believed that these various musings of Justice Ginsburg were in the mainstream. In fact, I think they don't believe they were in the mainstream. So what we must have, then, is truly a double standard.

I see my friend from Alabama is on the floor. I ask if Senator SESSIONS is seeking time?

Mr. SESSIONS. Mr. President, I ask if the Majority Whip will yield for a question?

Mr. MCCONNELL. I am happy to yield.

Mr. SESSIONS. I thank him, first, for his insightful remarks. It is certainly appropriate and important that we distinguish between an American citizen's right to speak and say things that may be on their heart at a given time and maybe later they are not so sure they agree with. But we don't want to intimidate Americans and say you can never be a Federal judge if you don't say anything but vanilla statements your entire life. I thank him for his wise insight there.

It does seem we have a double standard here. It seems there has just been a deliberate effort to go back and sift through, bit by bit, line by line, speeches and statements and writings of nominees to try to take them out of context and make them appear to be extreme when her record is one of mainstream, effective service. Justice Ginsburg was not a nominee, certainly, that I would choose to nominate for the Supreme Court, but the Senate did not bar her from service on the Court, the highest court in this land, because of her extrajudicial statements that you just mentioned that are quite unusual, that she made in law review articles and such, even though her thoughts and comments were out of the mainstream.

I was not there at the time and the Senator was. But was it not true that, at her confirmation hearing, Justice Ginsburg swore under oath she would follow the law, and was it not also true that during her service on the D.C. Circuit Court of Appeals she often voted with Judge Bork and other conservative judges? In other words, just because she made these statements, once she put on that robe and read the briefs of the parties, she had some record that indicated she was committed to the rule of law?

Mr. MCCONNELL. The Senator from Alabama is absolutely correct. She swore she would uphold the law. You are absolutely right. When she put on the robes, she was no longer sort of musing and making provocative thoughts; she was making law. In fact, I think the record reflects that one year on the D.C. Circuit, before she was elevated to the Supreme Court, then-Judge Ginsburg on the D.C. Circuit voted with then-Judge Scalia 95 percent of the time and voted with Judge Bork, believe it or not, 100 percent of the time—100 percent of the time. That, in spite of the fact that she had made some rather provocative—I think we would all agree—observations on a variety of different issues that I expect the Senator from Alabama, and I, and the Senator from Georgia in the chair, and I bet virtually everybody on the other side of the aisle would consider way outside of the mainstream to the left.

Mr. SESSIONS. I couldn't agree more with the Senator from Kentucky. That whole insight and principle cannot be lost here. We can't expect people to be just ''Milquetoast'' human beings and never engage in debate over important issues in America and never make a provocative statement or they cannot be confirmed to the Federal bench. Frankly, as one who practiced a lot of law, and I note the distinguished Majority Whip has, as well, the true test of a judge is: Will they study the law and will they be faithful to it? Will they read it and study it?

But with regard to these statements, wouldn't you say that compared to what you have mentioned, and some of the statements made by some of the Clinton nominees, that Justice Brown's statements are mild, indeed?

Mr. MCCONNELL. I would certainly agree. I know that Senator BOXER made much ado about the fact that Justice Brown had dissented 31 times on the California Supreme Court. But our good friend from California neglected to mention that this puts Justice Brown about in the middle of the pack, in terms of the number of dissents issued on the California Supreme Court. In addition, I would point out to my good friend from Alabama—because of the esteem in which she is held by her peers out there on the California Supreme Court—Justice Brown was selected to write the second-highest number of opinions on the court, second only to the Chief Justice of that court. And numerous California jurists have, to put it mildly, enthusiastically endorsed this nomination—the people who know her best.

Mr. SESSIONS. I couldn't agree more. As I recall from the letter that was sent to Senator HATCH, then-chairman of the Judiciary Committee, all of her colleagues on the California Court of Appeals, which is just below the Supreme Court of California, have supported her, and four of the six sitting Justices on the California Supreme Court have overwhelmingly, strongly advocated for her confirmation. It seems to me the idea that she is out of the mainstream is farfetched and stretched.

I will ask one more question of the Senator. Isn't it true and isn't it sad that in this attempt to portray this nominee and others in a negative light, that there has been, unfortunately, a tendency to take things out of context? And isn't it true that some of these statements, that might seem a bit strange or hard to understand, are not so hard to understand in the context of the entire remarks? Would the Senator agree that is a problem today in the Senate?

Mr. MCCONNELL. I think the Senator from Alabama is entirely correct. It is simply amazing for our Democratic colleagues to say that Justice Brown, for example, has embraced the Lochner decision, when she has taken the opposite position and written in a published opinion that Lochner was a ''usurpation of power'' and the Lochner court seemed to believe it could ''alter the meaning of the Constitution as written.'' Indeed, many times her position has been essentially misrepresented.

To get back to the basic point of our exchange, we ought not hold against nominees—particularly those who have written a good bit, published a good bit—their provocative statements. We clearly did not do that against Justice

Ruth Bader Ginsburg, nor should we have. We ought not do that in this unfortunate attempt to demonize Justice Janice Rogers Brown, who has had by any standard not only an outstanding life story but an outstanding record on the California Supreme Court.

I thank my friend from Alabama for being here during this discussion. We hope this will help put the whole issue of provocative musings and writing into context as a relevant factor in considering how we are going to vote to confirm judicial nominees.

Mr. SESSIONS. If the Senator will yield, I will follow up on that.

I remember President Clinton nominated quite a number of justices, judges, who were active members—some lawyers—for the American Civil Liberties Union. If you look at the American Civil Liberties Union Web site, they favor and believe the Constitution allows the legalization of drugs; that there cannot be a law against legalization of drugs.

They oppose all pornography laws—even child pornography laws—on their Web site.

We confirmed Marsha Berzon from California. She was chairman of the litigation committee of the ACLU. There were quite a number of other members of the ACLU. We gave them a fair hearing. We asked their views. Some were answered satisfactorily to my view and some were not. Fundamentally, the question was, will you follow the law of the Supreme Court? Will you be faithful to those laws? Do you have a good reputation among your colleagues? Have you a record of integrity and achievement?

Most of those judges, virtually all of them, were confirmed.

Mr. MCCONNELL. The Senator from Alabama is correct, and Berzon and Paez were the poster children for nominees out of the mainstream to the left, yet the Senator from Alabama and others, and myself, joined in making sure these two nominees—dramatically out of the mainstream, to the left—got an up-or-down vote in the Senate. When they did, they were confirmed.

Mr. SESSIONS. I thank the Senator for his wisdom and his fine comments today.

Mr. MCCONNELL. 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. SESSIONS. 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. SESSIONS. Mr. President, may I take a few minutes to go over some of the concerns that have been raised about Justice Janice Rogers Brown's rulings on some cases?

As the Senator from Kentucky and I discussed, some of her statements have been taken out of context. It is not fair. We ought to be fair to nominees. We ought to be sure their reasoning, their thought processes, the context of what they are doing, is brought to the attention of the American public before we start twisting it to make them look like someone who is not in the mainstream.

I will talk about a couple of things; there are many we could talk about. I will mention a few cases specifically that have been referred to by the attack groups that are attempting to put down these nominees, and by Senators who have picked up on it—maybe they are not lawyers, maybe they are—but perhaps have not fully comprehended what the case is about or have been careless with the facts.

One of the charges some have heard, I think made again today, is that Janice Rogers Brown opposes all zoning laws. That is not true. That is absolutely not true. One Senator, I believe Senator DORGAN, said she believes that zoning laws are the equivalent of theft and are unconstitutional. That is not true. That is not a fair characterization of her record.

This is what the San Remo case was about. First, she never said the zoning laws were unconstitutional. But the San Remo case in California came before her. It involved a Draconian, overreaching zoning law that forced hotel owners—I know the Presiding Officer has had some association with real estate—forced hotel owners who wanted to convert low-income residential units to hotel units to pay a large fee or replace the residential units that would be lost. It was a takings case. It was a question of whether this zoning law had taken away the ability of private property owners to use their property to the highest and best use.

That is a big deal in America today. Even the liberal Supreme Court of California was troubled by it. It was a 4-to-3 vote. Justice Brown was one of the three, but she was not the only one who dissented from this rule. Her dissent was consistent with U.S. Supreme Court precedent on property.

The classic case, not too far from the State of Georgia, was North or South Carolina. The person bought a lot on the beach, paid a lot of money for this, was going to build a dream home on the beach. They came along and said: We are going to rezone this and you cannot build a house on the beach.

He put all of this money in a lot that he was going to build his dream house on and they said: You can keep the sands, Mr. Property Owner, but you cannot build a house on it. The Supreme Court of the United States of America said—and the same principle I believe applies in California—that this was an effective taking of the value of that property.

If the Government wanted to take it and make it a wildlife refuge, they ought to take the property and pay them the fair market value for it. But what the zoning guys wanted to do, you see, is just say: You cannot use it. You cannot do anything with it. You have to do with it what we want you to do with it, but we are not going to pay you a dime for the ability to have that property set aside for what we want it to be set aside for.

That is why people who are concerned about property rights in America are upset about the abuse of zoning. But normal zoning goes on every day. And there is not one shred of evidence that Janice Rogers Brown opposes all zoning. In fact, she, as I said, had two other judges join with her in that important case. Justice Brown, in the case, complimented the State of California for having a laudable regulation to try to provide more housing opportunities for low-income individuals. She said that in her dissent, but noted that the California takings clause precluded the Government from achieving that goal by police power regulation.

Another case that still bothers me—I mentioned it yesterday; and it is worth talking about again—is the Aguilar case. Senator BOXER and I think maybe others on the floor have said that Justice Brown, an African American, the daughter of a sharecropper from rural Alabama—she grew up not too far from where I grew up—had said, in her opinion, that it was OK for Latinos to have racial slurs uttered against them in the workplace, that that was the position of Justice Janice Rogers Brown.

Now, this was the case of Aguilar v. Avis Rent A Car System. It involved a court injunction that barred a manager of the company from using various racial epithets in the future, raising grave first amendment concerns as a prior restraint. Justice Brown, in her dissent, stated: ''Discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong, and destructive of democratic society.'' As to the specific slurs, she called them: ''disgusting, offensive, and abhorrent.''

In her dissent, however, she relied on the precedent of the Supreme Court of the United States, in expressing her concern about an injunction that placed an absolute prohibition, a prior restraint, on speech. Again, the court in this case was divided, 4 to 3. One of the dissenters who joined with her was the liberal icon, Justice Stanley Mosk—her colleague on the bench who is recognized as one of the great, most prominent liberal judges in America—because speech is important.

I offered into the RECORD Monday an article by Nat Hentoff in which he dealt with this particular case. He is a great civil libertarian lawyer. He has committed his life to American civil liberties. He believes in free speech. He said the majority opinion in Aguilar was an outrage, that it was totally wrong, that she was exactly correct, that this was a prior restraint of free speech that could not be done under these circumstances. So saying that Justice Brown believes it is OK for Latinos to have racial slurs uttered against them in the workplace is not a fair thing to be saying about her.

Senator BOXER also argued against Janice Rogers Brown, saying that Brown ''argued that messages sent by an employee to co-workers criticizing a company's employment practices was not protected by the First Amendment. In other words, you can't use your e-mail to write anything about your employer to another employee.''

That is what Justice Brown has been accused of doing in her role as a judge. But the truth of the case is quite different from that. Senator BOXER is apparently referring to Intel v. Hamidi. It involved a disgruntled employee who flooded Intel Corporation's servers with over 200,000 spam E-mails, a costly disruption of the business. It raised serious nuisance and trespass to chattel issues. The question in the case was whether you could commit a trespass to chattel through electronic communications. The California Supreme Court said no because there were no damages to the computer system nor impairments to the way it functioned. Justice Brown's dissent noted that Intel had invested millions of dollars to develop and maintain its computer system to enhance the company's productivity and had a right to protect that property from unauthorized abuse by 200,000 spam e-mails. It was a 4-to-3 vote, again. Two justices on the California Supreme Court joined with her.

This is not an extreme position to take, for heaven's sake. She again found herself on the side of liberal Justice Richard Mosk. He argued that the injunction should have been upheld because he was intruding upon Intel's proprietary network and his e-mails were equivalent to, according to Judge Mosk, ''intruding into a private office mail room, commandeering the mail cart, and dropping off unwanted broadsides on 30,000 desks.'' That is what the liberal Justice Mosk said in agreeing with Janice Rogers Brown.

So, goodness, it is a sad thing that we have to deal with these kinds of distortions of a fine justice's record. If this is all they can find to complain about, statements that are perfectly normal and proper, then there must not be much out here against this nominee. One Senator says: ''If a minority claims they are being discriminated against, she is nowhere to be found.''

Well, first of all, she is a minority. She left Alabama, I am sure, in some part, because when she was young, segregation was afoot and discrimination was very real to African Americans. She went to California. She commenced her legal career and her education and became a member of the California Supreme Court. But he accuses her of not being found on discrimination. But what about her lone dissents? She authored a lone dissent in People v. McKay, where an African American man was riding his bicycle the wrong way on a street and the police stopped him, searched him, found drugs and prosecuted him. She said that was racial profiling. She was the only one who said that. Who was standing up for someone who could have been a victim of discrimination? Janice Rogers Brown.

Another Senator said that ''she favors the powerful over the powerless.'' But how about her lone dissent in In re Visciotti—only she dissented in this case—where she said a defendant's death sentence should be overturned, because the defendant did not have an adequate counsel, he was given ineffective assistance of counsel. She was very vigorous in her dissent in explaining why she thought it was inadequate and why she thought this individual deserved a new trial.

Well, those facts, to me, do not indicate we have a justice who is out of the mainstream or a justice who is not willing to defend individuals with no power, no prestige, no money, those who deserve a fair hearing by a court. It is clear she is willing to give it to them, to give them that fair hearing, and to dissent even if six other justices on the liberal California Supreme Court do not agree with her. So the other justices did not agree, but she stood up for these people. That is her record. That is her heritage.

She is a wonderful, wonderful nominee. I am pleased she is up. Hopefully, we will get her nomination confirmed today, and she can take her place on the federal courts of the United States. It will be a good day for America and a proud day for the people of Alabama who have seen her do well.

Mr. President, I see my colleague from Mississippi, Senator LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Alabama, Mr. SESSIONS, for his leadership on the Judiciary Committee and his aggressive support for this fine nominee to serve in our Federal judiciary.

It is a great pleasure for me to rise today in support of the confirmation of the Honorable Janice Rogers Brown to the U.S. Court of Appeals for the DC Circuit.

There are a lot of people who I would like to commend and congratulate for bringing us to this point of justice for a very fine nominee to our Federal judiciary. We can be critical of how we reached this point, the so-called compromise that was developed by the 14 Senators who came together. You can give credit to the leaders in both parties in certain respects. But the fact of the matter is the Senate voted finally to give Justice Brown an up-or-down vote. I am proud of that.

I think the Senate should take some pride and credit for allowing this nominee to reach this point in the debate and in the voting process. I was pleased, yesterday, to see that 65 Senators voted to invoke cloture to bring this nomination to an up-or-down recorded vote. So a lot of people deserve credit, and I want to make sure they have it. I want to thank them for it.

I also want to ask for the forgiveness of this nominee for the way she has been treated. I do not think this has been one of the Senate's proudest hours.

I think this nominee has such an outstanding personal story to be told, and I will not repeat the history of where she was born and where she was educated and what she has been through, but she has lived the American dream, and she has lived it well. She did not just complain about her status. She worked and got an education. She applied herself. She has been given opportunities, and she has taken advantage of them.

I am proud to say I support her nomination. I think she will make an excellent judge. I really do believe most opposition to her has just been simply the fact that she is an African-American conservative woman. I do not think we should vote for or against judges because they are conservative, moderate, or liberal. I think we should vote on them based on their background, their education, their experience, their decorum. Do they have the ethics for the job? Do they have conflicts of interest?

If they meet all of those qualifications, in my opinion, they should be confirmed. That is what Presidential elections are about. They are about electing men or women to that office who will nominate people to the Federal judiciary who agree with their philosophy. When President Clinton nominated people to the Supreme Court—and I have said this before, but I repeat it again—when he nominated Ruth Bader Ginsburg to the Supreme Court, I knew I did not agree with her philosophy. I knew I would not agree with many of her decisions in the Supreme Court. But she was qualified by experience and by education, by every criteria that we should evaluate, and I voted for her. I voted to confirm other judges whom I did not agree with philosophically.

There have been attacks on Justice Brown that she has a philosophy of life, certain moral values, as though that is disqualifying. I do not understand that. Are we not entitled to our opinions, personal opinions, even as judges, let alone as Senators? We certainly have ours and express them routinely. I think judges have a right to have personal and private lives and to be able to give a speech in which they state positions which may not necessarily be reflected in reasoned decisions as judges. You can have an opinion, but if the law is on the other side, you have to rule that way. There was a recent decision by a Federal district judge in my own State that I don't agree with, and I know he doesn't agree with it personally. But he upheld the law in a very reasoned decision. That is what has happened with Justice Brown. She has strong beliefs based on her life experience, but she hasn't tried to impose those in an unfair way as a member of the California Supreme Court. Yet she is attacked—attacked relentlessly and, in my opinion, unfairly and inaccurately on many occasions.

For instance, she has been attacked here for a quote in her dissent in Stevenson v. Huntington Memorial Hospital in which she distinguished age discrimination from race discrimination. Based on this quote, they suggest Justice Brown doesn't believe in public policy against age discrimination. To draw this conclusion based on what Justice Brown wrote is as wrong as making the same accusation against the U.S. Supreme Court, which drew the same distinction in Massachusetts Board of Retirement v. Murgia, a case Justice Brown cited.

It should be added that both Justice Brown and our Nation's highest court are correct. All of us will eventually get old, and we have parents and grandparents. But most of us will never know what it is like to be Black or Hispanic in America, to be pulled over for no reason other than your skin color, to have grandparents or parents who did not get to go to college or even sit at the same lunch counter or drink from the same water fountain.

These charges are totally out of line with other decisions that she cited and with her own life experience.

She has been attacked for opposing Social Security and Medicare as socialist programs that should be reversed. This is completely untrue. Not a single opinion of hers suggests that she opposes these programs. In fact, the ranking member of the Judiciary Committee directly asked her whether she regards New Deal programs such as Social Security, labor standards, and the Securities and Exchange Commission as socialist, and she replied, unequivocally, ''no.'' Has she raised some questions about some of those programs in her private speeches or even her public speeches? Perhaps so. I think it could be done on a principled and substantive basis. But, again, that doesn't disqualify her. If you look at the reasoning she has used while a member of the California Supreme Court, you will see that she cites the law and upholds the law. What she may have said in some speech should not disqualify her.

Senators here have cited a list of interest groups who oppose Justice Brown. But consider this. She is on the Supreme Court in California, not exactly a hot bed of conservatism or moderation. She was retained by the California voters by a margin of 76 percent of the vote, the highest margin of the four California Supreme Court justices on the ballot, six points higher than Stanley Mosk, a well-known liberal jurist in the State, and higher than California's chief justice. The people believe she is a good supreme court justice, qualified, and has been rational and moderate in her views on the supreme court, or they wouldn't have voted for her with 76 percent of the vote.

She has been attacked for her dissent in a case against companies that sold cigarettes to children. The truth is, Justice Brown clearly wrote in her opinion that selling cigarettes to minors is against the law and those guilty of it should be punished.

To suggest that she did not feel this way is totally inaccurate. Yet that has been said on the floor of the Senate during the days of debate we have had.

There are some people who don't exactly share her views who have endorsed her. I read one newspaper column being very critical of her, saying she should not be confirmed. But it went on to say that she has routinely written the decisions of the court, that her decisions are interesting, almost lyrical, and very professional. Yet you maintain in the same column she is not qualified?

In fact, in a recent column, law professor Jonathan Turley, a self-described pro-choice social liberal, points out that ''Brown's legal opinions show a willingness to vote against conservative views . . . when justice demands it'' and that Democrats should confirm her.

Even though Justice Brown has expressed personal opinions against too much government regulation, she has consistently voted to uphold regulations in every walk of life. You mean to tell me that you are disqualified for the Federal judiciary if you think that there are too many government regulations? I certainly believe there are. I would hope that we would have Federal judges that would quit compounding it by writing more and more regulations of their own.

Justice Brown joined in an opinion upholding the Safe Drinking Water and Toxic Enforcement Act of 1986, and expansively interpreted the act to allow the plaintiffs to proceed with their clean water claims. Justice Brown upheld the right of plaintiffs to sue for exposure to toxic chemicals using the Government's environmental regulations. Justice Brown upheld California's very stringent consumer safety standards for identifying and labeling milk and milk products, thereby ensuring that the government has a role in protecting the safety of our children and all Californians.

Justice Brown joined in an opinion validating State labor regulations regarding overtime pay. The list goes on and on and on.

I believe Justice Brown has been very unfairly charged. She is highly qualified. Some would even maintain she has been willing to take this abuse and to step down to this court that is not superior to the one on which she now sits. She has been willing to go through this crucible to be confirmed. She should be confirmed. I am pleased to see a woman, a nominee of this caliber, with her American life story, be nominated. I believe, and I certainly hope, she will be confirmed. I think that history will prove that she will be an outstanding member of the Federal judiciary.

I ask unanimous consent to place further examples of rulings by Justice Brown in the RECORD.

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

In Hamilton v. Asbestos Corp., she authored the court's opinion on a statute of limitations issue that allowed an injured plaintiff more time in which to file a personal injury claim against various asbestos defendants.

In County of Riverside v. Superior Court, she wrote the court's opinion holding that, under the Public Safety Officers Procedural Bill of Rights, a peace officer is entitled to view adverse comments in his personnel file and file a written response to a background investigation of the officer during probationary employment.

Ramirez v. Yosemite Water Company, she joined in the court's opinion validating State regulations regarding overtime pay.

In Pearl v. Workers Compensation Appeals Board, she upheld the role of the Board in applying a stringent standard of ''industrial causation'' for a worker's injury, validating the state's role in ensuring worker safety.

And in McKown v. Wal-Mart Stores, she wrote, again for the court's majority, that the employer of an independent contractor is liable for injury to the independent contractor's employee caused by the employer's negligent provision of unsafe equipment.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I come to the floor to speak on behalf of a woman I have never met, Janice Rogers Brown. I do so also to note the delicious irony in the recent comments by the chairman of the Democratic National Committee, former Governor Howard Dean. I am told that yesterday Mr. Dean said:

Republicans are not very friendly to different kinds of people. They are a pretty monolithic party, behave the same, and they all look the same. You know, it is pretty much a white Christian party.

The delicious irony is that we have been here arguing on behalf of an African-American woman of great distinction for over 4 years. Other names like Miguel Estrada come to mind, and the fights we have had to confirm members to the Federal judiciary of all walks of life, of all kinds of diversity, of all kinds of hyphenations, if you will, who happen to be Republicans, who happen to be conservatives, but certainly represent every race, every ethnic background, and every national origin. Yet the chairman of the Democratic National Committee would make a statement like that. That is something that should not be missed by the American people.

I am not a terribly partisan person. I, frankly, think the American people are deeply weary of all the partisan bickering and name calling. But I also want to note the contrast of style between Chairman Dean and Chairman Mehlman of the Republican National Committee. Ken Mehlman has gone out of his way to speak at African-American universities, to speak to all kinds of groups, to include them in the Republican Party.

I also want to make this comment. When I read the other day Chairman Dean's saying ''I hate Republicans,'' I

want to say that I do not hate Democrats. Some of the finest people in this Chamber sit on that side of the aisle. They are my friends, as are my Republican colleagues. This kind of hate speech really doesn't have a productive place in our political discourse. It is important to recognize the humanity of Republicans and Democrats and the diversity that each party has as they try to include majorities of the American people.

I, for one, am tired of the bravado. I am tired of the hyperbole. I am tired of the name calling. But I do want to say that we in the Republican Party are trying to include people, women and minorities, who have historically been kept out of public service and much of the benefit of American law in our history. And I do not think that should be condemned. I think that is to be celebrated when both parties do that.

I, for one, see the Republican Party and our chairman doing that in a dramatic and constructive way. Chairman Dean's comments are not worthy of the great Democratic Party. I am not here to pick a fight with him, but I do want to note that I and others, particularly on the Judiciary Committee, have for a long time been waging the fight for an African-American woman who deserves to be confirmed to the DC Circuit Court of Appeals.

Any fair reading of Justice Brown has to remember that for over 25 years she has provided public service through her legal skills. She has most recently been a member of the California Supreme Court, since 1996. She is the first African-American woman to sit on that court. Prior to her appointment to the California Supreme Court, she was an associate justice of the California Court of Appeals. From 1991 to 1994, she served as a legal affairs secretary to a former colleague of ours from California, the former Governor Pete Wilson. Her office monitored all significant State litigation and had general responsibilities for acting as legal liaison between the Governor's office and executive departments. She performed the heavy duties of her office with unfailing fidelity. And Governor Wilson wrote in his letter to UCLA's nominating committee:

> She often told me what I did not wish to hear.

In her 9 years on the California Supreme Court, Justice Brown has earned a solid reputation of being fair and competent in her jurisprudence and as one who is committed to the rule of law. In fact, it needs to be said again and again what was written of her by 12 of her current and former colleagues in the California judiciary. It is a bipartisan group, as many Democrats as Republicans. They wrote:

> 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 have worked with her on a daily basis and 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 and without bias, and with an even hand.

It is notable what many of her colleagues have said before. She was born in 1949 in Alabama to sharecroppers. She attended segregated schools and came of age in the midst of Jim Crow laws. Jim Crow laws were not a product of Republicans.

Janice Rogers Brown, however, is a conservative. Some conservatives, of course, have stated that she is more of a libertarian than a conservative. But I guess that is bad enough as far as liberal Democrats are concerned. At the heart of her judicial philosophy is the notion that property rights and economic liberty deserve judicial protection.

In an opinion on a California rent control ordinance, Justice Brown stated in her dissent:

> . . . arbitrary government actions which infringe property interests cannot be saved from constitutional infirmity by the beneficial purposes of the regulators.

That is, the government and politicians cannot arbitrarily take away a person's right to property for the ''common good.''

Critics charge that Brown will be unable to separate her personal ideology and philosophy from judicial rulings.

Justice Brown has stated:

> I do recognize the difference in the role between speaking and being a judge.''

I urge the confirmation of this distinguished African-American woman and ask my colleagues to support her.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, Janice Rogers Brown should not be confirmed to the D.C. Circuit. I listened to the eloquent statement of my friend from Oregon. This is not an issue where we are voting on a life story. What we are talking about is a vote for a nominee to the D.C. Circuit and whether that person's votes will be consistent with our constitutional values and will that person have an understanding of the very special role the D.C. Circuit has in interpreting the laws which have been passed by the Congress and which are subject to the D.C. Circuit Court's interpretation. That is enormously important because there are so many of those laws that provide important protections—for example, OSHA legislation and whether we are going to have safe working conditions for workers.

As a result of the passage of the OSHA legislation, across this country we have seen a reduction in the number of deaths of workers in plants and factories and construction reduced by half. We have made progress. There are those forces who want to weaken OSHA because many of the companies believe the penalties under OSHA are a cost of doing business, and this puts workers at risk.

These very important legal issues and questions interpreting the legislation which we have passed and have updated are the same ones that will come to the D.C. Circuit.

As impressive as the life of this nominee is, if we are really interested in what is going to happen in the D.C. Circuit as it affects constitutional rights and liberties, as well as legislative actions we have taken, it is fair to insist that the person who is nominated is going to have a core commitment to the constitutional values and also a healthy respect for actions that have been taken by Republicans and Democrats and legislation that has been signed by the President. Using either of those standards, this nomination fails. I wish to take a few moments to elaborate on that issue.

The D.C. Circuit is widely considered the second most important court in the country after the Supreme Court. It is the court that most closely oversees the actions of Federal agencies, and its duty is to give a fair hearing in cases on governmental protections, environmental laws, civil rights, workers' rights, and on public health and safety. Nominees to this important court should have a clear commitment to upholding the law in these areas. And Janice Rogers Brown's record shows not only that she lacks the commitment but that she is hostile to any form of governmental action.

Although located here in the District of Columbia, the D.C. Circuit affects all Americans because its decisions have broad national impact. Some cases, such as those involving review of national air quality standards under the Clean Air Act and national drinking water standards under the Safe Drinking Water Act, can only be heard in the D.C. Circuit.

In this country over the last 4 years, we have doubled the deaths of asthmatic children in this Nation. Why? I think we can point to it: because of the relaxation and the change in the Clean Air Act and the relaxation of rules and regulations. As a result of that, children in downwind States from a lot of these companies that are burning toxins have experienced a dramatic increase in breathing difficulty and in asthma deaths. That is directly attributable to the change in the rules and regulations of the Clean Air Act. When there are new rules and regulations to the Clean Air Act and they are challenged, they go to the D.C. Circuit. The D.C. Circuit makes a judgment that will have a direct impact, for example, on whether your child or children may very well have enhanced problems with asthma.

I have a chronic asthmatic son who happens also to be a Congressman. I follow this issue very closely. I know what has been developing over recent times in terms of the relaxation of the Clean Air Act. We can directly attribute that to the relaxation of rules and regulations. Those judgments and decisions are made virtually jointly by

the administration with Executive orders and, secondly, by the D.C. Circuit. That is illustrative of the range of different issues that come before the D.C. Circuit Court.

Some cases, such as those involving the review of national air quality standards under the Clean Water Act and the national drinking water standards under the Safe Drinking Water Act, can only be heard in the D.C. Circuit. We know about the dramatic increase in mercury that is taking place in streams all across this country. It has had a devastating impact on the fish and the ecosystems of so many of the rivers. That has been ingested. It provides an important health hazard for expectant mothers. Those happen to be the health implications as a result of individuals who do not have a strong commitment to issues involving the clean drinking water legislation that has been passed by the Congress.

This court also hears the lion's share of cases involving rights of employees under the Occupational Safety and Health Act and the National Labor Relations Act. As a practical matter, because the Supreme Court can only review a small number of these lower decisions, the judges in the D.C. Circuit often have the last word on these important rights.

Other cases end up in the D.C. Circuit because the party bringing the appeal is allowed to choose to have the case heard there. That is true, for instance, in appeals of the National Labor Relations Board involving fair working conditions. So people from California to Alabama, Texas to Massachusetts, often find their cases decided by the D.C. Circuit.

Janice Rogers Brown has said 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 jeopardized.''

Her actions on the California Supreme Court match her words. Time and again she has struck down basic protections. Her supporters try to explain away her record. They say she is conservative but well within the mainstream of conservative thought. But that is not credible. Mainstream does not mean extreme, except possibly in George Orwell's dictionary.

Even George Will, the well-known conservative columnist, has admitted that Janice Rogers Brown is out of the mainstream. She does not belong on any court, much less the second most important court in the land.

President Bush has often said that he wants to appoint judges who will strictly follow settled law, not judges who will legislate from the bench. But Janice Rogers Brown is exactly that sort of judicial legislator. In fact, when she joined the California Supreme Court, the California State Bar Judicial Nominees Evaluation Commission had rated her ''not qualified'' based not only on her lack of experience but also because she was specifically ''prone to inserting conservative political views into her appellate opinions'' and was ''insensitive to established precedent.''

Since joining the California Supreme Court, she has written opinions stating that judges should not follow settled law if they disagree with it. She has said that judicial activism is not troubling, per se; what matters is the world view of judicial activists. As one conservative commentator in the National Review pointed out, ''if a liberal nominee . . . said similar things, conservatives would make short work of her.''

Last month, the D.C. Circuit decided several claims of discrimination. Yet Janice Rogers Brown has issued opinions that would have prevented victims of age and race discrimination from obtaining relief in State court. She dissented a holding that victims of discrimination may obtain damages from administrative agencies for their emotional distress. She has questioned whether age discrimination laws benefit the public.

Her record on civil rights is so abysmal that her nomination is opposed by respected civil rights leaders such as Julian Bond, chairman of the NAACP, and Rev. Joseph Lowrey, 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 Leadership Conference on Civil Rights, the National Bar Association, the Coalition of Black Trade Unionists, the California Association of Black Lawyers, the Delta Sigma Theta Sorority, the second oldest sorority of African-American women. Her nomination is opposed by Dorothy Height, president emeritus of the National Council of Negro Women, who last year received a Congressional Gold Medal for her service to the Nation.

Justice Brown should not be given the chance to rule on discrimination cases on the Nation's second most important court.

In May, the D.C. Circuit decided the cases of two retirees seeking retirement benefits. Yet Janice Rogers Brown has said that senior citizens cannibalize their grandchildren by seeking support from society in their old age. Do we want a judge such as that on the D.C. Circuit deciding claims for retirement benefits?

Last month, the D.C. Circuit also decided a case involving Social Security benefits for a widow and her children. But Janice Rogers Brown has called the New Deal which created Social Security the triumph of a socialistic revolution. Do we really believe she will deal fairly with claims involving Social Security if she is confirmed to the D.C. Circuit?

We have confirmed over 200 of President Bush's nominees. Almost all of them were confirmed with Democratic support. Almost all of them were very conservative. But there is a difference between being conservative, as those nominees were, and being committed to rolling back basic rights, which is what Janice Rogers Brown's record clearly shows.

There are many well-qualified Republican lawyers who would be quickly confirmed, but the President has selected Janice Rogers Brown, who is clearly hostile to the very laws the D.C. Circuit is required to enforce. In doing so, the President has guaranteed that the Senate would spend many weeks dealing with this controversial nomination.

Many people across the Nation are wondering why judicial nominations have recently consumed so much of our time in the Senate. Why have we seen so many more battles over judicial nominations than in other years? The truth is that there would be no need to spend so much time on nominations if the President picked mainstream nominees. Nominees could be more quickly confirmed if the President returned to the tradition of consulting with Republican and Democratic Members of Congress about them.

The bipartisan agreement by our 14 Senate colleagues on the nuclear option emphasized that the word ''advice'' in the Constitution speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. The Federal courts are not supposed to decide cases to please special interests that have influence with the party in power. The courts do not belong to either party, Republican or Democrat. Americans expect, and deserve, judges who will treat everyone fairly and decide cases based on the law, not their own ideology. The only way to ensure that result is for Presidents to consult with both parties in the Senate before selecting a nominee.

We have spent endless hours, dozens of days, too many weeks debating radical judges and Republican attempts to abuse power. Meanwhile, look what is happening to the strength and the security of this country. Our military forces are protecting America amidst a growing insurgency and increasingly dangerous conditions. Our men and women in uniform need armored humvees and electronic jammers for protection against roadside explosives in Iraq.

It is unconscionable that month after month the Pentagon kept sending men and women on patrol without proper equipment. The Defense authorization bill will provide $344 million for up-armored humvees and armor kits and $500 million for electronic jammers. This money should be approved without delay. But there is a judgment and decision by the Republican leadership that we are going to spend more time on these judges that are so far out of

the mainstream, that are in the extreme in terms of their views about constitutional principles and values.

We know that this body should be finishing. If we are going to be finishing the work on judges this week, we should then be proceeding to the Defense authorization bill. The House of Representatives has completed it. Although the appropriators for the appropriations for the Defense authorization bill have not completed work, generally, that is the first appropriations bill that we consider. Generally, that is the legislation that passes here in the month of July. But, no, it has been the judgment and decision that we are going to spend more time on these judges who are clearly out of the mainstream. Mr. President, 96 percent of the judges have been approved, but it is the judgment of the President and the majority here that we are going to debate these judges who are clearly out of the mainstream of judicial thinking.

It is a question of priorities. It does seem to me this Nation is better served if we have judges in the mainstream of judicial thinking, that we give them the consideration, that we give them the approval, as we have on the 95 percent of those who have already been approved, and then be considering the Defense authorization bill—which is a priority. It is a priority not only getting it passed so the conferences can make progress, but it is an indication of our priorities, and it sends a message to our troops, as well, overseas and to the American people as to what we believe is important. Now that we have effectively spent all this time, these weeks, on judges who are so outside the mainstream—now we are going to be considering an Energy bill next week, not the Defense authorization bill. I think that is the wrong decision and the wrong priority.

Our citizens want lives of opportunity and fulfillment for themselves and their children. They wonder how they can afford the massive tuition cost increases that are putting college beyond the reach of so many students. If the President consulted with the Senate on judicial nominees, as the Constitution anticipates, and which any fair reading of the Constitutional Convention would indicate, we could be working on problems such as that. It is interesting reading about the Constitutional Convention. We find, for the great majority of the time of the Federal Constitutional Convention, the decision of the Founding Fathers was to give the Senate the complete authority for naming Federal judges and approving them. In the last few days, the last 8 days of the Constitutional Convention, they decided that the power should be shared and divided.

In sharing that power, we exercise our judgment, as Members of the Senate, whether we believe these nominees are committed to the values of the Constitution. That is what is tested with these nominees. If we were not considering these nominees who are clearly outside the mainstream, we would have a chance to consider the Defense authorization bill, and we would have a chance to perhaps debate why it is hundreds of thousands of young children of the middle class struggle to pay student loans? Student loans are guaranteed by the Federal Government, but because of a policy of the Department of Education, the loan companies are subsidized at a 9.5 percent rate of return. Why aren't we debating that? It can make a difference to the cost of education, to working families and middle-income families. Do you think that is on our agenda? No, that is not on our agenda. We can't consider that.

We can't consider the Defense authorization bill. We are only going to be considering the qualifications of judges who are out of the mainstream of judicial thinking.

Countless Americans are lying awake at night, wondering how they can afford their health insurance as their premiums constantly go up, year after year. Just today, Families USA released a report that $1,000 of your insurance premium, that is the average premiums Americans are paying—$1,000 comes out of your pocket because we refuse to act on the challenges of health insurance for average working Americans. We are not debating that. We are not discussing it. We refuse to consider it. No, we are right back to where we are in considering these controversial judges.

Here is Families USA: Every American ought to know they are paying $1,000 on their health insurance because someone else is not covered. We have seen the constant number of uninsured go up. So, America, wake up. Your health insurance costs are going to continue to go up, and we see more Americans losing their health insurance. Don't we think that is a national problem? Don't we think that is something we ought to be debating here in the Senate? No, that is not a priority. We are debating these controversial judges.

The working families of this country, the struggling middle class, is concerned about the decline in their standard of living. They have worked hard all their lives, but they keep facing rising prices, jobs that could disappear tomorrow and less secure retirement. They want to pay their bills, put a little aside for tomorrow, but that is harder and harder to do. This article says that General Motors just laid off 25,000. They will reduce hourly workers by 25,000. Plant closings seen. Plants hope to avoid layoffs in the biggest cutback since 1992.

Why aren't we doing something about this, this afternoon? Why aren't we debating what we ought to be doing to help those families? Can you imagine being one of the members of those families who had worked 10, 20, or 30 years and found out you are one of those 25,000 families?

No one is suggesting there is a quick, easy solution to it, but it is a problem, and it is a challenge. Just as we heard yesterday in our Human Resource Committee about the issue of pensions—you could not pick up your newspaper across America yesterday and not find out about unfunded pension plans in the airlines. The guaranty agency, the PBGC agency which is to guarantee these pensions, is $23 billion in deficit, with the prospect of additional airlines going into bankruptcy and the airlines dropping all those individuals where they will not get nearly what they have sacrificed for and paid into retirement. Don't you think that is important enough that we ought to be debating that issue, talking about that here on the floor of the Senate? Isn't that a priority for hundreds of thousands or millions of Americans? It certainly should be. It is in my State. But, oh, no, let's talk about Janice Rogers Brown.

Let's talk about William Pryor, who has an absolute disdain for the voting rights bill. He has a disdain for the Americans with Disability Act. I have been here. My friend TOM HARKIN and others, in a bipartisan way, we passed that Americans with Disabilities Act with the leadership we had with Bob Dole. Read the opinions of Mr. Pryor about that. He has an absolute contempt for the Congress in the way he addressed the Americans With Disabilities Act. We are going to be spending days to make sure the American people understand and know what Mr. Pryor said about the Americans With Disabilities Act, let alone what he said about voting rights, let alone what he said about family and medical leave. That is something which millions of families take advantage of—not paid family leave, but just emergency family leave to be able to go back and take care of a sick child or a sick parent. Not according to Mr. Pryor.

But, nonetheless, Republicans and this President sent this nominee up here, and it is important for us to be able to explain to the American people why we are opposed to that nominee. But they chose to nominate. They send the nominee. That is the President, he has that authority. He sends them up here when they are controversial, the other side supports it, we explain what our position is, they threaten to close us down and muzzle us and gag us by changing the rules in midstream—which we have fortunately been able to resist here. But all of that is a higher priority for the other side, for this administration, than to consider these workers who have been laid off; pension plans which are of such importance; the escalating costs we find out today for students in the middle class in terms of education—that is the failure of this institution at this time.

Oliver Wendell Holmes said we must be involved in the actions or passions of our times or risk not to have lived. What is involved in the actions and passions of the times, certainly for these 25,000 workers, is the fact they are not going to go to work. For the retirees, the millions, what is involved in

their actions and passions is their retirement program. And for all Americans, when they are paying an additional $1,000, which they should not be paying, and we are doing nothing about it. They care about that. Those are issues which they care about. The middle class is paying dramatically more than they should, in terms of the interest on student loans, than they should or need to. We ought to be debating those issues, but we are not able to do so because that is not the priority of this administration or this Senate.

Democrats would like nothing better than to turn to other issues rather than debate this controversial nomination. But we know that the 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 the Federal courts. Fair labor laws and civil rights laws mean little if we confirm judges who ignore them.

Deciding who is confirmed to the D.C. Circuit is too important to ignore. The important work we do in Congress on all of these and other issues is undermined if we fail in our responsibility to provide the basic advice and consent on judicial nominations. Basic rights and important laws mean little if we confirm judges who ignore them.

I want to wind up with a headline of today in the Washington Post. Here it is: ''Tobacco Escapes Huge Penalty. U.S. Seeks $10 Billion Instead of $130 Billion.''

The $130 billion was the recommendation of the professional lawyers in the Justice Department. The political lawyers in the Justice Department recommended $10 billion. That is according to the news reports. We know historically that former Attorney General Ashcroft did not want to bring the case, but nonetheless the case was brought. The recommendation by the Government attorneys was for $130 billion but, oh no, the political lawyers evidently, according to the news reports, won the day and the amount recommended was for $10 billion. Even the tobacco companies were amazed.

What was that $130 billion going to be used for? That $130 billion was going to be used for smoking cessation to get them to stop smoking, to stop them from the addiction of nicotine. An important impact can be made in terms of stopping children from being involved with tobacco and cancer, especially lung cancer, but, no, the Department said: We want just $10 billion.

We ought to be debating that issue. We ought to be finding out—has my time expired?

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

Mr. KENNEDY. The next half hour is allocated to the Senator from New York; is that correct?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. KENNEDY. I ask unanimous consent to be able to proceed on Senator SCHUMER's time.

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

Mr. KENNEDY. I know my friend from New York is on his way, but that point should not be lost. Here we have just within the last several days an issue that can make such a difference to every parent in this country who has a teenage child. Every single day, 4,000 children start to smoke, and 2,000 become addicted. We have the opportunity with this judgment to have a major national program to discourage young children from going into it, and the Government says: No, we are going to go for not even a slap on the wrist.

We have evidence today about the increase in the cost of health insurance by more than $1,000 a year. That is something families understand. We have the increased cost of education. That is something families understand.

Then there are the pension problems of workers who have worked and contributed to their pensions over the years, and they are now virtually evaporating. These are real issues of real people. But, no, the President and the Republicans want us to spend our time on these controversial judges that fail to meet the fundamental requirement of core commitment to the values of the Constitution and the understanding of the legislative process which protects the lives, the well-being, and the future of our country and families in this Nation.

For all of those reasons, this nominee should be rejected, and we ought to get about the country's business and get away from these controversial judges who are clearly outside of the mainstream of judicial thinking.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent that the time that was allocated to Senator FEINSTEIN from 1:30 to 2 be allocated to me.

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

Mr. SCHUMER. Mr. President, I am here once again to debate whether Janice Rogers Brown deserves to be placed on the D.C. Court of Appeals. I have been very actively involved in this issue. I could not feel more strongly about a nominee to the bench. I could not feel more strongly about whether somebody belongs on the bench than Janice Rogers Brown.

We know for a fact that she is intelligent. We know she is articulate. We know she is accomplished and we know she is passionate. I respect every one of those qualities. She has a particular world view. She is not shy about it. It is apparent in her speeches, it is apparent in her opinions, and it is apparent from her testimony before the Judiciary Committee.

Were she to be elected to the Senate, I would relish the opportunity to debate the merits of the various laws she might introduce because if one looks at her writings, it is pretty clear. She well might introduce legislation to repeal Social Security. She well might introduce legislation to erase child labor laws. She well might introduce legislation to eliminate workplace safety laws. She well might introduce a bill to abolish zoning laws because in all of her speeches and opinions she has stood for these things.

Were she a Senator, she would no doubt be a passionate champion of a far right legislative agenda, and that would be her mandate. That is clearly what she believes. That would be her right. She would be free to legislate to her heart's content. That is our job as Senators.

Were she a legislator she could not only continue to fulminate, as she has, about the New Deal being a triumph of our socialist revolution, she could actually introduce legislation to overturn it. Were she a legislator, she could not only vilify, as she has, ''senior citizens who blithely cannibalize their grandchildren because they have a right to get free stuff,'' she could introduce legislation to eliminate benefits for the elderly.

Were she a legislator, she could not only say, as she has, that ''where government moves in, community retreats, and civil society disintegrates,'' she could actually introduce legislation to erase environmental laws, worker protection laws, minimum wage laws and other laws that have protected a wide swath of American people for decades, some even centuries.

Janice Rogers Brown is not a legislator, although sometimes she plays that role. She has been nominated to the bench, not elected to the Senate.

I cannot put it any better than conservative commentator Andrew Sullivan, who said that given her judicial activism, ''Janice Rogers Brown should run for office, not the courts.''

Now, that is a conservative columnist who is hitting the nail on the head. It is not her views he opposes, it is, rather, the means by which she will attempt to impose those views on the American people, through the courts.

So while Janice Rogers Brown is smart, passionate, and articulate, Janice Rogers Brown is also hands down the worst nominee put forward by President Bush. She wants to make law, not interpret law. I thought that was what mainstream Democrats and mainstream Republicans alike wanted to avoid on the bench at all costs.

I have been asking a question on the floor for the last several days. How can moderates, or moderate conservatives, support Janice Rogers Brown when she does not meet any of the criteria they claim a judge must meet? Is she a strict constructionist? No. When it suits her. Is she a judicial activist? Yes, whenever she wants to find a result that meets her world view. Is she

out of the mainstream of even conservative thinking? It seems pretty obvious she is.

I have yet to hear a good answer from my colleagues about why they would vote for her. It should not be her history. It is an admirable history, but that is not why we place people on the bench.

I have heard a lot of rhetoric, I have heard a lot of tortured explanations, I have heard a lot of selective citations, and I have heard a lot of smokescreens. But you know what I have not heard. Little of what I have heard is a real response to the substance of comments made by distinguished conservative thinkers, not statements by DICK DURBIN, TED KENNEDY, HARRY REID, or CHUCK SCHUMER but by vocal conservatives, about Janice Rogers Brown.

My friend from Utah, Senator HATCH, said on this floor yesterday: Over the years, I have grown accustomed to talking points of Brown's liberal opposition. I think I have committed some of them 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.

Liberal elitists? Let us take a look at the record of some of the liberal elitists the Senator from Utah so disdains.

Here is National Review writer, Ramesh Ponnuru, a very conservative writer. He says:

> 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.'' She has said that judges should be willing to invoke a higher law than the Constitution.

That is from the National Review—let me repeat, the National Review. How many liberal elitists make their living writing for the National Review?

Here is more from the National Review: Janice Rogers Brown has said that judicial activism is not troubling per se. What matters is the world view of the judicial activist.

Or how about George Will? Is he a liberal elitist, I ask my friend from Utah? Is he out of the mainstream? Well, he thinks Janice Rogers Brown is. He says that Janice Rogers Brown is out of the mainstream of even conservative jurisprudence. Maybe someone can tell me when George Will became a liberal elitist. Here is what he said:

> Janice Rogers Brown is out of that mainstream [of even conservative jurisprudence] . . . It is a fact. She has expressed admiration for the Supreme Court's pre-1937 hyperactivism in declaring unconstitutional many laws and regulations of the sort that now define the post-New Deal regulatory State.

Which mainstream was he talking about? George Will wrote that she was out of the mainstream of conservative jurisprudence.

How can somebody who calls the New Deal a socialist revolution be mainstream?

Or listen to the words of conservative writer Andrew Sullivan. He is such a Brown-bashing liberal elitist that he actually agrees with many of Justice Brown's views. He said there is a 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 do not know who would be.''

Sullivan also stated: I might add, I am not unsympathetic to her views, but she should run for office, not for the courts.

It is not the liberal elitists but thinking conservatives, remembering the principles that used to guide conservatives in picking judges, who are pointing out Janice Rogers Brown's shortcomings. What we really have on the other side by some is opportunism. Abandon the view of what a judicial activist should be. Abandon the view of what a strict constructionist should be. We like her views. We are supporting her. There has not been anyone like Janice Rogers Brown to come before us in a very long time. A conservative nominee, if the rhetoric from the President and the Republican leaders is to be believed, must be at least three things: a strict constructionist, judicially restrained, and mainstream.

We have not seen a more activist judge nominated than Janice Rogers Brown. We have not seen a judge who believes less in judicial restraint than Janice Rogers Brown. We have not seen a judge nominated more out of the mainstream than Janice Rogers Brown.

She is not a strict constructionist. When it came to proposition 209, she said 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. That is not the legal analysis you would expect from a strict constructionist.

Is Janice Rogers Brown a dependable warrior against the scourge of conservatives everywhere—judicial activism? No, there has not been a nominee to the bench who is more a judicial activist than Janice Rogers Brown. Her own words demonstrate that she is quick to want to reverse precedent, the very definition of an activist judge.

Time and time again, she has jumped at the chance to reshape settled law. She said:

> We cannot simply cloak ourselves in the doctrine of stare decisis.

That was in People v. Braverman in 1998. That is anathema to the whole way judges make law. Stare decisis, looking at previous cases, is the governing principle; strict constructionists believe in it more than anyone else.

Again, I repeat this comment and I will be incredulous if people—particularly moderates or those who claim to want to uphold conservative judicial principles—can vote for her:

> We cannot simply cloak ourselves in the doctrine of stare decisis.

She also said she was ''disinclined to perpetuate dubious law for no better reason than it exists,'' People v. Williams.

> The commercial speech doctrine needs and deserves reconsideration, and this is as good a place as any to begin.

That was Kasky v. Nike, 2002.

Here is what the California State bar judicial nominees said, who gave her a ''not qualified'' rating when she was nominated to the supreme court in 1996: She was ''insensitive to established legal precedent.''

Again, the record shows the President has not nominated a judge more activist than Janice Rogers Brown. The President has not nominated a judge more out of the mainstream than Janice Rogers Brown. The President has not nominated a judge who has less respect for judicial restraint than Janice Rogers Brown.

Some of her views are so far out of the mainstream that for my colleague to compare Justice Ginsburg to Janice Rogers Brown is laughable. Let's remember how Justice Ginsburg was approved. Senator HATCH was called by Bill Clinton. Senator HATCH researched Justice Ginsburg and said she would be acceptable.

Has President Bush called anyone and asked about Janice Rogers Brown? No. If I were President Bush, I would not want to because the answer they would get back would be clear: She does not belong on the bench.

Let me give another example. If you ask most lawyers to name the worst Supreme Court cases of the 20th century, Lochner would be near the top of every list. But Justice Brown thinks it is correctly decided. That is a decision in 1905. Does that place her in the mainstream?

She described the New Deal as a triumph of America's socialist revolution. Does that place her in the mainstream?

On another occasion, 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.

Does that place her in the mainstream?

In another instance she wrote:

> Where government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies.

Does that place her in the mainstream?

Janice Rogers Brown is so far out of the mainstream she cannot even see the shoreline. Janice Rogers Brown, as George Will has correctly pointed out, may be many things, but she is not even in the mainstream of conservative jurisprudence.

Some of my colleagues on the other side have said, well, she is being unfairly attacked because of a few ''musings'' and ''extra judicial'' comments. At her hearing, Justice Brown herself made the point we should view her speeches separately from her judicial opinions. A little defensive, I would say.

Let's compare her speeches and her judicial opinions. In a speech to the

Federalist Society, Justice Brown compared the end of the Lochner era to a socialist revolution. Her words: ''socialist revolution.''

She distances herself from that comparison by saying that it was part of a speech made to a young audience designed to ''stir the pot.'' I think that is a pretty radical comment for any sitting judge to make in any context, even if it is designed to stir debate.

But I am not satisfied it is just her personal view and has no bearing on her judicial opinions because time and time again what she says in these speeches is repeated in her opinions.

In Santa Monica Beach v. Superior Court she called the demise of the Lochner era the ''revolution of 1937.'' That is nearly identical to what she said in the Federalist Society speech.

Is this what she is going to do when she is on the court? Stir the pot?

It is not the only example. Here is another. She was asked about a speech given to the Institute of Justice where she said:

> If we can invoke no ultimate limits on the powers of government, a democracy is inevitably transformed into a Kleptocracy—a license to steal, a warrant for oppression.

She dismissed that speech saying it does not reflect necessarily her views as a judge.

But in San Remo v. City and County of San Francisco, she said, regarding a planning ordinance:

> Turning a democracy into a Kleptocracy does not enhance the stature of thieves; it only diminishes the legitimacy of government.

Her views as a private citizen, and her views as a judge seem to be, unfortunately, quite the same. It couldn't be more obvious. She cannot explain how virtually identical rhetoric that many would call extreme finds its way into both her speeches and her judicial opinions.

I will go back to my friend from Kentucky, Senator MCCONNELL. He drew a comparison in support of Janice Rogers Brown. He said, like Janice Rogers Brown, Ruth Bader Ginsburg had made some provocative comments early in her career, but she was confirmed by her Senate.

I say to my colleague from Texas: Senator, I know Ruth Bader Ginsburg. Ruth Bader Ginsburg is a friend of mine. Janice Rogers Brown is no Ruth Bader Ginsburg.

Justice Ginsburg established such a record of moderation on the D.C. Circuit Court of Appeals that President Clinton was able to nominate her after getting advice from Senator HATCH that she was a mainstream liberal.

No one expects our President to nominate liberal nominees. They are going to be conservative. We have supported these conservatives up and down the line. Now the number is 209 out of 219 because, with the approval of Priscilla Owen, we have no longer blocked 10. When someone is out of the mainstream, that is when we oppose them.

In the end, what does the record show about Janice Rogers Brown? Not the rhetoric, not the smokescreens. Again, I challenge my colleagues to discuss her record, not dismiss it, saying it is just rhetorical. How can anyone justify a record such as this?

Here is what Janice Rogers Brown's record shows. She is not strict in her construction. She is not mainstream in her conservatism. She is not quiet about her activism.

So I am left with the same question: Why is Janice Rogers Brown touted as the model conservative judge when she is anything but conservative in her judicial approach? There are many Senators from across the aisle who would vote against such a candidate because her judicial philosophy could not be more out of sync with theirs. But I worry that there is enormous political pressure from a few way-off-the-top groups, the Senators from the other side.

Here is the chart that shows the pressure. These are the ''yes'' votes for court of appeals nominees and ''yes'' votes for cloture on them compared to the ''no'' votes. Of all my Republican colleagues, every vote tabulated, 2,811 times did our Republican colleagues vote yes; twice did they vote no. One of those was the Presiding Officer who voted against Priscilla Owen the other day. The other was Senator LOTT who voted against Mr. Gregory on the Fourth Circuit a few years ago. Otherwise, none.

Senator FRIST has spoken in the last few weeks about leader-led filibusters of judges—whatever that means. What I am concerned about is a leader-led rubberstamping of nominees, nominees who have not even convinced noted conservatives they belong on the bench. I continue to believe Judge Brown was one of the worst picks this President has made to our appellate courts. That is based on her record, not on her race or her gender or her background.

I wish my friends across the aisle would look at that record. If my colleagues on the other side ask themselves three simple questions—is the nominee a strict constructionist? Is the nominee a judicial activist? Is the nominee a mainstream conservative?—they would be forced to vote against her.

I could not support Judge Brown's nomination the first time; I cannot support the nomination now. I urge my colleagues, especially my moderate colleagues from the other side of the aisle, to vote against her also.

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. WARNER. 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. WARNER. Parliamentary inquiry: It is my understanding the senior Senator from Utah, Mr. HATCH, is to be recognized at the hour of 2 o'clock; am I correct?

The PRESIDING OFFICER. There is no such order.

Mr. WARNER. Well, then, I just simply, in my own right, seek the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Justice Janice Rogers Brown to serve as a judge on the U.S. Court of Appeals for the District of Columbia Circuit.

The court to which Justice Brown has been nominated is one with which I am, I say in a humble way, most familiar. I practiced law there. When I was an assistant U.S. attorney I appeared before the Circuit Court of Appeals for the District of Columbia on many occasions. But most significantly, upon my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk to Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit. Judge Prettyman later became chief judge of this very important circuit court.

As a result of the profound respect so many people had, including myself, for Judge Prettyman, I had the honor several years ago of sponsoring, and with the help of others, passing, legislation to name the Federal courthouse in D.C. after Judge Prettyman.

Now, a half century later, after I had the honor of serving as a law clerk on this court, I am pleased, today, to strongly support the nomination of Justice Janice Rogers Brown to this very same court.

When I started to evaluate Justice Brown's qualifications for this prestigious judgeship, I turned first, as I do with every nomination, to the U.S. Constitution. Article II, section 2 of the Constitution gives the President the responsibility to nominate, with the ''Advice and Consent of the Senate,'' individuals to serve as judges on the Federal courts. Thus, the Constitution provides a role for both the President and the Senate in this process. The President has the responsibility of nominating, and the Senate has the responsibility to render advice and consent on the nomination.

I am very pleased to have been a part of the group of 14 who brought before this body a concept by which we could proceed on these Federal judges. Justice Brown is the second in that series. I speak with pride about our accomplishment. In no way do we intend to usurp the roles of our distinguished majority leader and the Democratic leader. But, nevertheless, after consulting with them, we went forward with our framework agreement. And this agreement now seems to be working for the greater benefit of the Senate and for the important role the Senate has with respect to its constitutional responsibilities of advice and consent to help establish the third

branch of our Government—our Federal judiciary. It is essential the vacancies be filled in a timely manner to enable that court to serve the people all across our Nation.

With respect to judicial nominees, I have always considered a number of factors before casting my vote to confirm or give advice and consent, as the case may be. The nominee's character, professional career, experience, integrity and temperament are all important. In addition, I consider whether the nominee is likely to interpret law according to precedent or impose his or her own views. The opinions of the officials from the State in which the nominee would serve, or States in the case of the circuit court of appeals, the views of the persons who have known and have observed the nominee through the years, and the writings and the record of the nominee, all are taken into consideration. That is because I believe our judiciary should reflect a broad diversity of the citizens it serves all across the Nation.

In this instance, I was privileged to invite Justice Brown to my office. We sat down, and I found her to be an extraordinarily accomplished individual. We had a very extensive exchange of views regarding the important post to which she has been nominated and the qualifications which she possesses. And she does possess outstanding qualifications; first, to have earned the nomination from our distinguished President and, secondly, to earn the support of this body in the advice and consent role.

I believe she will make an excellent jurist on this most respected court.

Her legal career spans more than a quarter of a century. After graduating with her bachelor's degree from California State University, Justice Brown went on to earn her law degree in 1977 from the University of California School of Law.

After passing the California bar exam, which I believe is considered nationwide to be one of the most difficult of the bar exams, she began a career in public service, mostly in positions with the State of California. She worked in the deputy attorney general's office for the State of California, and later worked in the deputy secretary and general counsel's office in the Business, Transportation and Housing Agency of California—again, giving her a breadth and depth of experience regarding the problems and challenges that face our citizens all over this country.

After practicing law in the private sector for about a year, Janice Brown returned to public service by working in Gov. Pete Wilson's legal affairs office from 1991 to 1994. How privileged I am to have served with Senator Pete Wilson, later Governor, in this body for a number of years. We became close friends. We worked together, particularly on matters regarding national security and the military. He was a former marine in his lifetime, as was I, and I have a great mutual respect for him.

In 1994, Janice Brown left the Governor's office to serve as a justice on the intermediate California Appellate Court. Subsequently, in 1996, my good friend, then-Gov. Pete Wilson of California, had the honor of promoting Justice Brown to the California Supreme Court. With her appointment, Justice Brown became the first African-American woman to sit on the California high court.

Mr. President, I take humble pride in having, during my career in the Senate, recommended to a President the first African American in our State's history to serve on the United States District Court for the Eastern District of Virginia. His name came before the Senate. Subsequent to confirmation, and years of experience on the court, he rose to become the chief judge of the district in which his court resides in my State. This very fine man, with his customary quiet and dignified pride, his superb knowledge of the law, and understanding, serves Virginia with great distinction today.

And such will be the case with Justice Janice Rogers Brown in her service to the Nation on this prestigious court.

Indeed, since 1996 she has served the citizens of the State of California on the California high court, and she has earned their confidence as a jurist.

In the California system, once a judge is appointed, he or she comes before the voting public for confirmation or rejection in the next general election. That moment came in 1998 for Justice Brown when she and four other justices on the California Supreme Court came before the public in that election. While all were confirmed by the California voters, it is notable that Justice Brown was confirmed with the highest percent of the vote, nearly 76 percent—an astounding vote of confidence.

But Justice Brown's accolades don't just come from the voting public in California, they also come from a wide range of other people who know her well. Judges who served with her on the California Court of Appeals, a bipartisan group of law school professors in California, colleagues on other courts across the Nation, and others—they all agree: Justice Janice Rogers Brown is a brilliant legal scholar who respects the doctrine of stare decisis and who would make an outstanding Federal appeals court judge.

All of this is reason enough to confirm this highly qualified individual. But, when you put all that Justice Brown has achieved in context, it becomes even more apparent what an amazing individual we have before us in the Senate today.

You see, Janice Rogers Brown was born to sharecroppers in Greenville, AL. She attended segregated schools in the South and came of age in the midst of Jim Crow laws. Through hard work, she has earned her education and her legal credentials, and today she comes before us as one of the most brilliant legal minds this country has to offer.

I am proud to speak on behalf of this outstanding nominee, and it is my hope that the Senate will soon confirm Justice Janice Rogers Brown to the Federal bench.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, a few weeks ago, the debate in this Chamber captured the attention of the Nation. At stake was the maintenance of core constitutional principles of separation of powers and a limited judiciary against an unprecedented strategy of filibustering judicial nominees. Prior to 2003, Senators exercised self-restraint. In theory, the opportunity was always there for us to filibuster the President's judicial nominees, but out of proper respect for the President, whoever the President was, his power of appointment, and with an appropriate modesty about our own constitutional role, we refrained from exercising this power to filibuster judges.

We kept ourselves in check. In spite of real philosophical differences about the nature of judging and the meaning of the Constitution's fundamental guarantees, we all agreed on one thing: The Constitution's separation of powers prevented us from adopting a strategy of permanent minority-led filibusters of judicial nominees.

That self-restraint was tossed aside, however, in 2003. Led in large part by my friend and colleague, the senior Senator from New York, the Democratic leadership determined to engage in a full-blown inquiry of what they called the ideology of judicial nominees. Never before have opponents of a limited judiciary been so brazen with their litmus tests. They would now openly reject qualified nominees because of their strongly held personal beliefs, not for their judicial temperament, not for their experience, not for their character. Rather, nominees would be rejected because of their personal beliefs.

For some reason, what they termed ''strongly held personal beliefs'' were particularly suspect. California Supreme Court Justice Janice Rogers Brown, an eminently qualified jurist, was one of the primary targets of this radical strategy. For a few thought-provoking speeches she had given, some have tried to label her too extreme for the bench.

There is no doubt Janice Rogers Brown is conservative, but her views are hardly out of the ordinary. They are views shared by many millions of regular citizens, citizens of different economic, geographic, financial, ethnic, and religious backgrounds. Most importantly, however, it is clear that

her personal views, whatever they are, do not cloud her judgment on the bench. Justice Brown's opinions are fully within the mainstream of American jurisprudence. It is the liberal activist groups that are purposefully misrepresenting Justice Brown's opinions, and what they think are her views, that are stranded out on the far left bank of American politics. Those groups belong on the far left bank of American politics, and that bank is way out of the mainstream.

The President takes his constitutional responsibilities seriously when he nominates individuals to the Federal bench. I have worked closely with the White House for the last 4½ years on these judges, so I know that to be true. I know that as Senators, we take our responsibilities seriously when we review and confirm these individuals. When determining a person's fitness for the Federal bench, we evaluate their character and we inspect their records. We consider judicial experience, public service, legal work, academic achievement, personal character, and the ability for objectivity.

With these qualities in mind, it is worth considering the view of Justice Brown held by a number of prominent California law professors.

In a letter sent to me in my former capacity as chairman of the Judiciary Committee, a group of 15 distinguished California law professors had the following to say about Justice Brown:

> We know Justice Brown to be a person of high intelligence, unquestioned integrity, and evenhandedness. Since we are of 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 to this important seat on the D.C. Circuit: her open-minded and thorough appraisal of legal argumentation—even when her personal views may conflict with those arguments.

Having gotten to know Justice Brown during this unnecessarily protracted confirmation process, I fully concur in this bipartisan consensus. And I can tell you she has cultivated these virtues against many odds.

Janice Rogers Brown was born in Greenville, AL, in 1949. She attended segregated schools. She was a firsthand witness to the injustice of Jim Crow and its failure to extend the promise of the 14th amendment to the descendants of freed slaves. Equal protection under the law was only a dream in the Deep South at that time when young Janice Rogers Brown left her African-American family for California.

Yet this girl who grew up listening to her grandmother's stories about NAACP Fred Gray, the man who courageously defended Martin Luther King, Jr., and Rosa Parks, brought to the golden State of California a passion for civil rights and a need for impartial justice.

Janice Rogers Brown cultivated this passion for justice through a career of almost uninterrupted public service as an attorney. After graduating from law school at UCLA, she served 2 years as deputy legislative counsel in the California Legislative Counsel Bureau. Then from 1979 to 1987, she was deputy attorney general in the office of the California Attorney General. Her work there was of such high quality that it led to her appointment as the deputy secretary and general counsel for the California Business, Transportation, and Housing Agency in 1987 where she supervised the State's banking, real estate, corporations, thrift, and insurance departments. No dunce could have done that. No person as described by some of my colleagues on the other side would have been chosen in that great State of California to do that. She has been very badly derided by picking and choosing little snippets here and there and taking them out of context.

From 1991 until 1994, she served as the legal affairs secretary to California Gov. Pete Wilson. I personally chatted with Pete Wilson, who is an old friend. He said she was terrific. He relied on her legal abilities.

Then in 1994, she embarked on the professional journey that culminated in her nomination to the Circuit Court of Appeals of the District of Columbia. First, she was nominated and confirmed as an associate justice on the California Third District Court of Appeals. Then in 1996, Gov. Pete Wilson elevated her to the position of associate justice on the California Supreme Court.

I ask unanimous consent to print in the RECORD her funeral eulogy for one of the great judges on that first appellate court.

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

CALIFORNIA SUPREME COURT JUSTICE JANICE ROGERS BROWN'S EULOGY OF RETIRED JUSTICE ROBERT K. PUGLIA, FORMER PRESIDING JUSTICE OF THE CALIFORNIA COURT OF APPEAL FOR THE THIRD APPELLATE DISTRICT

Justice Robert K. Puglia was described—not too long ago—as "a treasure" to Sacramento's legal community. It is no exaggeration to say that his wit and wisdom will be irreplaceable. Justice Puglia once referred to himself—with the self-deprecating humor that was so characteristic—as "a dinosaur." At his retirement dinner, I ventured to say that he was "not so much a dinosaur as an ancient artifact. Like the Rosetta Stone. A text from which we could decipher the best of our past and—if we are lucky—find our way back to the future."

We are here today, much too soon, to celebrate his life, his legacy to us. The Library and Courts Building was his home for nearly 30 years. He worked there as a newly minted lawyer during a brief stint as a deputy attorney general in 1958 and 1959, and returned in 1974 when he became a member of the Third District Court of Appeal, a court where he served as the presiding justice from 1974 until November 1998. In 1994, after a reception welcoming me to the court, we stood on the steps of the court building and looked across the circle toward Office Building 1 at the words carved on the pediment: "Men to Match My Mountains," a fragment from a poem by Samuel Walter Foss called "The Coming American." Justice Puglia gave me the sidelong, sardonic glance, which I already recognized as a sure prelude to some outrageous comment. Giving an exaggerated sigh, he said: "I suppose we will have to sandblast those words and come up with something more politically correct. Perhaps—"People to Parallel my Promontories." We both laughed. In its fuller exposition, the poem is a paean to the westward expansion of the country:

Bring me men to match my mountains,
Bring me men to match my plains;
Men to chart a starry empire,
Men to make celestial claims.
Men to sail beyond my oceans,
Reaching for the galaxies.
These are men to build a nation,
Join the mountains to the sky;
Men of faith and inspiration . . .

In retrospect, it occurs to me that although Justice Puglia was inordinately proud of his Buckeye roots, like Norton Parker Chipman, the first Chief Justice of the Third Appellate District, he was also a citizen of California who filled a larger-than-life role. He was one of those men who matched her mountains.

As a young lawyer who did appellate work, I quickly came to admire Justice Puglia's jurisprudence. His opinions were intelligent, wise, witty, clear and completely accessible. He did not write in the dry, dull, bureaucratic style of most modern judges. His thoughts, clearly and eloquently expressed, were sometimes impassioned. Indeed, he made passion respectable. His opinions exude the rare sense of style and unique voice that Posner tells us is "inseparable from the idea of a great judge in [the common law] tradition."

Justice Puglia deserves a place in the pantheon of great American judges. He completely understood the role and relished it. He exhibited the classical judicial virtues: impartiality, prudence, practical wisdom, persuasiveness, and candor. He demonstrated complete mastery of his craft. He had a keen awareness of the ebb and flow of history, and of the need for consistent jurisprudence, and, above all, self-restraint. 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.

The generation that fought in World War II has been labeled "The Greatest Generation" for their courage and selflessness, but that sobriquet belongs as well to their younger brothers who fought in Korea. Their attitudes were shaped by many of the same pivotal moments in American history, and Bob Puglia exemplified the best of his generation. He was born on the cusp of the Great Depression and came of age during Word War II. He became a devoted student of history, and perhaps that is why he seems to have had an instinctive appreciation of valor, duty, and sacrifice.

He scorned political correctness, but he treated every human being with dignity and respect. Whether he was dealing with the janitor or the governor, he never saw people as abstractions, proxies, or means to an end. He saw them as individuals and took them as he found them; expected the best of them; and never demanded more of anyone than he demanded of himself. His sense of fairness and justice applied to everyone, but his sense of humor was irrepressible. In one memorable case where a defendant filed an appeal quibbling over the deprivation of a single day of credit, Justice Puglia agreed with the inmate in a brief unpublished opinion. He found the court had miscalculated, and ended the opinion with the cheery admonition to "have a nice day!"

In my youth, I admired and respected him and wanted to emulate him. As I grew older and had more opportunities to get to know him, to become first an acquaintance, then a colleague, and a friend, I came to love him. I do not think there is one person within his orbit who was not the beneficiary of his wisdom, encouragement, and generosity. He gave us his ''Rules to Live By'' to amuse us. But, the way he lived his life inspired us. He was devoted to his wife Ingrid and endearingly proud of his children. Indeed, he had a disconcerting tendency to adopt any of us when he felt we needed guidance.

He taught us that character counts and integrity is personal. He never allowed cruelty or deception or hypocrisy to go unchallenged. He did the right thing even when he would have benefited from doing the expedient thing. Freedom is not free he would often remind us, but, in Justice Puglia's view, it was worth the price—however dear.

His life experience and his understanding of history produced in him a certain toughness—the power of facing the difficult and unpleasant without flinching; discipline and intellectual rigor; physical courage; and, even more importantly, the courage to be different. Never one to follow the herd of independent minds, his was a unique voice. As California's Chief Justice has ruefully acknowledged, Justice Puglia was ''a strong personality . . . not shy of stating his beliefs, nor about challenging others to justify theirs'' but surprisingly willing to listen and modify his views. He was, as his long-time colleague Justice Blease noted: ''formidable'' and ''intimidating,'' but he had a ''heart of gold.''

There are so many themes and threads that run through Justice Puglia's life and the history of the Third District Court of Appeal that I do not think it can be mere coincidence. Norton Parker Chipman had stood on the battlefield at Gettysburg when Lincoln gave that memorable speech. Justice Puglia was a student of history—especially the Civil War era. He could speak of Andersonville and Robert E. Lee and the battles of that terrible war as easily as other people recite the latest baseball scores. There are similarities in the descriptions of Justice Puglia and President Lincoln that are striking.

In a speech in 1906, Norton Parker Chipman recalled that his friend Abraham Lincoln was ''firm as the granite hills,'' yet capable of great patience and forbearance. Carl Sandburg described Lincoln as ''both steel and velvet . . . hard as rock and soft as the drifting fog.'' Reading these words caused a shock of recognition, for I had been seeing exactly this sort of paradox and contradiction in the life of Justice Puglia.

Seeing these parallels, I have come to understand that this flexibility is neither paradox nor accommodation. It is just the opposite—a sense of sure-footedness and balance that is often the defining trait of people of great character and impeccable integrity. It is precisely this quality which makes the honest public intellectual, a man like Bob Puglia, so extraordinary.

In his first message to Congress in 1862, Lincoln warned that we might ''nobly save, or meanly lose, the last best hope of earth.'' Lincoln, of course, was referring to the Union. Justice Puglia felt that same sense of fierce commitment to the rule of law. The preservation of the rule of law and of the equality of all people under that rule was, in his view, the core principle of liberty and the only reason America might qualify for such a grand epithet.

My favorite movie scene is in To Kill a Mockingbird. It is the scene where Atticus Finch has argued brilliantly and raised much more than a reasonable doubt, virtually proving the innocence of the accused, but the jury still returns a guilty verdict. Most of the spectators file noisily into the street, gossiping and celebrating. Upstairs, relegated to the balcony, another audience has watched the proceedings and remains seated. As Atticus Finch gathers his papers and walks slowly from the courtroom, they rise silently in unison. The Black minister, Reverend Sykes, taps Scout on the shoulder and says: ''Miss Jean Louise, stand up. Your father's passin'.'' To me, this silent homage to a good and courageous man, who respects and believes in the rule of law—and is willing to defend it even at great personal cost—is the most moving moment in the whole film.

Justice Puglia was just such a man. And he was not a fictional character. Most of us have risen to our feet many times to mark his passage because he was a judge. Court protocol required us to show respect for the robe and what it represented. But Justice Puglia was the kind of man who earned and could command our respect by virtue of his life and character. In a way, the robe was superfluous.

We have had the great good fortune to know this extraordinary man. We can remember what he taught us. We need not be fearless to have courage. We can be tough and tender. We can do the right thing—and face the bad that cannot be avoided unflinchingly. We can laugh. And we must sing—even when people frown at us and advise us to keep our day jobs. We can care for the people around us. We can be generous. We can make our way, against the tide, without rancor or bitterness. And when we are tired and overburdened and feel we are not brave enough to go on, we will hear his voice in our ear. Hear him say in that quiet and steely tone: ''Yes, you can. You can.'' And we will know that we are being true to his legacy. The legacy of one who loved liberty. We will know that we are standing up . . . because Justice Puglia is passin'.

Mr. HATCH. Mr. President, Janice Rogers Brown's deep and uncompromising desire to secure equal justice for everyone who appears before her is evident off the bench as well. She has served as a member of the California Commission on the Status of African-American Males. This bipartisan commission made recommendations for addressing inequities in the treatment of African-American males in employment, business development, and the criminal justice and health care systems. This was noble work.

In addition, as a member of the Governor's child support task force, she made recommendations on how to improve California's child support enforcement system. No small matter. She would not have been trusted with that had she been as described by some of my eminent colleagues and friends on the other side.

Justice Brown's critics cannot escape this story, so they turn to her statements off the bench and to her decisions on the bench in California to assert misleadingly that she is extreme. The instances they cite do not support these hysterical charges, and I want to consider them at some length.

One of Justice Brown's speeches received quite a bit of attention. In April 2000, she was invited to speak at the University of Chicago Law School. I have had the same privilege, by the way. Evidently, her critics say what she said there was so radical that we should keep her off the Federal bench.

Never mind that a public speech is an opportunity to be provocative, especially at a law school. Never mind that judges, like most folks, are able to separate out their personal and political beliefs from their professional duties. And never mind that Justice Brown was doing a service to these students by coming to speak before them, jar their imaginations, and give them something more to think about.

The fact is, what she said was not that radical. Groups have keyed in on her colorful critique of the New Deal. Give me a break. The same people who come down here decrying Justice Brown's description of the New Deal as revolutionary turn around 5 minutes later and claim that our current Social Security system cannot be adjusted one iota to address contemporary concerns because it was central to the New Deal's political revolution. Can you imagine, these very same people who find so much fault with her? You cannot have it both ways.

Their real problem is that Justice Brown then went on to criticize some of the unintended social and political consequences of big Government. When she claimed that an increasing public sphere tended to undermine the individualist spirit present at America's founding, she was saying nothing other than what de Tocqueville, Ronald Reagan, Booker T. Washington, Robert F. Kennedy, and countless political philosophers and economists have noted over the years.

Everyone knows that it takes a village—families and communities—not a sterile Government-mandated bureaucracy to raise a child or, rather, that it takes a family, not the Government, to raise young citizens.

Yet her critics treat Justice Brown's claims as trying to prove that the world is flat. The senior Senator from Massachusetts was on the floor yesterday afternoon and today arguing that Justice Brown's claim that an increasing public sphere is detrimental to civil society is outside the legal mainstream. Again, give me a break.

I cannot help but think that for Janice Rogers Brown, this criticism of big Government is related to her experience growing up in the Deep South and her adulthood working for the State of California. She did not have to read about Jim Crow in books. She lived it. My sense is that part of Justice Brown's commitment to rugged individualism is related to this hard-learned lesson: There are limits to what Government can accomplish.

That is precisely what President Reagan stated in his first inaugural address. When he said this in 1981, some of the very same people who attack Janice Rogers Brown today said President Reagan was out of the mainstream. That was the argument by the very same people back then.

Nowhere was this well-intentioned governmental overreach more apparent

than in our failed experiment with welfare. Republicans and Democrats alike, originally led by the insights of our former colleague, the late Democratic Senator Daniel Patrick Moynihan, understood the detrimental impact of welfare on the urban poor in particular. I think Janice Rogers Brown understood that lesson as well.

But for articulating a similar skepticism about Government, Janice Rogers Brown has been branded a radical revolutionary. Quite the contrary. Her arguments have been based on reasonable concerns. And hers was a conclusion reached over the years by millions of Americans.

A few of Justice Brown's many decisions while a judge have also served as a source of the criticism that has been unfairly leveled at her. Of all the criticisms of Justice Brown, none more rankles than the claim she opposes civil rights. That is laughable. This is par for the course for some of these left-wing, fringe groups that have been smearing and attacking Republican nominees ever since I can remember, but certainly ever since Justice Rehnquist had his hearings and was confirmed to the Supreme Court as Chief Justice.

Just this week, the chairman of the Democratic National Committee was quoted as telling a group in San Francisco that Republicans are ''not very friendly to different kinds of people.'' He called the GOP ''pretty much a monolithic party. They all behave the same. They all look the same. It's pretty much a white Christian party.'' This is racial demagoguery, pure and simple, done by the chairman of the Democratic National Party. If I didn't know how bright he was, I would call him a raving idiot. But maybe he is just that part of the time.

This desperate rhetoric has a purpose: to mask the increasing attraction of conservative ideas to African Americans, Hispanic Americans, Jewish Americans, and other minorities the Democrats have felt they have an absolute claim to, no matter how outrageous some of their programs and ideas are.

So it is not surprising that when the organized critics of Janice Rogers Brown send their faxes to the press, her argument in the decision People v. McKay is notably absent. This is what she had to say there:

> In the Spring of 1963, civil rights protests in Birmingham united this country in a new way. Seeing peaceful protesters jabbed with cattle prods, held at bay by snarling police dogs, and flattened by powerful streams of water from water hoses galvanized the nation.
>
> Without being constitutional scholars, we understood violence, coercion and oppression. 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.

She wrote those words while arguing for the exclusion of evidence of drug possession discovered after an African-American defendant was arrested for riding his bicycle the wrong way on a residential street. She believed that the only reason this person was stopped was because of his race, and she was the only one of her colleagues on the supreme court to argue for the exclusion of this evidence on the grounds that it was the product of improper racial profiling. Yet our colleagues over here say she is an opponent of civil rights. Give me a break.

I have seen and heard just about everything in my years in the Senate, but the highly partisan campaign of the NAACP against Janice Rogers Brown is particularly shameful. It is sad to see the NAACP, the Nation's foremost civil rights institution, become little more than a partisan special interest group.

The other day I received a fax from their office urging me to vote against Justice Brown's confirmation because she was, ''hostile towards civil rights and the civil liberties of African Americans and other racial and ethnic minorities.''

My stomach turned when I read this. Not only is this irresponsible rhetoric, not only is it unfair and uncharitable, it is without any real foundation. In other words, it is total bullcorn, and it is wrong.

The NAACP, along with a number of other groups, has turned to Justice Brown's opinion in Hi-Voltage Wire Works, Inc., v. City of San Jose to show that she is inhospitable to minorities because of her supposed stance on affirmative action. These arguments, again, are way off the mark and an analysis of them demonstrates not only that Justice Brown is a mainstream conservative judge but also that these interest groups are extremely liberal outfits attempting to gain through judicial fiat what they cannot fairly win through the legislative process through the elected representatives of the people.

The Hi-Voltage case involved California's proposition 209. In a popular referendum, the people of California were clear: Discrimination or preferential treatment on the basis of race, sex, color, ethnicity, or national origin violates core constitutional principles of equal treatment under the law. Therefore, proposition 209 prevented discrimination in any public employment, public education, or public contracting.

Now, at issue in this case was a San Jose minority contracting program that required contractors bidding on city projects to employ a specified percentage of minority and women contractors. In her opinion, Justice Brown merely did what every judge who ever reviewed this case did. Through the trial court, through the appellate court, to the Supreme Court, all concurred with Justice Brown that this program was exactly the type of noxious racial quota program that proposition 209 was designed to prevent.

Her critics charge this demonstrates her blanket opposition to affirmative action. Such a conclusion depends on a deliberate misreading of Justice Brown's opinion in this case. She could not have been any more clear. She did not oppose affirmative action in all circumstances. These are her words:

> Equal protection does not preclude race-conscious programs.

Contrary to the propaganda being issued by liberal interest groups, Justice Brown's opinion explicitly authorizes affirmative action programs.

I do not blame my colleagues on the other side completely because most of the time they just take what these outside leftwing radical groups give them and read it like it is true. So I say I do not blame them completely. But unlike the Supreme Court of the United States, the people of California have rejected quotas and race-based head counting.

Those are not affirmative action programs that merely take race into account. Programs such as the one under review in the Hi-Voltage case are improper quota programs. For following the mandate of California citizens on this subject, she has been called radical.

The NAACP's criticism is, as usual, overblown. They claim that Justice Brown's decision ''makes it extremely difficult to conduct any sort of meaningful affirmative action program in California.''

But what is a meaningful affirmative action program? I fear that these left-wing liberal interest groups are suggesting that the only meaningful type of affirmative action program is the type of quota program specifically banned by proposition 209. As it turns out then, Justice Brown's real failure in this case is that she did not tailor the law to suit her own moral and political preferences. For this, she is demonized as a radical. It is her failure to embrace full-blown judicial activism that is her principal failing in the minds of her detractors.

Consider her opinion in American Academy of Pediatrics v. Lundgren. This case involved California's parental consent law. Parental consent laws are not rightwing policies. They are moderate restrictions on abortion rights supported by substantial majorities of the American people.

I find it interesting that the same groups that champion the right of a woman to make an informed choice about obtaining an abortion also reject moderate restrictions on the accessibility of abortion to minors who routinely do not possess the judgment necessary for the profound moral and philosophical decision to obtain an abortion.

We should not forget the U.S. Supreme Court, while acknowledging the right to an abortion, also has held that it is permissible under the Constitution to establish parental consent laws such as California's. California courts have long relied on Supreme Court precedents when defining the boundaries of

their State's own constitutional right to privacy. That is the context of this decision, and in it Justice Brown dissented from the determination of an activist court to overturn California's moderate restriction on abortion rights. She wrote:

> When the claim at issue involves fundamentally moral and philosophic questions as to which there is no clear answer, courts must remain tentative, recognizing the primacy of legislative prerogatives.

She continued, adding that:

> The fundamental flaw running through its analysis is the utter lack of deference to the ordinary constraints of judicial decision-making—deference to state precedent, to federal precedent, to the collective judgment of our Legislature, and, ultimately to the people we serve.

This is not some debate over a speech that Justice Brown gave at a law school forum. We know that is not the real threat to these interest groups. They can see that judges such as Janice Rogers Brown take their oaths seriously. They will interpret the law rather than act as super legislators and make the law.

By showing deference to the people's representatives and the legislative and executive branches, these groups which too often today try to take the easy way out will now have to engage in the political process to win their points of view. Personally, I believe this would be a healthy development, but to those uncompromising special interest groups the democratic process is a threat, not a gift.

Soon we are going to have to vote on Justice Brown's nomination. I am glad and thankful that we are finally reaching this point after the number of years we have been at it. I know many people wanted to move beyond these divisive debates over judges. I appreciate their desire to move beyond this messy business of judicial nominations and I understand the desire to applaud the deal that has allowed last week's vote on Priscilla Owen and our vote later today on Janice Rogers Brown. The ultimate meaning of this compromise is yet unknown, but one thing we do know, these qualified women will have long careers on the bench in large part because the majority leader had the guts and decided to press this issue, reestablish longstanding Senate precedents, and tried to support the constitutional separation of powers.

Our senatorial power of advice and consent does not include the right to permanently filibuster judicial nominees. We have gone a long way to reaffirming what used to be an obvious truth, and we owe a debt of gratitude to the leader for helping to make this happen. We should also acknowledge the well-intentioned efforts of the 14 Senators involved in facilitating these votes. I know many conservatives are upset with this arrangement. I am myself. I am certainly not entirely comfortable with all the aspects of it myself, and I have said that it may prove to be a truce, not a treaty. We will have to wait and see what the full implications of this deal really are.

It does seem, however, that the cloture votes on nominees such as Priscilla Owen, Janice Rogers Brown, and William Pryor demonstrate the emergence of a filibuster-proof majority that believes even judges with conservative judicial philosophies are not the extraordinary cases that would trigger a filibuster and that even a conservative African-American woman has a chance to serve in this country. Unfortunately, some have been against her primarily because she is a conservative African-American woman.

We seem to be gaining ground in the fight against the erroneous belief that nominees with whom one disagrees politically are undeserving of an up-or-down vote. Of course, the acid test of this agreement will come in the weeks ahead when the Senate addresses nominees not specifically granted a safe harbor by the compromise.

This debate over Janice Brown and others with her conservative philosophy of judicial restraint is an important one. I will not compromise on the principle that the American people and their elected representatives, not judges, should make social policy. Our courthouses were never intended to be mini-legislatures. Judges do not have the constitutional responsibility, institutional capacity, the staff, or the wisdom to be good policymakers, and judges are not and should not be philosopher kings with some ability to divine the existence of rights not clearly expressed in statutory law created by the people's elected representatives or in constitutions established by the people themselves.

We are told by some that Justice Brown is a radical. Shortly after the President was elected in 2000, the Democratic Party held a retreat at which a number of liberal law professors urged them to ''change the ground rules'' on judicial nominations. That was radical advice. It upset longstanding constitutional balances, and unfortunately it was accepted by the former minority leader.

We must reject this effort. I, for one, am not afraid to have this debate. The American people know judicial activism when they see it. Just in the last few years we have been told by judges that the Pledge of Allegiance is unconstitutional, that our Bill of Rights should be interpreted in light of decisions by the European Court of Human Rights, and that well-considered bans on partial-birth abortion violate core constitutional principles.

Only a few weeks ago, a Federal judge in Nebraska invalidated the duly passed State constitutional amendment that preserved traditional marriage in that State. The definition of a judicial activist is someone who puts his or her own personal views ahead of what the law really is.

Some of the leading groups opposed to Janice Brown oppose her precisely because she will faithfully interpret the law rather than remaking it according to her own theory of justice. What they really object to is Justice Brown's refusal to revise legal guarantees according to some version of justice not present in a text.

I am proud of this body for allowing Justice Brown's nomination to finally, at long last, come up for a vote. My guess is that she will soon be sworn in as a Federal judge. That will be a great day not only for Janice Rogers Brown, who has had to endure these coordinated, calculated attacks on her character, but it will be a great day for this Nation as well, and it will bring a lot of joy to me personally.

In all of the hundreds of judges who now sit on the bench, Janice Rogers Brown is one of the finest people I have met and interviewed. So is Priscilla Owen. So is William Pryor, whom we will vote upon probably tomorrow. These are outstanding people, and so are the others who have been waiting for so long to just have the opportunity for a vote up or down on this floor.

I am tired of seeing these good people maligned with false facts, to begin with. I am tired of seeing them maligned with misinterpretations of the case law, primarily written by some of these outside groups that have real axes to grind and that are on the far left bank outside of the mainstream of the law itself.

I hope everybody will vote for Janice Rogers Brown. She will make a real difference on the bench. She is a good person. I interviewed her for more than 3 hours. I can say, I have seldom met a person of such capacity, decency, dignity, and honor as she and Priscilla Owen. It will be a great day to confirm her as a judge on the Circuit Court of Appeals for the District of Columbia.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from California.

Mrs. BOXER. Mr. President, I rise to speak to this nomination of this very controversial nominee who is opposed by both Senators from California, which is fairly extraordinary. I remember well a time in the not too distant past when even if one Senator from a State opposed a nominee from his or her State, that sank the nomination. Then they said it had to be both.

We have a situation where both Senators from California oppose this nominee. I can assure the Senator from Utah, if he opposed a nominee who came from his State, and his colleague did as well, I think I would give it a little more, shall we say, attention than he is.

The fact is, if you have watched this debate, you know by now that this nominee is way outside the mainstream. You can stand up here and say all you want that she is in the mainstream and within the mainstream. You can even say that she won election in California. What you are not saying is she came up for election about 11 months after she had served a 12-year appointment, and she had no opposition. Nobody ran against her. Most of

her controversial decisions occurred after that vote.

Anyone who knows anything about California politics knows that it is very rare that judges are made into an election issue. We usually approve our judges. It is very different than what is being presented here, that everyone went out and said: Oh, hurrah, Janice Rogers Brown is running. This is not the case at all. We have Senator HATCH coming up and saying this woman is well within the mainstream and all the rest of it, but the two Senators from California are saying: Watch out. Because no statement could be further from the truth.

I have spoken on this nomination and on the broader issue several times. Sometimes you ask yourself, is it worth just one more time? I would say, in answering my own question, to me it is worth it just one more time because the issues surrounding these nominations we are addressing these next days will bring home to the American people why it was that we had all this fuss over 10 judges the Democrats blocked. These are 10 judges put forward by President Bush who were all extraordinary cases, outside the mainstream, whether dealing with employment rights or the environment or civil rights or human rights—any kind of rights you can think about: privacy rights, the right to make sure our kids are protected and our criminals are punished.

In these 10 cases, we found many examples where our people were left in the lurch because of decisions made by these judges. In some cases, these judges, fortunately, were in the minority. In the case of Janice Rogers Brown, she was in the minority many times because she is so out of the mainstream that not even her five Republican colleagues could join her in many of her dissents.

But this number, 208 to 10, reflects where we were when the Republicans threw a fit and the White House threw a fit and said: We want every one of our judges passed. We don't want to lose even 5 percent of our judges. They got 95 percent. They were not happy—208 to 10, and they threatened to change a system that has been in place well before the movie ''Mr. Smith Goes to Washington'' came out. For more than 200 years, the Senate has had the right to unlimited debate that can only be shut off by a supermajority. We have had that in place for a very long time.

The Republicans did not like it. They only got 95 percent of their judges and, by God, they wanted 100 percent. It reminds me of my kids when they were little, and probably I was that way when I was little. ''I want it all. I want everything. I don't want to give up a thing.'' That is not the way the Senate works. It is not the way the country works.

If you read what the Founders had in mind for our Nation, it was protecting minority rights. So when an appointment such as this, which is a lifetime appointment—at very high pay, by the way, and very good retirement—that there would be a check and balance against this nominee, so only those who deserve to be on the bench, who show that they had judicial temperament, who were qualified—underscore that, very important—and who were in the mainstream, will take their seats. So we had a crisis that, fortunately, I am very pleased to say, was resolved by some Republicans and Democrats who got together and stood up to the Republican leadership and said: Wrong. We are not going to do this. We are not going to see a packing of the courts. We are going to preserve the filibuster.

But what happened was three very controversial judges got past that filibuster. That was the deal that was cut, that Priscilla Owen, that Pryor, and here Janice Rogers Brown would be guaranteed their cloture vote, and then we will now be voting on them. It will take 51 votes to stop Janice Rogers Brown. I hope we can get that.

Senator HATCH said he hopes every single person in the Senate will vote for Janice Rogers Brown. I predict, if she gets confirmed, it will be by the fewest number of votes we have seen around here, probably, in many years. I think so.

Let me talk about the issue of qualifications because this is something I did not discuss with my colleagues up until now. On April 26, 1996, the Los Angeles Times wrote about an evaluation report that was written about Judge Janice Rogers Brown. This is what the Times reported:

> Bar evaluators received complaints that Brown was insensitive to established legal precedent . . . lacked compassion and intellectual tolerance for opposing views, misunderstood legal standards and was slow to produce opinions.

Can you imagine? This is the person who everyone who spoke on the other side today has said is so great, everyone who spoke on the other side said is so wonderful? This is the person they all said deserves to be promoted? Let's read it again because it is important. This woman is going to the circuit court of appeals in Washington. ''Bar evaluators''—these are the people who are the experts—''received complaints that Brown was insensitive to established legal precedent . . . lacked compassion''—and we are going to show that—''and intellectual tolerance for opposing views. . . .'' In other words, intolerant to opposing views. Can you imagine a judge who is intolerant to opposing views? How can that judge be independent? How can that judge be fair if, going in, they are intolerant to certain views? And they said she ''misunderstood legal standards.'' That is a condemnation for someone who is going to be judging. ''And she was slow to produce opinions.'' We all know that we would like to have justice be swiftly delivered. Justice delayed is justice denied. She was slow to produce opinions.

The LA Times goes on:

> She does not possess the minimum qualifications necessary for appointment to the highest court in the State,

That is my State, the California Supreme Court.

> . . . the bar commission that reviews judicial nominees told Governor Pete Wilson in a confidential report.

Janice Rogers Brown

> . . . does not possess the minimum qualifications necessary for appointment to the highest court in the State, the bar commission that reviews judicial nominees told Governor Pete Wilson in a confidential report.

This is the nominee Senator HATCH says he hopes everybody votes for. Now she is moving over to an area where she hasn't really practiced before, to the Federal bench.

Yesterday, I was at a press conference with some fantastic women lawyers, including Eleanor Holmes Norton, who you know, I think, is the delegate to the House of Representatives from DC, and also Elaine Jones. They went through, chapter and verse, her decisions, her writings, her minority views. They agreed this is a terrible appointment. What is interesting is these are African-American women speaking about an African-American woman. This is not easy to do. It is not easy for a female Senator to say this is a terrible appointment.

This nominee's personal story is remarkable. There are a lot of remarkable stories in America. We are all so proud of our country, that it gives people opportunity. But what I am fearful about is what she is going to do to those who want to grab that dream. Her attitude toward what the government can and cannot do, her attitude about what is permissible in a workplace, is shocking. Her attitude toward senior citizens, her attitude toward children, her attitude toward rape victims, all of this is very frightening, to think this woman, with a great personal story, is going to bring those kinds of values and this kind of record to the court that many consider to be second in importance to the Supreme Court of the United States of America.

There is no question that this nominee is way out of the mainstream. This is one of her famous quotes. You listen to these words. These are not the words of Senator BARBARA BOXER or Senator DIANNE FEINSTEIN or Senator PATRICK LEAHY or Senator HARRY REID or any other Senator who is opposing this nominee; these are the words of the nominee:

> Where government moves in, 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.

I don't know what country she grew up in. I really don't know how she got her views of America because clearly she has been critical of the government in her writings, going back to the 1930s. So, presumably, because she has been in the minority view on all the things

she says and does, she has to be miserable about the state of America. She thinks our families are under siege, that there is war in the streets, that people are getting their property taken away from them, that there is a decline in the rule of law. I guess she doesn't know we are doing much better controlling crime. Who does she think is going to control crime if not government? Does she think we should have a private police force?

When government moves in, everything is terrible. Does that mean when we build a highway things get worse, or do they get better? Does that mean if we fund a transit system things get worse, or they get better? Does that mean when we fix a pothole or pass a law that you have to wear a seatbelt that things get worse, or things get better?

She is an idealogue because the answer is sometimes government does good things, and sometimes we don't. Sometimes we do things we should not do, and sometimes we don't do enough. But there is no way you can say when government moves in, deceit triumphs and we have a debauched culture and virtue is contemptible. Is she that critical of this country? Is she that down on this country? Is she that negative about the greatest country in the world? The answer is, she is.

Let's look at some of the other things she said. When we had the New Deal, this country was in the middle of a terrible depression, and the Congress and the President passed some overdue legislation such as the minimum wage because people were starving to death. They said it was important to have a 40-hour workweek because people were being worked to death. Social Security was instituted at that time. She calls this ''the triumph of our own Socialist revolution.''

I am assuming, therefore, she thinks we should go back to the days when we did not have Social Security. That is interesting because there are other people who feel that way around here. So they happily vote for Janice Rogers Brown. Does she think we should go back to the day when children worked in the workplace? Child labor laws were passed around that time. Does she think a boss can tell you, you have to work 100 hours? I guess she does because it is socialism.

And then her famous quote about senior citizens. This is a woman who this President wants to send to the second highest court in the land. Her view of senior citizens is extraordinary: She called senior citizens ''cannibals.'' I want everyone to think of their grandma right now. Does anyone think of their grandma as a militant? Does anyone think of their grandma as stealing from you? Or, rather, that your grandma thinks much more about you than she does about herself? I can assure you that is what we think of our grandmas. They will do anything for us, for their grandchildren. But not Janice Rogers Brown. She accuses senior citizens of ''blithely cannibalizing their grandchildren because they have a right to get as much 'free stuff' as the political system permits them to extract.''

What a view of our senior citizens. The greatest generation; the generation that fought in World War II. And now, getting to be the generation that fought Vietnam, one of the toughest wars because it was so controversial, and the suffering that guess on. These are the folks that are now the grandparents and the senior citizens. They are getting as much ''free stuff.'' Why? Because they served in the military and they get veterans' benefits, veterans' health care, and prescription drugs if they are sick. I resent Janice Rogers Brown's statements. I resent that statement on behalf of every senior citizen in this country. You can put lipstick on it, you can put nail polish on it, it is still ugly.

She calls government ''the drug of choice.'' She even goes after rugged midwestern farmers. She says they are looking for big government.

Who does she know—a rugged midwestern farmer who is looking for the Government to support them? And ''militant senior citizen.'' Every time I say that I think of grandmothers in Army uniforms marching down the street. These are visions so ridiculous that they have no place being brought into this D.C. Court of Appeals. At the end of the day, that means there is deep hostility toward our senior citizens, toward our workers, toward our farmers, toward our people.

Janice Rogers Brown is way outside the mainstream to the extreme.

I hope the American people understand why we held her up for so long. The only reason she is getting the up-or-down vote today is she is part of the deal to preserve the filibuster for future out-of-the-mainstream folks. We were on the verge of losing that.

She argued that e-mail messages sent by a former employee to coworkers criticizing a company's employment practices were not protected by the first amendment, but she supported corporate speech. That was in Intel v. Hamidi.

She argued that a city's rent control ordinance was unconstitutional and a result of the ''revolution of 1937.'' The woman is stuck in the past. She keeps going back to the New Deal, to 1937. Get over it. The things that worked well, we have continued—such as Social Security, minimum wage, or the FDIC, where we protect your deposits. Get over it. The American people demand those minimum protections.

But not Janice Rogers Brown. She does not demand it. She argues that it was a revolution that the New Deal began. She opposed it and says it is all about takings and it is all wrong.

Here is an interesting fact. Janice Rogers Brown is on a court with six Republicans and one Democrat. People say, it is California, it is California, everyone there is a liberal Democrat. Wrong. I would not be here if it were not for Republican, Independent voters, and Democratic voters. Here is the deal: She stood alone on a court of six Republicans and one Democrat 31 times. Think about it. You are a judge. You are a Republican. You have five Republican colleagues and one Democratic colleague. Yet 31 times you disagreed with those five Republicans and that one Democrat.

Who could actually stand up here, look the American people in the eye, and say she is a mainstream judge? That is just not true, based on the facts. Members can say whatever they want on the Senate floor, and I would die for a Members' right to free speech. You can put lipstick on it, nail polish, and dress it up, but the facts are the facts: She stood alone 31 times on a court of six Republicans and one Democrat.

Maybe it goes back to what the bar said about her, when she was put up for her position, that she was unqualified, that she did not understand legal precedent. Maybe that explains why she stands alone, she does not know what she is doing. Maybe she does not understand it. Maybe she does not get it; otherwise, why would she find herself alone so many times?

Let's go back to what has been said when she was appointed by Pete Wilson. They received complaints that Brown was ''insensitive to established legal precedent.'' In a court of appeals, that is a key fact. You have to understand what the law is, what has come before. She ''lacked compassion and intellectual tolerance for opposing views, misunderstood legal standard and was slow to produce opinions.''

Maybe she just couldn't follow the reasoning of her colleagues because she did not understand the legal precedence, or maybe they were moving too fast for her. Or, maybe she chose just not to follow it because she lacked compassion, and she has no intellectual tolerance for opposing views, even if it is legal precedent.

Let's see what else they said:

> She does not possess the minimum qualifications necessary for appointment to the highest court in the State [that is the California State court] the bar commission that reviews judicial nominees told Gov. Pete Wilson in a confidential report.

This was printed in the ''Los Angeles Times'' April 26, 1996.

One would think that the President's men who came up with this idea would have vetted this person. Why did we stop her from getting a vote? Simply because we knew the facts. If she wasn't qualified for the California Supreme Court, how does she now get to be qualified for this position? It makes no sense.

We will go back to some of the times she stood alone. This case is rather remarkable. We have Janice Rogers Brown, a female. A case comes before her of a woman who was 60 years old. She was a superstar working in a hospital, Huntington Memorial Hospital.

She was fired from her job based on age discrimination. Janice Rogers Brown said:

. . . discrimination based on age does not mark its victims with a stigma of inferiority and second class citizenship.

I ask the average American: A 60-year-old employee is perky, who is sharp, who is wise, who is experienced, who has gotten stellar reviews, who does better than almost anyone else, but she is fired because someone in management said, 60, you are out. So she is out of a job. And this woman had a lot of pride in her work. Maybe it was her whole life, maybe she was so devoted. We know people like that. Janice Rogers Brown makes a statement that ''discrimination based on age does not mark its victims with a stigma of inferiority and second class citizenship.''

Yesterday in the press conference where I was with a lot of minority women lawyers, one of them, Elaine Jones, made an important point about this case. She said it is fine for Janice Rogers Brown to think that discrimination based on age does not mark its victim with a stigma of inferiority and second class citizenship. If she feels that way, she should run for public office, run for the Senate, go to the House and change the laws we have written which say, in fact, it is a stigma to be the victim of age discrimination. This is hurtful, and it does confer second-class citizenship on the individual.

Her position is her own opinion. Everyone has a right to his or her own opinion. I don't have a problem with that. I don't agree with her. I think it is mean. I think it is nasty. I think it hurts our people. But she has a right to think that if she wants. What she does not have a right to do as a judge is to say that the law we passed simply does not exist. That is why she is so out of the mainstream. We have found that age discrimination brings with it a stigma of inferiority and second-class citizenship. We have said it is illegal. It is not legal. Her position is contrary to State and Federal law and puts her way outside the mainstream.

And now a look at some of the others. She is the only member of the court to vote to overturn the conviction of the rapist of a 17-year-old girl because she felt the victim gave mixed messages to the rapist.

Maybe my colleagues on the other side want to send someone to this very important court that stands with a rapist against a victim. I wouldn't think so. If one reads details of the case, members will be shocked by the details. The young woman already was raped once. This was a second rape. The first man pleaded guilty. He claimed innocence, but she was the only member of the court to say this young woman did not have a right to see this rapist confined to prison.

It is shocking to me that my colleagues on the other side of the aisle think this woman is in the mainstream. Is it in the mainstream of America to side with a rapist over a 17-year-old girl? Is it in the mainstream of America to side with an employer who fires you because you turn 60? It is totally against the State and Federal law.

She was the only member of the court to oppose an effort to stop the sale of cigarettes to children. That case was Stop Youth Addiction v. Lucky Stores. There is a reason there is an organization called Stop Youth Addiction—because we all know that tobacco is so addictive. When you start young, it is very hard to kick the habit. I am sure everyone in this Chamber who has ever smoked knows how hard it is to kick the habit. The younger you start, the more hooked you get.

Therefore, parents and others who are advocates are trying to make sure they cannot go into the store and purchase cigarettes at an underage level. She was the only member of the court to oppose the effort we had going on to ensure that kids do not buy cigarettes.

Is that mainstream thought, to go up against parents and families and say it is fine for a retail store to go ahead and sell cigarettes to a kid—your kid, my kid, my grandson? That is not mainstream. It is out of the mainstream.

This woman is out of the mainstream. That is why the Democrats have stopped her, until today. We did use the filibuster on her. We were glad to use the filibuster on her. If it did not happen that we had this deal, we would still be using the filibuster on her, to protect the people of the United States of America from her kind of values which stand with a rapist, which stand with the tobacco companies, which stand with those who discriminate.

She can explain in any way she wants. We know the results of her thinking. She could come up with a fancy explanation to tell this young 17-year-old woman, but look her in the eye and say: Well, your rapist has to get out because you didn't say it exactly the right way—when every other member of the court sided with this 17-year-old girl.

I am shocked my colleagues are supporting this nominee. And this issue is not going to go away. These decisions are not going to go away. There are going to be writings about these decisions. There is going to be discussion about them. People will be held accountable for their votes here. They should be, one way or the other.

If people in my home State are going to write and say, Why are you speaking out against someone from California, a woman who is a sharecropper's daughter, I am going to say, That is a good question, and let me tell you why. She is out of the mainstream to the extreme, and she is hurting our people. It is pretty simple for me.

She is bad on discrimination. She is the only member of the court to find that a State fair housing commission could not award certain damages to housing discrimination victims. And how about this? An African-American policewoman needed to rent a place and knocked on a door and had the door slammed in her face—more than once, again and again. She sued for discrimination. Every single member of that court, the highest court in California, ruled in favor of this policewoman—except Janice Rogers Brown. Oh, no. Oh, no. She said: You do not deserve any damages. You do not deserve any award for what you went through. Too bad.

Now, she may not have written it like that in her statement, but at the end of the day she had to look in this woman's eyes, this policewoman's, and say: Got the door slammed in your face three times? Too bad. That is the bottom line with how she ruled. She might as well have said that. And she stood alone. Is that American values? Is that mainstream America, that someone would stand on the side of someone who slammed the door in the face of someone simply because they did not like their appearance, they did not look like them? Seriously, folks, this is pretty basic American values 101.

She is the only member of the court to find that a disabled worker who was the victim of employment discrimination did not have the right to raise past instances of discrimination that had occurred. So here is someone who is saying they were victimized in an employment situation because they were disabled, they wanted to be able to tell about the series of events that led up to this particular lawsuit, how many times this had happened—she had MS and these discriminatory acts had taken place over many years—and Janice Rogers Brown stood alone and said she did not have the right to raise the past instances of discrimination.

Is that an American value, to tell someone who has multiple sclerosis, who has been discriminated against for years: Well, we are not interested; we are not interested in hearing about the past; just stick to this one case?

I do not think, if my colleagues really took the time and the energy and the effort to do the kind of work my great staff has done on this—and I have to say, I heard Senator HATCH say, well, all this comes from—what did he say?—liberal groups writing these things. This is painstakingly difficult work done by my staff. And they went through it because I said: Did she ever stand alone—because I knew her reputation is so out of the mainstream—did she ever stand alone? And they came back to me with this: She stood alone on the side of a rapist. She stood alone on the side of people who would discriminate. She stood alone on the side of tobacco companies against families. That is how I look at it.

She said a manager could use racial slurs against his Latino employees. Can you imagine coming to work every day and having to put up with a slur about yourself, about your ethnicity, about your religion, about your disability? There has to be some value

placed on human dignity. Well, you do not get it when you look at the writings of Janice Rogers Brown. You do not get it when you look at the way she comes down on a lot of these cases.

She was the only member of the court who voted to strike down a State antidiscrimination law that provided a contraceptive drug benefit to women. There is a very important law in my State that says if a woman wants to get contraceptives through her insurance, she should be allowed to. We talk around here a lot about the right to choose and all of that. All of us, I would hope, would come together in saying we do not want to see so many abortions. That is right. We want to make sure we reduce the number of abortions. Well, the way you do that is through contraception.

There was a time and place when contraception use was illegal in this country, until there was a case in the Supreme Court that was actually memorialized yesterday, the Griswold case, which said: No. It is legal. Well, if contraception is legal, why on Earth would we discriminate against people who try to use their health insurance to get it, their drug benefit to get it?

So this case comes before the California Supreme Court, and every member of the court—five Republicans and one Democrat—except her, except Janice Rogers Brown, says that is an appropriate law. So, again, we have someone out of the mainstream. If she is so out of the mainstream on contraception, imagine where she will be on the right to privacy, if she gets into that issue.

She is the only member of the court to find that a jury should not hear expert testimony in a domestic violence case about ''battered women's syndrome.'' Now, this one really touches my heart because, fortunately, many years ago, Senator JOE BIDEN phoned me when I was a House Member, and he said that he had written a bill called the Violence Against Women Act. We knew women were being battered and women were being raped. The violence against women was growing, and yet there was no Federal response. We have made tremendous progress in this area. We still have a long way to go.

Mr. President, I have been asked a question. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

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

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

The Senator from California.

Mrs. BOXER. As we learned more about stopping violence against women, we found out something very ugly, which is sometimes women are in such a desperate circumstance, after being battered for so long, that they lose their center and their balance and they fight back. Sometimes you will have a case that comes before a court, and in defending a woman they want to bring in an expert to talk about battered women syndrome—why is it that a woman, who is otherwise peaceful, otherwise decent, with no criminal record, no criminal history, would suddenly break out and do violence to another.

If you do not understand battered women syndrome, it makes it difficult. Janice Rogers Brown was the only member of the court to say a jury should not hear expert testimony in a domestic violence case about ''battered women's syndrome''—the only one. How is that in the mainstream of thinking? How is that in the mainstream of American values? How is that going to help us learn more about why people would act in a certain way? It does not say how a jury has to find. They just wanted to have this testimony. All of her colleagues found it would be perfectly appropriate. Not Janice Rogers Brown—out of the mainstream, in the extreme, standing alone time after time.

Janice Rogers Brown, the only member of the court who voted to bar an employee from suing for sexual harassment because she had signed a standard workers' compensation release form. She was the only member of the court who said: You do not have the right to sue if you have been sexually harassed because you have already signed a workers' comp release form. They are two different things. Yet for her, no, it was one and the same, and she stood alone in this case as well.

She was the only member of the court to find nothing improper about requiring a criminal defendant to wear a 50,000 volt stun belt while testifying. I think we discussed the fact that the U.S. Supreme Court recently made a judgment on this, that it is very important, in order to have a fair trial—and in America that is what we believe in.

Now, I, myself, am very tough on a criminal. I would do the worst of the worst to someone convicted of a heinous crime because I believe people give up their right to be among us if they commit a heinous crime. So I am very tough. At the same time, I understand you do not want to do something that would prejudice a case. When you bring someone into court, before they have been found guilty of anything, and they are wearing a 50,000 volt stun belt, it may give a message to the jury. And that may just result in an overturning of a conviction later on.

So the California Supreme Court found, except for Janice Rogers Brown, it was a mistake. She stood alone.

So let me finish up in this way. It is really an extraordinary nomination, this particular nomination. When the Democrats stood tall against this nominee, there were reasons. There were reasons we stood tall against 10 nominees. We allowed 208 to move forward, but we stood against 10. We stood against 10 and said: Do you know what. We are going to follow historic precedent. If we believe these nominees are out of the mainstream, we are going to stand and be counted.

It is not pleasant. It is not nice. It is not enjoyable. It is not something anyone looks forward to.

It is unusual to do it, and we did it 10 times. We gave this President a 95-percent ''yes'' record of judge confirmations, but he is not a happy camper unless he gets 100 percent. If I got 95 percent of the vote, I would be soaring high. If I got 95 percent of my bills passed through here, I would be soaring high. I would be so happy if my kids listened to me 95 percent of the time. I would be smiling. I would say: Yes, I think you are wrong on that 5 percent, but I feel good about it.

Not this President; he wants 100 percent. It is called the arrogance of power. It is called one-party rule. I think the American people want to be governed, not ruled. We had a King George once. It didn't work out very well. We like President George better than King George. But President George, as every President, whether it was Bill or Harry or you name it—some day it will be a woman, I can hope—every President who reads the Constitution knows there is an advice and consent clause. That means when you put people up for these lifetime appointments, the Senate has an important role to play. And instead of being annoyed about it, instead of being bothered about it, instead of feeling it is cramping your style, you should use your power, your effectiveness, your political capital, your charm, use whatever you have to come over to the Senate, to sit down with Senators, to say: Look, I am thinking of putting up Mr. X or Mrs. X. What do you think?

It is frustrating because early in the Bush Presidency, Alberto Gonzales, who was the White House counsel, came over and he did say to me—because I was against a Ninth Circuit Court nominee—do you have any good ideas for who else you might support? I did. I talked to my people, to my Republican supporters. We came in. We had six terrific Republican names. We sent them. Nothing. So they asked, but they never acted. Some of these people were quite conservative. I think they would have been pleased. But this seems to be an administration that wants 100 percent of what they want. They don't want the shared responsibility of governing. Either they don't want or they don't understand or they don't like the balance of powers, which is such a centerpiece of our Government.

We see it on the Bolton nomination as well. That is not for a judgeship. That is a nomination for U.N. ambassador. But, again, if we could just talk to each other, we could come up with someone who would be terrific, instead of having these standoffs, which are difficult. They are not pleasant. We are not getting a lot of work done because of how much time we are talking about Janice Rogers Brown, because many of us believe she is so out of the mainstream, we can't let it go. That is why

I so respect the moderates who came up with the agreement because part of that agreement said in the future the President should talk to us more, especially about Supreme Court nominees.

We are at a place and time where we have proven one point, that when we stood up against these 10 judges and allowed 208 to go through, it wasn't arbitrary or capricious or nasty or personal. It was because these people are out of the mainstream. I well remember when George Bush was declared the winner in 2000, he came right out and said: I am going to govern from the middle.

Here is where we are: George Will, ''Extraordinary' Rhetoric.'' George Will calls Janice Rogers Brown out of the mainstream. George Will is very rightwing and he calls her out of the mainstream. He says it is a fact that she is out of the mainstream.

The Mercury News says:

> As an appellate judge who would hear the bulk of challenges to Federal laws coming out of Washington, Janice Rogers Brown's appointment would be disastrous. She'd be likely to strike down critical environmental, labor laws and antidiscrimination protections. Brown, though, has infused her legal opinions with her ideology, ignoring higher court rulings that should temper her judgment.

That was the from San Jose Mercury News, a very mainstream newspaper in Silicon Valley.

From the Sacramento Bee that sits in the heart of the capital of California:

> The minority in the Senate certainly is justified in filibustering a lifetime appointment of Brown.
> . . . The Court of Appeals for the District of Columbia Circuit is the last place we need a judge who would impose 19th century economic theory on the Constitution and 21st century problems.
> The issue isn't Brown's qualifications; it's her judicial philosophy.

I see my friend from Colorado is here. I will stop now and thank him for the work he did on that compromise on the filibuster. I was not a happy person that Janice Rogers Brown was in the group, but our side had to give up something. I have spent days expressing why I hope there will be a strong vote against her. She is out of the mainstream.

I thank the Chair and yield the balance of my time to Senator SALAZAR.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the distinguished Senator from California for her eloquent statement concerning Janice Rogers Brown.

I rise today to state my opposition to her confirmation to serve as a judge on the U.S. Court of Appeals for the District of Columbia. I have carefully considered her record and have unfortunately concluded that Ms. Brown is not the right choice to serve as a judge on the District of Columbia Federal court.

I have had the privilege of extensive experience in judicial selection in the State of Colorado, both for the Federal and State courts. For the years when I served the Governor of Colorado as his lawyer, I administered for the Governor the process of choosing judges in Colorado. When I later served as attorney general for my State, I chose, with Governor Owens and the chief justice of Colorado, those who could select judges under Colorado's Constitution.

My views on the qualifications of judges to serve on any court have been forged over years of working on judicial selections. Among the most important characteristics we rightly demand of our Federal judges are that they have an open mind, are free from bias, and a temperament that does not inflame passions. Janice Rogers Brown, in my view, fails these tests.

First, I do not think Ms. Brown will be fair in the ways a Federal judge must be fair. I have come to believe Ms. Brown is driven ideologically and that she will prejudge some of the most important legal cases and issues that come before a Federal appellate court. I base my conclusions on her written record and on her own statements. When any person has a case to bring before a Federal judge on any issue, that person has a right to insist that the judge will listen carefully to all the arguments on the facts and the law with an especially fair and open mind that considers carefully all the points made on every subject, pro or con. This right to absolute fairness by a Federal tribunal is a bedrock of our constitutional judicial system. It is just commonsense, and it is an idea that is very well understood by everyone in this Nation.

There is another simple way to say this. No one wants to walk into court before a case is heard and know already how the judge is going to rule. Yet this is exactly the problem with Janice Rogers Brown. She is so driven by her ideology on issues such as the proper role of the Government and administrative agencies—or the role of ideas of private property that separates constitutional and unconstitutional government regulation—that it is very obvious how Ms. Brown is going to rule on these matters, even before she hears a case.

There are many quotes from Ms. Brown that illustrate this point. A good example is from a speech to the Federalist Society on April 20, 2000, where she said:

> Where government moves in, 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.

These are extreme views, to say the least.

Second, Ms. Brown is an activist judge. From my review of her record, I believe she will use the court as a vehicle to forward her own personal view of the law in society. She has done it consistently in the past. I believe that is the role of a legislator, not the role of a judge. I believe that kind of judicial activism is absolutely wrong in our courts, no matter what ideology it spawns from.

Third, I believe Janice Rogers Brown does not have the right temperament to be a judge on the Federal appellate bench. When a person accepts the solemn mantle of the robes and the duties of the judiciary, I believe she must agree by temperament to place her own personal legal and social views in the background. She must accept that while a judge, though she can have her own personal views, she must not cause people to perceive her as unfair, if she is as strident about those views as she has been demonstrated by her record.

Again, Janice Rogers Brown does not meet the test of the temperament of someone to be on the Circuit Court of Appeals for the D.C. Circuit. I believe litigants and others who watch the judiciary are correct to perceive that Janice Rogers Brown may not treat them fairly as she considers a particular case against the backdrop of her own personal views that are obviously so strongly felt.

I also believe Ms. Brown is nominated to serve on the wrong court. She is nominated to serve on the appellate court where her ideology can do the most damage to our Federal and State governments.

The Circuit Court of Appeals for the District of Columbia is our Nation's most prestigious court of appeals with regard to all matters dealing with Government. Through venue provisions found throughout the Federal statutes, Congress often and intentionally chooses this court exclusively to hear matters concerning Government agencies. These are legal matters that go to the very heart of how our Government operates through our administrative agencies, agencies that affect the lives of our citizens every day all across our country.

The District of Columbia court is our Nation's expert court in administrative law. While that is an abstract legal concept, it is also a very important matter to all ordinary citizens in Colorado and across the Nation.

Yet Janice Rogers Brown is absolutely hostile to our Government and to administrative agencies and to their essential work. Janice Rogers Brown is the wrong person to elevate to this important Federal appellate court. It is for these reasons that I will vote to oppose the nomination of Janice Rogers Brown to the District of Columbia Court of Appeals.

I also want to add another quick point. As I have listened to the debate here on the floor of the Senate today, there has been some sentiment expressed that perhaps the opposition of some of my colleagues in the Democratic caucus has to do with her background, with the fact that she is African American. I will tell you, from the

work of my colleagues on this side of the aisle, they have been champions of opportunity for all people, they believe we live in America, that we should be talking about uniting our country and not dividing our country, and yet it is a nomination of Janice Rogers Brown, with her views of activism in the Federal court, which they have called appropriately into question and which some of my colleagues on the other side have now been saying somehow has the Democratic caucus as being anti-African American.

There could be nothing further from the truth. The opposition that has been voiced against Janice Rogers Brown has nothing to do with her personal ethnicity. It has to do with the fact that the conclusions that have been reached based on a review of her record indicate that she will inject her own personal views as an activist judge into the D.C. Circuit Court of Appeals. Therefore, I again reiterate my position that I will vote against her confirmation, and I urge my colleagues in the Senate to do the same.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, I would like to express my opposition to the nomination of Janice Rogers Brown to the D.C. Circuit Court of Appeals.

The D.C. Circuit Court of Appeals is considered the second highest court in the Nation. This court of appeals, compared to other circuit courts of appeals, has sole jurisdiction over many laws and Federal agency regulations and decisions. Given the limited number of cases the U.S. Supreme Court considers every year, this means the DC Circuit Court of Appeals has the last word on important laws and their interpretation.

Justice Janice Rogers Brown has a compelling life story, but a compelling life story is not enough to be confirmed to a lifetime appointment to the federal bench. While she deserves recognition for her upbringing and work in the community, I am concerned that Justice Brown's personal opinion, rather than the law, compels her decisions in some cases.

Some other areas of concern I have with Justice Brown's nomination include:

Justice Brown has advocated for a return to the time when the Supreme Court struck down many important economic regulations and workplace laws on constitutional grounds. The case is Santa Monica Beach v. Sup. Ct. of LA County, 1999, dissenting.

Justice Brown has argued that those seeking to enforce the statutory prohibition against disability discrimination are ''individuals whose only concern is their own narrow interest.'' The case is Richards v. CH2M Hill, Inc., 2001, dissenting.

Justice Brown has ignored or misconstrued Supreme Court precedent and legislative language to reach her decisions. The cases are San Remo Hotel v. City-County of San Francisco, 2002, dissenting; Richards v. CH2M Hill, Inc., 2001, dissenting; Catholic Charities of Sacramento v. Superior Court of Sacramento County, 2004, dissenting.

Justice Brown has stated in a lone dissent concerning the State statute requiring prescription contraceptive coverage that if the corporation's female employees do not like being discriminated against, they are free to find, ''more congenial employment.'' The case is Catholic Charities of Sacramento v. Superior Court of Sacramento County, 2004, dissenting.

Taken individually, these stances might not be cause for some to oppose this nomination. However, looking at the whole picture I believe there is a pattern of behavior that leads me to conclude that Justice Brown is not qualified to serve on the D.C. Circuit Court of Appeals. For these reasons, I opposed limiting debate on her nomination in 2003, and continue to do so today.

Unfortunately, I will be necessarily absent for the votes that will occur related to this nominee. However, I did feel it necessary to express my position on this important nomination.•

Mr. CORZINE. Mr. President, I urge all of my colleagues in the U.S. Senate to reject the nomination of Janice Rogers Brown to the District of Columbia Circuit Court of Appeals. I strenuously oppose this nomination because I believe that her appointment to a lifetime tenured position on the D.C. Circuit Court will lead to the destruction of so many of the achievements we have struggled to achieve during the past 70 years—the creation of a social safety net, the advancement of civil rights for all Americans, and the protection of workers throughout our country. When I say achievements I am talking about many of the laws passed by the U.S. Congress, for during the past 70 years we have created the heart of what is today our modern American government. Congress has set the standard for our Nation—from social security and minimum-wage laws to homeland security and regulation of the business industry—by establishing laws that provide tremendous benefits and protections for all Americans.

I am deeply troubled by the nomination of Janice Rogers Brown, a jurist who has made no secret of her disdain for government and her desire to overturn many of the most important laws passed by Congress during the past 70 years. She will dismantle the foundation of our democracy, challenging the right of Congress to pass laws to help our citizens. Keep in mind that when I speak about Congress, I am not discussing people from one political party or the other; rather, I speak of the collective will of the American people, which is forged so often through bipartisan agreement and compromise between legislators from both political parties. And so I ask, who is Justice Brown to try to dismantle the very laws that we have forged over time through debate and consensus to protect our rights and keep us safe in America today?

During the past 9 years, Justice Brown has made her legal philosophy clear through both her public speeches and her legal opinions as a Justice on the California Supreme Court. She has, time and time again, demonstrated that she will be a movement judge—someone who will determine the ultimate outcome of a case based on her political beliefs instead of on the facts and law before her. Justice Brown has been inconsistent in her interpretation of the law, following precedent when it helps her to arrive at a desired result and rejecting precedent as non-binding when it will not achieve her desired ends. This is precisely the type of individual who should not receive a seat on the D.C. Circuit Court of Appeals, which is considered the second highest court in the country and a steppingstone to a seat on the U.S. Supreme Court.

We should not approve any individual for a lifetime tenure position as a Federal judge who would use her position to achieve results consistent with an extreme political philosophy regardless of the facts and law. And I believe this to be true regardless of what the extreme political philosophy may be. Our goal must always be to ensure the independence and fairness of our courts. This is the very reason that Federal judges receive lifetime appointments: to guarantee that they will not be susceptible to political pressure or undue influence. Our goal must be to sustain this level of independence so that all citizens can be confident that, when they bring a case in Federal court, they will receive a fair hearing, based on the facts and law and not upon one individual's political beliefs.

We must place the value of an independent judiciary above the partisan politics of the day and refuse to approve purely partisan political nominees such as Janice Rogers Brown. The U.S. Senate has a constitutional obligation to advise the President on judicial nominations. As part of this obligation, the Senate must fight to ensure the continued existence of an independent and fair judiciary. We must never forget that our courts depend, first and foremost, on the judges who hear arguments, preside over trials, and issue rulings each and every day. The only way we can maintain a strong judiciary is if we approve only the most qualified individuals to lifetime appointments as Federal judges. And so we must approve nominees who possess the very traits we value most in our judiciary—fairness, independence, and an allegiance to the rule of law. That is why I urge my colleagues to reject Janice Rogers Brown, an individual who has consistently failed to demonstrate these traits. An individual who would, in my view, insert her extremist legal

philosophy into the courts in an attempt to undo years of Congressional legislation and legal precedent.

There should be no doubt that Justice Brown espouses an extreme legal philosophy far outside the mainstream of American legal thought. The President has selected a number of appellate court nominees, including Justice Brown, who embrace a radical legal theory frequently referred to as the ''Constitution in Exile.'' The ''Constitution in Exile'' theory is based on arguments put forth by Judge Douglas Ginsburg and Professor Richard Epstein. Ginsburg and Epstein believe that individuals have certain rights and liberties, including ''economic liberties'', and that any government that infringes upon these so-called liberties is ''repressive.'' This theory, advocated by Justice Brown, argues that the U.S. government represses its citizens when it takes land to build schools and pays the owner fair market value, establishes worker safety and minimum-wage laws, and institutes zoning and other regulations. Indeed, the ''Constitution in Exile'' theorists call into question the decisions of some of the most important government agencies—the EPA, the FCC, the SEC, and even the Federal Reserve—and argue that these agencies are themselves unconstitutional.

This legal theory is so far outside the mainstream that even the most conservative jurists on the U.S. Supreme Court recently rejected its premise. A unanimous Supreme Court—including conservative justices such as Scalia and Thomas, with whom I don't generally agree—handed down a decision on May 23, 2005, in *Lingle* v. *Chevron*, No. 04–163,—S.Ct.—, 2005 WL 1200710 (May 23, 2005) that squarely rejects the ''economic liberty'' theory of takings asserted by ''Constitution in Exile'' theorists.

Lingle addressed questions of economic liberty in the context of challenges to Hawaii's rent-control regulations. The case tested whether the ''Constitution in Exile'' theory operates within the mainstream of American legal thought because advocates of the theory, including Richard Epstein, argued that the Supreme Court should look more critically on economic regulations and give less deference to legislative judgments. The Supreme Court strongly rejected this approach; writing for the Court, Justice O'Connor dismissed the argument that the Court should adopt a more critical approach to economic regulations and noted the strong need for deference to the judgment of state legislatures. O'Connor further stated that "'government regulation—by definition—involves the adjustment of rights for the public good.''

Lingle demonstrates that Justice Brown stands far outside the legal mainstream. Beyond the defeat of the general principles espoused by the ''Constitution in Exile'' theorists, the Lingle decision serves as an explicit rejection of the legal theory set forth by Justice Brown in a lone dissent—one of her many—on the California Supreme Court. In San Remo Hotel L.P. v. City and County of San Francisco, a case contesting the legality of a San Francisco development fee used to promote affordable housing, Justice Brown issued a dissent espousing the same legal argument outlined by Epstein in Lingle—that the court should look more critically on economic regulations and give less weight to the wishes of the legislature. In rejecting the principles of the Constitution in Exile theorists, the Supreme Court explicitly rejected the argument set forth by Justice Brown in her San Remo dissent. Although there should be no need for additional evidence that Justice Brown's legal philosophy falls outside of the mainstream, the decision in Lingle provides powerful proof that Justice Brown falls far outside the boundaries of established legal thought.

For all these reasons, let me again urge my fellow colleagues to reject the nomination of Janice Rogers Brown. We must reject extremist judges like this who fall outside of the mainstream and who will use the federal judiciary to dismantle so many of the progressive accomplishments we have fought so hard to achieve during the past 70 years.

Mrs. FEINSTEIN. Mr. President, of all the nominations contested in the past few weeks, Justice Brown's is the clearest cut. Justice Brown has given numerous speeches over the years that express an extreme ideology that is far outside the mainstream of American jurisprudence. In those speeches, Justice Brown used stark hyperbole, and startlingly vitriolic language which has been surprising, especially for a State supreme court justice.

But statements alone would not be enough for me to oppose her nomination. Rather, my concern is that her personal views drive her legal decision-making. On far too many occasions, she has issued legal opinions based on her personal beliefs, rather than existing legal precedent.

I am troubled that Justice Brown is bound by her personal views of what the law should be rather than following the law as written and enacted. This is especially troubling for a candidate who is being nominated to the D.C. Circuit Court of Appeals.

The D.C. Circuit is an especially important court in our Nation's judicial system. It is recognized as the most prestigious and powerful appellate court below the Supreme Court because of its exclusive jurisdiction over constitutional rights and government regulations.

Given this exclusive role, the judges serving on this court play a special role in evaluating government actions.

Each year, the Supreme Court routinely reviews fewer than 100 cases. Therefore, circuit courts, like the D.C. Circuit, end up as the forums of last resort for nearly 30,000 cases each year. These cases affect the interpretation of the Constitution as well as 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. Specifically, the D.C. Circuit Court is the most likely venue where Federal regulations and government actions will be upheld or overturned.

Yet Justice Brown, throughout her career, has demonstrated an open hostility towards government. This hostility is concerning given that, if Justice Brown serves on the D.C. Circuit, she will play a decisive role in evaluating government actions.

For example:

In a 1999 speech Justice Brown stated:

> My thesis is simple. Where government advances—and it advances relentlessly—freedom is imperiled; community impoverished; religion marginalized; and civilization itself marginalized.

At a 2000 Federalist Society event, Justice Brown stated:

> Where government moves in, 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.

The Senate should not confirm a judge to this important court who has shown such blatant contempt for the government. Again, to be clear, if it were only hyperbolic statements in speeches then maybe we could look past the rhetoric. However, the extreme views expressed in Justice Brown's speeches also emerge in the opinions she has rendered as a judge.

In various cases involving even modest government regulations she has issued opinions that ignore the law and established precedent.

One example I would like to discuss involves a property issue in my home city, San Francisco, and it is a case with which I am familiar since the ordinance was enacted during the time I served in San Francisco's government.

The case is San Remo Hotel v. San Francisco. In response to a low-income housing emergency for elderly residents, San Francisco enacted an ordinance requiring hotels to obtain a permit before converting long-term residential housing into short-term tourist hotel rooms.

To obtain a permit, hotels either had to provide mitigation for the removal of the residential rooms by offering alternative housing, or pay a fee to be used for the relocation of tenants. In San Remo Hotel v. San Francisco, the owners of a hotel sued the City of San Francisco, claiming that the ordinance constituted an illegal ''taking'' of property by the city.

Following U.S. Supreme Court precedent, the California Supreme Court

held that the ordinance did not constitute a ''taking'' of the hotel's property since the ordinance did not physically ''invade'' the property and since the ordinance ''substantially advance[d] legitimate state interests.''

In contrast, Justice Brown wrote in her dissent in the San Remo case that:

> Private property, already an endangered species in California, is now entirely extinct in San Francisco. The City and County of San Francisco has implemented a neo-feudal regime where the nominal owner of property must use that property according to the preferences of majorities that prevail in the political process—or worse, the political powerbrokers who often control the government independently of majoritarian preferences.

The majority described Justice Brown's dissenting opinion by saying that she argued, with little citation or support, that ''government should regulate property only through rules that the affected owners would agree indirectly enhance the value of their properties.''

If this view were the law it would make it almost impossible for any city, State, or local government to make any policies for the benefit of the community as a whole. No local government could downzone property, no Federal agency could prepare a habitat conservation plan. Under Justice Brown's analysis they would all be illegal takings of one kind or another.

The majority decision of the California Supreme Court went on to criticize Justice Brown for attempting to ''impose'' her own ''personal theory of political economy on the people of a democratic state.''

Furthermore, Justice Brown's written opinion was at odds with the current legal precedent of the U.S. Supreme Court at that time. And, in fact, earlier this year, Lingle v. Chevron, the U.S. Supreme Court unanimously rejected a takings analysis similar to the one set forth in Brown's dissent in San Remo.

Nevertheless, Justice Brown permitted her personal views to overwhelm her obligation as a judge to follow the law. While Justice Brown certainly has a right to private views that may conflict with the law, a judge may not substitute her personal opinions for the law.

I also believe it is illuminating to put Justice Brown's views and legal opinions in the context of the court of which she is a member.

Justice Brown often stands on an island by herself as the lone dissenter on a court made up of six Republican justices and only one Democratic justice—approximately one-third of the cases she has written have been dissents, and in 10 percent of those cases, she has been the lone dissenter.

For example, in the 2004 case of Catholic Charities of Sacramento v. Superior Court of Sacramento County, Justice Brown cast the sole dissenting vote. She argued against upholding a State statute that requires employers whose insurance covers prescription drugs to include prescription contraceptives in their coverage. In her dissent, she suggested that, if women had a problem with their inequitable treatment, they were free to find ''more congenial employment,'' and stated that because women seeking contraception were a minority of insured employees, striking down the law would have a ''negligible effect.''

Based on her pattern of taking this contrarian role, she has been widely criticized, even among her Republican colleagues, for her caustic writings. Sources on the court reportedly stated that her fellow justices have privately complained about her ''poison pen'' and have called Justice Brown a ''loose cannon when she has a typewriter in front of her.''

Republican Chief Justice Ronald M. George has even taken the unusual step of pulling her aside and asking her to tone down her scathing criticism of majority rulings.

In addition to her tone, her legal reasoning has often been criticized by her colleagues. In one example, Nike v. Kasky, Nike was accused of providing abusive conditions for their overseas workers including forced overtime, exposing workers to health hazards, and subjecting workers to verbal, physical and sexual mistreatment.

Nike denied the mistreatment and made numerous statements touting a positive record and was sued for misrepresenting its labor practices at Asian factories.

The majority of the California Supreme Court determined the statements made by Nike were commercial speech and thus entitled to less constitutional protection.

Justice Brown dissented, saying the speech should have been protected even if false. In her dissent, Brown called on the U.S. Supreme Court to overturn a long line of cases which distinguish commercial and noncommercial speech.

Republican Justice Kenard criticized Brown's dissent, saying:

> Sprinkled with references to a series of children's books about wizardry and sorcery, Justice Brown's dissent itself tries to find the magic formula or incantation that will transform a business enterprise's factual representations in defense of its own products and profits into noncommercial speech exempt from our state's consumer protection laws.

I am deeply troubled when a Justice's own colleagues express grave concerns about an individual's legal reasoning, and demonstrate a willingness to openly criticize a fellow member of the bench.

An overarching principle of both Republicans and Democrats is that the role of a judge is to follow the law, regardless of one's personal ideology. Yet, repeatedly, Justice Brown has allowed her personal opinion to override a fair application of the law and has altered her legal reasoning in order to achieve a desired result. Law school professor Gerald Uelmen said that Justice Brown's opinions may be interpreted as ''motivated by politics rather than the law.''

When examining her record, it appears that the thread of logic sewn through her legal opinions is her desire to achieve a predetermined outcome based on her personal views. In case after case, Justice Brown significantly changes her legal reasoning to implement a results-oriented approach based on her view of what the law should be.

When Justice Brown wanted to limit the explicit right to privacy in California's Constitution, she argued: ''Where, as here, a state constitutional protection was modeled on a Federal constitutional right, we should be extremely reticent to disregard U.S. Supreme Court precedent delineating the scope and contours of that right.''

But when the question of remedies for a violation of constitutional rights arose, she said: ''Defaulting to the high court fundamentally disserves the independent force and effect of our Constitution. Rather than enrich the texture of our law, this reliance on Federal precedent shortchanges future generations.''

These cases both involved the role of precedent and following the decisions of previous courts. However, depending on the facts of the case Justice Brown changed her legal opinion about whether judges should follow precedent; in one case she discussed the importance of following precedent, yet in the other she argued that reliance on precedent can be harmful.

When examining the role of juries and their ability to evaluate a case, once again, Justice Brown makes conflicting arguments.

In order to limit damages against employers in worker discrimination suits, Brown wrote:

> When setting punitive damages, a jury does not have the perspective, and the resulting sense of proportionality, that a court has after observing many trials.

But, when criminal defendants' cases—not businesses—were being evaluated, Justice Brown wrote:

> I do not share the majority's dim view of jurors. Rather, I would presume, as we do in virtually every other context, that jurors are intelligent, capable of understanding instructions and applying them to the facts of the case.

Justice Brown's conflicting legal reasoning also appears when her decisions examine the assessment of damages. When the plaintiffs were victims of employment discrimination, Justice Brown supported limits on punitive damages. But, when the plaintiffs were property owners in a mobile home park who had to previously abide by rent control laws, she opposed any limit on damages.

In each of these contrasting examples, Justice Brown has used legal reasoning that has conflicted. It is concerning when a judge seems to alter her legal reasoning based on her personal view of a case, rather than employing consistent legal reasoning regardless of who is making the argument, or who would be impacted by its effect.

Based on this record, parties in a case have no idea whether Justice Brown will rely on precedent or decide it is an impediment, whether she will defer to the legislature or decide it's time for her or other judges to make law; whether she will trust the jury to evaluate the case or decide they cannot make the necessary evaluations; or whether she will protect unlimited damages or order that there needs to be limits on damages.

Those who come before a court need to be assured that they are going to be given a fair hearing with an impartial arbiter. Justice Brown's record demonstrates that those who come before her court will not have such assurances.

Not surprisingly, Justice Brown's nomination has ignited strong and far-reaching opposition. Both Senators from her home State and almost two dozen members of California's congressional delegation oppose her nomination.

The Congressional Black Caucus opposes her nomination, as does every major African American organization in the country, including the National Black Chamber of Commerce, NAACP, the National Bar Association, the California Association of Black Lawyers, and the Leadership Conference on Civil Rights.

The California Association of Black Lawyers stated:

> We would like to see an African American female be elevated to a higher court.

But as the group's president went on to explain:

> We do not see how we can support someone who is diametrically opposed to our goals.

In adddition, unlikely conservative commentators have affirmed concerns raised by opponents of Justice Brown's nomination:

> National Review Senior Editor Romesh Ponnuru discussed Brown's troubling statements and her willingness to embrace judicial activism and concluded that ''if a liberal nominee to the courts said similar things, conservatives would make quick work of her.''

George Will concluded that Justice Brown is ''outside of that mainstream'' of conservative jurisprudence; and

Conservative columnist Andrew Sullivan wrote:

> 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.

Evaluating judicial nominations is a very difficult process, and it is one that ignites passionate feelings from all sides. Clearly, Presidents from different parties will choose very different nominees for the Federal courts. However, there are basic principles that every nominee must follow regardless of which party is in power.

As Senator HATCH stated in 1996 when opposing the confirmation of Judge H. Lee Sarokin to the U.S. Court of Appeals for the Third Circuit and Judge Rosemary Barkett to the U.S. Court of Appeals for the Eleventh Circuit:

> Many of these judges are activists who simply cannot understand that their role is to interpret the law, not to make it . . . I led the fight to oppose the confirmation of these two judges because their judicial records indicated that they would be activists who would legislate from the bench.

Legislating from the bench, being an ''activist'' judge, has been a concern of members of both parties. It is a basic principle used when evaluating nominees—judges must follow the law, not manipulate the law to serve their own political ideology.

As I have discussed today, Janice Rogers Brown is widely opposed by a broad coalition of prominent leaders and organizations, she has been criticized by her Republican colleagues on the court, and she has made astoundingly vitriolic statements about everything from senior citizens to the government.

While each of these concerns raises significant questions about her qualifications to serve on the D.C. Circuit Court of Appeals, for me, most importantly, Janice Rogers Brown does not meet the basic principle used to evaluate judicial nominees by both parties—will they follow the law?

Unfortunately, Janice Rogers Brown's record does not demonstrate that she will be able to put aside her personal views and follow the law.

Mr. KOHL. Mr. President, I oppose the confirmation of Justice Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit. It is unfortunate that the President has chosen to resubmit for our consideration this failed nomination from the President's first term. Both in her public record on the California Supreme Court and in her writings and speeches off the bench, Justice Brown has compiled a remarkable record of extremism, of ideologically motivated decision making, of intemperance in her public statements, and of a judicial philosophy unquestionably out of the mainstream. Such a record makes her entirely unsuitable for a life tenured position on the D.C. Circuit.

Justice Brown's extraordinary views on the role and nature of government convince me that there is a substantial risk that her views and legal philosophy are so far outside the mainstream as to pose a very real threat to our civil rights and civil liberties. Her views on the role and work of Government in modern America are particularly disturbing for someone nominated to the Federal bench, and specifically the D.C. Circuit.

Justice Brown has been nominated to what is considered by many to be the second most important court in the nation. The D.C. Circuit is unique among the Federal courts of appeals as the court that reviews decisions of the executive branch and the independent agencies. The rules and regulations reviewed by this court are felt by average citizens across the Nation every day. These include worker safety rules issued by the Occupational Safety and Health Administration; the rules of the Environmental Protection Agency regarding the purity of the water we drink and the air we breath; workers' right to the minimum wage and overtime compensation guaranteed by the Fair Labor Standards Act; rights to organize unions and bargain over the terms and conditions of employment under the National Labor Relations Act; and decisions by the Federal Trade Commission regarding deceptive or unfair trade practices that injure consumers. The decisions of the D.C. Circuit on these and many other subjects have a real and immediate impact on the lives of all Americans.

Justice Brown's hostility to the role and work of government in modern America are particularly disturbing for someone nominated to the D.C. Circuit. She has repeatedly said that she views government as a negative influence on American life, contrary to the moral fiber of our Nation. On one occasion, she stated that ''when government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies. . . . The result is a debased, debauched culture which finds moral depravity entertaining and virtue contemptible.'' On another occasion, she wrote that ''where government advances . . . freedom is imperiled; community impoverished; religion marginalized and civilization itself jeopardized.'' She has also remarked that the New Deal era of the 1930s ''marks the triumph of our own socialist revolution.''

Her commentary on legal theory is no less extreme.

She has railed against what she sees as a judiciary that has distorted and misinterpreted the Constitution. She has stated that since the 1960s, ''we have witnessed the rise of the judge militant.'' She also claims that modern judicial rulings have caused the Constitution to be ''demoted to the status of a bad chain novel.'' She continues to argue in favor of long discredited and overturned legal doctrines which were used to strike down worker protection and social welfare laws over 100 years ago.

Other examples of Justice Brown's thinking are equally troubling. She has contended that senior citizens ''cannibalize'' their grandchildren by asking for society's support in old age via social security. And speaking recently at a church on ''Justice Sunday,'' Brown proclaimed a ''war'' between religious people and the rest of America.

We have heard nominees that have come before us before argue that they should not be held to their record because it merely reflects positions they advanced as advocates for their clients. This defense is not available to Justice Brown. These are opinions that she held solely on her own behalf, in her own speeches and writings in which she was advancing no one's agenda but her own.

Her record on the California Supreme Court does not allay our concerns. She has been consistently unsympathetic

to the rights of those asserting civil rights or employment discrimination claims. And, on many occasions, she has been the lone dissenter on an already conservative court. She dissented from a case which upheld a prohibition on an employee's use of hateful racial invective in the workplace; from a decision that held that a city rent control ordinance did not constitute an unconstitutional taking of private property; from allowing workers over age 40 to bring age discrimination claims; and from a case which found that sexual intercourse after a woman told her assailant to stop constituted rape. Her frequent dissents are compelling evidence regarding how her personal views affect her judicial decisionmaking.

In light of this record, it is not surprising—but nonetheless telling—that both of Justice Brown's home state Senators oppose her confirmation, a virtually unprecedented situation for an appellate court nominee.

An appeals court judge's solemn duty and paramount obligation is to do justice fairly, impartially, and without favor. An appeals court judge must be judicious—that is, she must be open minded, must be willing to set his personal preferences aside, and judge without predisposition. And, of course, she must follow controlling precedent faithfully, and be able to disregard completely any views she holds to the contrary. In the case of Justice Brown, we are presented with a nominee who has a well-documented record, in numerous writings and speeches, of views that are so extreme, and so far outside the mainstream, that she fails this basic test.

For these reasons, I must continue my opposition to her confirmation to this crucial judgeship.

Ms. LANDRIEU. Mr. President, Socrates said, ''Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.'' To date, the Senate has confirmed 209 of President Bush's judicial nominees. The vast majority of them received overwhelming support from this body. We looked at their records and decided that they had the qualities that Socrates described. Janice Rogers Brown, however, lacks these qualities and falls far short of this ideal. I sincerely regret that the President has asked this body to confirm her to a lifetime appointment to the District of Columbia Circuit Court of Appeals.

This is no reflection on her individual accomplishments. She comes from a very humble background, a sharecropper's daughter, and has taken full advantage of all that this country has to offer to become a Supreme Court judge. She has gained some wisdom from this experience, I am sure, and I have no doubt that she will take her job as a judge seriously, soberly.

My greatest concern lies with her impartiality. Some of her statements and her decisions on the California Supreme Court lead me to believe that she will let her personal bias dictate her consideration of issues of law. I cannot trust the impartiality of someone who may be considering issues involving Medicare or Social Security who says that senior citizens ''blithely cannibalize their grandchildren because they have the right to get as much 'free' stuff from the political system.'' Nor can I accept that she will be impartial when she says that age discrimination ''does not mark its victim with a stigma of inferiority.'' Tell that to the 50 year old waitress who loses a job because she doesn't look ''pretty'' anymore, and ends up getting replaced by a younger, less experienced person.

Janice Rogers Brown has been nominated to the Court of Appeals for the District of Columbia Circuit, the court that closely oversees the actions of Federal agencies—more than any other Circuit Court. It is widely recognized in the legal community as the second most important court in the country. Citizens come to the D.C. Circuit to enforce fair labor practice decisions made by the National Labor Relations Board, worker safety protection regulations of the Occupational Safety and Health Administration, regulatory decisions made by the Federal Communications Commission and the Environmental Protection Agency, and much, much more.

But Janice Rogers Brown has said that ''where government moves in community retreats, civil society disintegrates. . . . The result is: families under siege; war in the streets; unapologetic expropriation of property; the . . . decline of the rule of law . . . a debased, debauched culture which finds moral depravity entertaining. . . . '' She also called the New Deal, which gave us Social Security and the Tennessee Valley Authority, programs that exist today, ''the triumph of our own socialist revolution.'' With sentiments such as these I can only wonder what she thinks of Medicare, Medicaid, child nutrition programs, agricultural subsidies, No Child Left Behind, and a whole host of other programs that give opportunity to our citizens and help people live up to their given potential. To me, these programs are not socialism; they are what a compassionate society does for its people.

So I will vote against the confirmation of Janice Rogers Brown. I do so knowing that she will likely be confirmed. Her nomination is moving forward because she was one of the nominees that 13 of my colleagues and I agreed to no longer filibuster. I want to talk about this agreement just for a moment.

First, I must say that the compromise was essential to avoid a serious breakdown in the Senate rules and its functions. It represents the Senate at its best and upholds the traditional constitutional role of the Senate as the protector of the rights of minority interests when they were seriously threatened and perhaps irrevocably ended.

But more than this, my colleagues and I helped steer a better course with this compromise. A course for jobs, opportunity, better education, and future peace. I hope the President will reflect upon the resolve of these 14 Senators to protect and respect the minority and do so by sending us nominees who will respect the law and not come exclusively from the far fringes of the political spectrum.

I am open to discussing nominees with the President. I make this offer in good faith and in the same spirit as one of his original campaign promises from 2000: to change the culture in Washington. Here is what then-Governor Bush said in a speech at that time: ''There is too much argument in Washington and not enough shared accomplishment. . . . As President, I will set a new tone in Washington. I will do everything I can to restore civility to our national politics.''

My colleagues on this compromise have already helped set that new tone for the Senate. I urge him to work with the entire Senate on judicial nominees. I am ready to forge this new civility in Washington. I know future nominees will be conservative just as all of the 208 previously confirmed Bush nominees have been. I fully accept that fact. But I also expect future nominees to be fair and to have shown their fairness and impartiality by their words and their deeds. Janice Rogers Brown has not.

The PRESIDING OFFICER. The time is now controlled from 4 to 4:10 by the Senator from Vermont.

Mr. LEAHY. Mr. President, I see the distinguished President pro tempore on the Senate floor. I understand that he is going to ask consent that we recess. I first ask unanimous consent that my time not begin until after the time necessary for the distinguished senior Senator from Alaska, and I yield to him.

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

## VISIT TO THE SENATE BY MEMBERS OF THE U.S.-CHINA INTERPARLIAMENTARY GROUP

Mr. STEVENS. Mr. President, I have the honor to present to the Senate the Chinese delegation from the National People's Congress to the U.S.-China Interparliamentary Group meeting. Its leaders standing beside me are Vice Chairman and Secretary General of the Standing Committee of the National People's Congress, Mr. Sheng Huaren. He is joined by the Chairman of the National People's Congress Foreign Affairs Committee, Mr. Jiang Enzhu. We also have the Vice Chairman of the National People's Congress Law Committee, Mr. Hu Kangsheng; the Vice Chairman of the National People's Congress Foreign Affairs Committee, Mr. Yang Guoliang; then the Vice Chairman of the National People's Congress Foreign Affairs Committee, Mr. Lu Congmin; Mr. Lu Baifu, who is a member of the National People's Congress

Economic and Financial Affairs Committee; and the Deputy Chief of Mission from the People's Republic of China to the United States, Mr. Zheng Zeguang.

I ask that the Senate stand in recess for a few minutes so that Members may greet our guests and have an opportunity to thank them for coming to join us for these historic talks.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, reserving the right for a minute, I note that Senator STEVENS and Senator INOUYE performed a magnificent service to our Senate and to our country by hosting our distinguished guests from China in such a superb manner. They and their staffs put on a superlative discussion over these 2 days, and Senator STEVENS recognized with his foresight the two countries will determine the future of the world. I commend Senator STEVENS and Senator INOUYE in particular for recognizing that and initiating these exchanges which are now in their second year. On behalf of the Senate and the country, we are in their debt.

Mr. STEVENS. I personally thank Senator INOUYE, who is our co-chairman, for his work on this matter. We went to China last year to meet with this delegation, and we have been honored to host them in our country.

## RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess so Members may greet our guests.

There being no objection, the Senate, at 4:04 p.m., recessed until 4:10 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

## NOMINATION OF JANICE ROGERS BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. LEAHY. Mr. President, over the course of the Senate's consideration of the nomination of Janice Rogers Brown, we have heard many compelling statements in opposition. Significantly, we have heard from both Senators from California in opposition. Their opposition, like mine, is based on Justice Brown's record.

Through bipartisan action, the Senate has deterred the misguided bid by some on the other side of the aisle for one-party rule by means of their so-called nuclear option. Thanks to the hard work of a bipartisan group of 14 Senators, we have, for now, preserved the system of checks and balances. I mention this because as we vote on the nomination of Janice Rogers Brown, I urge all Senators to take seriously the Senate's constitutionally mandated role in determining who is going to serve lifetime appointments in the Federal judiciary.

I wish all Senators, Republicans and Democrats alike, would take these matters seriously and vote their consciences and evaluate with clear eyes the fitness of this woman for this lifetime appointment. After all, some of my Republican colleagues have admitted to me privately how they would like to vote. They know that Justice Brown is a consummate judicial activist whose record shows she favors rolling back the clock 100 years on workers' and consumer rights and consistently has taken the side of corporations against average Americans.

Her record shows she does not believe in clean air and clean water protections for Americans and their communities. She does not believe in laws providing affordable housing, and she would, if she could, wipe out zoning laws that protect homeowners. Her record shows she takes an extremely narrow view of protections against sexual harassment, race discrimination, employment discrimination, and age discrimination. In fact, she has such a hostility toward such programs as Social Security that she has argued that Social Security is unconstitutional. She has said that ''[t]oday's senior citizens blithely cannibalize their grandchildren . . . ''

Why is this important? Because she would be on a court that would handle every one of these issues, and it would mean that as a judicial activist, she would rule entirely different in the cases that court decides.

We have heard a lot about her life story. If this were a vote on a Senate resolution commemorating her life story, I am sure the entire Senate would gladly support it. Instead, this is a vote about the lives of multiple millions of other Americans whose lives would be affected by this nominee's ideological activist penchants. This is, after all, a lifetime appointment on a Federal circuit court on which her ideology would be especially harmful and destructive to the people. That is why she has earned opposition of African-American leaders, law professors, and newspapers around the country. In fact, the list of African-American organizations and individuals opposing Justice Brown's nomination is one of the most troubling indications that this is another divisive, ideologically driven nomination. All 39 members of the Congressional Black Caucus oppose her nomination. The Nation's oldest and largest association of predominantly African-American lawyers and judges, the National Bar Association, and its state counterpart, the California Association of Black Lawyers, both oppose this nomination. The foremost national civil rights organization, the Leadership Conference on Civil Rights, opposes it.

The women of Delta Sigma Theta oppose this nomination.

I ask unanimous consent that letters detailing opposition, as well as a list of such letters, be printed in the RECORD.

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

LETTERS OF OPPOSITION TO THE NOMINATION OF JANICE ROGERS BROWN TO THE D.C. CIRCUIT COURT OF APPEALS

PUBLIC OFFICIALS

Congressional Black Caucus; 23 Members of the California Delegation to the United States House of Representatives: Diane E. Watson, 33rd District; Maxine Waters, 35th District; Lucille Roybal-Allard, 34th District; Bob Filner, 51st District; Tom Lantos, 12th District; George Miller, 7th District; Lynn Woolsey, 6th District; Mike Honda, 15th District; Lois Capps, 23rd District; Barbara Lee, 9th District; Hilda L. Solis, 32nd District; Loretta Sánchez, 47th District; Linda Sanchez, 39th District; Joe Baca, 43rd District; Anna Eshoo, 14th District; Pete Stark, 13th District; Juanita Millender-McDonald, 37th District; Grace F. Napolitano, 38th District; Xavier Becerra, 31st District; Nancy Pelosi, 8th District; Henry A. Waxman, 30th District; Dennis Cardoza, 18th District; Carol Moseley Braun, Paul Strauss.

CALIFORNIA ORGANIZATIONS

California Association of Black Lawyers; California State Conference of the NAACP; California Teachers' Association; Justice for All Project: Committee for Judicial Independence; Black Women Lawyers of Los Angeles; SEIU Local 99; Feminist Majority; Sierra Club, Southern California; Western Law Center for Disability Rights; Planned Parenthood Los Angeles; Stonewall Democratic Club; NAACP Legal Defense Fund; People for the American Way, California; California Women's Law Center; Universalist-Unitarian Project Freedom of Religion; National Council of Jewish Women—California; Pacific Institute for Women's Health; Equal Justice Society; California Association of Black Lawyers; California Federation of Labor, AFL–CIO; Sierra Club Environmental Law Program; National Center for Lesbian Rights; National Organization for Women, California; San Francisco La Raza Lawyers; Planned Parenthood Golden Gate; California Abortion and Reproductive Rights Action League; Disability Rights Education & Defense Fund; Chinese for Affirmative Action; National Employment Lawyers Association.

NATIONAL ORGANIZATIONS

AFCSME; AFL–CIO; American Association of University Women, National and Vermont chapters; Americans for Democratic Action; Americans United for Separation of Church and State; Committee for Judicial Independence; Delta Sigma Theta Sorority; EarthJustice; International Brotherhood of Electrical Workers; Leadership Conference on Civil Rights; League of Conservation Voters; Legal Momentum (NOW LDF); MALDEF; NAACP, National and District of Columbia Organizations; NARAL Pro-Choice America; National Abortion Federation; National Bar Association; National Black Chamber of Commerce; National Council of Jewish Women; National Employment Lawyers Association; National Family Planning & Reproductive Health Association; National Organization for Women; National Partnership for Women and Families; Natural Resource Defense Council; National Senior Citizens Law Center, on behalf of: National Committee to Preserve Social Security & Medicare; Alliance of Retired Americans; Families USA; AFSCME Retirees Program; Gray Panthers; Center for Medicare Advocacy; National Health Law Program; National Women's Law Center; National Urban League; People for the American Way; Planned Parenthood Federation of America;

Service Employees International Union; Sierra Club.

Coalition letter from the following environmental organizations: American Planning Association; American Rivers; Citizens Coal Council; Clean Water Action; Coast Alliance; Community Rights Council; Defenders of Wildlife; Earthjustice; Endangered Species Coalition; Friends of the Earth; Mineral Policy Center; National Resources Defense Council; Sierra Club; The Wilderness Society; Advocates for the West; Alabama Environmental Council; American Lands Alliance; Amigos Bravos; Buckeye Forest Council; California League of Conservation Voters; California Native Plant Society; Californians for Alternatives to Toxics; Center for Biological Diversity; Clean Air Council; Clean Water Action Council; The Committee for the Preservation of the Lake Purdy Area; Earthwins; Environmental Defense Center; Environmental Law Foundation; Friends of Hurricane Creek; Georgia Center for Law in the Public Interest; Great Rivers Environmental Law Center; Hurricane Creekkeeper; John Muir Project; Kentucky Resources Council, Inc.; Natural Heritage Institute; New Mexico Environmental Law Center; Northwest Environmental Advocates; Oilfield Waste Policy Institute; Omni Center for Peace, Justice, and Ecology; San Bruno Mountain Watch; Southern Appalachian Biodiversity Project; Valley Watch, Inc.; Washington Environmental Council; Western Land Exchange Project; Wild Alabama; Wildlaw; Coalition of African-American Labor Leaders.

LAW PROFESSORS

Stephen R. Barnett, University of California, Berkeley; Letter signed by more than 200 law professors.

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NATIONAL BAR ASSOCIATION,
*Washington, DC, September 10, 2003.*

Re Justice Janice Rogers Brown Nominee to the U.S. Court of Appeals for the District of Columbia Circuit.

SENATE JUDICIARY COMMITTEE,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR: The National Bar Association, this nation's oldest and largest Association of predominantly African American lawyers and judges, deems that Justice Rogers Brown is unfit to serve on the U.S. Court of Appeals of the District of Columbia.

Justice Brown has served the California Supreme Court for seven years, providing a substantial body of work for analysis by critics and supporters alike. If appointed, Brown would follow Justice Judith Rogers, a President Clinton appointee, to become the second African American woman judge on the D.C. Circuit Court. Many people consider this appointment as preliminary grooming for a future nomination to the U.S. Supreme Court. This consideration is not without merit: Justices Antonin Scalia, Clarence Thomas, and Ruth Ginsberg all previously served on the prestigious D.C. Circuit Court.

The National Bar Association must consider, among other things, whether a judicial nominee will be a responsible voice upon which all people, particularly people in the traditionally underserved communities, for instance African Americans, other ethnic minorities and women, can depend when fundamental legal issues of race, ethnicity, or gender may profoundly impact the designated population in the areas of advancement in business, education, civil rights, and the judicial arenas arise.

A rigorous review of several of Justice Brown's opinions in the California Supreme Court undertaken by the California Association of Black Lawyers (copy attached), an affiliate of the National Bar Association, indicates a most disturbing view and what may be in store for minorities under her stewardship on the bench. In for instance Hi-Voltage Wire Works, Inc. v. City of San Jose, 24 Cal 4th 537 (2000), Justice Brown wrote the majority opinion striking down a San Jose ordinance that required the City of San Jose to solicit bids from companies owned by minority and women subcontractors. She reasoned that the plan to seek minority subcontractors violated Proposition 209, which is the 1996 voter-adopted state constitutional amendment that banned racial preferences. She further concluded that instead of affirmative action, ''equality of individual opportunity is what the constitution demands.''

In view thereof, the National Bar Association strongly urges and recommends that the Senate Judiciary Committee reject the nomination of Justice Janice Rogers Brown to the U.S. Circuit Court of Appeals for the D.C. Circuit.

Sincerely,

CLYDE E. BAILEY, Sr.,
*President.*

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CALIFORNIA ASSOCIATION OF BLACK LAWYERS,
*Mill Valley, CA, October 17, 2003.*

Hon. ORRIN G. HATCH,
*Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.*

Hon. PATRICK LEAHY,
*Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATORS HATCH AND LEAHY: On behalf of the California Association of Black Lawyers (''CABL''), I write to express our strong opposition to the nomination of Janice Rogers Brown to the U.S. Court of Appeals for the D.C. Circuit.

CABL is the only statewide organization of African American lawyers, judges, professors and law students in the State of California. We are an affiliate of the National Bar Association (the ''NBA'') and we join the National Bar Association in its opposition to Justice Brown. (The NBA recently forwarded CABL's Official Position Paper opposing Justice Brown's nomination to you. I am enclosing a copy, for your easy reference.)

As California lawyers, we are familiar with Justice Brown and her record on the California Supreme Court. We are deeply concerned about her extremist judicial philosophy, that she has manifested in numerous opinions over the years. It is clear to us that she misuses precedent and challenges precedent, in order to achieve the result she desires. A prime example is her opinion in *Hi-Voltage Wire Works, Inc. v. City of San Jose,* the California's Supreme Court's first application of Proposition 209. According to Chief Justice Ronald George, who refused to join her opinion, Justice Brown seriously distorted the history of civil rights jurisprudence and concluded outright that the U.S. Supreme Court decisions supporting affirmative action were wrongly decided.

California has strong civil rights statutes, and many of us litigate pursuant to these statutes. Yet Justice Brown has repeatedly deviated from precedent in order to narrowly interpret these statutes and render them virtually inaccessible to victims of discrimination.

We urge you to undertake an extremely careful review of Justice Brown and her record. We hope that you will conclude, as we have done, that she is simply not within the mainstream of legal thought. She is therefore not suited for appointment to the second most important court in our nation, the D.C. Circuit.

Respectfully yours,

GILLIAN G.M. SMALL,
*President.*

Mr. LEAHY. Mr. President, and, of course, both the Senators from her home State have opposed her. In fact, if she is confirmed, this may be the first such Senate confirmation over the opposition of both home State Senators in the history of the Senate, something, I might say, that during President Clinton's time was inconceivable–that Republicans would even consider a nomination if one Senator from the home State opposed the nominee and, of course, under no circumstances both. Here both Senators do oppose her, and yet her nomination is going forward.

There remain 36 Republican Senators serving today who voted against the nomination of Justice Ronnie White of Missouri in 1999. Justice White is now the chief justice of the Missouri Supreme Court, having been that high court's first African-American member. Former Senator Ashcroft came to the floor and vilified Justice White as pro criminal in 1999, after action on that nomination had been delayed more than 2 years. Then, in a surprise party-line vote, Republican Senators all voted against his confirmation. In fact, that is the only party-line vote to defeat a judicial nomination that I can remember in my 31 years here.

Immediately after this party-line vote, by which Republican Senators defeated the nomination of Justice Ronnie White, many of them told us: We know he is qualified, but we had no choice because both home State Senators opposed the nomination. In order to respect the views of these home State Senators, they had to vote against a nominee who many felt was highly qualified.

Both Justice Brown's home State Senators oppose her confirmation. They have been consistent in that opposition. Republican Senators felt compelled to vote against Justice White, a nominee of President Clinton, in 1999 because of the opposition of his home State Senators. It is hard to see how they can now turn around and say: Well, but we can vote for a Republican nominee notwithstanding the same kind of opposition.

It is not just the two distinguished Senators from California who oppose her. Her views are so extreme that more than 200 law school professors around the Nation wrote to the Judiciary Committee expressing opposition.

The ''Los Angeles Times'' concludes she is a ''bad fit for a key court.'' The ''Detroit Free Press'' concluded she ''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 extreme leanings.''

I ask unanimous consent that these editorials, as well as a list of other editorials opposing the Brown nomination, be printed in the RECORD.

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

PUBLISHED OPPOSITION TO THE NOMINATION OF JANICE ROGERS BROWN, NOMINEE TO THE D.C. CIRCUIT COURT OF APPEALS

EDITORIALS

Reject Justice Brown, The Washington Post, June 7, 2005.

No on Judge Brown: D.C. Court Is Wrong Place for Her Views, The Sacramento Bee, May 20, 2005.

Brown Does It Again, Contra Costa Times, April 29, 2005.

Democrats Must Block Activist Judges, San Jose Mercury News, February 24, 2005.

The Quality of the Judiciary Is at Stake! Want Good Judges? So Does Kerry, Philadelphia Daily News, August 11, 2004.

''All Black Ain't Coal!'', The Bay State Banner (Massachusetts), November 20, 2003.

A Bad Fit for a Key Court, The Los Angeles Times, November 5, 2003.

Extreme Nominee; With Brown, Bush Deepens Partisanship Over Judges, Detroit Free Press, October 31, 2003.

Nasty Tactics, Fort Worth Star Telegram (Texas), October 31, 2003.

Fueling the Fight, The Washington Post, October 30, 2003.

Judicial Pick Not Fit for U.S. Court, The Atlanta Journal and Constitution, October 29, 2003.

Out of the Mainstream, Again, The New York Times, October 25, 2003.

A Nominee to Filibuster, Copley News Service, October 24, 2003.

Bush Adds Another Ultra-Conservative, Howard University Hilltop, October 20, 2003.

Fueling the Fire, The Washington Post, August 1, 2003.

More Conservatives for the Courts, The New York Times, July 29, 2003.

OP-EDS

If Republicans Look at Her Record, They Will Vote Brown Down, Douglas T. Kendall and Jennifer Bradley, Roll Call, June 7, 2005.

This Judge Is More Right-Wing Than Thomas, Simon Lazarus and Lauren Saunders, The Hill, June 17, 2005.

Must Filibuster Justice Brown, Cynthia Tucker, Atlanta Journal and Constitution, May 1, 2005.

Kennedy Does Justice to Approval Process, Howard Manly, Boston Herald, February 6, 2005.

The Bushes are poor Judges of Judges, Diane Roberts, St. Petersburg Times (Florida), December 13, 2003.

Judicial Nominees Show Disrespect For System Of Law, John David Blakley, The Battalion (Texas A&M University), December 2, 2003.

Looking at Justice From Both Sides Now: Opponents Decry Nominee for Same Reason She Was picked by White House: Her Record, Susan Lerner, The L.A. Daily Journal, November 28, 2003.

A Record with some Praise, Robyn Blumner, St. Petersburg Times (Florida), November 23, 2003.

Commentary, Ralph G. Neas, (President, People For the American Way), National Public Radio 'Morning Edition', November 12, 2003.

Nominee's Views Will Affect Court, DeWayne Wickham, USA TODAY, November 3, 2003.

GOP Senators: Remember Anita Hill?, Linda Campbell, The Tallahassee Democrat, November 3, 2003.

Bush's Court-Nominee 'Diversity' Is a Cynical Ploy; These Minority Members and Women Are Out of the Mainstream, Robert L. Harris, Los Angeles Times, November 12, 2003.

California Contender: A federal appeals court nominee could one day become the first black woman justice on the U.S. Supreme Court, Bob Egelko, San Francisco Chronicle, Sunday, October 26, 2003.

Judicial Throwback, Douglas T. Kendall and Timothy J. Dowling, The Washington Post, September 19, 2003.

LETTERS TO THE EDITOR

What Op Ed Forgot To Tell Us, Eric Kane, Boston Globe, May 13, 2005.

Candidates' Past Rulings Show Danger, Nancy Goodban, The Modesto Bee (CA), May 11, 2005.

Senate Democrats' Filibuster Not Racist, Scott DeLeve, The Daily Mississippian, December 11, 2003.

Congressional Black Caucus; An Open Letter on Why Five Judicial Nominees Must Be Rejected, Ethnic NewsWatch, November 20, 2003.

Bush Judges Deserve To Be Filibustered, Muriel Messer, The Journal Standard (Illinois), November 13, 2003.

Justice Brown's Manifesto, T.J. Pierce, The San Francisco Chronicle, November 8, 2003.

Judging Ms. Flowers, Arline Jolles Lotman, Philadelphia Daily News, November 7, 2003.

Plantation Politics, Jerome Redding, St. Louis Post-Dispatch (Missouri), November 3, 2003.

Jerome J. Shestack, former ABA President, The New York Times, November 1, 2003.

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[From the Los Angeles Times, Nov. 5, 2003.]

A BAD FIT FOR A KEY COURT

The U.S. Court of Appeals for the District of Columbia Circuit is the triple-A farm team for the Supreme Court. Three of the high court's current members—Antonin Scalia, Clarence Thomas and Ruth Bader Ginsburg—came from the D.C. circuit. So did onetime Chief Justices Warren Burger and Fred Vinson, among others.

Presidents also give special attention to the D.C. court's appointments because it often hears high-profile challenges to presidential and congressional actions, defining the government's authority. This year the D.C. Circuit Court upheld the indefinite detention of potential terrorists at Guantanamo, Cuba. In past years, it expanded police search and seizure powers and upheld the 1971 campaign spending law and environmental and workplace safety Laws. Before it now is a challenge by California and other states to the administration's view that the Clean Air Act does not allow regulation of carbon dioxide and other greenhouse gases.

That President Bush may view California Supreme Court Justice Janice Rogers Brown as a future U.S. Supreme Court justice could explain why he nominated her to the D.C. court, 3,000 miles from her San Francisco base. But during her seven years on California's high court, Brown has shown doctrinaire and peculiar views that make her a troubling choice for this appeals court.

Judges are supposed to consider disputes with an open mind, weighing facts against the law and precedent. Conscientious judges sometimes find that their decisions conflict with their personal beliefs. However, 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.

'Where government advances,' she told a college audience, 'freedom is imperiled, community impoverished, religion marginalized and civilization itself jeopardized'—a startling view for someone who would be charged with reviewing government actions. Brown has spoken disapprovingly of what she called the U.S. Supreme Court's 'hypervigilance' with respect to such 'judicially proclaimed fundamental rights' as privacy, calling them 'highly suspect, incoherent and constitutionally invalid.'

These views may have prompted Brown's bitter dissents in cases in which her colleagues upheld regulatory actions such as local zoning and land-use laws. They seem to have fueled her skepticism toward employment discrimination claims, cases involving the rights of people with disabilities and the meaning of consent in rape.

Brown's dogmatism and a style bordering on vituperation earned her only a 'qualified' rather than 'well qualified' rating from the American Bar Assn. Some committee members found her unfit for the appeals court.

The Senate Judiciary Committee could vote on Brown's nomination Thursday. There's little question that Brown is an intellectually sharp and hard-working jurist, but that is not enough. Her own words are unrelentingly hostile to government's role in regulatory matters and protection of individual rights. These are the very things on which she would rule most often. Brown is a bad fit for the District of Columbia appeals court.

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JUDICIAL PICK NOT FIT FOR U.S. COURT,

[From the Atlanta Journal and Constitution, Oct. 29, 2003]

President Bush has once again nominated a right-wing judge for one of the nation's most influential appellate courts. Worse yet, Janice Rogers Brown, a California Supreme Court justice, is not qualified for the U.S. Court of Appeals for the D.C. Circuit.

Despite Bush's penchant for politics over professional qualifications in judicial appointments, Democrats are not blameless in the current standoff. They filibustered the nomination of Hispanic conservative Miguel Estrada for the same appellate court vacancy. Estrada, who finally withdrew from consideration, had unquestioned scholarly and legal qualifications for a federal judgeship.

Rather than select another highly qualified conservative for the key appellate bench, the president took the low road, choosing a judge who previously received an 'unqualified' rating from the California bar's evaluation commission and last month got a mixed rating of 'qualified/unqualified' from the American Bar Association. By contrast, Estrada received a unanimous ABA rating of 'well qualified.'

Brown's views, as espoused in speeches to ultraconservative groups, are far out of the mainstream of accepted legal principles. For example, she has disputed whether the Bill of Rights, as incorporated in the U.S. Constitution, should have been applied to the states.

While the African-American jurist claims her tendency to 'stir the pot' wouldn't affect her rulings, such a radical view causes the public to wonder if she will respect basic individual liberties guaranteed in the Bill of Rights.

Brown meets the GOP's litmus test of being anti-affirmative action and anti-abortion, but that is a sorry measure of judicial excellence. Bush knows that Brown will fall victim to a Democratic filibuster. Apparently, this president would rather have a campaign issue than a qualified federal judiciary.

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[From the New York Times, Oct. 25, 2003]

OUT OF THE MAINSTREAM, AGAIN

Of the many unworthy judicial nominees President Bush has put forward, Janice Rogers Brown is among the very worst. As an archconservative justice on the California Supreme Court, she has declared war on the mainstream legal values that most Americans hold dear. And she has let ideology be her guide in deciding cases. At her confirmation hearing this week, Justice Brown only ratified her critics' worst fears. Both Republican and Democratic senators should oppose her confirmation.

Justice Brown, who has been nominated to the United States Court of Appeals for the District of Columbia Circuit, has made it clear in her public pronouncements how extreme her views are. She has attacked the New Deal, which gave us Social Security and other programs now central to American life, as ''the triumph of our socialist revolution.'' And she has praised the infamous Lochner line of cases, in which the Supreme Court, from 1905 to 1937, struck down worker health and safety laws as infringing on the rights of business.

Justice Brown's record as a judge is also cause for alarm. She regularly stakes out extreme positions, often dissenting alone. In one case, her court ordered a rental car company to stop its supervisor from calling Hispanic employees by racial epithets. Justice Brown dissented, arguing that doing so violated the company's free speech rights.

Last year, her court upheld a $10,000 award for emotional distress to a black woman who had been refused an apartment because of her race. Justice Brown, the sole dissenter, argued that the agency involved had no power to award the damages.

In an important civil rights case, the chief justice of her court criticized Justice Brown for ''presenting an unfair and inaccurate caricature'' of affirmative action. The American Bar Association, all but a rubber stamp for the administration's nominees, has given Justice Brown a mediocre rating of qualified/not qualified, which means a majority of the evaluation committee found her qualified, a minority found her not qualified, and no one found her well qualified.

The Bush administration has packaged Justice Brown, an African-American born in segregated Alabama, as an American success story. The 39-member Congressional Black Caucus, however, has come out against her confirmation.

President Bush, who promised as a candidate to be a ''uniter, not a divider,'' has selected the most divisive judicial nominees in modern times. The Senate should help the president keep his campaign promise by insisting on a more unifying alternative than Justice Brown.

Mr. LEAHY. Mr. President, I have voted to confirm hundreds of nominees with whom I differ. I vote for them when I think they will be fair and impartial. I voted for hundreds of President Bush's nominees, as I did his father, President Reagan, and President Ford, all Presidents with whom I have been proud to serve. But I voted against those, whether Republican or Democratic nominees, if I disagreed with them, if I felt they could not be impartial.

I believe Judge Brown has proven herself to be a results-oriented, agenda-driven judge whose respect for precedent and rules of judicial interpretation change depending upon the subject before her and the results she wants to reach. She is the definition of an activist judge, the sort of person President Bush said he would not nominate.

Whether it is protection of the elderly, workers and consumers, privacy rights, free speech, civil liberties, and many more issues, she has inserted her radical views into her judicial opinions time and again.

She repeatedly and consistently has advocated turning back the clock 100 years to return to an era where worker protection laws were found unconstitutional.

It is no small irony this President, who spoke of being a uniter, has used his position to renominate Justice Brown and others after they failed to get consent of the Senate.

These provocative nominees have divided the Senate and the American people, and they brought us to the edge of a nuclear winter in the Senate.

This confrontational approach and divisiveness have continued, despite the confirmation of 209 out of his 218 jurdicial nominees.

I oppose giving Justice Brown this lifetime promotion to the second highest court in our land because the American people deserve judges who will interpret the law fairly and objectively. Janice Rogers Brown is a committed judicial activist who has a record of using her position as a member of a court to put her views above the law and above the interests of working men and women and families across the Nation.

We must not enable her to bring her ''jurisprudence of convenience'' to one of the most important Federal courts in the Nation.

Over the course of the Senate's consideration of the nomination of Janice Rogers Brown to be a judge on the United States Court of Appeals for the D.C. Circuit, I have publicly explained why I cannot support it. My opposition is based on Justice Brown's extensive record, which raises unavoidable concerns about her pursuit from the bench of her extremist judicial philosophy and therefore about her fitness for this lifetime appointment. Justice Brown failed to gain the consent of the Senate last year. As I explained in April when voting against her confirmation in the Senate Judiciary Committee, not only has Justice Brown failed to resolve any of my concerns since her hearing in late 2003, but Justice Brown's opinions issued since that time reinforce and deepen the troubling patterns in her record.

Through bipartisan action, the Senate has deterred the misguided bid by some on the other side of the aisle for one-party rule by means of their nuclear option. Thanks to the hard work of a bipartisan group of 14 Senators, we have, for now, preserved the system of checks and balances, designed by the Founders, that are so integral to the function of the Senate and to its role. As we turn now to the nomination of Janice Rogers Brown, I urge all Senators to take seriously the Senate's constitutionally mandated role as a partner with the executive branch in determining who will serve lifetime appointments in the federal judiciary. I urge all Senators, Republicans and Democrats alike, to take these matters seriously and vote their consciences. Republican Senators and Democratic Senators alike will need to evaluate, with clear eyes, the fitness of Justice Brown for this lifetime judicial appointment before casting a difficult vote on this problematic and highly controversial nominee. My opposition to Justice Brown's nomination is based, as it has always been, on her record.

Justice Brown is a consummate judicial activist whose record shows that she favors rolling back the clock 100 years on workers' and consumers' rights and taking the side of corporations against average Americans. Her record shows she does not believe in clean air and clean water protections for Americans and their communities, she does not believe in laws providing affordable housing, and that she would, if she could, wipe out zoning laws that protect homeowners by keeping porn shops and factories from moving in next door. Her record shows she takes an extremely narrow view of protections against sexual harassment, race discrimination, employment discrimination, and, most of all, age discrimination. In fact, Justice Brown has a hostility toward such programs as Social Security that is so great that she has argued that Social Security is unconstitutional, and has said that ''[t]oday's senior citizens blithely cannibalize their grandchildren. . . .''

We have heard a great deal from Justice Brown's supporters about her life accomplishments. It is an impressive story, and Justice Brown's accomplishments in the face of so much adversity are commendable. But we cannot base our votes on the confirmation of a lifetime appointee to a Federal court on biography alone. If this were a vote on a Senate resolution commemorating her life story, I am sure the entire Senate would gladly support it. But instead, this is a vote about the lives of multiple millions of other Americans whose lives would be affected by this nominee's ideological penchants.

I hope that, as debate Justice Brown's nomination, we will not—as we did 2½ years ago—hear the whispering of unfounded smears against those who oppose this nomination. I have spoken recently about my disappointment in the White House and Republican partisans for fanning the flames of bigotry and refusing to tamp down unfounded claims that amount to religious McCarthyism. I urged the White House, Republican leaders, and moderate Republicans to join me in condemning the injection of such smears into the consideration of nominations. The failure to do so risks subverting this constitutional process and the independence of our federal courts.

The unfounded charges of bigotry are belied by the numbers of major African-American leaders, newspapers and law professors across the country who also oppose this nomination based on Justice Brown's record of extremism. The list of the African-American organizations and individuals who oppose Justice Brown's nomination is a clear indication that this is another divisive, ideologically driven nomination. The 39 members of the Congressional Black Caucus oppose Justice Brown's nomination, including the respected congressional delegate from the District of

Columbia, ELEANOR HOLMES NORTON, and Representatives CHARLES RANGEL, ELIJAH CUMMINGS and JOHN CONYERS, and the chair of the Congressional Black Caucus, Representative MEL WATT. The nation's oldest and largest association of predominantly African-American lawyers and judges—the National Bar Association—and its State counterpart—the California Association of Black Lawyers—both oppose this nomination. The foremost national civil rights organization, the Leadership Conference on Civil Rights, opposes this nomination. The women of Delta Sigma Theta oppose this nomination. Dr. Dorothy Height, Dr. Joseph Lowery and Julian Bond, historic leaders in the fight for equal rights, have spoken out against this nomination.

The baseless smears that we have heard are irresponsible, harmful and demonstrably false. Democrats have voted to confirm each of the other 15 African-American judges nominated by President Bush and brought to the Senate for a vote, including all four of the other African-Americans confirmed to appellate courts. Democrats have fought hard to integrate the Fourth Circuit, working with Senator WARNER through the confirmation of Judge Roger Gregory, and with Senator EDWARDS on the confirmation of Judge Allyson Duncan. And it was Democratic Members who were outraged at the Republicans' partyline vote against Justice Ronnie White and Republican pocket filibusters of Judge Beatty, Judge Wynn, Kathleen McCree Lewis, and so many outstanding African-Americans judges and lawyers blocked during the Clinton years.

Let us not see that shameful card dealt from the deck of unfounded charges that some stalwarts of this President's most extreme nominees have come more and more to rely upon. Let us stick to the merits. As so many have explained in such detail over the last few days, those who oppose her do so because they retain serious doubts about her nomination and see her as an ideologue or a judicial activist.

The basis for my opposition is the extremism of Justice Brown's record. That, too, is the reason both of her home State Senators oppose her. As we have heard in the Judiciary Committee and here on the Senate Floor, both Senators from California, who arguably know this nominee and her record better than most, strongly oppose Justice Brown's confirmation. There was a time in the Senate, not that long ago, when opposition by a nominee's home State Senators, no matter how late in the day it was announced, was enough to halt a nomination. I remember how that tradition was adhered to scrupulously by Republican Senators 5½ years ago when the Senate voted on the confirmation of Ronnie White to be a judge in Missouri. Even though one of his home State Senators had warmly endorsed him at his hearing, an eleventh hour reversal by that Senator led to every Republican Senator voting against Justice White. Thirty-six of those Senators are still serving in the Senate today, and if the approval of a nominee's home State Senator is as important today as it was in 1999, then the Senate will reject this nomination. The former Chairman of the Judiciary Committee came to the Senate after the defeat of Justice White's nomination to explain explicitly the importance of home State opposition in that unprecedented party-line vote.

As I have detailed, Justice Brown's home State Senators are not the only ones who oppose her. Her views, both in speeches and in opinions issued from the bench, are so extreme that more than 200 law school professors from around the country wrote to the Committee, prior to her hearing, expressing their opposition.

The Senate is faced with several extreme nominees who have clear records of trying to rewrite the law from the bench. In Justice Brown's hearing before the Committee, then-Chairman HATCH began the hearing by referring to President Bush's description of his judicial nomination standard: ''Every judge I appoint will be a person who clearly understands the role of the judge is to interpret the law, not to legislate from the bench. My judicial nominees will know the difference.'' Regretfully, Justice Brown, a practitioner of a results-oriented brand of judicial activism so radical she is frequently the lone dissenter from a 6–1 Republican majority court, represents the antithesis of the President's purported standard. In re-nominating Justice Brown after she failed to gain consent of the Senate, the President has, again, selected a judicial nominee who deeply divides the American people and the Senate.

After Justice Brown's record was examined in the hearing on her nomination, editorial pages across the country came to the same conclusion. Justice Brown's home State newspaper, The Los Angeles Times, concluded she is a ''bad fit for a key court,'' after finding that ''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.'' The Detroit Free Press concluded: ''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.'' The Atlanta Journal and Constitution concluded that Janice Rogers Brown is ''not qualified for the U.S. Court of Appeals for the D.C. Circuit.'' The Washington Post found that Justice Brown is ''one of the most unapologetically ideological nominees of either party in many years.'' And The New York Times concluded that, based on Justice Brown's record as a judge, she has ''let ideology be her guide in deciding cases.'' I would ask that these editorials expressing opposition, as well as a list of all of the editorials opposing the Brown nomination be entered in the RECORD.

Justice Brown has a lengthy record of opinions, of speeches and of writings. She has very strong opinions, and there is little mystery about her views, even though she sought to moderate them when she appeared before the Judiciary Committee. I come to my decision, after reviewing Justice Brown's record—her judicial opinions, her speeches and writings—and considering her testimony and oral and written answers provided to the Senate Judiciary Committee.

My opposition is not about whether Justice Brown would vote like me if she were a member of the United States Senate. I have voted to confirm probably hundreds of nominees with whom I differ. Nor is this about one dissent or one speech. This is about Justice Brown's approach to the law, an approach which she has consistently used to promote her own ideological agenda that is out of the mainstream. Her hostility both to Supreme Court precedent and to the intent of the legislature does not entitle her to a lifetime appointment to this highly important appellate court.

As I have said—and as remains true today—Janice Rogers Brown's approach to the law can be best described as a ''jurisprudence of convenience.'' Justice Brown has proven herself to be a results-oriented, agenda-driven judge whose respect for precedent and rules of judicial interpretation change and shift depending on the subject matter before her and the results she wants to reach.

Hers is a record of sharp-elbowed ideological activism.

While Justice Brown's approach to the law has been inconsistent—she has taken whatever approach she needs to in order to get to a result she desires—the results which she has worked toward have been very consistent, throughout her public record. At her hearing, Justice Brown attempted to separate her speeches from her role as a judge. However, on issue after issue—the protection of the elderly, workers and consumers; equal protection; the takings clause; privacy rights; free speech; civil liberties; remedies; the use of peremptory challenges, and many more—Justice Brown has inserted her radical views into her judicial opinions time and time again. In fact, Justice Brown's comments to groups across the country over the last 10 years repeated the same themes—sometimes even the same words—as she has written in her bench opinions.

In *Santa Monica Beach* v. *Superior Court of L.A. County*, Justice Brown wrote of the demise of the Lochner era, claiming ''the 'revolution of 1937' ended the era of economic substantive due process but it did not dampen the court's penchant for rewriting the Constitution.'' Similarly, in a speech to the Federalist Society, she said of the year 1937: it ''marks the triumph of our own socialist revolution.''

In San Remo Hotel v. City and County of San Francisco, Justice Brown wrote, ''[t]urning a democracy into a kleptocracy does not enhance the stature of the thieves; it only diminishes the legitimacy of the government.'' Similarly, two years earlier, she told an audience at the Institute for Justice: ''If we can invoke no ultimate limits on the power of government, a democracy is inevitably transformed into a kleptocracy—a license to steal, a warrant for oppression.''

As Berkeley Law School Professor Stephen Barnett pointed out about Justice Brown's ''apparent claim that these are 'just speeches' that exist in an entirely different world from her judicial opinions,'' ''that defense not only is implausible but trivializes the judicial role.'' I agree with Professor Barnett on this and understand his determination to oppose her nomination. Justice Brown's provocative speeches are disturbing in their own right, and they are made more so by their reprise in her opinions.

During her hearing, Justice Brown told the Committee that she will ''follow the law.'' However, her opinions from the bench speak much louder than her words to the Committee. In such a judicial dissent she wrote, ''We cannot simply cloak ourselves in the doctrine of stare decisis.''

Justice Brown's disregard for precedent in her opinions in order to expand the rights of corporations and wealthy property owners, at the expense of workers and individuals who have been the victims of discrimination, stands among the clearest illustrations of Justice Brown's results-oriented jurisprudence. In several dissents, Justice Brown called for overturning an exception to at-will employment that has been long recognized by the California Supreme Court, and was created to protect workers from discrimination. She has repeatedly argued for overturning precedent to provide more leeway for corporations against attempts to stop the sale of cigarettes to minors, prevent consumer fraud, and prevent the exclusion of women and homosexuals.

Justice Brown has also been inconsistent in the application of rules of judicial interpretation—again depending on the result that she wants to reach in order to fulfill her extremist ideological agenda.

These legal trends—her disregard for precedent, her inconsistency in judicial interpretation, and her tendency to inject her personal opinions into her judicial opinions—lead to no other conclusion but that Janice Rogers Brown is—in the true sense of the words—a judicial activist.

When it is needed to reach a conclusion that meets her own ideological beliefs, Justice Brown stresses the need for deference to the legislature and the electorate. However, when the laws—as passed by legislators and voters—are different than laws she believes are necessary, she has shown no deference, presses her own agenda and advocates for judicial activism.

One stark example comes in an opinion she wrote where in order to support her view that judges should be able to limit damages in employment discrimination cases, she concluded that ''creativity'' was a permissible judicial practice and that all judges ''make law.''

Justice Brown's approach to the law has led to many opinions which are highly troubling. She repeatedly and consistently has advocated turning back the clock 100 years to return to an era where worker protection laws were found unconstitutional. She has attacked the New Deal, an era which created Social Security, fair labor standards and child labor laws, by calling it ''fundamentally incompatible with the vision that undergirded this country's founding.'' Justice Brown's antipathy to the New Deal and Social Security is so strong, that she stated, in *Santa Monica Beach* v. *Superior Court of L.A. County*, 19 Cal. 4th 952 (1999), that ''1937 [the year in which much of President Roosevelt's New Deal legislation took effect] . . . marks the triumph of our own socialist revolution . . .''

Justice Brown's hostility toward Social Security is part of larger hostility toward the needs and the rights of senior citizens. In a 2000 speech to a right-wing group, Justice Brown claimed 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 them to extract.'' Justice Brown has injected this hostility into her opinions. In *Stevenson* v. *Superior Court of Los Angeles County*, 16 Cal. 4th 880 (1997), Justice Brown was the only member of the court to find that age discrimination victims cannot sue under common law because, as she stated in that case, she does not believe age discrimination stigmatizes senior citizens.

And she has repeatedly opposed protections against discrimination of individuals—in their jobs and in their homes. Justice Brown's claims that her words do not mean what they say are simply unconvincing.

Another troubling aspect of Justice Brown's nomination is the court for which she has been nominated. She is being considered for a position on the premier administrative law court in the nation—a court that is charged with overseeing the actions of federal agencies that are responsible for worker protections, environmental standards, consumer safeguards, and civil rights protections.

I am concerned about her ability to be a fair arbitrator on this court. Justice Brown has made no secret of her disdain for government's role in upholding protections against the abuse of the powerless, those who struggle in our society, and our environment. She has said, ''. . . where government moves in, community retreats, civil society disintegrates, and our ability to control our own destiny atrophies.''

How can someone who has demonstrated her activism be entrusted to make fair and neutral decisions when faced with the responsibility of interpreting the powers of the federal government and the breadth of regulatory statutes? Justice Brown responded to this question at her hearing by calling on us to review her record as a judge to see that she does not ''hate government.'' Well, I did review her record. And, what I found was disturbing: She has used her position on and off the bench to argue for the dismantling of government from the inside out.

Since the Senate last considered Justice Brown's nomination, her troubling jurisprudence has not changed. As demonstrated by her recent opinions, Justice Brown has continued to be a results-oriented judge with little consistency in judicial interpretation who gives great deference to her own agenda rather than to precedent, to the intent of the legislature, or to the Constitution.

In the last 18 months, since Justice Brown appeared before the Judiciary Committee:

She has expressly ignored Supreme Court precedent in seeking judicial repeal of a State antidiscrimination statute giving drug benefits to women, despite her own finding that the statute met the Supreme Court's test.

She has denigrated the constitutional right to privacy and bodily integrity as mere ''sympathy'' by the majority.

She has shown deference to the intent of employers rather than to precedent, to the detriment of the retirement benefits of long-term workers.

She has sought to replace the legislature's judgment regarding the value of expert testimony related to ''Battered Women's Syndrome'' with her own judgment that domestic violence is ''simply a label, now codified,'' which would make it more difficult to prosecute domestic violence.

She has sought to overturn a long line of precedent that African-American women are considered a ''cognizable group'' for the purpose of assessing where a prosecuting attorney has violated equal protection in the use of peremptory challenges.

She has demonstrated her hostility to common law by overturning California's century-old second-degree felony murder rule.

She has sought to make it more difficult for a worker to pursue a sexual harassment claim against her employer by strictly enforcing release language in a separate worker's compensation settlement, even though this result would, according to the majority, ''create a trap for the unwary worker.''

Justice Brown's record since her hearing—and since she was last rejected by the Senate—has only brought into sharper focus the radicalism of her opinions and only deepened my concern about her extremism.

Indeed, in the last several days the United States Supreme Court decision

in a regulatory takings case demonstrates anew just how far out of the mainstream she is. In this case, a strong majority of the Supreme Court rejected the approach that Justice Brown has endorsed in her efforts to expand the takings clause of the Constitution to thwart local government regulation for health, safety, controlled growth and economic development.

America would look like and be a very different place if Justice Brown had her way. She would do away with many of the core protections Americans count on to keep their jobs and communities safe and their retirements secure. There would be few if any laws protecting Americans from race discrimination, employment discrimination or age discrimination, or protecting a woman's right to choose. Corporate speech would be protected, but not the first amendment rights of employees to criticize an employer's practices. Corporations would be protected against suits for stock fraud and for illegally selling cigarettes to minors, but private employers would not be required to provide contraceptive drug benefits for women.

Justice Brown's America would mean a return to the widely and justifiably discredited Lochner era, an era named after a Supreme Court decision so widely-derided that even Robert Bork called its judicial activism an ''abomination.'' A return to the Lochner era would mean a return to a time without protections against child labor. It would mean a return to a time without zoning protections to prevent porn shops and factories and rat-infested slaughterhouses from moving in next door to Americans' homes; a time without consumer protection and laws providing for affordable housing; a time without worker safety laws and without fair labor standards; and a time without laws protecting clean air and clean water. And it would mean a return to a time without Social Security.

It is no small irony that this President, who spoke of being a uniter, has used his position to re-nominate Justice Brown and others after they failed to gain consent of the Senate. These provocative nominees have divided the Senate and the American people and brought the Senate to the edge of a ''nuclear winter.'' His divisiveness has continued, despite the confirmation of 209 out of his 218 judicial nominees. It is no small irony that this President, who spoke with disdain of ''judicial activism,'' has nominated several of the most consummate judicial activists ever chosen by any President. None of the President's nominees is more in the mold of a judicial activist than this nominee.

I oppose giving Justice Brown this lifetime promotion to the second highest court in our land because the American people deserve judges who will interpret the law fairly and objectively. Janice Rogers Brown is a committed judicial activist who has a consistent record of using her position as a member of the court to put her views above the law and above the interests of working men and women and families across the Nation. We should not enable her to bring her ''jurisprudence of convenience'' to one of the most important Federal courts in the Nation.

The PRESIDING OFFICER. The Senator from Pennsylvania controls the next 10 minutes.

Mr. SPECTER. Mr. President, as the debate winds down on the nomination of California State Supreme Court Justice Janice Rogers Brown, I suggest to my colleagues that this debate is really not about Justice Brown at all, but it is about the escalating battle which has been going on between the two parties since the last 2 years of President Reagan's administration and continuing up to the present time.

I was on the Judiciary Committee in the last 2 years of the Reagan administration, having served since I was elected in 1980 on that committee, and there was a limited list to be confirmed after the Democrats took control of the Senate in the 1986 election, for 1987 and 1988.

Then the policy was continued during the 4 years of President George Herbert Walker Bush. I recall pending Third Circuit nominees who were not going to be considered because we were not going to confirm any more of the President's nominees.

Then the situation was exacerbated to a new level during the years of President Clinton, when some 60 judges were bottled up. I opposed that practice at the time as a Republican on the Judiciary Committee and supported Judge Berzon, Judge Paez, and others, and urged that we not have party payback.

Then the matter was exacerbated to new levels with the unprecedented use of systematic filibusters, the first time in the history of the country that has been done.

Then the President responded with an interim appointment, the first interim appointment in the history of the Senate on a Senate rejection, albeit by the filibuster route.

Then we came to the critical issue of how we were going to handle the future with the heavy debate on the so-called constitutional or nuclear option. And finally, we worked our way through on individual judges, without reviewing all of that history.

What this nomination is all about is party payback time. That is what it is. In the 25 years I have been on the Judiciary Committee, I have seen the committee routinely confirm circuit judges who were no better qualified and, in many cases, not as well qualified as Justice Brown.

We had two very celebrated cases where two nominees for circuit court went through with relative ease, and then their records were subjected to very intense scrutiny during nomination hearings for the Supreme Court of the United States. But the practice has been to confirm the circuit judges.

The argument is made that circuit judges play a critical role, and will make law because their cases will not be reviewed by the U.S. Supreme Court, which grants certiorari in so few cases. But the fact is that no one judge can do that on the circuit. The judges sit in panels of three. So if one judge is way out of line, does something egregious, there has to be a second judge concurring. And if there is concurrence on something that is out of line, the circuit courts have the court en banc to correct it. And then there is always the appeal or petition to the Supreme Court of the United States.

One thing that has troubled me is the unwillingness of Senators to concede that both sides have been wrong—to make the explicit concession that their side has been wrong at least in part.

I have scoured the RECORD and noted a comment made by the leader of the Democrats, Senator REID, who said this on May 19:

> Let's not dwell on what went on in the 4 years of President Bush's administration. I am sure there is plenty of blame to go around. As we look back, I am not sure—and it is difficult to say this and I say it—I am not sure either was handled properly. I have known it wasn't right to simply bury 69 nominations. And in hindsight, maybe we could have done these 10 a little differently.

It seems to me that we really ought to be able to admit the wrongs on both sides—to have a clean slate, to start over and try to have Senators vote their individual consciences on matters such as filibusters. In talking to my colleagues who are Democrats, I heard many say they did not like the systematic filibusters; it was not the right thing to do. But there is a party straitjacket on, so it is done. Similarly, in the Republican cloakroom and Republican caucus, many of my colleagues voiced objections to the so-called constitutional or nuclear option. But there again, party loyalty has come into play.

We have admitted our mistakes in the past, historical mistakes, egregious mistakes on race, women's suffrage and women's rights, the rights of criminal defendants, and many, many things. It would not be too much for both sides to say we have both been wrong and let's move ahead. But there has been payback and payback, and the American people are sick and tired of the rankling.

When you put aside those factors, I suggest that State Supreme Court Justice Janice Rogers Brown stacks up fine against the long litany of circuit judges who have been confirmed by the Senate. We know the details. I spoke at length on this nomination on Monday of this week, before the floor became congested with many Senators who wanted to speak, and spoke at that time in my capacity as chairman of the committee. Now I have been allotted 10 minutes to speak as we wind down this debate.

Her record is really exemplary. She was born in Alabama in 1949 to sharecroppers. She had an excellent record

in college and in law school. She went back to get a master's degree from the University of Virginia after she was on the State supreme court in California.

She has been pilloried for statements that have been made in speeches. As is well known, not to be unduly repetitious—I made a comment about this on Monday—if everybody in public life, including Senators, were held to everything they have said, none of us would be elected, confirmed, appointed, or asked to do anything in the public sphere. If somebody put a microscope on the countless tracks of statements I have made in the CONGRESSIONAL RECORD—a court reporter is taking this down, and it will be in the CONGRESSIONAL RECORD forever—if I were to be suggested for some important job, it is not hard to find something someone has said at some time that would be a disqualifier.

The proof is in the pudding on her cases. She has handled a lot of cases, and I went through those cases in great detail.

It is true that she has made undiplomatic statements, but she is not in the State Department. In speeches, she has talked about limiting Government, but when her cases were reviewed and analyzed, she has upheld the authority of the Government in many lines which I detailed in a speech the day before yesterday. Similarly, she has upheld individual rights.

On the merits, this is a nominee who, in my view, is worthy of confirmation to the Court of Appeals.

On Monday, I made a brief reference to an opinion by Supreme Court Justice Oliver Wendell Holmes about 80 years ago where he talks about the importance of individualization, free thinking, and free speech, and has one of the most poignant phrases in any Supreme Court opinion: that ''time has upset many fighting faiths.'' Time has upset many fighting faiths, and in the free interplay of ideas, we come to the best values and the best ideas in the marketplace.

If you have a nominee who exercises some independence and individuality in her speeches but has solid judicial opinions and a solid professional record, solid work in the State government, that is the test as to whether she ought to be confirmed. If it were not party payback time, this ferocious debate would not be undertaken. That is why I am going to vote to confirm State supreme court justice Janice Rogers Brown.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Nevada.

Mr. REID. Mr. President, yesterday the Senate invoked cloture on the nomination now before this body. That came about as a result of a bipartisan agreement that was reached several weeks ago. The agreement, though, did not proclaim in any way that Justice Brown would be confirmed. The agreement does not obligate any Senator to vote for this or any other nominee. Nor did the agreement establish Janice Rogers Brown as the benchmark for what is acceptable, as far as judicial nominees go.

Whether one is from the left or the right, this nominee should be rejected. We should reject any nominee who twists the law to advance his or her own ideological bent. We should reject any nominee who does not believe in or abide by precedent, and we should reject any nominee who holds deep hostility to Government, such deep hostility that it renders them blind to what the law mandates.

Janice Rogers Brown does not fail on just one of these standards, she fails on all three. She is an exceptional candidate, there is no question—but in a negative sense. She twists the law and does it routinely. She does not follow precedent. She has a hostility to Government I have never seen in a judge at any time during my years as a lawyer and as a member of a legislative body.

Under these standards, of course, her nomination should fail resoundingly. In speeches and opinions, Janice Rogers Brown has repeatedly assailed protections for the elderly, for workers, for the environment, for victims of racial discrimination. If confirmed today, she will be a newly empowered person to destroy those protections. Why? Because the D.C. Circuit, where she is intending to go, is the second most powerful court in our land. It has special jurisdiction over protections for the environment, for consumers, for workers, for women, for the elderly. Putting her on the D.C. Circuit Court of Appeals is truly like putting the fox in to guard the henhouse.

The concerns about this woman have not been developed in the last 6 months. Deep concerns over her objectivity and fairness, or lack thereof, have followed her through her whole career. In 1996, when Justice Brown was up for her current job—that is a member of the Supreme Court of the State of California—she was rated unqualified by a 23-member commission that was set up by the State of California to review people going to the court. Twenty out of 23 said she was unqualified to be a member of the California Supreme Court. The commission specifically found that as a lower court judge, Brown exhibited:

> a tendency to interject her political and philosophical views into her opinions.

Press reports at the time indicated that commission members had received complaints that she was insensitive to established legal precedent, lacked compassion, lacked intellectual tolerance for opposing views, and misapplied legal standards.

These are not the words coming from Democratic Senators. This is from a commission set up to review candidates the Governor was going to appoint in the State of California. They found her unqualified, not by a narrow margin—overwhelmingly. Twenty out of the 23 said she was unqualified.

I will say one thing, in the 10 years since they did their work, the State commission has been proven to be visionary, to have had foresight, because she has definitively proven them right. She has established a record as a habitual lone dissenter who lacks an open mind. I heard one of the Senators over here on the majority side say there have been other dissents. She dissented alone 31 times. In a Republican supreme court—6 of the 7 members are Republicans—she has dissented alone 31 times.

Justice Brown's record is the record of a judge who would discard the foundation of our basic legal system, precedent, in order to elevate her own extreme views over the law.

When I was going to law school, they taught us a lot of Latin terms. One of the Latin terms they have in the law we learned as new law students is something called stare decisis. What do those words mean? They are Latin words that mean ''to stand by decided matter.'' It stands for certainty. Janice Rogers Brown is a judge; she is not a legislator. She has no right to do the things she does. I am dumbfounded that we are going to have Republican Senators who have decried for decades about activism—she is the epitome of an activist judge. She does not follow precedent. She is not a legislator, she is a judge.

This is not HARRY REID coming up with some new theory. In Federalist Paper 78, the brilliant Alexander Hamilton wrote, explaining the importance of a judiciary bound by precedent:

> To avoid arbitrary discretion in the courts it is indispensable that they should be bound by strict rules and precedent.

Yet we are going to have people on the other side of the aisle walk over here and vote for this woman. She stands for everything I have heard my Republican colleagues rail against for years. The fact that you are a so-called conservative does not make your activism any better. I believe in stare decisis. When the Court over here across the street renders a decision based on precedent, I support that. I don't like judges to be legislators and that is what she is.

I think it would be hard to find a Senator, if the truth came out, with everyone being candid, who would not agree with Hamilton's view. But with Brown we have a nominee who doesn't believe in precedent. She not only doesn't believe in it, she doesn't abide by it. Here are a few examples.

In the case called People v. McKay, she argued against existing precedent by saying:

> If our hands are tied it behooves us to gnaw through the ropes.

To gnaw through the ropes of precedent? Why did Alexander Hamilton want judges bound by precedent? Because you need stability in the law. You can't have judges acting as legislators. That is what people complain about. I thought most of the complaints about this problem, in fact, came from this side of the aisle.

In Kasky v. Nike, she argued for overturning precedent because it ''did not take into account realities of the modern world.''

That is what we hear. We hear that the Federalist Society and all these other so-called conservative groups who want the Constitution to be interpreted based on the words of that Constitution, not her ''realities of the modern world.''

In People v. Williams, she summarized her views stating she is ''disinclined to perpetuate dubious law for no better reason than that it exists.''

How could a judge say that? But she does. These are the words of a judicial activist.

I said yesterday, when somebody asked me:

> If you like judicial activism, she is a doozy.

I wanted to make sure I didn't insult her. I went and looked up in the dictionary what a doozy is. Doozy is ''extraordinary.'' She is an extraordinary activist, not even a mainstream activist. She is the most activist judge, in my many years in the courts and in the legislature, I have ever seen.

She has a deep disdain for Government. Don't take my word it. Listen to what she says, for example, about Government.

> Where government moves in, community retreats, civil society disintegrates, our ability to control our own destinies atrophies.

We have a world out there that is looking to America for guidance. Why are they looking to us? It is our ability to govern, our Government. We are the envy of the rest of the world, with our constitutional form of Government. What does she think of it? Not much.

She also says the result of Government is:

> Families under siege; war on 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.

What world is she living in? She also says the result of Government is:

> a debased, debauched culture which finds moral depravity entertaining and virtue contemptible.

I don't recognize that government she describes. Is a government which strives to provide children with a better education one which leads to war in the streets? Is a government which works to provide health care to people one which results in families under siege? Is a government which protects beautiful landmarks of our land one which leads to an unapologetic expropriation of property?

I don't think mainstream Americans would agree to this, mainstream Democrats, Republicans, Independents. These views are not those of a person who should be awarded tremendous power in our federal court system.

Take one area of the D.C. Circuit's special jurisdiction, hearing appeals from the National Labor Relations Board. These cases involve employee rights to unionize to achieve better health care, better wages, and a decent standard of living. In Nevada, our culinary union, which represents almost 60,000 people who work in our leisure-time industry, has so effectively represented the position of these tens of thousands of employees that such jobs are the best jobs for maids, cooks, waitresses, waiters, and car valets of any place in the world. Over the years, farsighted casino owners have worked with this union because they know that in the hospitality industry, staff can make or break an enterprise. Our labor laws encourage businesses to work with laborers so both sides benefit.

In 1905, a case was decided by the U.S. Supreme Court called Lochner. It invalidated worker protection laws—things such as how many hours you could work, do you get paid overtime, basic safety measures in the workplace. In Lochner, the U.S. Supreme Court said, No, you can't do that. So for 32 years that was the law of the land.

In a unique situation, the Supreme Court said: Times have changed. We are going to change that. They did that in 1937. Lochner is a case that we look back at, not with as much dread as the Dred Scott case, but it is pretty bad. In that case, the Lochner case, they invalidated the New York labor statute that limited the number of hours employees could work.

Over the passionate dissent, and I heard the distinguished chairman of the Judiciary Committee, the distinguished Senator SPECTER from Pennsylvania talk about Oliver Wendell Holmes—Oliver Wendell Holmes dissented in the Lochner case and his dissent was one of the most beautifully written opinions in our history. For decades, Lochner stood as a hard-hearted barrier to worker protections enjoyed by Americans today. Its reversal by the Supreme Court was one of the most pivotal moments in our Nation's history.

Where does Janice Rogers Brown come in here? She laments that the case was overturned. She wants to return to the way it used to be. She said of Holmes' famous dissent in Lochner—in this case he was simply wrong. She said the Lochner dissent has troubled me and has annoyed me for a long time.

She has compared the demise of Lochner and the worker protections that followed in its wake as a socialist revolution.

She seeks to return to Lochner, and if confirmed, she will have power to effect those changes she wants. Why should we have a 40-hour workweek, according to Janice Rogers Brown? Why should we have workers compensation law, worker safety laws? Why should people have to be paid by their employers overtime? They should not be, according to Janice Rogers Brown.

She has attempted to distinguish between her legal opinions and her speeches, which she said are designed to stir the pot. But she can't. But that is not true. It is simply not true. She is being disingenuous. Her speeches are carried forward in her opinions. The inflammatory rhetoric in her speeches carries over into her opinions as if copied on the old copying machines.

For example, in a speech at the Institute of Justice, she said:

> If we can invoke no ultimate limits on the power of government, a democracy is inevitably transformed into a Kleptocracy—a license to steal, a warrant for oppression.

She wrote an opinion in the San Remo Hotel v. City and County of San Francisco case where she said the same thing, almost identical words:

> Turning a democracy into Kleptocracy does not enhance the stature of thieves; it only diminishes the legitimacy of government.

In another speech, she assailed senior citizens with this verbiage:

> . . . today's senior citizens blithely cannibalize their grandchildren because they have a right to extract as much ''free'' stuff as a political system will permit them to extract.

In a case involving discrimination against a senior citizen, Stevenson v. Superior, she said the same thing—in a dissent, of course—that California's public policy against age discrimination cannot benefit the public. She said that such age discrimination:

> is not . . . Like race and sex discrimination. It does not mark its victims with a stigma of inferiority and second class citizenship; it is an unavoidable consequence of that universal level of time.

She is saying you get old, you take the consequence, and if you get a little gray hair and you have worked there 30 years, they can dump you just because your hair is gray.

I am not making this up. Setting her speeches aside, and these few opinions, her judicial opinions are enough to disqualify her for the job.

There is another case, Aguilar vs. Avis Rent A Car. I cannot in good taste on the Senate floor repeat what this Hispanic employee, Aguilar, was being called in the workplace. I cannot repeat it. They are the most vile words we have in English. I cannot do that. I have them. I cannot do that. Vile. What did she say? There was a race discrimination suit against an employee who had repeatedly been subjected to racial slurs. She argued the slurs were protected by the first amendment. While the majority soundly rejected this defense, she, in her single dissent, endorsed these people being able to say that. I am not making this up. She argued that even an illegal racial discriminatory speech in the workplace—discrimination prohibited by title VII of our Civil Rights Act—is protected by the first amendment. She believes racial slurs in the workplace are acceptable in America. This is a woman who is going to the second highest court in the land?

Take another case, Konig v. Fair Employment and Housing Commission.

There—again in a dissent, what else—she argued that an African-American police officer who had been discriminated against should not be awarded damages for this illegal conduct perpetrated against her.

In her world, discrimination is without an effective remedy, and wrongdoers are rewarded.

While she displays hostility toward victims of discrimination—willing to twist the law to deny relief—she exhibits the opposite view when it comes to corporations. Corporations can do no wrong.

In Kasky v. Nike, the plaintiff sued Nike, alleging Nike had engaged in false and misleading advertising in a false campaign to deny it had mistreated its overseas workers. The majority held that these false statements were not protected by the Constitution. Again, in dissent, Justice Brown argued they are protected.

Under Justice Brown's reasoning of this case, corporate lies should be protected and public protections rejected. That was her opinion.

As the Enron wrongdoers finally head to trial 4 years after they destroyed the retirement security of its employees and devastated investors, do we want a judge who believes that corporate lies are protected by the Constitution?

Justice Brown also believes that the takings clause of the Constitution should be transformed into a weapon to tear government down. For example, in the San Remo case, a hotel owner challenged a city permitting requirement. In dissent—again—she argued this scheme was a taking of property requiring compensation under the Constitution. Her assertion that a permit fee was a taking requiring compensation is totally at odds with longstanding U.S. Supreme Court precedent. That does not matter to her. Her radical view would mandate compensation for everything. That is her point. She does not want government and her view is a way to achieve that end.

If you disapprove of zoning laws which keep strip clubs and factories from opening next door to your house, or an adult bookstore, if you dislike the environmental process which saved the bald eagle, our golden eagle, if you oppose the communication laws which protect our children from indecent programming, then Janice Rogers Brown is your kind of a judge. She does not believe in these protections and wants to twist the Constitution to abolish them.

I said she was a doozy as an activist, and I think I have proven my case. Her views, in my word and I think the word of the American people, are absurd. They are without any basis in the law. They should not be given voice on the DC Circuit.

I say to my colleagues, to the American people, if you believe in America—and I know we do—where workers are entitled to a fair wage for a fair day's work, where racial slurs are not condoned, where discrimination is not tolerated, where corporations are not given license to lie, where senior citizens are valued and honored, where we have protections for the air we breathe, the food we eat, the water we drink, and these are embraced instead of evaded, if you believe in these things, no one in good conscience can approve this nomination. The record is too clear, too disturbing, too expansive.

The influence of this court, the DC Circuit Court, is too important, too fundamental to the rights Americans hold dear. If there were ever a nominee whom my colleagues, Republicans and Democrats, should reject, this is it.

This bipartisan rejection would do more to change the tenor of the debate on judicial nominations than any step we could take. It would send a signal to President Bush that while we may confirm the conservative nominee—and we have confirmed 209 so far—the Senate will not approve results-oriented activist ideologues to our Federal courts. It would breathe new life into the ''advice'' part of the advice and consent clause of our Constitution, encouraging partnership between the President and the Congress.

The American people want to see us—Democrats and Republicans—working together to improve the retirement security, their health care, their children's education. Because of the time we have spent on judges for weeks and weeks, we will never catch up. We have the Energy bill to do. We have the armed services bill we have to do. We have TANF. We hope to do something on estate tax. It goes on and on. It is all catchup time. Why? Because of five judges and the President did not get his way. And it will be catchup time for a long time because of it.

The people want to see us work together. They want to see the President bring forward fair judicial nominees who will not bring an ideological agenda to this body, whether liberal or conservative, to these lifetime positions. The American people should demand, the Senate should demand, that a nominee possess a fair, open mind, and an instinctual understanding that the job of a judge is not to make law but to interpret our laws. It is this very basic standard that this nominee so utterly and completely fails to meet.

I urge my colleagues to reject this very bad nomination.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a few moments, we will vote on the confirmation of Justice Janice Rogers Brown to serve on the U.S. Court of Appeals for the DC Circuit. Justice Brown is a highly qualified nominee. She is kind. She is smart. She is thoughtful. She has endured a protracted and often bitter nominations process with grace and dignity. I look forward to her confirmation to the Federal bench in just a few short minutes.

It has been a long road to get to this point. Justice Brown was nominated by the President of the United States in July 2003. She has endured 184 questions and nearly 5 hours of debate in the Judiciary Committee hearing, two committee votes—both of which were favorable to Justice Brown's nomination—and one failed cloture vote despite majority support among the Members of the Senate. She also answered over 120 written questions and sat down for countless meetings with individual Senators. In all, we have debated Justice Brown for over 50 hours on the Senate floor.

Now, after 2 years, Senators will finally be able to fulfill their constitutional duty of advice and consent on the President's nominee. Janice Rogers Brown will finally get an up-or-down vote. She will finally get the courtesy and the respect she deserves.

During this 2-year process, Senators on the other side of the aisle have leveled harsh and I believe unfair attacks against Justice Brown. A careful review of her record, however, shows Justice Brown has an unwavering commitment to judicial restraint and the rule of law.

Opponents have called Justice Brown an extremist. But we have heard the bipartisan praises of Justice Brown from those who know her best—her former and current colleagues on the California Supreme Court and California Court of Appeals. They agree that Janice Rogers Brown is a ''superb judge'' and have said that ''she is a jurist who applies the law without favor, without bias, and with an even hand.''

Opponents have called Justice Brown ''out of the mainstream.'' Yet, as a justice on the California Supreme Court, California voters reelected her with 76 percent of the vote, the highest vote percentage of all the justices on the ballot. Can 76 percent of Californians be out of the mainstream? Senators denying Janice Rogers Brown the fairness of an up-or-down vote is what has been out of the mainstream.

Justice Brown's life is an inspiring story of the American dream. It is an extraordinary journey from a sharecropper's field in segregated Greenville, AL, to the California Supreme Court, and to the D.C. Circuit Court of Appeals. Thanks to hard work and persistence and a strong intellect, Justice Brown has risen to the top of the legal profession.

A true public servant, she has dedicated her life to serving others. For 24 years, she has served in various prominent positions in California State government. In 1996, she became the first African-American woman to serve as an associate justice on the California Supreme Court, the State's highest court.

Janice Rogers Brown is a distinguished, respected, and mainstream jurist. I am proud that today, after almost 2 years, the Senate will finally give Janice Rogers Brown the vote she has waited so long to receive.

With the confirmation last week of Justice Owen and the upcoming vote

on Justice Brown, the Senate continues to make progress, placing principle before partisan politics and results before rhetoric. I hope we can continue working together to do our constitutional duty as Senators and give other judicial nominees the fair up-or-down votes they deserve.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is expired.

The question is, Will the Senate advise and consent to the nomination of Janice R. Brown, of California, to be United States District Court Judge for the District of Columbia Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS), is necessarily absent.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 131 Ex.]

YEAS—56

| | | |
|---|---|---|
| Alexander | DeWine | McConnell |
| Allard | Dole | Murkowski |
| Allen | Domenici | Nelson (NE) |
| Bennett | Ensign | Roberts |
| Bond | Enzi | Santorum |
| Brownback | Frist | Sessions |
| Bunning | Graham | Shelby |
| Burns | Grassley | Smith |
| Burr | Gregg | Snowe |
| Chafee | Hagel | Specter |
| Chambliss | Hatch | Stevens |
| Coburn | Hutchison | Sununu |
| Cochran | Inhofe | Talent |
| Coleman | Isakson | Thomas |
| Collins | Kyl | Thune |
| Cornyn | Lott | Vitter |
| Craig | Lugar | Voinovich |
| Crapo | Martinez | Warner |
| DeMint | McCain | |

NAYS—43

| | | |
|---|---|---|
| Akaka | Durbin | Mikulski |
| Baucus | Feingold | Murray |
| Bayh | Feinstein | Nelson (FL) |
| Biden | Harkin | Obama |
| Bingaman | Inouye | Pryor |
| Boxer | Johnson | Reed |
| Byrd | Kennedy | Reid |
| Cantwell | Kerry | Rockefeller |
| Carper | Kohl | Salazar |
| Clinton | Landrieu | Sarbanes |
| Conrad | Lautenberg | Schumer |
| Corzine | Leahy | Stabenow |
| Dayton | Levin | Wyden |
| Dodd | Lieberman | |
| Dorgan | Lincoln | |

NOT VOTING—1

Jeffords

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

## NOMINATION OF WILLIAM H. PRYOR TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH DISTRICT—Resumed

Mr. FRIST. Mr. President, we have just voted to confirm Justice Janice Rogers Brown to the D.C. Circuit Court of Appeals. We are making progress. We are securing up-or-down votes on previously blocked nominees. We will now turn to another judge who has been considered in the past, Judge William H. Pryor.

For the information of our colleagues, we are going to go immediately to the cloture vote. If cloture is invoked on the Pryor nomination, it is my expectation that we will be able to lock in a time certain for the final up-or-down vote on that nomination. That would be for tomorrow. The Democratic leader and I have consulted back and forth, and we will lock in a vote for 4 p.m. tomorrow, if cloture is invoked through the next vote.

Following that vote, tomorrow we will consider the Sixth Circuit nominations and hopefully not use all of the allocated time to which we previously agreed. We will be doing that after the vote tomorrow, and we will be voting on those nominations, as well, tomorrow—late afternoon, hopefully, maybe early evening.

President Bush nominated Judge Pryor on April 9, 2003, to serve on the Eleventh Circuit Court of Appeals.

While the individual nominees may change, the debate continues to be centered on a simple and unequivocal principle.

It is based on fairness, and it is grounded in the Constitution of our great Nation.

It is the principle that every judicial nominee that comes to this floor deserves an up or down vote.

Judge Pryor is also a qualified nominee. He deserves a fair vote, and it is our duty to cast one.

Judge Pryor has broad legal experience as a public servant, as a practicing attorney, and as a law professor.

Judge Pryor has served with distinction on the appellate bench since he was recess appointed last year. Many of his opinions have been supported by judges appointed by both Democrats and Republicans.

He enjoys bipartisan support inside and outside the Senate chamber.

Yet he has had to wait more than 2 years for a fair, simple, and courteous up or down vote on the Senate floor.

It is time to close debate and vote on this nominee, up or down, yes or no, confirm or reject.

I will continue to work to ensure that Judge Pryor and every other judicial nominee get an up-or-down vote on the floor of the U.S. Senate.

We are working on a process to start the Energy bill next week, as well as to consider the Griffith nomination on Monday and will announce more on that schedule tomorrow. But Members should expect a vote Monday evening.

That pretty much outlines, I believe, the schedule for tonight and tomorrow.

Mr. REID. Mr. President, it is my understanding the vote Monday will be around 6 o'clock rather than our normal 5:30 p.m. time.

Mr. FRIST. That is correct. The vote will be at approximately 6 o'clock instead of the usual 5 o'clock on Monday.

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 100.

The legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 100, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Craig Thomas, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Richard G. Lugar, Jim DeMint, David Vitter, Richard C. Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, George Allen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, shall be brought to a close? The yeas and nays are mandatory under the rules. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 132 Ex.]

YEAS—67

| | | |
|---|---|---|
| Alexander | DeWine | McConnell |
| Allard | Dole | Murkowski |
| Allen | Domenici | Nelson (FL) |
| Bennett | Ensign | Nelson (NE) |
| Bingaman | Enzi | Pryor |
| Bond | Frist | Roberts |
| Brownback | Graham | Salazar |
| Bunning | Grassley | Santorum |
| Burns | Gregg | Sessions |
| Burr | Hagel | Shelby |
| Byrd | Hatch | Smith |
| Carper | Hutchison | Snowe |
| Chafee | Inhofe | Specter |
| Chambliss | Inouye | Stevens |
| Coburn | Isakson | Sununu |
| Cochran | Johnson | Talent |
| Coleman | Kyl | Thomas |
| Collins | Landrieu | Thune |
| Conrad | Lieberman | Vitter |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | Martinez | |
| DeMint | McCain | |

NAYS—32

| | | |
|---|---|---|
| Akaka | Durbin | Mikulski |
| Baucus | Feingold | Murray |
| Bayh | Feinstein | Obama |
| Biden | Harkin | Reed |
| Boxer | Kennedy | Reid |
| Cantwell | Kerry | Rockefeller |
| Clinton | Kohl | Sarbanes |
| Corzine | Lautenberg | Schumer |
| Dayton | Leahy | Stabenow |
| Dodd | Levin | Wyden |
| Dorgan | Lincoln | |

NOT VOTING—1

Jeffords

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 32.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Mississippi.

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

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

(The remarks of Mr. LOTT are printed in today's RECORD under ''Morning Business.'')

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. 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. FRIST. Mr. President, in the last hour or so we made huge progress on an issue that has been very difficult for this body over the last 3 to 4 weeks, in fact I would say difficult for the last 2½ years. The progress we have made is that for these nominees who had not received a fair up-or-down vote for 2 years, 3 years, 4 years, we are finally back in gear and getting up-or-down votes, fulfilling our constitutional responsibility of advice and consent.

I am very pleased and I am very proud of this body. People who have been blocked for partisan reasons in the past, who have been obstructed, have been prevented from getting votes, have been allowed to get votes through regular order by going through the Judiciary Committee. Although it took way too long—2 years, 3 years, 4 years—finally they have been allowed to get an up-or-down vote. I hope it sets the tone, and I believe it will set the tone, as we proceed over the coming weeks and months and address circuit court nominees and, of course, Supreme Court nominees who may or may not occur in the very near future.

Justice Janice Rogers Brown will now serve on the U.S. Court of Appeals for the D.C. Circuit. The vote was 56 to 43, a bipartisan vote, which shows that once these up-or-down votes are allowed and the body can express itself the will of the Senate will work and that this highly qualified nominee, as I mentioned a bit ago, who is kind, smart, thoughtful, and qualified, who has had to endure a lot of protracted and often bitter nomination discussions, is now going to be on the D.C. Circuit. The will of the Senate expressed itself. The bipartisan vote was 56 to 43.

This last vote on William Pryor, the fact that in the past he had been obstructed through a partisan leadership-led effort in the past, once we sort of broke through that impasse, he received 67 votes on cloture. The vote was 67 to 32, overwhelming bipartisan support, which now will guarantee him what has been denied in the past, and that is a fair up-or-down vote. Again, the body will be able to speak.

Everybody who sits at these desks, the people who are in the Chamber now, will be able to express themselves with a vote. That is how we give advice and consent. The vote was 67 to 32. Tomorrow at 4, he, too, will get an up-or-down vote, confirm or reject, on whether Members believe he is a qualified nominee. Members can vote their conscience, vote their judgment of his qualifications. The candidate, the nominee, will receive the up-or-down vote he deserves.

We should treat these nominees with respect and in a reasonable period of time when they come to the floor, or they make it to this Executive Calendar, so that they receive that up-or-down vote.

I am very pleased where we are. It is huge progress. Both sides of the aisle are working together on this very important judicial nominee process. We will continue that process tomorrow in which case by the end of tomorrow we should have three more up-or-down votes at 4, again tremendous progress. Two of the Michigan judges will be voted on sometime late afternoon or early evening. They will be given up-or-down votes, and I expect all three will be confirmed.

I believe we have broken the impasse, as I have said, and we are making real progress. The early part of next week we will be having one more up-or-down vote. That will be on Tom Griffith, and then we will go to the Energy bill. We want to spend plenty of time to give everybody the opportunity to debate and amend. I expect we would spend that whole first week and likely into that second week which would give everybody the opportunity to come forward and express themselves on a bill that I believe will lower gasoline prices—I cannot say that with certainty, but I believe this bill will—and will lower natural gas prices. For people who are thinking about driving on vacations, driving to work, driving their truck, or worried about heating in the future, the American people will know we are doing the Nation's business, that we are doing our very best to lower those prices for them as individuals.

I am pleased where we are today. We are making real progress. I know there will be some other comments made tonight before we close.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's earlier action on the Brown nomination; provided further that the vote on the confirmation of the Pryor nomination occur at 4 p.m. tomorrow, and that the time for consideration be divided as follows: from 10 to 10:30 tomorrow morning under the control of the majority leader or his designee; from 10:30 to 11 under the control of the Democratic leader or his designee; that the time rotate as above until the hour of 3 o'clock; that from 3 to 3:15 be under the control of the majority; 3:15 to 3:30 under the control of the minority; 3:30 to 3:45 under the control of the Democratic leader; and, finally, the majority leader from 3:45 to 4.

I further ask consent that following that vote, the President be immediately notified of the Senate's action, and the Senate proceed to the consideration of the Sixth Circuit judges under the previous order.

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

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, 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.

## TRIBUTE TO ANGEL CAMPBELL, COUNSEL AND SPECIAL PROJECTS DIRECTOR

Mr. LOTT. Mr. President, I rise today to pay a special tribute to Angel Campbell. She is my counsel and director of my Special Projects Office. This outstanding staffer will be leaving my office after 8 years of exceptional service to spend more time with her growing family.

Angel is the epitome of a dedicated, hard-working public servant. She has been remarkably gifted at advocating for Mississippi, the place we both call home, to Federal executives in the many government departments and to fellow congressional staffers. I know that many constituents from the State of Mississippi will also feel her absence. There are many staffers working in Congress who will miss her detailed, knowledgeable explanations of the infrastructure features that are unique to our home State to help them while drafting legislative initiatives. And that is why I want to take a moment with my colleagues to recognize and to thank Angel for her many genuine contributions to my office and to the citizens of Mississippi.

Angel is a native of Southaven, MS. She received her bachelor's degree from the University of Mississippi and later earned her law degree from Samford University. She and her husband, Terry, have three wonderful and energetic children; Taylor, Trey, and Jackson. Even as her family grew while on my staff, she continued to balance her priorities and served both her family and Mississippi well.

Angel truly loved fixing the problems and challenges our Mississippi constituents called and wrote about. She understood their frustrations and would take them to heart. Then she would dedicate herself to solving their individual cases while simultaneously looking for a systemic solution to save others the same aggravation. To say that Angel was relentless in finding answers to difficult problems is an understatement. She aggressively worked for each and every Mississippian. She became so proficient in her responsibilities, other congressional staffers, and even some of our colleagues, would often seek her advice.

Angel had several hats and one vital job was that of providing excellent legal advice to everyone in the office. In a time frame when many large legal matters were being considered, like the confirmation of judges to tort reform to class action reforms, the staff needed and valued her wisdom. She could clearly explain the law and the bill's provisions in ways that were understandable. She was there to teach and lead the staff.

Angel started as one of my staff assistants, but she quickly moved up the ladder to become the director of my special projects. There she also had direct responsibility for a wide range of appropriation matters that affect all facets of Mississippi's life. She was a leader with a steady confident managerial style that was accepted by our new and young staffers. She rapidly molded them into experienced staffers who became effective surefooted Mississippi advocates who helped ''shepherd'' hundreds of millions of infrastructure and business investments dollars into Mississippi.

Angel looked beyond constituent complaints and appropriation issues, that were important, and also devoted time to a much larger problem area, the root of many of the constituent challenges. She helped create a long term program for economic development and creating transportation, communication, technology infrastructure solutions for Mississippi. She ensured that these projects, both big and small, were both sustainable and cordinated with the State government. She ensured that no corner of the State was ignored and she was always looking for ways to leverage an idea into reinforcing the existing economic development aspects of Mississippi's marketplace. This was especially challenging because of the dynamics of the State, but because Angel was trusted by numerous local officials and she got it done. In this capacity she made many lasting tangible contributions that ''will positively affect Mississippi for decades to come. There are many Mississippians who have jobs because of her vision and stick-to-it-ness.

It is simply not possible to point out all of the contributions Angel made to Mississippi, but I would like to highlight three of the major ones.

First, let me mention I–69. This interstate highway, which will eventually connect the United States with Canada and Mexico, will run through Mississippi in DeSoto County and the Delta because of Angel's focused hard work and determination. Many folks said I–69 would never be built. Boy, did she prove these naysayers wrong. She helped secure over $100 million for the Greenville Bridge over the Mississippi River and the first segments of this interstate are currently under construction in DeSoto and Tunica Counties. I–69 will provide the impoverished Mississippi Delta with the opportunity to market itself to companies around the world and hopefully this region of our State can take its place in the new global economy with this infrastructure.

Second, let me mention the Nissan Plant. Many were involved in getting the company to decide on Mississippi and many had the grad ideas, but Angel was part of a small cadre of folks who turned the ideas into reality by knocking down the bureaucratic, regulatory barriers to make the idea a reality. Eighteen months after the announcement, the field I would I drive past in Canton is now a bustling factory producing quality vehicles driven and loved by thousands of Americans. We can thank Angel for her tireless work behind the scenes on one of the largest economic development projects in the United States in recent years. The new Nissan plant represents approximately $950 million in direct investment and almost 4,000 new jobs for the people of Mississippi. These numbers do not include the countless spinoffs and suppliers which have been needed for such a massive undertaking. Nissan's positive ripple effect on the Mississippi economy will be felt for decades to come.

Finally, let me mention Angel's instrumental role in securing millions of dollars for Mississippi transportation projects such as the Canal Road Connector, improving Mississippi's formula for receipt of highway funds, and for retaining existing jobs at the Babcock & Wilcox plant in West Point, MS.

These are just a few of the things that Angel Campbell has been involved with during her tenure with me. I know everyone will miss seeing Angel on a regular basis and I will miss her work, her spunk and her good cheer and humor. She has been a valuable asset to me and trusted advisor. Everyone in the office benefited from her energy and enjoyed her company.

It saddens me to see Angel depart my staff, yet I fully understand the priorities of her family. I respect her desire to watch her children grow. Her husband and children have many reasons to be proud of her work her in the Senate for nearly a decade. She made a Mississippi difference, a difference that will be seen and felt for the next decade. I will be forever grateful for her loyal service and dedication to me, and to the State of Mississippi. I wish Angel Campbell good luck and pray God may continue to richly bless her and her family.

## TRIBUTE TO LOUIS EDWARD ''SPANKY'' FISTER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Louis Edward Fister, a Kentuckian who was committed not only to his family and friends, but to his country and his religion as well. Known to many simply as ''Spanky,'' Mr. Fister was a permanent deacon in the Roman Catholic Church, a calling he served for 20 years. He was also an influential realtor and sales representative in the Lexington area. Mr. Fister passed away April 30, 2005, at the age of 66.

Spanky got his nickname as a child because he reminded people of Spanky from ''The Little Rascals.'' Perhaps the name stuck because Spanky made it his goal to create ''gangs of people,'' especially during his ministerial work. One of Spanky's greatest joys was serving as a chaplain for Eastern State Hospital where he ministered to the patients and offered prayer services. He also witnessed marriage vows, baptisms, and assisted with funerals in Lexington and the surrounding area as a deacon at St. Paul Catholic Church in Lexington.

Born in Jackson, TN, on January 3, 1939, Mr. Fister moved to Kentucky when he was about 4 years old and lived the rest of his life in the Commonwealth. He graduated from Lexington Catholic High School in 1956. Following graduation, he joined the U.S. Army and served until 1958. He then studied business at the University of Kentucky and later attended Thomas More College in preparation for the diaconate. He earned a BA degree in organizational management from Midway College, graduating with Summa Cum Laude honors in 1998.

Mr. Fister was a member of the Lexington Board of Realtors and worked for Smith Realty Group before his passing. He was also an independent sales representative for Unishippers. A civic-oriented individual, Mr. Fister was president of the Jaycees and had been active in the Knights of Columbus.

Mr. Fister is survived by his wife of 45 years, Nancy Jo Hostetter, and his five children, all of Lexington; his four siblings; eight grandchildren; and two sisters-in-law.

Today I ask my colleagues to join me in expressing our sympathy to the family and friends of the late Louis Edward ''Spanky'' Fister. He will be missed.

## PULMONARY FIBROSIS FOUNDATION

Mr. DURBIN. Mr. President, I rise to speak today in order to recognize the fifth anniversary of the Pulmonary Fibrosis Foundation. This foundation, headquartered in Chicago, strives to educate, advocate, and fund research on pulmonary fibrosis, a terminal lung disease.

A few weeks ago, the Daily Herald, a newspaper based in Arlington Heights, Illinois, published a story about the Lukasik family. John A. Lukasik died at the age of 58, just 9 weeks after he was diagnosed with pulmonary fibrosis. Mr. Lukasik and his family didn't know anyone with the disease, or what to expect from it. After Mr. Lukasik passed away, his daughter Jennifer Bulandr helped organize support groups and joined the Pulmonary Fibrosis Foundation as director of community relations. Mrs. Bulandr wanted to be a part of the solution in helping those with pulmonary fibrosis. The Pulmonary Fibrosis Foundation has provided a channel for her—and many others—to reach this goal.

Since the formation of the Pulmonary Fibrosis Foundation in 2000, it has succeeded in raising crucial funds to research a disease that kills approximately 40,000 people annually. While the progression of the disease, along with factors relating to its origin, are not fully understood, there are a variety of causes—inhaled environmental and occupational pollutants, certain medications or drugs, genetics, and therapeutic radiation contribute to the progression of the disease.

Pulmonary fibrosis has a number of effects on people. It causes shortness of breath, discomfort in the chest, and fatigue. Once scar tissue is formed on the lungs, it cannot be removed. Although medication can limit the inflammation of the lungs caused by pulmonary fibrosis, there is no cure.

The foundation is dedicated to finding a cure and raising awareness about pulmonary fibrosis. It seeks to improve quality of life for the people affected by the disease through support services for patients and their families.

It is my pleasure to congratulate the Pulmonary Fibrosis Foundation on the occasion of its fifth anniversary and to commend the foundation for its efforts to find a cure and help those who suffer from this devastating illness.

## CLEAN SPORTS ACT OF 2005

Mr. GRASSLEY. Mr. President, today I am pleased to join my colleagues Senator MCCAIN and Senator STEVENS, to cosponsor the Clean Sports Act of 2005. While I regret that we have had to come to this point, it is clear that Major League Baseball and other professional leagues are more concerned with protecting their own collective bargaining rights than doing the right thing.

Unfortunately, the abuse of illegal steroids by professional athletes is something we can no longer ignore. Steroid use is now affecting the most impressionable and vulnerable among us. The most recent studies indicate that as many as 5 percent to 7 percent of students, even as young as middle school, have admitted to using illegal steroids. Clearly we must act to curb this growing problem.

Every day, millions of young people dream of one day playing in the big leagues. When superstar athletes, with their multimillion-dollar contracts and lucrative endorsements are seen using steroids to improve their performance, it should not be surprising that many young athletes would want to use steroids to improve their own performance.

Professional athletes must be held to a higher standard when it comes to illegal substances such as steroids. Like it or not, young people look up to professional athletes as role models. The Clean Sports Act will require all professional sports leagues to adopt a unified standard for testing as well as tougher penalties for an athlete found in violation of these standards. Unlike testing today, this act will require athletes to test during the off-season and frequently during their season of play. Athletes will face severe penalties for a positive test: 2-year ban for the first offense and a lifetime ban for the second.

I have little doubt that this will go a long way to rid professional sports of these dangerous substances and bring integrity back to the game. We must send a strong message to professional athletes. If you choose to cheat and use illegal steroids, you risk ending your career. In turn, our young people will hopefully get the message that using steroids to improve athletic performance is absolutely the wrong way to go.

While this bill specifically addresses professional athletics, the importance of stopping steroid abuse extends well beyond the track, baseball diamond, or football field. We must continue to focus on the health and future of our children. I encourage my colleagues to join in support of this legislation to set the standard for fair competition.

## NATIONAL HUNGER AWARENESS DAY

Mr. SARBANES. Mr. President, yesterday was National Hunger Awareness Day. Second Harvest, the lead sponsor of the June 7 observance, has performed an important public service in challenging us to reflect on the very real problem of hunger in America. I commend Second Harvest and all the sponsoring organizations for their efforts.

Our Nation has enormous wealth, and yet far too many Americans must deal with the pain and consequences of hunger. Approximately 36 million Americans, including 13 million children, are ''food insecure''—quite simply inadequately nourished.

Hunger may be more subtler in its manifestations and effects than malnutrition but it relentlessly undermines health, and it compromises one's ability to do well in school or on the job. Inadequate nutrition in children correlates with anemia, stunted growth, weight loss and extreme fatigue. Studies done by the highly respected Center on Hunger, Poverty and Nutrition Policy at Tufts University show that inadequate nutrition can adversely affect a child's achievement in school. Hunger also can cause severe anxiety and depression.

Although Congress has taken measures to prevent hunger and food insecurity, much remains to be done. Federally funded programs like the Food Stamp Program and the Supplemental Nutrition Program for Women, Infants and Children, commonly referred to as the WIC program, provide assistance to low-income children by improving access to nutritional meals. It is therefore deeply regrettable that the President's 2006 budget has made it more difficult for low-income families to receive nutritional assistance. The White House's budget request for the Food Stamp Program amounts to a staggering cut of more than $500 million over 5 years by forcing over 300,000 low-income participants out of a program that acts as a crucial safety net for millions of Americans. Substantial cuts to the WIC program would result in 670,000 women and children losing important nutritional assistance by the year 2010. It is deeply regrettable that the Budget conference report approved by the Congress mandates a mandatory cut of $3 billion in agriculture appropriations, leaving Food Stamps and other domestic hunger-relief programs vulnerable.

At a time when more families are forced to struggle with unemployment and low wages, a lack of affordable housing, rising health care costs, and the disappearance of hard-earned pensions, National Hunger Day serves to remind us of the need to vanquish hunger; in this prosperous Nation, there is no reason why millions of Americans should have to face the prospect of hunger, or watch their children go hungry. The conference report on the fiscal year 2006 budget resolution Budget conference report is a callous response to an urgent challenge, and National Hunger Awareness Day is a time to pledge that we will not rest until the challenge is met.

## LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new

categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, at each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A 25-year-old gay man was physically assaulted by a group of white males last year in Ohio. The victim was followed from a well-known Columbus gay bar after the bar closed. The victim was dragged from his car, severely beaten and later found by the Columbus Police Department several blocks from his car.

I believe that the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## RECOGNIZING DR. JAMES SCHLESINGER

Mr. KYL. Mr. President, the George C. Marshall Institute will honor Dr. James Schlesinger on June 16 with its Founders Award, which is given annually in recognition of distinguished contributions to science and public policy. This year's award acknowledges Dr. Schlesinger's stellar career in public service.

James Schlesinger served three presidents as Director of the Central Intelligence Agency, Secretary of Defense, and Secretary of Energy. His career has been a model of dedication to public service, and has been marked by his intelligence, integrity, and commitment to our Nation's well being. We continue to benefit from his wisdom, strength of character, and willingness to contribute when called.

Dr. Schlesinger's insight and expertise—both during and after his time in government—have been instrumental in winning key policy battles. For example, his active role in the national debate over the Comprehensive Test Ban Treaty aided those Senators, myself included, who argued strongly that ratifying the treaty would lead to the decline of our nuclear weapons infrastructure and would damage U.S. national security interests. There is no doubt that Dr. Schlesinger's stature and contribution were instrumental in bringing about the treaty's defeat. Since that time, I have continued to regularly consult with him on the future of our nuclear capability and other issues. Indeed, Dr. Schlesinger's advice on a broad range of key national security issues has been invaluable; I am grateful for his counsel.

The Marshall Institute should be commended for recognizing a true national treasure, Dr. James Schlesinger.

Mrs. CLINTON. Mr. President, I am pleased today to note the anniversary of the Griswold v. Connecticut Supreme Court decision.

Griswold v. Connecticut marked a major turning point for generations of women. For the first time, the Supreme Court recognized that women have the fundamental right to make their own, private decisions about family planning. The decision paved the way for widespread access to contraception that has dramatically reduced unintended pregnancies, STDs, and abortions, and opened the door of opportunity for women to educational and career advancement that has made women a critical part of our workforce. However, we still have significant work to do. The United States has one of the highest rates of unintended pregnancies and STDs among industrialized nations, and too many women do not have access to basic preventive health care while the ranks of uninsured Americans continue to grow.

As we commemorate the Griswold decision, it is critical that we keep taking steps forward to reduce the number of unintended pregnancies and improve access to women's health care. Therefore, I have introduced legislation, the Prevention First Act, which would improve women's health, reduce the rate of unintended pregnancies, and prevent abortions. The legislation takes common sense steps towards strengthening access to contraception for women while also reducing health care costs borne by taxpayers and employers.

We should all be able to agree that reducing the number of unintended pregnancies and improving access to women's health care should be a priority. I will continue to fight for the Prevention First bill so that we can keep building on the progress of Griswold v. Connecticut for generations to come.

## 2005 VERMONT SBA AWARDS

Mr. LEAHY. Mr. President, today I call to the attention of the Senate several successful Vermont businesses being honored this year by the Small Business Administration, SBA. An outstanding group of Vermonters are being awarded 2005 Vermont Small Business Champion Awards, and the prestigious Vermont Small Business Person of the Year Award is being awarded to the owner and president of Four Seasons Garden Center, Oliver Gardner.

It is a great pleasure to recognize the enterprises and business leaders who will receive Vermont Small Business Champion Awards: Karen and Brian Zecchinelli of the Wayside Restaurant, Family-Owned Business of the Year; Emily Kaminsky of Community Capital of Central Vermont, Financial Services Champion of the Year; Jean Elizabeth Temple of Jean Elizabeth's Soap Company, Home-Based Business Champion of the Year; Paula Cope of Cope & Associates, Small Business Woman of the Year; Claudia Clark of Moosewood Hollow, Vermont Microenterprise of the Year; Edward Walbridge of Walbridge Electric, Veteran Small Business Champion of the Year; and Linda Ingold of the Vermont Women's Business Center, Women in Business Champion of the Year.

I would like to take a moment to draw special attention to my friend Oliver Gardner, the 2005 Vermont Small Business Person of the Year. His Four Seasons Garden Center in Williston is one of Vermont's great small business success stories, built on Yankee determination and responsible business practices. Gardner was selected for outstanding leadership related to his company's staying power, employee growth, increase in sales, innovative ingenuity, response to adversity, and contributions to the community.

Following Gardner's purchase of Four Seasons in 1978, the company has seen steady growth. Employee numbers have risen from 50 to 98 during peak season, and annual revenues have increased from $800,000 in 1977, to $4 million, as of October 2004. Now, Four Seasons is considered one of Vermont's largest local gardening resources. When Gardner learned of the imminent arrival of Home Depot and Wal-Mart back in 1994, he implemented a dynamic plan to boost Four Seasons' competitive edge. The business expanded and relocated to a 10-acre lot less than a mile from the big-box stores in Williston. The plan was a stellar success and promoted increased sales at a time when many independent garden centers were closing due to pressure from chain store giants.

Despite a progressive, 20-year spinal cord disease that restricts his mobility, Gardner has demonstrated extraordinary determination, persistence, and creativity. Also exceptional is Gardner's commitment to his goals for social and environmental responsibility in business. Four Seasons promotes gardening programs for the entire family and offers free access to its new facility to all organizations interested in gardening and a healthy environment.

I congratulate Oliver and all of the 2005 winners, who are accepting their prestigious awards today in Burlington, for jobs well done.

# ADDITIONAL STATEMENTS

## SALUTE TO PORTLAND TRANSMISSION WAREHOUSE

• Mr. SMITH. Mr. President, as someone who has been involved in family-owned business for many years, I know the hard work and sacrifice it takes to make such a business a success. I also know that small businesses are the backbone of the American economy and the economy of Oregon. I am very proud today to salute an Oregon small business which has achieved some national recognition. Portland Transmission Warehouse was recently honored with the ''National Family Business of the Year'' award for companies with 50 or fewer employees.

Portland Transmission Warehouse was founded in 1943, when Gene Bradshaw fulfilled his dream of opening an automobile repair business. John Bradshaw—Gene's son—joined his father in the business upon graduating from college in 1964. Ross Bradshaw—John's son—continued the family legacy when he joined the business in 1991. Under the leadership of three generations of Bradshaw family members, Portland Transmission Warehouse now boasts 20 employees, and has earned a reputation for outstanding customer service and for outstanding service to the community.

For nearly a quarter of a century, Portland Transmission Warehouse has sponsored a neighborhood car show as a thank you to customers and the community. Over the years, the show has grown from 28 cars to over 500 cars.

The Bradshaw family has also understood that their employees are really part of their extended family. Portland Transmission Warehouse is hailed by employees as a business that has helped some of them through some difficult times. It is no wonder that the average tenure of Portland Transmission Warehouse employees is 14 years.

It was Ronald Reagan who put it best when he said, ''When you're talking about the strength and character of America, you're talking about the small business community, about the owners of that store down the street, the faithful who support their churches and defend their freedom, and all the brave men and women who are not afraid to take risks and invest in the future to build a better America.''

I know John Bradshaw and am proud to call him a friend. I also know that he and his family are living proof of the truth of President Reagan's words. They are the strength and character of America. I salute three generations of the Bradshaw family for the risks they have taken, for the example they have set, and for the difference they have made. They are truly worthy of recognition as the National Family Business of the Year.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1490. An act 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.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 44. A concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo.

The message further announced that 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 Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate jointly redesignate on May 26, 2005 the following individual as Chairman of the Board of Directors of the Office of Compliance: Ms. Susan S. Robfogel of Rochester, New York.

The message also announced that pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), amended by Public Law 108–392, and the order of the House of January 4, 2005, the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the Senate jointly reappoint on May 26, 2005 the following individuals to a 5-year term to the Board of Directors of the Office of Compliance: Ms. Barbara L. Camens of Washington, D.C., and Ms. Roberta L. Holzwarth of Rockford, Illinois.

## ENROLLED BILL SIGNED

The message further announced that the Speaker of the House of Representatives has signed the following enrolled bill:

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. LaFollette, Sr. Post Office Building''.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

## MEASURES REFERRED

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

H.R. 1490. An act 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; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 44. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on the Judiciary.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–2471. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report of the Proceedings of the Judicial Conference of the United States for the March and September 2004 sessions; to the Committee on the Judiciary.

EC–2472. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, the report of activities during the year ending December 31, 2003; to the Committee on the Judiciary.

EC–2473. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of a draft bill entitled ''Federal Courts Improvement Act of 2005'' received on June 6, 2005; to the Committee on the Judiciary.

EC–2474. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Preventing the Accumulation of Surplus Controlled Substances at Long Term Care Facilities'' (RIN1117–AA75) received on June 3, 2005; to the Committee on the Judiciary.

EC–2475. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Identification Markings Placed on Imported Explosive Materials and Miscellaneous Amendments'' (RIN1140–AA02) received on June 1, 2005; to the Committee on the Judiciary.

EC–2476. A communication from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Inspection of Records Relating to Depiction of Sexually Explicit Performances'' (CRM 103; AG Order No. 2765–2005) received on June 1, 2005; to the Committee on the Judiciary.

EC–2477. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the 2005 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC–2478. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Electronic Submission of Cost Reports: Revision to Effective Date of Cost Reporting Period'' (RIN0938–AN87) received on May 31, 2005; to the Committee on Finance.

EC–2479. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement and Report Concerning Pre-Filing Agreements'' (Announcement 2005–42) received on June 6, 2005; to the Committee on Finance.

EC–2480. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deductions for Entertainment Use of Business Aircraft'' (Notice 2005–45) received on June 1, 2005; to the Committee on Finance.

EC–2481. A communication from the Acting Chief, Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Abandonment Losses for Intangible Assets'' (UIL: 165.13–00) received on June 1, 2005; to the Committee on Finance.

EC–2482. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Like-Kind Exchanges Involving Federal Communications Commission Licenses'' (UIL: 1031.02–00) received on June 1, 2005; to the Committee on Finance.

EC–2483. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—June 2005'' (Rev. Rul. 2005–32) received on June 1, 2005; to the Committee on Finance.

EC–2484. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Upper Midwest Marketing Area—Interim Order'' (DA–04–03A; AO–361–A39) received on June 2, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2485. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Revision of User Fees for 2005 Crop Cotton Classification Services to Growers'' ((RIN0581–AC43) (Docket No.: CN–05–001)) received on June 2, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2486. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Updating Generic Pesticide Chemical Tolerance Regulations'' (FRL No. 7706–9) received on June 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry

EC–2487. A communication from the Director, Legislative Affairs Staff, Financial Assistance Programs Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Security Program, Interim Final Rule with Request for Comments'' (RIN0578–AA36) received on June 1, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2488. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more from the Government of the Australia to L–3 MAS, a Canadian private entity; to the Committee on Foreign Relations.

EC–2489. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending the ''Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador''; to the Committee on Foreign Relations.

EC–2490. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2491. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the United States space launch industry; to the Committee on Foreign Relations.

EC–2492. A communication from the Secretary of State, transmitting, pursuant to law, a report entitled ''Authorization for Use of Military Force Against Iraq Resolution of 2002 (February 15, 2005–April 15, 2005)''; to the Committee on Foreign Relations.

EC–2493. A communication from the Acting Deputy Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report on the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan for the period ending April 30, 2005; to the Committee on Armed Services.

EC–2494. A communication from the Deputy Assistant Secretary of the Army (Infrastructure Analysis), Department of Defense, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2495. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, a report entitled ''Ground Force Equipment Repair, Replacement, and Recapitalization Requirements Resulting from Sustained Combat Operations''; to the Committee on Armed Services.

EC–2496. A communication from the Acting Undersecretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to advance billing in the month of April, 2005; to the Committee on Armed Services.

EC–2497. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Annual Report on the Department of Defense Mentor-Protege Program for Fiscal Year 2004; to the Committee on Armed Services.

EC–2498. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2499. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Australia; to the Committee on Armed Services.

EC–2500. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–2501. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of admiral; to the Committee on Armed Services.

EC–2502. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of general; to the Committee on Armed Services.

EC–2503. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–2504. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the authorization of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–2505. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of a draft bill entitled ''George Washington Memorial Parkway Boundary Revision Act'' received on June 3, 2005; to the Committee on Environment and Public Works.

EC–2506. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's biennial report on the status and effectiveness of the Coastal Wetlands Conservation Plan for the State of Louisiana to the Committee on Environment and Public Works.

EC–2507. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Export and Import of Nuclear Equipment and Material; Exports to Syria Embargoed'' (RIN3150–AH67) received on June 3, 2005; to the Committee on Environment and Public Works.

EC–2508. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Correction to Preamble; Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112 (c) List'' (FRL No. 7921–5) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2509. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Arizona SIP: Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department'' (FRL No. 7912–4) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2510. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Louisiana Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 7922–8) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2511. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''WEST VIRGINIA SIP. New Manchester-Grant Magisterial District $SO_2$ Nonattainment Area and Approval of the Maintenance Plan'' (FRL No. 7922–1) received on June 6, 2005; to the Committee on Environment and Public Works.

EC–2512. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Air Pollution from New Motor Vehicles: In-use, Not-to-Exceed Emission

Standard Testing for Heavy-duty Diesel Engines and Vehicles'' (FRL No. 7922–4) received on June 6, 2005; to the Committee on Environment and Public Works.

## 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. OBAMA:

S. 1194. A bill to direct the Nuclear Regulatory Commission to establish guidelines and procedures for tracking, controlling, and accounting for individual spent fuel rods and segments; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself and Mr. INOUYE) (by request):

S. 1195. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1196. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, Mr. GRASSLEY, Mr. KENNEDY, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, and Mrs. MURRAY):

S. 1197. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1198. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, to implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURNS:

S. 1199. A bill to amend title II of the Social Security Act to shorten the waiting period for social security disability benefits for individuals with mesothelioma; to the Committee on Finance.

By Mr. BUNNING (for himself, Mr. TALENT, Mr. CHAMBLISS, Mr. DEMINT, and Mr. LOTT):

S. 1200. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems; to the Committee on Finance.

By Mr. CORNYN:

S. 1201. A bill to prevent certain discriminatory taxation of natural gas pipeline property; to the Committee on Finance.

By Mr. ALLARD:

S. 1202. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Environment and Public Works.

By Mr. HAGEL (for himself, Mr. PRYOR, Mr. ALEXANDER, Mr. CRAIG, Mrs. DOLE, and Ms. MURKOWSKI):

S. 1203. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. DURBIN, and Ms. STABENOW):

S. 1204. A bill to encourage students to pursue graduate education and to assist students in affording graduate education; to the Committee on Finance.

By Mr. INHOFE:

S. 1205. A bill to require a study of the effects on disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, and Mr. BINGAMAN):

S. Res. 163. A resolution designating June 5 through June 11, 2005, as ''National Hispanic Media Week'', in honor of the Hispanic Media of America; considered and agreed to.

By Mr. COCHRAN (for himself and Mr. BYRD):

S. Res. 164. A resolution authorizing the printing with illustrations of a document entitled ''Committee on Appropriations, United States Senate, 138th Anniversary. 1867–2005''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 94

At the request of Mr. LUGAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 172

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 172, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 340

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. NELSON) 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. 441

At the request of Mr. SANTORUM, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 471

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 582

At the request of Mr. PRYOR, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 628

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 628, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 665

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 665, a bill to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes.

S. 681

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells.

S. 689

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 689, a bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out

projects and activities necessary to achieve or maintain compliance with drinking water standards.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 784

At the request of Mr. THOMAS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 861

At the request of Mr. ISAKSON, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 861, a bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from North Carolina (Mrs. DOLE) 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. 936

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 936, a bill to ensure privacy for e-mail communications.

S. 950

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 950, a bill to provide assistance to combat tuberculosis, malaria, and other infectious diseases, and for other purposes.

S. 963

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 963, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans' health care, to direct the Secretary of Veterans Affairs to conduct a pilot program to improve access to health care for rural veterans, and for other purposes.

S. 1002

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) 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. 1010

At the request of Mr. SANTORUM, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1064

At the request of Mr. COCHRAN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1081

At the request of Mr. KYL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1114

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1114, a bill to establish minimum drug testing standards for major professional sports leagues.

S. 1120

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1134

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1134, a bill to express the sense of Congress on women in combat.

S. 1152

At the request of Mr. KERRY, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1152, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1177

At the request of Mr. AKAKA, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1177, a bill to improve mental health services at all facilities of the Department of Veterans Affairs.

S. 1181

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of 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.

S. CON. RES. 37

At the request of Mr. DEWINE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. COLEMAN), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Con. Res. 37, a concurrent resolution honoring the life of Sister Dorothy Stang.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from Washington (Ms. CANTWELL), the Senator from South Carolina (Mr. DEMINT) and the Senator from New Mexico (Mr. DOMENICI) 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. 134

At the request of Mr. SMITH, the names of the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Connecticut (Mr. LIEBERMAN) 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. 153

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Res. 153, a resolution expressing the support of Congress for the observation of the National Moment of Remembrance at 3:00 p.m. local time on this and every Memorial Day to acknowledge the sacrifices made on the behalf of all Americans for the cause of liberty.

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. FEINSTEIN) and the Senator from Florida (Mr. NELSON) 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.

## INTRODUCED BILLS

JUNE 7, 2005

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.

S. 1176

*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 ''Neighbor Islands Veterans Health Care Improvements Act of 2005''.

**SEC. 2. VET CENTER ENHANCEMENTS.**

(a) ADDITIONAL COUNSELORS FOR CERTAIN CLINICS.—The Secretary of Veterans Affairs shall assign an additional counselor to each vet center as follows:

(1) The vet center on the Island of Maui, Hawaii.

(2) The vet center in Hilo, Hawaii.

(b) ESTABLISHMENT OF NEW VET CENTER.—The Secretary shall establish and operate a new vet center on the Island of Oahu, Hawaii, at a location to be selected by the Secretary.

(c) VET CENTER DEFINED.—In this section, the term ''vet center'' means a center for the provision of readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

**SEC. 3. HEALTH CARE CLINICS.**

(a) ESTABLISHMENT OF CLINICS.—

(1) SATELLITE CLINICS.—The Secretary of Veterans Affairs shall establish and operate a satellite health care clinic at a location selected by the Secretary on each island as follows:

(A) The Island of Lanai, Hawaii.

(B) The Island of Molokai, Hawaii.

(2) MEDICAL CARE CLINIC.—The Secretary may establish and operate a medical care clinic at a location selected by the Secretary on the west side of the Island of Kauai, Hawaii.

(b) ELEMENTS OF SATELLITE CLINICS.—Each satellite clinic established under subsection (a)(1) shall include—

(1) a vet center, which shall provide readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code; and

(2) a community based outpatient clinic (CBOC), which shall provide to veterans—

(A) the medical services and other healthcare related services provided by community based outpatient clinics operated by the Department of Veterans Affairs; and

(B) such other care and services as the Secretary considers appropriate.

(c) STAFFING AND OTHER RESOURCES.—

(1) SATELLITE CLINICS.—(A) The staff of the satellite clinics established under subsection (a)(1) shall be derived from staff of the vet center, and of the community based outpatient clinic, on the Island of Maui, Hawaii, who shall be assigned by the Secretary to such satellite clinics under this section. In making such assignments, the Secretary may not reduce the size of the staff of the vet center, or of the community based outpatient clinic, on the Island of Maui below its size as of the date of the enactment of this Act.

(B) Each satellite clinic established under subsection (a)(1) shall have a computer system of nature and quality equivalent to the computer systems of the community based outpatient clinics operated by the Department, including the capability to conduct medical tracking.

(C) Each satellite clinic established under subsection (a)(1) shall have appropriate telemedicine equipment.

(2) MEDICAL CARE CLINIC.—The medical care clinic established under subsection (a)(2) shall have such staff as the Secretary considers appropriate for its activities.

(d) HOURS OF OPERATION.—

(1) SATELLITE CLINICS.—Each satellite clinic established under subsection (a)(1) shall have hours of operation each week determined by the Secretary. The number of hours so determined for a week shall consist of a number of hours equivalent to not less than three working days in such week.

(2) MEDICAL CARE CLINIC.—The medical care clinic established under subsection (a)(2) shall have such hours of operation as the Secretary considers appropriate for its activities.

**SEC. 4. LONG-TERM CARE.**

(a) MEDICAL CARE FOSTER PROGRAM.—The Secretary of Veterans Affairs shall establish and operate on the Island of Oahu, Hawaii, a medical care foster program. The program shall be established utilizing as a model the Medical Care Foster Program at the Center Arkansas Veterans Health Care System of the Department of Veterans Affairs.

(b) ADDITIONAL CLINICAL STAFF FOR NON-INSTITUTIONAL LONG-TERM CARE.—

(1) ASSIGNMENT OF STAFF.—The Secretary shall assign to the community based outpatient clinics (CBOCs) of the Department of Veterans Affairs referred to in paragraph (2) such additional clinical staff as the Secretary considers appropriate in order to ensure that such clinics provide non-institutional long-term care for veterans in accordance with the provisions of subtitle A of title I of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and the amendments made by such provisions. Such additional clinical staff shall include a home health nurse.

(2) COVERED COMMUNITY BASED OUTPATIENT CLINICS.—The community based outpatient clinics referred to in this paragraph are the community based outpatient clinics as follows:

(A) The community based outpatient clinic in Hilo, Hawaii.

(B) The community based outpatient clinic on the Island of Kauai, Hawaii.

(C) The community based outpatient clinic in Kona, Hawaii.

(D) The community based outpatient clinic on the Island of Maui, Hawaii.

**SEC. 5. MENTAL HEALTH CARE.**

(a) ESTABLISHMENT OF MENTAL HEALTH CENTER.—The Secretary of Veterans Affairs shall establish and operate in Hilo, Hawaii, at an appropriate location selected by the Secretary, a new center for the provision of mental health care and services to veterans.

(b) CARE AND TREATMENT AVAILABLE THROUGH CENTER.—The mental health center established under subsection (a) shall provide the following:

(1) Day mental health care and treatment.

(2) Outpatient mental health care and treatment.

(3) Such other mental health care and treatment as the Secretary considers appropriate.

(c) STAFF.—The mental health center established under subsection (a) shall have as its staff a drug abuse counselor, a nurse practitioner, and such other staff as the Secretary considers appropriate for its activities.

**SEC. 6. STUDY ON ACCESS TO SPECIALIZED CARE AND FEE-BASIS CARE.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a study of the demand for, and access to, specialized care and fee-basis care from the Department of Veterans Affairs for veterans on the neighbor islands of Hawaii, including whether or not the specialized care or fee-basis care, as the case may be, available to veterans from the Department on the neighbor islands is adequate to meet the demands of veterans for such care.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the study required by subsection (a). The report shall set forth the results of the study and include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the study.

**SEC. 7. CONSTRUCTION OF MENTAL HEALTH CENTER AT TRIPLER ARMY MEDICAL CENTER, HAWAII.**

(a) AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT.—The Secretary of Veterans Affairs may carry out a major medical facility project for the construction of a mental health center at Tripler Army Medical Center, Hawaii, in the amount of $10,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, $10,000,000 for the project authorized by subsection (a).

(2) LIMITATION.—The project authorized by subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2006 pursuant to the authorization of appropriations in paragraph (1);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2006 for a category of activity not specific to a project.

(c) FACILITIES.—The facilities at the mental health center authorized to be constructed by subsection (a) shall include residential rehabilitation beds for patients with Post Traumatic Stress Disorder (PTSD) and such other facilities as the Secretary considers appropriate.

**SEC. 8. FUNDING.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Secretary of Veterans Affairs for fiscal year 2006 such sums as may be necessary to carry out sections 2 through 6.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall be available only to carry out sections 2 through 6.

(c) CONSTRUCTION WITH OTHER FUNDING FOR HEALTH CARE FOR VETERANS IN HAWAII.—It is the sense of Congress that the amount authorized to be appropriated by subsection (a) for fiscal year 2006 should—

(1) supplement amounts authorized to be appropriated to the Secretary of Veterans Affairs for that fiscal year for health care for veterans in Hawaii for activities other than those specified in sections 2 through 6; and

(2) not result in any reduction in the amount that would have been appropriated to the Secretary of Veterans Affairs for that fiscal year for health care for veterans in Hawaii for such activities had the amount in subsection (a) not been authorized to be appropriated.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. OBAMA:

S. 1194. A bill to direct the Nuclear Regulatory Commission to establish guidelines and procedures for tracking, controlling, and accounting for individual spent fuel rods and segments; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, today I introduce a bill that is long overdue and would require American nuclear power plants to follow the same procedures that we would like to impose on nuclear power plants in other countries.

Each year, the Nation's nuclear power plants produce over 2,000 metric tons of spent fuel, which is the used fuel that is periodically removed from nuclear reactors. According to the Government Accountability Office, GAO, spent nuclear fuel is ''one of the most hazardous materials made by humans.'' Within minutes, the intense radiation in the fuel can kill a person without protective shielding; in smaller doses, the fuel can cause cancer.

In the hands of terrorists, such highly radioactive materials, when coupled with conventional explosives, could be turned into a dirty bomb that could pose a critical threat to public safety.

In April of this year, GAO issued a report concluding that ''[n]uclear power plants' performance in controlling and accounting for spent nuclear fuel has been uneven.'' In recent years, three U.S. nuclear power plants—Millstone, Vermont Yankee, and Humboldt Bay—have reported missing spent fuel. The Millstone fuel was never located, the Vermont Yankee fuel was located three months later in a different location, and the Nuclear Regulatory Commission (NRC) is still investigating the missing Humboldt Bay fuel. In all three cases, the missing spent fuel had been contained in loose fuel rods or fuel rod segments.

Currently, NRC provides little or no guidance on how nuclear power plants should conduct physical inventories of their spent fuel or how they must control, store, and account for loose spent fuel rods and fragments. NRC also does not conduct routine inspections to monitor compliance with regulations relating to spent fuel.

As a result of its investigation, GAO made a series of recommendations for how NRC should improve its regulation and oversight. My bill—the Spent Nuclear Fuel Tracking and Accountability Act—would implement those recommendations and require NRC to establish: 1. specific and uniform guidelines for tracking, controlling, and accounting for spent fuel rods or segments; and 2. uniform inspection procedures to verify compliance with these guidelines. Within six months, NRC would be required to report to Congress on its progress in establishing these guidelines.

Tracking spent nuclear material used in the United States is just as important as tracking spent nuclear material in the former Soviet Union. This is a common-sense solution to an important problem.

I urge my colleagues to support this measure.

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. 1194

*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 ''Spent Nuclear Fuel Tracking and Accountability Act''.

**SEC. 2. SPENT FUEL RODS.**

(a) GUIDELINES.—Not later than 260 days after the date of enactment of this Act, the Nuclear Regulatory Commission shall establish—

(1) specific and uniform guidelines for tracking, controlling, and accounting for individual spent fuel rods or segments at nuclear power plants, including procedures for conducting physical inventories; and

(2) uniform inspection procedures to verify any action taken by a nuclear power plant to implement those guidelines.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Nuclear Regulatory Commission shall submit to Congress a report describing the progress of the Nuclear Regulatory Commission in establishing the guidelines under subsection (a).

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By Mr. STEVENS (for himself and Mr. INOUYE) (by request):

S. 1195. A bill to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, by request of the Administration, Senator INOUYE and I introduce today the ''National Offshore Aquaculture Act of 2005'', a bill to provide the regulatory framework for the development of aquaculture in the United States Exclusive Economic Zone (EEZ). Concurrently, we have introduced an amendment to this bill to allow coastal States to decide whether or not they want offshore aquaculture in the EEZ off that State's coastline. We are cosponsoring Senator SNOWE's amendment to strike the Jones Act waiver for vessels supporting offshore aquaculture facilities contained in the Administration's bill. I am also a cosponsor of Senator INOUYE's amendment to better clarify language that environmental protections apply. As we review the Administration's measure in detail, there may be additional amendments offered to this bill and I look forward to working with my colleagues to address any concerns with the legislation.

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By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1196. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today to introduce the ''Campus Fire Safety Right-to-Know Act of 2005''. I first introduced this legislation in the 107th Congress in response to a tragic fire at New Jersey's Seton Hall University that claimed the lives of three students and injured more than fifty others. This legislation is designed to curb the epidemic of dangerous college campus fires.

Since the Seton Hall fire, campus fires have continued to take the lives of our college students and their families. According to the Center for Campus Fire Safety, more than 75 fire-related deaths have occurred in student housing at colleges across the country since January of 2000. Campus fires have claimed lives in nearly half the States of this Nation, from New Jersey to Texas, Indiana to Pennsylvania, and Ohio to right here in Washington, DC. This legislation will finally bring to light the extent of this tragic danger facing our Nation's best and brightest.

The ''Campus Fire Safety Right-to-Know Act'' requires disclosure of fire safety information on campuses as well as a report from the Secretary of Education to Congress on the depth of the problem and possible solutions. The bill implements the same procedure that requires schools to disclose crime statistics and other safety information. While the bill does not mandate colleges to upgrade their systems, it does offer a powerful incentive for them to do so by providing prospective students and their parents the opportunity to review and compare the quality and record of fire safety protections at all colleges and universities.

Only 35 percent of university-sponsored student housing that suffer fires are equipped with sprinkler systems.

Each year, approximately 1,600 fires break out in dormitories, fraternity and sorority houses, and other housing controlled by student groups. Parents and students deserve to know what steps their school has taken to prevent and prepare for these harmful and often fatal catastrophes.

The ''Campus Fire Safety Right-to-Know Act'' will put important fire safety information in the hands of students and their parents who entrust their children to our Nation's colleges and universities. I believe this bill will make important strides in the effort to make our college campuses safer and I urge my colleagues to support it.

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. 1196

*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 ''Campus Fire Safety Right-to-Know Act of 2005''.

**SEC. 2. DISCLOSURE OF FIRE SAFETY OF CAMPUS BUILDINGS.**

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking ''and'' at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting ''; and''; and

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

''(P) the fire safety report prepared by the institution pursuant to subsection (h).''; and

(2) by adding at the end the following new subsection:

''(h) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS REQUIRED.—Each institution participating in any program under this title shall, beginning in the first academic year that begins after the date of enactment of the Campus Fire Safety Right-to-Know Act of 2005, and each year thereafter, prepare, publish, and distribute, through appropriate publications (including the Internet) or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report. Such reports shall contain at least the following information with respect to the campus fire safety practices and standards of that institution:

''(A) A statement that identifies each institution owned or controlled student housing facility, and whether or not such facility is equipped with a fire sprinkler system or other fire safety system, or has fire escape planning or protocols.

''(B) Statistics for each such facility concerning the occurrence of fires and false alarms in such facility, during the 2 preceding calendar years for which data are available.

''(C) For each such occurrence in each such facility, a summary of the human injuries or deaths, structural or property damage, or combination thereof.

''(D) Information regarding rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvements in fire safety.

''(E) Information about fire safety education and training provided to students, faculty, and staff.

''(F) Information concerning fire safety at any housing facility owned or controlled by a fraternity, sorority, or student group that is recognized by the institution, including—

''(i) information reported to the institution under paragraph (4); and

''(ii) a statement concerning whether and how the institution works with recognized student fraternities and sororities, and other recognized student groups owning or controlling housing facilities, to make building and property owned or controlled by such fraternities, sororities, and groups more fire safe.

''(2) FRATERNITIES, SORORITIES, AND OTHER GROUPS.—Each institution participating in a program under this title shall request each fraternity and sorority that is recognized by the institution, and any other student group that is recognized by the institution and that owns or controls housing facilities, to collect and report to the institution the information described in subparagraphs (A) through (E) of paragraph (1), as applied to the fraternity, sorority, or recognized student group, respectively, for each building and property owned or controlled by the fraternity, sorority, or group, respectively.

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall make, keep, and maintain a log, written in a form that can be easily understood, recording all on-campus fires, including the nature, date, time, and general location of each fire and all false fire alarms. All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law, be open to public inspection, and each such institution shall make annual reports to the campus community on such fires and false fire alarms in a manner that will aid the prevention of similar occurrences.

''(4) REPORTS TO THE SECRETARY.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

''(A) review such statistics;

''(B) make copies of the statistics submitted to the Secretary available to the public; and

''(C) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

''(6) DEFINITIONS.—In this subsection, the term 'campus' has the meaning provided in subsection (f)(6).''.

**SEC. 3. REPORT TO CONGRESS BY THE SECRETARY OF EDUCATION.**

(a) DEFINITION OF FACILITY.—In this section the term ''facility'' means a student housing facility owned or controlled by an institution of higher education, or a housing facility owned or controlled by a fraternity, sorority, or student group that is recognized by the institution.

(b) REPORT.—Within two years after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in facilities of institutions participating in programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to such facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming such facilities up to current building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all such facilities, including recommendations for methods to fund such cost.

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By Mr. BIDEN (for himself, Mr. HATCH, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KOHL, Mr. GRASSLEY, Mr. KENNEDY, Mrs. BOXER, Ms. STABENOW, Mr. SCHUMER, and Mrs. MURRAY):

S. 1197. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I am pleased to announce today the introduction of the Biden/Hatch/Specter Violence Against Women Act of 2005. Many in this chamber are well aware that I consider the Violence Against Women Act the single most significant legislation that I've crafted during my 32–year tenure in the Senate. This law is my baby, so to speak, and I take very seriously my responsibilities to ensure that it is adequately funded and renewed. What was once an infant statute seeking legitimacy in the public eye and in the halls of government is now a feisty ten-year law that has made its presence known from Long Beach, CA to Dover, DE. But in September 2005, the Act will expire. Congress and the President must act quickly in the next three months to renew the backbone of our country's fight to end domestic violence and sexual assault, the Violence Against Women Act. We simply cannot let the Act lapse or become buried in partisan bickering.

The enactment of the Violence Against Women Act in 1994 was the beginning of a national and historic commitment to women and children victimized by domestic violence and sexual assault. Thus far, our commitment has yielded extraordinary progress. Since the Act's passage, domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent. More than half of all rape victims are stepping forward to report the crime. Over a million women have found justice in our courtrooms and obtained domestic violence protective orders.

The Violence Against Women Act provides critical resources so that our communities may implement big and small improvements that can make all the difference in the world. For instance, in my home State of Delaware,

the Act's rural grant program helped the Delaware State Police establish fully-equipped, dedicated domestic violence units in two counties. The STOP program provided a Hispanic shelter with funding to purchase a van to pick up battered women and their children who have nowhere else to turn.

Today, we uphold our commitment to America's families. Despite the incredible strides made, far too many women remain afraid to go home or afraid to tell anyone about the rape that happened at last night's party. We cannot let the Violence Against Women Act become a victim of its own success. Instead, we need to usher the Act into the 21st century and implement it with the next generation—recent police academy graduates who want to be trained on handling family violence, newly elected State legislators who want to update State laws on sexual assault, and the next generation of children who must be taught that abuse will not be tolerated.

Today's achievement—introduction of a bipartisan, compromise bill that both reinvigorates existing programs and creates bold initiatives to tackle new issues—has been a year in the making. As I drafted this next iteration of the Violence Against Women Act, I listened closely to the recommendations of those on the front lines to end the violence—police, emergency room nurses, victim advocates, shelter directors, and prosecutors—and made targeted improvements to existing grant programs and tightened up criminal laws. A wide variety of groups worked hard with Senator SPECTER, Senator HATCH and I to create this bill, including the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, the Family Violence Prevention Fund, Legal Momentum, the National Alliance to End Sexual Violence, the National Center for Victims for Crime, the American Bar Association, the National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, the National Sheriffs' Association and many others.

Before previewing the particulars of today's bill, I want to explain a few of my principles guiding the drafting of the Violence Against Women Act of 2005. First, I remain dedicated to the cornerstone programs in the Act such as the STOP grant program, the Rural Grant program and the National Domestic Violence Hotline. These are enormously successful initiatives that are the scaffolding of the Act. These foundations must be strengthened, not neglected.

Second, ending domestic violence and sexual assault has, and will continue to cost money. This is simply not a goal that can be accomplished on the cheap. Our success in ending family violence is not a signal to reduce funding; rather the opposite is so. We can't afford to lose the gains that we have made. We've found a winning combination, and Congress should continue to spend its money so effectively.

Third, today's bill is an ambitious, but reasoned, effort to solve the next level of challenges for battered women and their children. We've made tremendous strides in treating domestic violence and sexual assaults as public crimes with accountable offenders and creating coordinated community responses to help victims. Our next task is to look beyond the immediate crisis and provide long-term solutions for victims, as well as redouble our prevention efforts. Therefore, this bill includes important efforts to ease the housing crisis for victims fleeing their homes, provide more economic security for victims by preserving their employment stability, engage boys and men in initiatives to prevent domestic violence from occurring in the first place, and enlist the healthcare community in identifying and treating victims.

My final principle is that ending violence against women is truly a shared goal—one that is held by Democrats and Republicans, one that is upheld by men and women, and one that is desired by both government and by the private sector. The continued success of the Violence Against Women Act depends upon bipartisanship commitment.

Today's bill includes the following components. Title I on the criminal justice system includes provisions to: 1. Renew and increase funding to over $400 million a year for existing fundamental grant programs for law enforcement, lawyers, judges and advocates; 2. stiffen existing criminal penalties for repeat Federal domestic violence offenders; and 3. update the criminal law on stalking to incorporate new surveillance technology like Global Positioning Systems (GPS).

Title II on critical victim services will: 1. Create a new, dedicated grant program for sexual assault victims that will strengthen the 1,300 rape crisis centers across the country; 2. reinvigorate programs to help older and disabled victims of domestic violence; 3. strengthen existing programs for rural victims and victims in underserved areas; and 4. increase funding to $5 million annually for the National Domestic Violence Hotline.

Reports indicate that up to ten million children experience domestic violence in their homes each year. Experts agree that domestic violence affects children in multiple, complicated and long-lasting ways. Every risk, every injury, and every disruption that a battered woman endures is one that her children experiences as well. The complex impact of domestic violence—fear for one's safety at home, depression, loss of income, moving from the family home, school disruptions and grieving for a father—are complicated and traumatic for children. Treating children who witness domestic violence, dealing effectively with violent teenage relationships and teaching prevention strategies to children are keys to ending the violence. Title III includes measures to: 1. Promote collaboration between domestic violence experts and child welfare agencies; and 2. enhance to $15 million a year, grants to reduce violence against women on college campuses. Title IV focuses on prevention strategies and includes programs supporting home visitations and specifically engaging men and boys in efforts to end domestic and sexual violence.

Doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. As first responders, they must be fully engaged in the effort to end the violence and possess the tools they need to faithfully screen, treat, and study family violence. Title V strengthens the health care system's response to family violence with programs to train and educate health care professionals on domestic and sexual violence, foster family violence screening for patients, and more studies on the health ramifications of family violence.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the Nation's mayors identified domestic violence as a primary cause of homelessness. Efforts to ease the housing problems for battered women are contained in Title VI, including: 1. Collaborative grant programs between domestic violence organizations and housing providers; 2. programs to combat family violence in public and assisted housing; and 3. enhancements to transitional housing resources.

Leaving a violent partner often requires battered women to achieve a level of economic security. Title VII seeks to help abused women maintain secure employment by permitting battered women to take limited employment leave to address domestic violence, such as attend court proceedings, or move to a shelter. This is an issue long championed by the late Senator Wellstone and Senator MURRAY, and I glad that we are able to include this provision in today's bill.

Despite the historic immigration law changes made in the Violence Against Women Act of 2000 that opened new and safe routes to immigration status, battered immigrant women often have a very difficult time escaping abuse because of immigration laws, language barriers, and social isolation. Title VIII's immigration provisions go a long way toward wresting immigration control away from the batterer and pave the way for the victim to leave a violent home. In addition, it would ensure that victims of trafficking are supported with measures such as permitting their families to join them in certain circumstances, expanding the duration of a T-visa, and providing resources to victims who assist in investigations or prosecutions of trafficking cases brought by State or Federal authorities.

In an effort to focus more closely on violence against Indian women, Title IX creates a new tribal Deputy Director in the Office on Violence Against Women dedicated to coordinating Federal tribal policy. In addition, Title IX authorizes tribal governments to access and upload domestic violence and protection order data on criminal databases, as well as create tribal sex offender registries.

I am proud to introduce with Senators HATCH and SPECTER this comprehensive bill to reauthorize the Violence Against Women Act. I want to thank Senator HATCH, a longstanding champion on this issue, for diligently working on this bill with Senator SPECTER and me. Since 1990, Senator HATCH and I have worked together to end family violence in this country, so it is no great surprise that once again he worked side-by-side with us to craft today's bill. I am also deeply indebted to Senator KENNEDY for his unwavering commitment to battered immigrant women and his work on the bill's immigration provisions. I also thank Senator LEAHY who has long-supported the Violence Against Women Act and in particular, has worked on the rural programs and transitional housing provisions. Finally, I thank my very good friend from Pennsylvania for his commitment and leadership on this bill. It is a pleasure to work with Senator SPECTER. I know that he will adeptly and expeditiously move the Violence Against Women Act through his Committee.

In closing, I urge my colleagues to review today's Violence Against Women Act of 2005 and add their support. I understand that there are other proposals that should be considered before the full Senate debates this legislation. Refinements will certainly be made to improve what is currently in this bill. I welcome any suggestions that you may have, and look forward to coming back to the floor to urge final passage of the Violence Against Women Act of 2005.

Mr. LEAHY. Mr. President, I am proud to join Senators BIDEN, HATCH, SPECTER and other cosponsors to introduce today the bipartisan VAWA, the Violence Against Women Act of 2005.

Our Nation has made remarkable progress over the past 25 years in recognizing that domestic violence and sexual assault are crimes, providing legal remedies, social supports and coordinated community responses. Millions of women, men, children and families, however, continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

I witnessed the devastating effects of domestic violence early in my career as the Vermont State's Attorney for Chittenden County. Violence and abuse affect people of all walks of life every day and regardless of gender, race, culture, age, class or sexuality. Such violence is a crime and it is always wrong, whether the abuser is a family member, someone the victim is dating, a current or past spouse, boyfriend, or girlfriend, an acquaintance or a stranger.

The National Crime Victimization Survey estimates there were 691,710 non-fatal, violent incidents committed against victims by current and former spouses, boyfriends or girlfriends now termed intimate partners by DOJ—during 2001. Eight-five percent of those incidents were against women. The rate of non-fatal intimate partner violence against women has fallen steadily since 1993, when the rate was 9.8 incidents per 1,000 people. In 2001, the number fell to 5.0 incidents per 1,000 people, nearly a 50 percent reduction. Tragically, however, the survey found that 1,600 women were killed in 1976 by a current or former spouse or boyfriend, while in 2000 some 1,247 women were killed by their intimate partners.

VAWA became law in 1994 and was reauthorized in 2000. It has provided aid to law enforcement officers and prosecutors, encouraged arrest policies, stemmed domestic violence and child abuse, established training programs for victim advocates and counselors, and trained probation and parole officers who work with released sex offenders. This Congress we have the opportunity to reauthorize VAWA and make improvements to vital core programs, tighten criminal penalties against domestic abusers, and create new solutions to challenges in other crucial aspects of domestic violence and sexual assault, such as treating children victims of violence, augmenting health care for rape victims, holding repeat offenders and Internet stalkers accountable, and helping domestic violence victims keep their jobs.

I am particularly proud to note that included in VAWA 2005 are reauthorizations for two programs that I authored. In a small, rural Sate like Vermont, our county and local law enforcement agencies rely on cooperative, interagency efforts to combat and solve significant problems. That is why I authored the Rural Domestic Violence and Child Victimization Enforcement Grant Program as part of the original VAWA. This program helps services available to rural victims and children by encouraging community involvement in developing a coordinated response to combat domestic violence, dating violence and child abuse. Adequate resources combined with sustained commitment will bring about significant improvements in rural areas to the lives of those victimized by domestic and sexual violence.

The Rural Grants Program section of VAWA 2005 reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. This provision includes new language that expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes $55,000,000 annually for 2006 through 2010, which is an increase of $15 million per year.

The second grant program I authored that is included in VAWA 2005 is the Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. This program, which became law as part of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today, the PROTECT Act of 2003, authorizes grants for transitional housing and related services for people fleeing domestic violence, sexual assault or stalkers. At a time when the availability of affordable housing has sunk to record lows, transitional housing for victims is especially needed. Today more than 50 percent of homeless individuals are women and children fleeing domestic violence. We have a clear problem that is in dire need of a solution. I want this program to be part of the solution.

Transitional housing allows women to bridge the gap between leaving violence in their homes and becoming self-sufficient. VAWA 2005 amends the existing transitional housing program administered by the Office on Violence Against Women in the Department of Justice. This section expands the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by Housing and Urban Development transitional housing programs; and updating the existing program to reflect the concerns of the service provision community. The provision would increase the authorized funding for the grant from $30,000,000 to $40,000,000.

Now it is time to strengthen the prevention of violence against women and children and its devastating costs and consequences. This legislation goes beyond simple words of recognition and efforts to increase awareness of the problem of violence to save the lives of battered women, rape victims and children who grow up with violence. I look forward to working further with fellow Senators on VAWA 2005 and I urge the Senate to take prompt action on this legislation.

Mr. KENNEDY. Mr. President, I strongly support the Violence Against Women Act of 2005, and I commend Senator BIDEN, Senator SPECTER, and Senator HATCH for their bipartisan leadership on these major issues.

Violence against women is a very real and very serious continuing problem in the United States. The statistics are shocking.

Every 15 seconds, somewhere in America, a woman is battered, usually by her intimate partner.

Every 90 seconds, somewhere in America, someone is sexually assaulted.

On average, three women are murdered by their husbands or boyfriends in America every day.

One out of every six American women have been the victims of a rape in their lifetime.

These statistics are not just numbers. These violent acts are happening to mothers, sisters, daughters, and friends. We cannot tolerate this violence in our communities.

In 1994, Congress allocated funds to initiate efforts to prevent violence against women and families. The programs established under the Violence Against Women Act, and later expanded and reauthorized in 2000, have worked, and so will this legislation, because it takes needed additional steps to prevent such violence. It enhances law enforcement and judicial procedures to combat violence against women, and it also reinvigorates programs to help older and disabled victims of domestic violence.

Forty-four percent of the Nation's mayors identified domestic violence as a primary cause of homelessness. This bill eases housing problems for battered women.

Victims of domestic violence need time off from work to obtain medical attention, counseling, and other support. This bill will provide that flexibility.

Doctors, nurses, and other health professionals are often the first responders for treating the injuries women suffer from domestic and sexual violence. It is essential for those who help them to be able to respond effectively and compassionately. When health providers screen for domestic violence and follow up on such cases, women are more likely to be safer over the long term. This bill includes new funds for training health professionals to recognize and respond to domestic and sexual violence, and to enable public health officials to recognize the need as well. The research funds provided by this bill are vital because we need the best possible interventions in health care settings to prevent future violence and help the victims.

Violence against women can occur throughout women's lives, beginning in childhood, continuing in adolescence, and in numerous contexts and settings. It is important for any bill on such violence to focus on girls and young women as well, and this bill does that.

In 1994, we included an important innovative provision in the bill to fund a National Domestic Violence Hotline. When the hotline opened in February 1996, victims of domestic violence across the nation finally had help available toll-free, 24 hours a day, 365 days a year. This legislation increases funding for that very important support.

Another important section of the bill provides greater help to immigrant victims of domestic violence, sexual assault, trafficking and similar offenses. This section builds on the current Act and is designed to remove the obstacles in immigration laws that prevent such victims from safely fleeing the violence in their lives, and to dispel the fear that often prevents them from prosecuting their abusers.

Eliminating domestic violence is especially challenging in immigrant communities, where victims often face additional cultural, linguistic and immigration barriers to seeking safety. Abusers of immigrant spouses or children are liable to use threats of deportation against them, trapping them in endless years of violence. Many of us have heard horrific stories of violence in cases where the threat of deportation was used against immigrant spouses and children—''If you leave me, I'll report you to the immigration authorities, and you'll never see the children again.'' Or the abuser says, ''If you tell the police what I did, I'll have immigration deport you.''

Congress has made significant progress in enacting protections for these immigrant victims, but there are still many women and children whose lives are in danger. Our bill extends immigration relief to all victims of family violence, including victims of elder abuse, incest and stalking. It ensures economic security for immigrant victims and their children by providing work authorization for victims with valid immigration cases. It makes it easier for victims of trafficking to obtain federal benefits if they assist in the investigation or prosecution of trafficking crimes.

I commend the sponsors of this legislation for working with us on this issue and for making domestic violence in immigrant communities an important priority in our overall effort to combat violence against women.

We have a responsibility in Congress to do all we can to eradicate domestic violence. Our bill gives the safety of women and their families the high priority it deserves, and I urge my colleagues to support it.

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By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1198. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, to implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; to the Committee on Environment and Public Works.

Ms. STABENOW. Mr. President, I rise today to introduce the International Solid Waste Importation and Management Act. I want to thank Senator Levin for cosponsoring this bill and for his tireless work to stop Canadian trash imports into our State. The purpose of our bill is to finally put an end to the river of garbage flowing from Canada into Michigan's landfills.

Our legislation is a companion bill to H.R. 2491 which is being voted on in the Subcommittee on Environment and Hazardous Material of the House Energy and Commerce Committee today. I am extremely pleased that Congress is starting to take action on this critical bill.

I cannot overstate the importance of this legislation to Michigan. The number of trash trucks entering our State has continually increased. In fact, since the summer of 2003 the number of trash trucks coming from Canada has jumped from 180 per day to about 415 per day. The result is that Michigan is the third largest importer of trash out of all of the States in the Nation.

Not only does this waste dramatically decrease Michigan's own landfill capacity, but it has a tremendous negative impact on Michigan's environment and on the public health of its citizens. Canadian waste also hampers the effectiveness of Michigan's state and local recycling efforts, since Ontario does not have a bottle law requiring recycling. Trash trucks also present a security risk at our Michigan-Canadian border, since, by their nature, trucks full of garbage are harder for Customs agents to inspect then traditional cargo.

Michigan already has protections contained in an international agreement between the United States and Canada, but they are being ignored. Under the Agreement Concerning the Transboundary Movement of Hazardous Waste, which was entered into in 1986, shipments of waste across the Canadian-U.S. border require government-to-government notification. The Environmental Protection Agency (EPA) as the designated authority for the United States would receive notification of a trash shipment and then consent or object to the shipment within 30 days. Unfortunately, these notification provisions have never been enforced by the EPA.

This legislation will give Michigan residents the protection they are entitled to under this bilateral treaty. The bill would allow the State of Michigan to pass laws to stop the Canadian trash shipments until the EPA finally enforces this treaty. Once the EPA begins enforcing the treaty, they would have to consider certain criteria when deciding whether to consent or object to a shipment, such as the State's views on the shipment, and the shipment's impact on landfill capacity, air emissions, public health, and the environment. These waste shipments should no longer be accepted without an examination of the impacts on the health and welfare of Michigan families.

Michiganians and the Michigan Congressional delegation are united in our opposition to Canadian trash shipments. We have waged a continuous battle to end trash importation and we will continue to fight until we succeed. I urge my colleagues on the Senate Environment and Public Works Committee to take action on this crucial legislation as quickly as they can.

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. 1198

*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 ''International Solid Waste Importation and Management Act of 2005''.

**SEC. 2. CANADIAN MUNICIPAL SOLID WASTE.**

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

**''SEC. 4011. CANADIAN MUNICIPAL SOLID WASTE.**

''(a) DEFINITIONS.—In this section:

''(1) AGREEMENT.—The term 'Agreement' means—

''(A) the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, signed at Ottawa on October 28, 1986 (TIAS 11099) and amended on November 25, 1992; and

''(B) any regulations promulgated and orders issued to implement and enforce that Agreement.

''(2) FOREIGN MUNICIPAL SOLID WASTE.—The term 'foreign municipal solid waste' means municipal solid waste that is generated outside of the United States.

''(3) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'municipal solid waste' means—

''(i) material discarded for disposal by—

''(I) households (including single and multifamily residences); and

''(II) public lodgings such as hotels and motels; and

''(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

''(I)(aa) is essentially the same as material described in clause (i); or

''(bb) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service; and

''(II) is not subject to regulation under subtitle C.

''(B) INCLUSIONS.—The term 'municipal solid waste' includes—

''(i) appliances;

''(ii) clothing;

''(iii) consumer product packaging;

''(iv) cosmetics;

''(v) debris resulting from construction, remodeling, repair, or demolition of a structure;

''(vi) disposable diapers;

''(vii) food containers made of glass or metal;

''(viii) food waste;

''(ix) household hazardous waste;

''(x) office supplies;

''(xi) paper; and

''(xii) yard waste.

''(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

''(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

''(ii) solid waste, including contaminated soil and debris, resulting from—

''(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

''(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

''(III) a corrective action taken under this Act;

''(iii) recyclable material—

''(I) that has been separated, at the source of the material, from waste destined for disposal; or

''(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

''(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

''(v) solid waste that is—

''(I) generated by an industrial facility; and

''(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

''(aa) that is owned or operated by the generator of the waste;

''(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

''(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

''(vi) medical waste that is segregated from or not mixed with solid waste;

''(vii) sewage sludge or residuals from a sewage treatment plant;

''(viii) combustion ash generated by a resource recovery facility or municipal incinerator; or

''(ix) waste from a manufacturing or processing (including pollution control) operation that is not essentially the same as waste normally generated by households.

''(b) MANAGEMENT OF FOREIGN MUNICIPAL SOLID WASTE.—

''(1) STATE ACTION.—

''(A) IN GENERAL.—Except as provided in paragraph (2) and subject to subparagraph (B), until the date on which the Administrator promulgates regulations to implement and enforce the Agreement (including notice and consent provisions of the Agreement), a State may enact 1 or more laws, promulgate regulations, or issue orders imposing limitations on the receipt and disposal of foreign municipal solid waste within the State.

''(B) NO EFFECT ON EXISTING AUTHORITY.—A State law, regulation, or order that is enacted, promulgated, or issued before the date on which the Administrator promulgates regulations under subparagraph (A)—

''(i) may continue in effect after that date; and

''(ii) shall not be affected by the regulations promulgated by the Administrator.

''(2) EFFECT ON INTERSTATE AND FOREIGN COMMERCE.—No State action taken in accordance with this section shall be considered—

''(A) to impose an undue burden on interstate or foreign commerce; or

''(B) to otherwise impair, restrain, or discriminate against interstate or foreign commerce.

''(3) TRADE AND TREATY OBLIGATIONS.—Nothing in this section affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

''(c) AUTHORITY OF ADMINISTRATOR.—

''(1) IN GENERAL.—Beginning immediately after the date of enactment of this section, the Administrator shall—

''(A) perform the functions of the Designated Authority of the United States described in the Agreement with respect to the importation and exportation of municipal solid waste under the Agreement; and

''(B) implement and enforce the Agreement (including notice and consent provisions of the Agreement).

''(2) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate final regulations with respect to the responsibilities of the Administrator under paragraph (1).

''(3) CONSENT TO IMPORTATION.—In considering whether to consent to the importation of Canadian municipal solid waste under article 3(c) of the Agreement, the Administrator shall—

''(A) give substantial weight to the views of each State into which the foreign municipal solid waste is to be imported, and consider the views of the local government with jurisdiction over the location at which the waste is to be disposed;

''(B) consider the impact of the importation on—

''(i) continued public support for and adherence to State and local recycling programs;

''(ii) landfill capacity as provided in comprehensive waste management plans;

''(iii) air emissions from increased vehicular traffic; and

''(iv) road deterioration from increased vehicular traffic; and

''(C) consider the impact of the importation on—

''(i) homeland security;

''(ii) public health; and

''(iii) the environment.

''(4) ACTIONS IN VIOLATION OF THE AGREEMENT.—No person shall import, transport, or export municipal solid waste for final disposal or for incineration in violation of the Agreement.

''(d) COMPLIANCE ORDERS.—

''(1) IN GENERAL.—If, on the basis of any information, the Administrator determines that any person has violated or is in violation of this section, the Administrator may—

''(A) issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both; or

''(B) commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

''(2) SPECIFICITY.—Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation.

''(3) MAXIMUM AMOUNT OF PENALTY.—Any penalty assessed in an order described in paragraph (1) shall not exceed $25,000 per day of noncompliance for each violation.

''(4) PENALTY ASSESSMENT.—In assessing a penalty under paragraph (1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

''(e) PUBLIC HEARING.—

''(1) IN GENERAL.—Any order issued under this section shall become final unless, not later than 30 days after the date on which the order is served, 1 or more persons named in the order request a public hearing.

''(2) PROCEDURE FOR HEARING.—The Administrator—

''(A) shall promptly conduct a public hearing on receipt of a request under paragraph (1);

''(B) in connection with any proceeding under this section, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents; and

''(C) may promulgate rules for discovery procedures.

''(f) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order issued under this section, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after

the item relating to section 4010 the following:

''Sec. 4011. Foreign municipal solid waste''.

Mr. LEVIN. Mr. President, every week, thousands of truckloads of solid municipal waste are being imported into the United States for disposal in US. landfills. Most of these shipments enter at three border crossings in Michigan: Port Huron, Sault Ste. Marie, and Detroit. Canadian shipments are entering this country' without regulatory controls to protect the environment and public safety as required by a treaty between the US. and Canada. The loads of municipal solid waste are more than just a nuisance. Canada's weekly importation of thousands of truckloads of trash into Michigan is a potential threat to our environment, health, and security.

I join with my colleague Senator STABENOW today in introducing S. 1198, the companion to H.R. 2491, which was reported by the House Energy and Commerce Subcommittee on Environment and Hazardous Waste today. It is long overdue for Congress to address this critical issue for Michigan and the rest of the U.S. This bill has the support of the entire Michigan Congressional delegation.

Our legislation requires the EPA Administrator to implement regulations enforcing terms of the United States-Canada treaty within 24 months, and it gives States the authority to regulate foreign waste transported into the U.S. until those regulations to implement and enforce the treaty become effective. Our bill implements the treaty's requirement that the Canadian environmental department notify the EPA of each shipment of waste that enters the United States. The EPA then has 30 days to object to the shipment or accept it.

I believe this legislation will help to protect the health and environment of the people of Michigan. I am pleased to have worked on this bipartisan initiative with the other members of our State's congressional delegation and with Gov. Jennifer Granholm. I urge the members of the Senate Environment and Public Works Committee to take action on this legislation as quickly as possible.

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By Mr. BURNS:

S. 1199. A bill to amend title II of the Social Security Act to shorten the waiting period for social security disability benefits for individuals with mesothelioma; to the Committee on Finance.

Mr. BURNS. Mr. President, I come to the floor today to introduce legislation that would significantly reduce the Social Security Disability payment waiting period for people diagnosed with the fatal cancer of mesothelioma.

Seventy to eighty percent of all documented cases of mesothelioma share the common denominator of a history of asbestos. While symptoms of mesothelioma can remain latent over many decades, this rare cancer violently attacks its victims, and drastically reduce their life expectancy.

The Social Security Administration currently has a mandatory five-month ''waiting period'' for all people applying for disability. The victims of mesothelioma simply cannot wait 5 months for their disability payments to begin. This bill will significantly reduce the waiting period from 5 months to 30 days for victims of mesothelioma.

I encourage my colleagues to support this measure and join me in ensuring these victims get their payments in a timely fashion.

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. 1199

*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 ''Prompt Disability Payment to Mesothelioma Victims Act of 2005''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Mesothelioma is a quickly advancing form of cancer.

(2) Most cases of mesothelioma arise from exposure to asbestos fibers.

(3) The National Cancer Institute estimates that in 2002, approximately 2,000 new mesothelioma diagnoses were made in the United States.

**SEC. 3. SHORTENED WAITING PERIOD FOR SOCIAL SECURITY DISABILITY BENEFITS FOR INDIVIDUALS WITH MESOTHELIOMA.**

(a) IN GENERAL.—Section 223(c)(2) of the Social Security Act (42 U.S.C. (c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''(or, in the case of an individual with mesothelioma, 30 days)'' after ''months''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting ''(or, in the case of an individual with mesothelioma, the thirteenth month)'' after ''seventeenth month''; and

(B) in clause (ii), by inserting ''(or, in the case of an individual with mesothelioma, such thirteenth month)'' after ''such seventeenth month''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to applications for disability benefits filed or pending on or after the date of enactment of this Act and to any individuals with filed applications for such benefits as of that date who are within a waiting period on such date.

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By Mr. ALLARD:

S. 1202. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Environment and Public Works.

Mr. ALLARD. Mr. President, the ability of communities to provide its citizens with clean, safe drinking water is one of the most important public utility services any municipality can offer. I support many of the goals of the Clean Water Act and believe that the United States has made great progress in eliminating dangerous substances from drinking water. It has helped make our national drinking water infrastructure more reliable and more effective. Unfortunately, many of the small, financially strapped, rural communities in Colorado cannot meet the obligations of the Clean Water Act or the regulations of the Environmental Protection Agency because of increasingly onerous unfunded Federal drinking water mandates, As a result, communities in my home State are faced with two options: increase taxes and utility rates to exorbitant levels or end municipal water delivery. Neither option is acceptable.

That is why I am introducing the Rural Colorado Water Infrastructure Act, a bill that will allow Colorado to participate in a program known as Section 595 of the Water Resources Development Act. My legislation authorizes $50 million for design and construction assistance to non-Federal interests in the most desperate Colorado communities for publicly owned water related environmental infrastructure and resource protection and development projects.

The Rural Colorado Water Infrastructure Act will allow local communities to enter into cost share agreements with the U.S. Corps of Engineers to develop wastewater treatment and related facility water supply, conservation and related facilities, storm water retention and remediation, environmental restoration, and surface water resources protection and development.

Cities in Colorado like Alamosa, Sterling, and Julesburg that face enormous costs to develop new facilities may be able to utilize the program and save themselves from economic hardship. The Corps of Engineers Section 595 program has been a great ally to many Western States, and, under my legislation, Colorado would also be able to benefit from this successful public-private partnership.

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

S. 1202

*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 ''Rural Colorado Water Infrastructure Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE.—The term ''State'' means the State of Colorado.

**SEC. 3. PROGRAM.**

(a) ESTABLISHMENT.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in the State.

(b) FORM OF ASSISTANCE.—Assistance under this section may be provided in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the State, including projects for—

(1) wastewater treatment and related facilities;

(2) water supply and related facilities;
(3) water conservation and related facilities;
(4) stormwater retention and remediation;
(5) environmental restoration; and
(6) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, III consultation and coordination with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection—

(i) shall be 75 percent; and

(ii) may be in the form of grants or reimbursements of project costs.

(B) PRE-COOPERATIVE AGREEMENT ACTIVITIES.—The Federal share of the cost of activities carried out by the Secretary under this section before the execution of a local coopera- tive agreement shall be 100 percent.

(C) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit, not to exceed 6 percent of the total construction costs of a project, for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for the project.

(D) CREDIT FOR INTEREST.—In case of a delay in the funding of the Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the Federal share of the costs of the project.

(E) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT. The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(F) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for the period beginning with fiscal year 2006, to remain available until expended.

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By Mr. DODD (for himself, Mr. DURBIN, and Ms. STABENOW):

S. 1204. A bill to encourage students to pursue graduate education and to assist students in affording graduate education; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today with Senators DURBIN and STABENOW to introduce GRAD, the Getting Results for Advanced Degrees Act. The purpose of this bill is to encourage students to pursue graduate education and to assist them in affording it.

The percentage of individuals pursuing graduate education has increased dramatically in recent decades as individuals seek the education and skills needed to participate in a global economy. In the last 25 years alone, graduate enrollment in the United States has increased by 38 percent bringing the number of graduate students in this country to 1.85 million.

The benefits of graduate education for our country are enormous. This year's graduate and professional students are the doctors, scientists, and inventors of tomorrow. Their ideas and innovations will be the basis of America's economic strength in the years to come. The benefits for individuals are significant as well. The median earnings of a worker with a master's degree are twice that of a high school graduate and $10,000 more than an individual with a bachelor's degree. The median earnings of a worker with a doctoral degree are 2½ times that of a high school graduate, $30,000 more than an individual with a bachelor's degree and $20,000 more than someone with a master's. An individual with a professional degree can expect to make three times the amount of a high school graduate, almost double the amount of an individual with a bachelor's, $35,000 more than individuals with a master's and $15,000 more than someone with a doctoral degree. Clearly, one's earning power increases, in some cases exponentially, with increasing education.

Despite the immediate and long-term benefits of graduate education for individuals and our Nation as a whole, graduate education is, for many, financially out of reach. In 2002–03 the average graduate school tuition at public institutions was $4,855 and $15,279 at private institutions. The average debt reported by graduate students today is $45,900. For medical students it is $115,000, for dental students it is $122,000 and for law students it is $86,000. These are astounding figures.

To increase access to graduate education, I have put together a series of proposals that will make graduate and professional school more accessible affordable for all qualified applicants, the Getting Results for Advanced Degrees Act. First, the GRAD Act raises the authorization levels of GAANN, the Graduate Assistance in Areas of National Need Program and the Jacob Javits Fellowship Program so that there are more opportunities at more universities for students to pursue advanced degrees. GAANN supports graduate study in areas of national need such as chemistry, computer science, engineering, and physics, while the Jacob Javits Program helps support graduate study in the arts, humanities and social sciences.

To encourage greater participation by minority students in advanced programs the GRAD Act creates the Patsy T. Mink Fellowship Program. Named for former Congresswoman Patsy Mink, the first woman of Asian descent and the first woman of color to serve in the U.S. Congress, this program would offer assistance to underrepresented minorities pursuing doctoral degrees. It is fitting that such a program be named after Congresswoman Mink, a long-time champion for immigrants, minorities, women and children. I can think of no better tribute to her lifetime achievements than this program.

To help students afford the costs of graduation education, the GRAD Act expands the tax-exempt status of scholarships to treat reasonable room-and-board allowances as part of permitted higher education expenses. GRAD revises the cost of attendance calculations for financial aid for students with dependents to reflect the true cost-of-living expenses for themselves and the families that they support. GRAD also increases the unsubsidized Stafford loan limit for graduate and professional students from $10,000 to $12,000 so they are less likely to have to turn to more expensive private loans.

Mr. President, the Getting Results for Advanced Degrees Act will help students meet the financial challenges faced in pursuing graduate studies. The act strengthens programs that support graduate students in areas of vital importance to our nation and makes assistance available to underrepresented minority students pursuing a doctoral degree. By helping students to pursue and afford graduate education, the GRAD Act will help individuals, families and the nation as a whole recognize and achieve the important benefits of graduate education.

I hope my colleagues will join me in support of graduate education by supporting this bill. By working together, I believe that the Senate can act to ensure that more individuals are able to pursue graduate education and assist our nation in meeting the challenges faced in a global economy. 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. 1204

*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 ''Getting Results for Advanced Degrees Act''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) From 1976 to 2000, graduate enrollment in the United States increased 38 percent. In the fall of 2000, there were 1,850,000 graduate students enrolled in the United States.

(2) In 2003, 84 percent of graduate students in the United States were citizens of the

United States or resident aliens, and 16 percent were temporary residents who were foreign or international students.

(3) In a 2002 borrower's survey, the average debt reported by graduate students was $45,900.

(4) In 1999–2000, 60 percent of all graduate and first-professional students, and 82 percent of those enrolled full-time and full-year, received some type of financial aid, including grants, loans, assistantships, or work study. The average amount of aid received by aided full-time, full-year students was approximately $19,500 per year.

(5) Annual aid in the form of grants to full-time, full-year recipients was awarded in larger average amounts to doctoral students ($13,400) than to either master's students ($7,600) or first-professional students ($6,900). First-professional students took out larger loans on average overall ($20,100) than did their counterparts at the master's level ($14,800) and doctoral level ($14,100).

(6) Median annual earnings in 2003 increased with educational attainment. There was a substantial earnings differential from the highest to the lowest levels of attainment:

(A) The median earnings of workers who had a master's degree were almost twice those of high school graduates and $10,000 more than those of individuals with a bachelor's degree.

(B) The median earnings of workers who had a doctoral degree were 2½ times those of high school graduates, $30,000 more than those of individuals with a bachelor's degree, and $20,000 more than those of individuals with a master's degree.

(C) The median earnings of workers with a professional degree were more than 3 times those of high school graduates, almost double those of individuals with a bachelor's degree, $35,000 more than those of individuals with a master's degree, and $15,000 more than those of individuals with a doctoral degree.

**SEC. 3. JACOB K. JAVITS FELLOWSHIP PROGRAM.**

(a) CRITERIA FOR AWARDS.—Section 701(a) of the Higher Education Act of 1965 (20 U.S.C. 1134(a)) is amended by striking '', financial need,''.

(b) QUALIFICATIONS OF BOARD.—Section 702(a) of the Higher Education Act of 1965 (20 U.S.C. 1134a(a)) is amended by striking paragraph (1) and inserting the following:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

''(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

''(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

''(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

''(iii) appoint members to represent the various geographic regions of the United States; and

''(iv) include representatives from minority serving institutions.''.

(c) AMOUNT OF STIPENDS.—Section 703(a) of the Higher Education Act of 1965 (20 U.S.C. 1134b(a)) is amended by striking ''graduate fellowships,'' and all that follows through the period and inserting ''Graduate Research Fellowship Program.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 of the Higher Education Act of 1965 (20 U.S.C. 1134d) is amended by striking ''$30,000,000 for fiscal year 1999'' and inserting ''$35,000,000 for fiscal year 2006''.

**SEC. 4. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.**

(a) APPLICATION CONTENTS.—Section 713(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1135b(b)(5)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) AMOUNT OF STIPENDS.—Section 714(b) of the Higher Education Act of 1965 (20 U.S.C. 1135c(b)) is amended by striking ''graduate fellowships,'' and all that follows through the period and inserting ''Graduate Research Fellowship Program.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 716 of the Higher Education Act of 1965 (20 U.S.C. 1135e) is amended by striking ''$35,000,000 for fiscal year 1999'' and inserting ''$50,000,000 for fiscal year 2006''.

(d) TECHNICAL AMENDMENTS.—Section 714(c) of the Higher Education Act of 1965 (20 U.S.C. 1135c(c)) is amended—

(1) by striking ''716(a)'' and inserting ''715(a)''; and

(2) by striking ''714(b)(2)'' and inserting ''713(b)(2)''.

**SEC. 5. PATSY T. MINK FELLOWSHIP PROGRAM.**

Part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) by redesignating subpart 4 as subpart 5;

(2) by redesignating section 731 as section 740;

(3) in section 740 (as redesignated by paragraph (2))—

(A) in the section heading, by striking ''**AND 3.**'' and inserting ''**3, AND 4.**'';

(B) in subsection (a), by striking ''and 3'' and inserting ''3, and 4'';

(C) in subsection (b), by striking ''and 3'' and inserting ''3, and 4''; and

(D) in subsection (d), by striking ''or 3'' and inserting ''3, or 4''; and

(4) by inserting after subpart 3 the following:

**''Subpart 4—Patsy T. Mink Fellowship Program**

**''SEC. 731. PURPOSE AND DESIGNATION.**

''(a) PURPOSE.—It is the purpose of this subpart to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(b) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this subpart shall be known as a 'Patsy T. Mink Graduate Fellow'.

**''SEC. 732. DEFINITION OF ELIGIBLE INSTITUTION.**

''In this subpart, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

**''SEC. 733. PROGRAM AUTHORIZED.**

''(a) GRANTS BY SECRETARY.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this subpart.

''(2) PRIORITY CONSIDERATION.—In awarding grants under this subpart, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this subpart to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—An eligible institution that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) APPLICATIONS MADE ON BEHALF.—

''(A) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

''(i) A graduate school or department of such institution.

''(ii) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

''(iii) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(iv) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(B) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this subpart to an entity other than an eligible institution.

''(c) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

''(1) take into account—

''(A) the number and distribution of minority and female faculty nationally;

''(B) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

''(C) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(2) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

''(d) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(1) EQUITABLE DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this subpart and that demonstrate an ability to achieve the purpose of this subpart.

''(2) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 50 percent of the amount appropriated pursuant to section 736 to award grants to eligible institutions that—

''(A) are eligible for assistance under title III or title V; or

''(B) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

''(3) ALLOCATION.—In awarding grants under this subpart, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart.

''(4) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this subpart shall make not less than 15 fellowship awards.

''(5) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this subpart is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this subpart.

''(e) INSTITUTIONAL ALLOWANCE.—

''(1) IN GENERAL.—

''(A) NUMBER OF ALLOWANCES.—In awarding grants under this subpart, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this subpart, an institutional allowance.

''(B) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2006–2007 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

''(2) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

''(3) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(4) USE FOR OVERHEAD PROHIBITED.—Funds made available under this subpart may not be used for general operational overhead of the academic department or institution receiving funds under this subpart.

**''SEC. 734. FELLOWSHIP RECIPIENTS.**

''(a) AUTHORIZATION.—An eligible institution that receives a grant under this subpart shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

''(1) intend to pursue a career in instruction at—

''(A) an institution of higher education (as the term is defined in section 101);

''(B) an institution of higher education (as the term is defined in section 102(a)(1));

''(C) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

''(D) a proprietary institution of higher education (as the term is defined in section 102(b)); and

''(2) sign an agreement with the Secretary agreeing to begin employment at an institution described in paragraph (1) not later than 5 years after receiving the doctoral degree or highest possible degree available, and to be employed by such institution for 1 year for each year of fellowship assistance received under this subpart.

''(b) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this subpart fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

''(1) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

''(2) Impose a fine or penalty in an amount to be determined by the Secretary.

''(c) WAIVER AND MODIFICATION.—

''(1) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

''(2) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(A) inequitable and represent a substantial hardship; or

''(B) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(d) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this subpart shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(e) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

''(1) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(2) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

**''SEC. 735. RULE OF CONSTRUCTION.**

''Nothing in this subpart shall be construed to require an eligible institution that receives a grant under this subpart—

''(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this subpart; or

''(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

**''SEC. 736. AUTHORIZATION OF APPROPRIATIONS.**

''There is authorized to be appropriated to carry out this subpart $25,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

**SEC. 6. COST OF ATTENDANCE FOR STUDENTS WITH 1 OR MORE DEPENDENTS.**

Section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) is amended by striking paragraph (8) and inserting the following:

''(8) for a student with 1 or more dependents—

''(A) an allowance based on the estimated actual expenses incurred for such dependent care, based on the number and age of such dependents, except that—

''(i) such allowance shall not exceed the reasonable cost in the community in which such student resides for the kind of care provided; and

''(ii) the period for which dependent care is required includes class-time, study-time, field work, internships, and commuting time; and

''(B) if the student is a graduate student, an allowance based on the estimated actual living expenses incurred for such dependents, based on the number and age of such dependents, including—

''(i) room and board for such dependents; and

''(ii) health insurance for such dependents;''.

**SEC. 7. UNSUBSIDIZED STAFFORD LOAN LIMITS FOR GRADUATE AND PROFESSIONAL STUDENTS.**

Section 428H(d)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)(2)(C)) is amended by striking ''$10,000'' and inserting ''$12,000''.

**SEC. 8. ALLOWANCE OF ROOM, BOARD, AND SPECIAL NEEDS SERVICES IN THE CASE OF SCHOLARSHIPS AND TUITION REDUCTION PROGRAMS WITH RESPECT TO HIGHER EDUCATION.**

(a) IN GENERAL.—Paragraph (1) of section 117(b) of the Internal Revenue Code of 1986 (defining qualified scholarship) is amended by inserting before the period at the end the following: ''or, in the case of enrollment or attendance at an eligible educational institution, for qualified higher education expenses''.

(b) DEFINITIONS.—Subsection (b) of section 117 of such Code is amended by adding at the end the following new paragraph:

''(3) QUALIFIED HIGHER EDUCATION EXPENSES; ELIGIBLE EDUCATIONAL INSTITUTION.—The terms 'qualified higher education expenses' and 'eligible educational institution' have the meanings given such terms in section 529(e).''.

(c) TUITION REDUCTION PROGRAMS.—Paragraph (5) of section 117(d) of such Code (relating to special rules for teaching and research assistants) is amended by striking ''shall be applied as if it did not contain the phrase '(below the graduate level)'.'' and inserting ''shall be applied—

''(A) as if it did not contain the phrase '(below the graduate level)', and

''(B) by substituting 'qualified higher education expenses' for 'tuition' the second place it appears.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid after December 31, 2004 (in taxable years ending after such date), for education furnished in academic periods beginning after such date.

**SEC. 9. PROGRAM FUNDING THROUGH TAX-EXEMPT SECURITIES.**

(a) SPECIAL ALLOWANCES.—

(1) TECHNICAL CORRECTION.—Section 2 of the Taxpayer-Teacher Protection Act of 2004 (Public Law 108–409; 118 Stat. 2299) is amended in the matter preceding paragraph (1) by inserting ''of the Higher Education Act of 1965'' after ''Section 438(b)(2)(B)''.

(2) IN GENERAL.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) (as amended by section 2 of the Taxpayer-Teacher Protection Act of 2004) is amended—

(A) in clause (iv), by striking ''1993, or refunded after September 30, 2004, and before January 1, 2006, the'' and inserting ''1993, or refunded on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004, the''; and

(B) by striking clause (v) and inserting the following:

''(v) Notwithstanding clauses (i) and (ii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, or paragraph (4), as the case may be, for loans—

''(I) originated, transferred, or purchased on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

''(II) financed by an obligation that has matured, been retired, or defeased on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

''(III) which the special allowance was determined under such subparagraphs or paragraph, as the case may be, on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

''(IV) for which the maturity date of the obligation from which funds were obtained for such loans was extended on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004; or

''(V) sold or transferred to any other holder on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004.''.

(3) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (2) shall be construed to abrogate a contractual agreement between the Federal Government and a student loan provider.

(b) AVAILABLE FUNDS FROM REDUCED EXPENDITURES.—Any funds available to the Secretary of Education as a result of reduced expenditures under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1) secured by the enactment of subsection (a) shall be used by the Secretary to carry out the programs and activities authorized under this Act.

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By Mr. INHOFE:

S. 1205. A bill to require a study of the effects on disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INHOFE. Mr. President, today I am introducing the Ratepayers Protection Act of 2005. This bill will ensure that the poor and elderly and other groups who are disproportionately harmed by rising energy prices are not forced to pick up the tab for utilities that incur costs to control carbon dioxide.

The science underlying the climate change theory does not justify the enormous expenditures mandatory climate bills would impose. Moreover, implementing these climate bills would have virtually no effect on reducing temperatures even if climate alarmists are correct. Yet those in our society least able to bear the costs of these mandatory schemes will be hit the hardest. With my bill, disadvantaged individuals will not be saddled with these costs.

I understand that this bill will be referred to the Energy Committee. I do not plan to move this bill as standalone bill, however, but instead to offer it as an amendment to any mandatory climate bill that sets caps on greenhouse gases.

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

S. 1205

*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 ''Ratepayers Protection Act of 2005''.

**SEC. 2. STUDY.**

(a) DEFINITIONS.—In this section:

(1) DISADVANTAGED INDIVIDUAL.—The term ''disadvantaged individual'' means—

(A) an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(B) a member of a family whose income does not exceed the poverty line, as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902);

(C) an individual who belongs to a minority group;

(D) a senior citizen; and

(E) other disadvantaged individuals.

(2) UTILITY.—The term ''utility'' means any organization that—

(A) provides retail customers with electricity services; and

(B) is regulated, either by price or terms of service, by 1 or more State utility or public service commissions.

(b) STUDY.—Not later than 30 days after the date of enactment of this Act, the Congressional Budget Office, in consultation with other appropriate organizations, shall initiate a study to determine the effect on disadvantaged individuals of actions taken or considered, or likely to be taken or considered, by utilities to reduce the carbon dioxide emissions of the utilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Congressional Budget Office shall submit to Congress a report that specifically describes the results of the study, including the economic costs to disadvantaged individuals of actions by utilities intended to reduce carbon dioxide emissions.

(2) REVIEW PERIOD.—Congress shall have 180 days after the date of receipt by Congress of the report described in paragraph (1) to review the report.

(3) EFFECTIVE DATE.—If the Congressional Budget Office determines that there would be an additional economic burden on any of the classes of disadvantaged individuals if the costs of actions by utilities intended to reduce carbon dioxide emissions were recovered from ratepayers, the amendment made by section 3 shall take effect on the day after the end of the review period described in paragraph (2).

**SEC. 3. UTILITY ACTIONS TO REDUCE CARBON DIOXIDE EMISSIONS.**

The National Climate Program Act (15 U.S.C. 2901 et seq.) is amended by adding at the end the following:

**''SEC. 9. UTILITY ACTIONS TO REDUCE CARBON DIOXIDE EMISSIONS.**

''(a) DEFINITION OF UTILITY.—In this section, the term 'utility' means any organization that—

''(1) provides retail customers with electricity services; and

''(2) is regulated, either by price or terms of service, by 1 or more State utility or public service commissions.

''(b) RATEPAYER PROTECTIONS.—

''(1) IN GENERAL.—No utility may recover from ratepayers any costs, expenses, fees, or other outlays incurred for the stated purpose by the utility to reduce carbon dioxide emissions.

''(2) PROHIBITION ON CERTAIN COMMISSION ACTIONS.—No State utility commission, public service commission, or similar entity may compel ratepayers to pay the costs, expenses, fees, or other outlays incurred for the stated purpose by a utility to reduce carbon dioxide emissions.

''(c) SHAREHOLDER OBLIGATIONS UNAFFECTED.—Nothing in this section prevents the shareholders of, or other parties associated with (other than ratepayers), a utility from paying for any action by the utility to reduce carbon dioxide emissions.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 163—DESIGNATING JUNE 5 THROUGH JUNE 11, 2005, AS ''NATIONAL HISPANIC MEDIA WEEK'', IN HONOR OF THE HISPANIC MEDIA OF AMERICA

Mr. DOMENICI (for himself, Mr. SALAZAR, Mr. MARTINEZ, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 163

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas over 600 Hispanic publications circulate over 20,000,000 copies every week in the United States;

Whereas 1 in 8 Americans is served by a Hispanic publication;

Whereas the Hispanic press informs many Americans about great political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates June 5 through June 11, 2005, as ''National Hispanic Media Week'', in honor of the Hispanic Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

### SENATE RESOLUTION 164—AUTHORIZING THE PRINTING WITH ILLUSTRATIONS OF A DOCUMENT ENTITLED ''COMMITTEE ON APPROPRIATIONS, UNITED STATES SENATE, 138TH ANNIVERSARY, 1867–2005''

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

S. RES. 164

*Resolved*, That there be printed with illustrations as a Senate document a compilation of materials entitled ''Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005'', and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 766. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table.

SA 767. Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, supra; which was ordered to lie on the table.

SA 768. Ms. SNOWE (for herself, Mr. STEVENS, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill S. 1195, supra; which was ordered to lie on the table.

SA 769. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1195, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 766.** Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary

authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (4) of section 4(a) and insert the following:

(4) An offshore aquaculture permit holder shall be—

(A) a citizen or resident of the United States; or

(B) a corporation, partnership, or other entity organized and existing under the laws of a State or the United States.

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**SA 767.** Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5(a) and insert the following:

(a) ENVIRONMENTAL REQUIREMENTS.—The Secretary shall consult as appropriate with other Federal agencies, the coastal States, and regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to identify the environmental requirements applicable to offshore aquaculture under existing laws and regulations. The Secretary shall establish additional environmental requirements for offshore aquaculture facilities in consultation with appropriate Federal agencies, coastal States, regional fishery management councils, and the public needed to address any environmental risks and impacts associated with such facilities. Environmental requirements may include, but are not limited to, environmental monitoring, data archiving, and reporting by the permit holder, as deemed necessary or prudent by the Secretary. The environmental requirements shall address risks to and impacts on—

(1) natural fish stocks, including safeguards needed to conserve genetic resources and prevent or minimize the transmission of disease, parasites, or invasive species to wild stocks,

(2) marine ecosystems,

(3) biological, chemical and physical features of water quality and habitat,

(4) marine mammals, other forms of marine life, birds, and endangered species, and

(5) other features of the environment,

as identified by the Secretary, in consultation as appropriate with other Federal agencies.

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**SA 768.** Ms. SNOWE (for herself, Mr. STEVENS, and Mr. INOUYE) submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

Strike paragraph (8) of section 4(a).

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**SA 769.** Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ———. STATE OPT-OUT.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act, if Secretary receives notice in writing from the chief executive officer of a coastal State that the State does not wish to have the provisions of this Act apply in the State's seaward portion of the Exclusive Economic Zone, then—

(1) the provisions of sections 4 shall not apply in that portion of the Exclusive Economic Zone more than 30 days after the date on which the Secretary receives the notice;

(2) no permit issued under this Act shall be valid in that portion of the Exclusive Economic Zone more than 30 days after the date on which the Secretary receives the notice; and

(3) the Secretary may not utilize the personnel, services, equipment, or facilities of that State under section 7 more than 30 days after the date on which the Secretary receives the notice.

(b) TERMINATION OF AQUACULTURE ACTIVITIES.—If the Secretary receives the notice described in subsection (a) after an offshore aquaculture facility has been established under this Act in the State's seaward portion of the Exclusive Economic Zone or permits have been granted under this Act with respect to that area, the Secretary shall—

(1) revoke any such permit or limit its application to areas not included in the State's seaward portion of the Exclusive Economic Zone;

(2) order the closure of the facility within a period of not more than 30 days and provide for an orderly phase out of any activities associated with the facility under this Act; and

(3) take any other action necessary to ensure that the provisions of this Act (other than this section) are not applied within that area.

(c) REVOCATION.—The chief executive officer of a State that has transmitted a notice to the Secretary under subsection (a) may revoke that notice at any time in writing.

(d) DEFINITIONS.—

(1) COASTAL STATE.—The term ''coastal State'' has the same meaning as given that term in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(2) STATE SEAWARD PORTION OF THE EXCLUSIVE ECONOMIC ZONE.—

(A) IN GENERAL.—In this section, the term ''State's seaward portion of the Exclusive Economic Zone'' shall be determined by extending the seaward boundary (as defined in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b))) of each coastal State seaward to the edge of the Exclusive Economic Zone.

(B) LIMITATION.—Nothing in paragraph (1) shall be construed to give a State any right, title, authority, or jurisdiction over that portion of the Exclusive Economic Zone described in paragraph (1).

## NOTICES OF HEARINGS/MEETINGS

### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing on June 16, 2005, entitled ''Civilian Contractors Who Cheat On Their Taxes And What Should Be Done About It.'' The June 16 hearing will be the second hearing the Permanent Subcommittee on Investigations will hold on tax delinquency problems with Federal contractors. On February 12, 2004, the Subcommittee held a hearing entitled ''DoD Contractors Who Cheat on Their Taxes And What Should Be Done About It'' which examined the Department of Defense's (DoD) failure to levy contractor payments for unpaid taxes owed by contractors doing business with DoD and getting paid with taxpayers dollars. The February 2004 hearing also demonstrated that the problem of tax delinquent Federal contractors may not be confined to DoD. The Subcommittee requested that the Government Accountability Office (GAO) determine if Federal contractors at civilian agencies were tax delinquent. At the June 16th hearing, the Subcommittee will present the results of this expanded investigation. Additionally, the GAO will be releasing two reports which were requested by the Subcommittee on this matter. The first report covers the extent of tax debt among civilian contractors. The second report covers the extent to which the Federal Government and the states have entered into reciprocal agreements to collect delinquent Federal or State taxes.

The Subcommittee hearing is scheduled for Thursday, June 16, 2005, at 9:30 a.m. in Room 562 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224–3721.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, June 7, 2005 to conduct a Business Meeting on the following agenda:

Resolutions

To authorize alteration of the James L. King Federal Justice Building in Miami, FL.;

H.R. 483, to designate a United States courthouse in Brownsville, TX, as the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse'';

S. 1140, to designate the State Route 1 Bridge in the State of Delaware as the ''Senator William V. Roth, Jr. Bridge'';

S. 1017 To reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984;

S. 260 Partners for Fish and Wildlife Program;

S. 858 NRC Fees/Reform Bill;

S. 865 Price Anderson;

S. 864 Nuclear Security.

The hearing will be held in SD 406.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday June 8, 2005, at 10 a.m., to hear testimony on ''The Tax Code and Land Conservation: Report on Investigations and Proposals for Reform''.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 8, 2005 at 2:30 p.m. to hold a hearing on nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 8, 2005 at 9:50 a.m. in SD–430.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2005 at 2:30 p.m. to hold a briefing.

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

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, Wednesday, June 8, 2005 from 2 p.m.–5 p.m. in Dirksen G50 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON DISASTER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Disaster be authorized to meet on Wednesday, June 8, 2005, at 2:30 p.m., on Research and Development to Protect America's Communities from Disaster, in SR–253.

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

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION AND COMPETITIVENESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Innovation, and Competitiveness be authorized to meet on Wednesday, June 8, 2005, at 9:30 a.m. on Current Challenges that Confront American Manufacturers, in SR–253.

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

## PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Bharat Ramamurti, a legal intern with my Senate Judiciary staff, be granted the privileges of the floor during consideration of the Brown nomination.

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

Mr. SMITH. Mr. President, I ask unanimous consent that privileges of the floor be granted to Kate Stephenson of my office staff today.

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

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 57, 140, 143, 144, 145, 146, and 147. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

DEPARTMENT OF HOMELAND SECURITY

Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security.

DEPARTMENT OF JUSTICE

Regina B. Schofield, of Virginia, to be an Assistant Attorney General.

Paul D. Clement, of Virginia, to be Solicitor General of the United States.

Gretchen C. F. Shappert, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Anthony Jerome Jenkins, of Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

Stephen Joseph Murphy III, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

NOMINATION OF GRETCHEN C.F. SHAPPERT

Mr. BURR. Mr. President, I rise in support of the nomination of Gretchen C.F. Shappert to be U.S. Attorney for the Western District of North Carolina.

Ms. Shappert has been an Assistant U.S. Attorney for the Western District since 1990 and has served as Acting U.S. Attorney since 2004.

Ms. Shappert brings a wealth of experience to the position, and I am confident that she will continue to serve the President, the State of North Carolina, and the country with honor and distinction.

From 1983 to 1990, Ms. Shappert served as Assistant District Attorney and as Assistant Public Defender for Mecklenburg County, NC.

Before her career in public service, Ms. Shappert was an associate with the law firm of Tucker, Hicks, Sentelle, Moon & Hodge in Charlotte, NC.

Ms. Shappert earned her bachelor's degree from Duke University and her J.D. from Washington and Lee University School of Law, where she earned the title of managing editor of the Washington and Lee Law Review.

I have no doubt that Ms. Shappert will continue to represent North Carolina well in the judicial branch of our Nation.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## NATIONAL HISPANIC MEDIA WEEK

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 163, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 163) designating June 5 through June 11, 2005, as ''National Hispanic Media Week,'' in honor of the Hispanic Media of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, I support this important resolution designating June 5 through June 11 as National Hispanic Media Week.

For nearly four centuries, Hispanic publishers, writers, and editors have made immeasurable contributions towards our national commitment to promote free speech and the free exchange of ideas. This group of hard working Americans has dedicated themselves to better informing our communities on the great political, economic, and social issues of the day. Hispanic publications serve a population of over 20 million people meaning that one in every eight Americans receives at least part of their news from a Hispanic media outlet

The designation of a week to honor the Hispanic media of America will help affirm the importance of freedom of speech, civic engagement, and further development of the Hispanic media. This recognition of the Hispanic media will serve as a reminder of the valuable contributions made by Hispanic publishers, journalists and editors.

This resolution is important across the country, but I can personally speak to its importance in my home State of New Mexico. Forty-two percent of New Mexico's population is Hispanic. I know that many of those individuals rely on Hispanic media for news and entertainment. They tap into such New Mexico outlets as El Hispano newspaper, radio stations like KDCE in Española and KLVO in Albuquerque, Spanish-language television stations

like KLUZ, and magazines like La Herencia. I am proud to be apart of honoring a group that is so important to so many people in my home State.

This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the week with appropriate ceremonies and activities.

I strongly urge my colleagues to join us in promptly passing this resolution designating June 5 through June 11 as National Hispanic Media Week.

Mr. BINGAMAN. Mr. President, I am pleased to add my name as a cosponsor of this resolution to recognize Hispanic Media Week. The resolution provides an opportunity to recognize the vital contribution the Hispanic media makes not only to the Hispanic community but to the Nation at large.

As the Hispanic community grows in numbers, business influence, and political power an integral part of their success has been the Hispanic media. Currently there are almost 600 Hispanic publishers in the United States with a combined readership of over 30 million. These publications represent Spanish, bilingual, and English daily, weekly, and periodic newspapers and magazines. Many of these publishers have persevered through years and even decades of low circulation numbers and industrywide skepticism to emerge today as a dynamic and growing segment of the publishing industry.

The number of Hispanic publishers continues to grow larger and play an important role in getting vital information to this important segment of the population. In disseminating vital information to the Hispanic community, Hispanic publishers have performed a service not only to their own communities but to each and every community that strives towards a free and open exchange of ideas in the embodiment of the American dream.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 163

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas over 600 Hispanic publications circulate over 20,000,000 copies every week in the United States;

Whereas 1 in 8 Americans is served by a Hispanic publication;

Whereas the Hispanic press informs many Americans about great political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates June 5 through June 11, 2005, as ''National Hispanic Media Week'', in honor of the Hispanic Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

## COMMITTEE ON APPROPRIATIONS 138TH ANNIVERSARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 164, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) authorizing the printing with illustrations of a document entitled ''Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 164) was agreed to, as follows:

S. RES. 164

*Resolved.* That there be printed with illustrations as a Senate document a compilation of materials entitled ''Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005'', and that there be printed two thousand additional copies of such document for the use of the Committee on Appropriations.

## ORDERS FOR THURSDAY, JUNE 9, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, June 9. 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 the Senate then return to executive session and resume consideration of the nomination of William Pryor to be a U.S. circuit judge for the Eleventh Circuit, as provided under the previous order.

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

## PROGRAM

Mr. McCONNELL. Tomorrow, the Senate will resume consideration of the nomination of Bill Pryor to be a U.S. circuit judge for the Eleventh Circuit. Earlier today, cloture was invoked on the Pryor nomination by a vote of 67 to 32. Under a previous order, the time until 4 p.m. will be equally divided for debate on that nomination. At 4 p.m., the Senate will proceed to a vote on confirmation. The vote on the Pryor nomination will be the first vote of the day.

Following the Pryor confirmation vote, the Senate will consider the Griffin and McKeague nominations to the Sixth Circuit. We will debate those nominations concurrently and vote on confirmation tomorrow evening. I would say to our colleagues, we are not finished when we finish the vote on Judge Pryor tomorrow afternoon. We have two more very important nominations to the Sixth Circuit, a circuit that has been 25-percent vacant for many years. So we will not be able to conclude until we finish all of those nominations tomorrow.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 6:46 p.m., adjourned until Thursday, July 9, 2005, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 8, 2005:

THE JUDICIARY

JOHN RICHARD SMOAK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE C. ROGER VINSON, RETIRED.

DEPARTMENT OF JUSTICE

KENNETH L. WAINSTEIN, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE ROSCOE CONKLIN HOWARD, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL CHARLES W. COLLIER, JR., 0000
BRIGADIER GENERAL SCOTT A. HAMMOND, 0000
BRIGADIER GENERAL HENRY C. MORROW, 0000
BRIGADIER GENERAL ROGER C. NAFZIGER, 0000
BRIGADIER GENERAL GARY L. SAYLER, 0000
BRIGADIER GENERAL DARRYLL D.M. WONG, 0000

*To be brigadier general*

COLONEL MICHAEL D. AKEY, 0000
COLONEL FRANCES M. AUCLAIR, 0000
COLONEL KATHLEEN F. BERG, 0000
COLONEL JAMES A. BUNTYN, 0000
COLONEL STANLEY E. CLARKE III, 0000
COLONEL JAMES F. DAWSON, JR., 0000
COLONEL MICHAEL D. GULLIHUR, 0000
COLONEL TONY A. HART, 0000
COLONEL MARTIN K. HOLLAND, 0000
COLONEL MARY J. KIGHT, 0000
COLONEL JAMES W. KWIATKOWSKI, 0000
COLONEL ULAY W. LITTLETON, JR., 0000
COLONEL PATRICK J. MOISIO, 0000
COLONEL LODA R. MOORE, 0000
COLONEL THOMAS A. PERARO, 0000
COLONEL WILLIAM M. SCHUESSLER, 0000
COLONEL ROBERT M. STONESTREET, 0000
COLONEL JANNETTE YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. DAVID G. EHRHART, 0000
COL. RICHARD C. HARDING, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. WALTER L. SHARP, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate: Wednesday, June 8, 2005:

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

### DEPARTMENT OF HOMELAND SECURITY

PHILIP J. PERRY, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

JANICE R. BROWN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

### DEPARTMENT OF JUSTICE

REGINA B. SCHOFIELD, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

PAUL D. CLEMENT, OF VIRGINIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

GRETCHEN C. F. SHAPPERT, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

ANTHONY JEROME JENKINS, OF VIRGIN ISLANDS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF FOUR YEARS.

STEPHEN JOSEPH MURPHY III, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

# EXTENSIONS OF REMARKS

## RECOGNIZING THE 30TH ANNIVERSARY OF VICTIMS SERVICES CENTER OF MONTGOMERY COUNTY

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. GERLACH. Mr. Speaker, I rise today to recognize Victim Services Center (VSC) of Montgomery County, Inc. on its 30th anniversary.

In 1974, a group of five women from Montgomery County, Pennsylvania organized VSC, then called Women Against Rape, due to concerns over the lack of a sensitive and uniform response to victims of sexual assault. As awareness of sexual assault grew, the need to recognize that both men and women are victims, and that both sexes can contribute to the solution, transformed the agency into what was known as the Rape Crisis Center. In 1985, additional services were added to support victims of other serious crimes, including a victim witness program. To reflect this expansion of services, the name of the organization was subsequently changed to Victim Services Center of Montgomery County, Inc. and it is thus known today.

Victim Services Center has become a comprehensive crime victims organization that provides free, confidential 24-hour crisis intervention, advocacy, and counseling service to victims of crime and safety education programs to schools from preschool to college. It likewise provides outstanding training services to professionals and law enforcement personnel.

Approaching nearly 30 years of service, Victim Services Center has achieved a exemplary reputation in Montgomery County for confidential, supportive services that have aided thousands of people seeking help. Without the presence of Victim Services Center in the community, crime victims would be left to fend for themselves through a maze of government agencies and court proceedings, while also having to cope with the trauma of criminal victimization.

Mr. Speaker, I ask my colleagues to join me today in recognizing Victim Services Center of Montgomery County, Inc. on its 30th anniversary. The VSC's tremendous efforts in aiding victims of sexual assault and other crimes have truly made a difference in our community.

## TRIBUTE TO DAVE CARLSON ON THE OCCASION OF HIS RETIREMENT FROM THE CITY OF RIVERSIDE FIRE DEPARTMENT

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Fire Chief Dave Carlson for his dedicated service to our country and our community. Mr. Carlson recently retired as the Fire Chief of the city of Riverside, California. He has protected our citizens as a warrior and fireman over a 39-year career in public service.

Dave grew up in Sacramento and graduated from Luther Burbank High School in 1966. Two weeks later he enlisted in the Navy to pursue his childhood dream of becoming a ''frogman.'' Dave graduated from Underwater Demolition/SEAL training and went on to serve two tours of duty in Vietnam. In 1972 he became a firefighter in Santa Barbara County, California. Dave worked his way through the ranks and became a Battalion Chief in 1981. Constantly striving for self improvement, Dave attended college on his days off. He earned a Bachelor's Degree in Public Service Management and a Master's Degree in Public Administration from the University of La Verne. In 1991, Dave became the Fire Chief in the City of Norco, California. In 1994, he became the Deputy Fire Chief of the City of Riverside and in 1996 he was appointed Fire Chief.

Dave Carlson is always looking for innovative ways to provide better public safety service to the community. In 1999 he implemented a paramedic program through a joint partnership with American Medical Response and the Riverside County Medical Services Agency. This partnership resulted in a higher level of emergency care and faster emergency response at no cost to the City of Riverside's general fund.

Throughout his career, Dave has served in professional and public organizations. He has always been active in the California Fire Chiefs' Organization, serving a two-year term as President from 2000 to 2002. He is also the Chair of the Department of Corrections Citizens' Advisory Committee for the California Rehabilitation Center. In 2004, Dave's accomplishments were justly recognized when he received the Distinguished Public Service Career Award from the City of Riverside and was named the ''Fire Chief of the Year'' by the California Fire Chiefs' Association.

Fire Chiefs such as Dave Carlson provide a remarkable level of protection to our communities. They work just as hard at preventing fires and accidents as they do in responding to them. Dave has had an exceptional career keeping our community safe. He has earned my many thanks and I wish him great success in all his future endeavors.

## RECOGNIZIING ALOK WADHWAN

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Alok Wadhwani for his award of Best Student Scenic Design in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories, Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

Alok is a student from Valley Christian High School. He won the Best Student Scenic Design award for his work in ''Godspell''.

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts programs are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize Alok for his accomplishments. I urge him and all students to continue to take interest in the performing arts.

## INSURANCE OPTION HAS WORKERS PAY MORE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. KUCINICH. Mr. Speaker, I wish to bring the following article on associated health plans to the attention of my colleagues. We must continue to work to bring health care coverage to the more than 45 million Americans who are uninsured. This article clearly shows that associated health plans are not the solution. I will continue to push for the adoption of a truly comprehensive and universal, single-payer health care program.

[From the Los Angeles Times, May 23, 2005]

INSURANCE OPTION HAS WORKERS PAY MORE

(By Ricardo Alonso-Zaldivar)

For years, they were the kinds of health insurance plans one found at small businesses or among the self-employed, plans that had huge deductibles and required workers to pay a lot of medical bills themselves—such as allergy shots, chest X-rays and the cost of a new baby.

They weren't the policies most people preferred, but they were the best some people could afford, better than no insurance at all.

Now, as medical costs keep climbing, those high-deductible plans are spreading to the giant corporations that have long been the backbone of traditional job-related, low deductible health insurance. And if the trend continues, it could reshape the medical insurance landscape and sharply redistribute costs, risks and responsibilities for many of the 160 million Americans with private coverage.

A number of large employers, including defense contractor Northrop Grumman Corp.,

the Wendy's hamburger chain, high-tech conglomerate Fujitsu and office supply retailer Staples Inc., are adding what they call consumer-directed health plans to their menus of insurance options.

In a recent survey, 26 percent of large employers said they would offer such plans in 2006, up from 14 percent this year. Another survey found that about half of large companies were considering adding them.

A few companies are pursuing a ''full replacement'' strategy that leaves workers with no other choice. But even where such plans are optional, they are proving popular with workers who might once have scorned a plan that could leave them with several thousand dollars in medical bills each year. At Fujitsu, about half of 5,000 eligible U.S. employees have signed up for the option.

What suddenly makes such plans attractive to workers is that many are caught in a painful bind: In recent years, pay increases have been small at best. At the same time, employers have been requiring workers to pay a larger and larger share of their health insurance premiums. It's not uncommon for higher payroll deductions for health care to more than offset any pay raises.

With the high-deductible plan, workers pay lower monthly premiums and their employers commonly help them build up a special savings account to cushion the impact of a larger annual deductible. The accounts are controlled by the employees, which has led insurers and employers to label the plans ''consumer-directed.''

Even if high-deductible plans offer immediate relief for many workers, and big cost savings to employers, the allure may not last. And the plans may do little or nothing to solve the basic problem of soaring health costs.

''You're beginning to see a lot of growth in these plans, not because they're going to solve America's health care challenge, but because it's a way for employers to cut their out-of-control benefit costs,'' said Robert Laszewski, a consultant to health insurance companies. ''Any time an employer can raise deductibles from $200 to $1,000, it is going to reduce their costs. But will it reduce U.S. health costs generally? The jury is still really out on that. ''

The reason, he said, is that 10 percent of the people—the sickest Americans—account for 70 percent of total health care costs. ''Once the sick people have gone through their deductible, they're back to regular health plan—the incentives for them don't really change,'' Laszewski said.

''This is a cost shift device, and not a means to fundamentally control health care costs.''

Moreover, the willingness of workers to sign up for less generous plans may change over time, as workers and their families get older and more likely to encounter serious medical costs.

''To make these plans truly work, they have to work for the sickest population—it can't be a plan that only works for the healthy,'' said Joe Walshe, a principal with the consulting firm PricewaterhouseCoopers. ''It's very difficult, but that's where the challenge is.''

In the meantime, the short-term appeal of high-deductible plans is easy to see. Employees get a bit more take-home pay. Employers get some relief from higher health care costs.

For big companies, the new plans represent an upfront savings of about 10 percent and the expectation of more gradual cost increases over time. Last year, large employers spent an average of $5,584 per worker for coverage through a high-deductible plan, compared with $6,181 for a worker in the typical preferred provider network, according to a Mercer Human Resource Consulting survey.

Employers say the new plans are not designed primarily to shift costs to workers. The ultimate goal, they say, is to cut health care costs by changing consumers' behavior—teaching them to be more cost-conscious about things such as generic drugs.

''In three to five years, every company is going to offer them,'' predicted Alexander Domaszewicz, a Mercer senior consultant based in Newport Beach. ''People are going to be coming over from companies that have them, and they are going to want them.''

When the city of Las Vegas began offering a consumer-directed plan to 2,200 eligible employees last year, 60 percent signed up.

''When I was growing up in the 1950s, no one had insurance for day-to-day going to the doctor,'' said Victoria Robinson, the city's insurance manager. ''You covered those expenses yourself and had major medical if you had to have your appendix out or something like that.

''It's almost like going back to the future,'' she said.

Yes and no, analysts say.

When employers began offering health insurance, it was a way to attract workers by offering them something of value without directly raising their pay. Today, in purely economic terms, shifting insurance costs to workers amounts to reducing compensation.

Although workers may think they will only face the high deductible if serious illness strikes, those receiving routine medical care can also face fairly hefty medical bills.

Many of the new plans ''confront people with a lot more cost sharing than they are currently experiencing,'' said Sherry Glied, a health policy professor at Columbia University. ''If you are the kind of person who can't keep $2,000 in an account, it could be a really bad idea for you.''

The experience of Mark Pung, a general contractor in Grand Rapids, Mich., shows why such plans can be enticing.

The father of four children, Pung says he would never dream of going without health insurance. Yet he and his wife, Dana, paid for the births of their two youngest children out their own pockets—$3,600 for each healthy baby girl. That's because their medical insurance carries a $5,000 deductible for the family.

Since their premiums are $180 a month, or $2,160 a year, they could find themselves with as much as $7,160 in out-of-pocket health care costs in a single year.

On the other hand, the Pungs face much lower monthly premiums than they would have to pay for a traditional plan: between $800 and $1,400 a month for family coverage—at least $9,600 a year in premiums alone.

Initially, Pung said, ''I felt more exposure. But it wasn't enough to stop me from doing it, because I could run the numbers and see how much sense it made.''

The numbers would not be so dramatic for workers in company plans. Employers help pay premiums and the deductibles are lower. In 2004, the median deductible for a family in a company-provided plan was $3,000. The employer contributed $1,200 toward that through a special account, according to Mercer, leaving the employee responsible for $1,800.

Proponents of consumer-directed health care say another advantage of the plans is that higher deductibles encourage consumers to shop smarter.

The two major firms that administer the plans for large employers—Lumenos Inc. in Alexandria, Va., and Definity Health Corp. in Minneapolis—also supply employees with ideas for saving money, online health care information and related services.

''The key thing is the whole concept of getting the consumer engaged,'' said Doug Kronenberg, chief strategy officer for Lumenos. ''We've got to see behavior change for us as a country to be able to address the escalating health care costs we've got.''

When patients have no ''skin in the game,'' he said, they don't think about how to save.

In Washington, Republican policy-makers have encouraged the trend toward high deductible insurance plans.

Congress expanded tax-sheltered medical accounts and renamed them health savings accounts, or HSAs, in the 2003 Medicare prescription drug bill. A year earlier, the Treasury Department had quietly issued a ruling that enabled employers to offer a plan known as a health reimbursement arrangement.

The savings accounts are available to people who buy health coverage with deductibles of at least $1,000 for individuals and $2,000 for families. Employees and employers can make pretax contributions to cover the deductible. The accounts belong to employees, who can take them along when they switch jobs. With reimbursement accounts, employees don't own the health care accounts. They can roll over unused balances at the end of the year, but they cannot take their accounts with them if they switch jobs.

In a typical reimbursement account, an employer would create an account for an employee and family, and commit to cover the first $2,000 of their health care costs. The employee would then be responsible for the next $1,000.

After that, traditional health coverage would kick in, with the policy paying 90 percent of the costs and the employee 10 percent. Both the reimbursement and savings accounts have caps on how much an individual can be required to pay in a year.

Still, financial incentives can change—especially as individuals realize they need greater levels of health care.

''The real concern is that people will want to switch out of these plans when they get sick,'' said Glied, the Columbia professor. ''Then it will be very expensive for employers.''

## HONORING TRUETT OTT

### HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Truett Ott, former Florida State Senator and District Court of Appeals Judge, whose passing last month was a great loss to our community.

Always a dedicated public servant, Truett appropriately began his career by serving his country as a pilot in World War II and later as an officer at Tampa Bay's MacDill Air Force Base during the Korean War. But Truett would become better known for his work in the field of law—a career which he launched by graduating with honors from the University of Florida Law School. He joined Tampa's Carlton Fields law firm before founding a firm of his own in 1956.

Just ten years later, Truett set his mind to running for the State Senate and beat an incumbent to win his seat. Among his many notable accomplishments in office, Truett was a force behind legislation to improve our state's vocational schools and he convinced his colleagues to support a law providing judges discretion in sentencing for certain first-time drug offenders while increasing penalties for repeat

offenders and dealers. Truett became known as a uniquely fair but independent minded lawmaker—a reputation which he would carry throughout his career.

In 1972, Truett returned to the full-time practice of law, but just four years later he chose to run for a seat on Florida's Second District Court of Appeal. He not only won the seat, but was reelected in 1982 with a nearly 90 percent approval rating in a Florida Bar Association poll. When Truett retired from the bench in 1986, he was serving as Chief Judge.

Truett Ott's service to his community did not end at the office door. A faithful servant of God, Truett taught Sunday school for 55 years and gave back to others through his work with a host of service organizations including the Boy Scouts of America, YMCA, United Way, Metropolitan Ministries, the Billy Graham Crusade, the Boys Club and the Pike County Association.

Truett Ott was a role model for us all. On behalf of the entire Tampa Bay community, I would like to thank him for his service and extend my deepest sympathies to his family. His contributions and his character will not be forgotten and set high standards for generations to come.

## HONORING CONOR MICHAEL O'ROURKE

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Conor Michael O'Rourke of Arlington, Virginia. Conor has not only achieved the rank of Eagle Scout in the Boy Scouts of America; he has pursued his accomplishments with a sincere commitment to the fundamental ideals of improving our community. As a member of Troop 50 in the National Capital Area Council, Conor has exemplified the finest qualities of leadership and citizenship in earning Boy Scouts' most prestigious award. He is currently a junior at Bishop Denis J. O'Connell High School in Arlington, Virginia and is the older son of Mary Anne and Michael O'Rourke.

At Troop 50, Conor has provided leadership in a variety of positions. He has led his troop as Patrol Leader (twice), Assistant Senior Patrol Leader, and High Adventure Assistant Crew Chief. In addition, he served for several years as Den Chief, in which he was a role model and guide to a group of Cub Scouts at St. Thomas More School in Arlington.

As a Boy Scout, Conor has trekked through the mountains of New Mexico on horseback, explored underground caves, sailed the Florida Keys and went on numerous camping trips. He has earned 28 merit badges and four religious awards, including the Boy Scout Ad Altare Dei. He is truly an exemplary Scout.

For his Eagle Scout Leadership Service Project, Conor directed three dozen volunteers, who donated over 140 hours of labor to the Arlington County Department of Parks and Recreation for the construction of a new park trail.

Because of his dedication and service to the community, I have great expectations for Conor—he will be among the young men who leads our Nation through the 21st. Century. Mr. Speaker, I proudly ask you to join me in commending Conor Michael O'Rourke for achiving the highest distinction of Eagle Scout, and wish him luck on all of his future endeavors.

## CONGRATULATING RUTH ANN NORTON

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. RUPPERSBERGER. Mr. Speaker, it is my pleasure today to congratulate Ruth Ann Norton, whose important work in preventing lead positioning has received national acclaim. Ms. Norton recently received the Nation's top community health honor, a 2005 Robert Wood Johnson Community Health Leadership award.

Ms. Norton is one of 10 recipients nationwide recognized for their outstanding contributions to community health. As part of the award, Ms. Norton will receive a grant of more than $100,000 to augment her efforts.

As recently as 2002, one out of every 25 children nationwide was diagnosed with lead poisoning. The City of Baltimore, where Ms. Norton's efforts are focused, has among the highest numbers of pre-1940 rental properties in the Nation—and buildings constructed in that timeframe often contain lead paint. The children living in these buildings often develop asthma or lead poisoning that can cause serious disabilities and impairments.

Unwilling to accept the fact that children are exposed to hazardous environments, especially in their own homes, Ms. Norton left the business world to become Executive Director of the Coalition to End Childhood Lead Poisoning in 1994. She transformed the Coalition from a one-person organization to a 30–person primary prevention organization that has provided direct program services to thousands of at-risk clients. The majority of those helped by the Coalition are single, African-American mothers and pregnant women living in high risk and low-income communities in Baltimore.

Under her leadership, the Coalition has played a significant role in reducing childhood lead poisoning in Baltimore by 91 percent in less than a decade. This success is the result of preventative strategies and public policy changes advocated for by the Coalition, such as requiring lead reductions in housing stock, providing relocation opportunities for families living in hazardous buildings, and testing children for lead paint poisoning. The Coalition has also been credited with playing a primary role in the dramatic decline in lead-poisoned children statewide—from 14,000 in 1993 to less than 2,000 in 2003.

Mr. Speaker, I am honored to recognize Ms. Norton's dedication to improving the health of Maryland's children, and to congratulate her for this well-deserved Community Health Leadership award.

## TRIBUTE TO JULIE PUENTES

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Julie Puentes for her dedicated service to the people of Orange County, California. Ms. Puentes has demonstrated a commitment to excellence and has made our community a better place to live.

Julie Puentes is the Executive Vice President of Public Affairs for the Orange County Business Council, a countywide organization comprised primarily of Orange County's largest employers and small businesses dedicated to Orange County's economic vitality. She serves as a member of the organization's executive management team and manages the Business Council's Advocacy program. She coordinates the Business Council Investor lobbying efforts which are intended to foster a positive business climate and preserve Orange County's quality of life. During her time at the OCBC, Julie has done an exemplary job of building relationships, particularly with Orange County's federal, state and local representatives. She also works closely with other chambers of commerce and regional economic development organizations.

Before she joined the Orange County Business Council professional staff Ms. Puentes was the owner of JFConsulting, a public affairs consulting firm. Her firm focused on engaging the business community in the development of public policy and more business-friendly environmental regulation. From 1978–1991, Ms. Puentes served as Chief of Staff to Senator Marian Bergeson, culminating a 20-year career in public service for five state legislators.

Ms. Puentes served in the Wilson Administration as a member of the State Job Training Coordinating Council (now the state Workforce Investment Board) and the Governor's School-to-Career Advisory Council. She serves on the Board of Directors of the Orange County Public Affairs Association and Citizens Against Lawsuit Abuse, and is a member of the California Chamber of Commerce Advocacy Council.

We rely upon citizens like Julie Puentes to sustain the spirit of our communities. I have relied on her advice in addressing various water and transportation challenges facing our community and state. Julie Puentes has earned my many thanks and I wish her great success in all her future endeavors.

## RECOGNIZING KELLY BLACK

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Kelly Black for her award as Best Female Performer in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

Kelly is a student from Oak Grove High School. She won the Best Female Performer award for her role of Velma Kelly in ''Chicago''. Kelly will receive a scholarship to the

American Musical Theatre Artists Institute, a nine-week intensive professional training program.

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts programs are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize Kelly for her accomplishments. I urge her and all students to continue to take interest in the performing arts.

## HONORING RABBI MICHAEL DATZ

### HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. LAHOOD. Mr. Speaker, I rise today to honor the accomplishments and services of Rabbi Michael Datz of Springfield, Illinois for his thirteen years of spiritual guidance and leadership.

Rabbi Datz draws on his extraordinary life experiences to provide insight to his congregation at the Temple B'rith Sholom. He has lived in South Africa, the Netherlands, and Australia, as well, his birth-state of Texas. Yet, the community of Springfield is of profound importance to him. His extensive involvement in numerous religious and civic community organizations greatly benefits his adopted home. He is a board member of the Springfield Board of Jewish Education, the Springfield Jewish Federation, the Central Illinois Food Bank, the Springfield Liturgical Arts Council, the Greater Springfield Interfaith Association, and he is Chairman of the Dept. of Community Relations of the City of Springfield. In addition to being a dedicated servant of the community, the rabbi is a lawyer, a children's author, a husband, and a father of two.

Yet above and beyond these accomplishments, the people who know the rabbi best testify that his courage and his sense of humor are traits that make him an excellent community leader. The people of Springfield and the members of the Temple B'rith Sholom are pleased and honored to have Rabbi Michael Datz as a servant of their community, and I am pleased to honor him on the occasion of a special dinner in recognition of his service.

## RECOGNITION OF THE AMHERST COMMUNITY HISTORY MURAL

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. OLVER. Mr. Speaker, I rise today to recognize the dedication of the Amherst Community History Mural at West Cemetery. The event marks the completion of a community-wide effort by the Amherst Historical Commission to raise funds and install a mural on the back wall of the Carriage Shops which abut historic West Cemetery in Amherst.

West Cemetery is Amherst's oldest burying ground and was laid out in 1730 for settlers of the East District of Hadley. It is a true historical site that represents some of Amherst's original unchanged landscape, which today would still be recognizable to the early settlers who lie there next to their fellow farmers, mill workers, servants, soldiers, professors and poets.

The Amherst Community History Mural addresses five aspects of Amherst's history: farming, literature, domestic life, education and the military, and industry and economic life. Notable figures portrayed in the mural standing on the balcony of the Amherst Hotel include Robert Gilbert "Gil" Roberts, a member of the New Black Eagle Jazz Band of Boston who also played with Louis Annstrong and Josephine Baker; Chief Justice Harlan Fiske Stone; Peter Merzbach, a 20th-century obstetrician; the Reverend David Parsons, Amherst's first minister; and Charley Thompson, a janitor and friend to Amherst College students during the 1800s.

Again I congratulate Amherst, my home town, on creating this mural that honors and remembers the great history of our community.

## TRIBUTE TO DANIEL J. MASIELLO

### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the life and memory of a great Western New Yorker, Mr. Daniel J. Masiello, a remarkable man dedicated to public service, his family and his nation.

Born on the West Side of Buffalo in 1913, as a young man Mr. Masiello enlisted in the United States Army and went on to defend this Country's freedom overseas for five years during World War II.

A hard-working man, Mr. Masiello was a member of Teamsters Local 375 as an employee of Dorn's Transportation and went on to work in the City of Buffalo Streets Department for 27 years, eventually serving as the department's Supervisor.

Mr. Masiello was a devoted family man, married to Bridget DeGeorge for 59 years, they enjoyed spending time with their seven children, fourteen grandchildren and five great-grandchildren.

For 91 years the Buffalo and Western New York community was fortunate to have Daniel J. Masiello as a trusted friend and I am pleased to honor his memory today.

## TRIBUTE TO JAMES E. MIZELL II

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor the late James E. Mizell II for his dedicated service to our country and community. Born in February 1948, in Bakersfield, Jim was a fourth generation Californian and remained devoted to the betterment of the state throughout his personal and professional life. Growing up in Taft, in the San Joaquin Valley, Jim developed an early appreciation for the importance of water resources to farmers and businessmen living in a desert. At the age of 14, he moved to Orange County and, soon after, met his future wife Pamela Mosier while attending Corona Del Mar High School.

After his marriage to Pam, Jim was deployed by the United States Navy to South East Asia aboard the aircraft carrier USS *Midway*. After fulfilling his military duty, he returned to Orange Coast College, finished his Bachelor of Science in Economics at Loyola Marymount and received an MBA from the Anderson School of Business at UCLA. Jim's interest in California's growth led him to specialize in real estate development. Jim also leaves a legacy of balanced and practical environmental stewardship, business and financial acumen, as well as decade of leadership as an elected director of the Santa Margarita Water District.

Jim passed away on January 14th of this year while taking his morning run. He is survived by his wife and four boys.

Jim was fascinated by issues that shaped the future of "his State". He understood the complex issues which impacted Southern California's ocean, in which he loved to surf and sail, and the beauty of Northern California's wilderness where he hiked and skied. He understood California's vital farming communities, and the necessary growth of the housing market to a growing economy.

Jim was a man of integrity who believed in the goodness of people, and that most individuals are motivated by a sincere desire to accomplish positive results. However, he also believed man is limited by his ability to appreciate the opposing side of an argument. It is this dichotomy which Jim tried to bridge. His favorite adage was, "No information is bad information." He urged those around him to embrace knowledge as friendly even if it was not "good" news, because the only bad information is no information at all. Jim could and would play "Devil's Advocate" to advance another's understanding of the other side of an issue, to move groups toward agreement. He always sought a compromise because he believed that there should be no "loser." The example he set is one we can all learn from.

It was Jim's sincere desire that each of us contribute the best of ourselves today in order to prepare California for a better tomorrow. Jim Mizell served his family, country and his community with distinction and honor and I am truly proud to have called him a friend.

## RECOGNIZING TOMMY JERNIGAN

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Tommy Jernigan for his award of Best Student Lighting Design in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the

quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

Tommy is a student from Live Oak High School. He won the Best Student Lighting Design award for his work in "Fiddler on the Roof".

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts programs are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize Tommy for his accomplishments. I urge him and all students to continue to take interest in the performing arts.

## FINANCING DRUG RESEARCH: WHAT ARE THE ISSUES?

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. KUCINICH. Mr. Speaker, I would like to bring the following article to the attention of my colleagues. The article details the reasons that the U.S. pays excessively high prices for prescription drugs. The Free Market Drug Act gets at the heart of the problem outlined below.

[From the Center for Economic and Policy Research, Sept. 21, 2004.

FINANCING DRUG RESEARCH: WHAT ARE THE ISSUES?

(By Dean Baker)

EXECUTIVE SUMMARY

Rising drug prices are placing an ever larger burden on family budgets and the economy. The Center for Medicare and Medicaid Services estimates 2004 expenditures at $207 billion (more than $700 per person), and projects that annual spending will grow to more than $500 billion by 2013 (more than $1,600 per person). The immediate cause of high drug prices is government granted patent monopolies, which allow drug companies to charge prices that are often 400 percent, or more, above competitive market prices.

Patent monopolies are one possible mechanism for financing prescription drug research. Rapidly increasing drug costs, and the economic distortions they imply, have led researchers to consider alternative mechanisms for financing drug research. This paper outlines some of the key issues in evaluating patents and other mechanisms for financing prescription drug research. It then assesses how four proposed alternatives to the patent system perform by these criteria.

The most obvious problem stemming from patent protection for prescription drugs is the huge gap it creates between the cost of producing drugs and the price. In addition, to making drugs unaffordable in many cases, high drug prices also lead to enormous economic inefficiency.

Patent monopolies cause economic distortions in the same way that trade tariffs or quotas lead to economic distortions, but the size of the distortions are far greater. While trade barriers rarely increase prices by more than 10 to 20 percent, drug patents increase prices by an average of 300–400 percent above the competitive market price, and in some cases the increase is more than 1000 percent. Simple calculations suggest that the deadweight efficiency losses from patent protection are roughly comparable in size to the amount of research currently supported by the patent system—approximately $25 billion in 2004. Projections of rapidly rising research costs, and therefore a growing gap between price and marginal cost, imply that the deadweight loss due to drug patents will exceed $100 billion a year by 2013.

As economic theory predicts, government granted patent monopolies lead not only to deadweight efficiency losses due to the gap between the patent protected price and the competitive market price, but also to a variety of other distortions. Among these distortions are:

(1) Excessive marketing expenses, as firms seek to pursue the monopoly profits associated with patent protection—data from the industry suggests that marketing costs are currently comparable to the amount of money spent on research; (2) wasted research spending into duplicative drugs—industry data indicates that roughly two thirds of research spending goes to developing duplicative drugs rather than drugs that represent qualitative breakthroughs over existing drugs; (3) the neglect of research that is not likely to lead to patentable drugs; (4) concealing research findings in ways that impede the progress of research, and prevent the medical profession and the public from becoming aware of evidence that some drugs may not be effective, or could even be harmful.

In addition, the patent system for financing prescription drug research poses large and growing problems in an international context. Disputes over patent rules have increasingly dominated trade negotiations. Furthermore, problems of enforcement have persisted even after agreements have been reached. These problems are likely to worsen through time, as the pharmaceutical industry seeks to increase the amount of money it extracts from other countries through patent rents.

This paper examines four alternatives to the patent system:

(1) A proposal by Tim Hubbard and James Love for a mandatory employer-based research fee to be distributed through intermediaries to researchers (Love 2003); (2) A proposal by Aidan Hollis for zero-cost compulsory licensing patents, in which the patent holder is compensated based on the rated quality of life improvement generated by the drug, and the extent of its use (Hollis 2004); (3) A proposal by Michael Kremer for an auction system in which the government purchases most drug patents and places them in the public domain (Kremer 1998); and (4) A proposal by Representative Dennis Kucinich to finance pharmaceutical research through a set of competing publicly supported research centers (Kucinich 2004).

All four of these proposals finance prescription drugs in ways that allow most drugs to be sold in a competitive market, without patent monopolies. These proposals also would eliminate many of the economic distortions created by the patent system.

These proposals, along with other plausible alternatives to the patent system, deserve serious consideration. Current projections for drug spending imply that patent supported prescription drug research will lead to ever larger distortions through time. For this reason, it is important to consciously select the best system for financing prescription drug research, not to just accept the patent system due to inertia.

## HONORING ANN LOWRY MURPHEY

### HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Ann Lowry Murphey, a tireless public servant who lost her struggle with cancer last month.

Ann truly left no stone unturned in her quest to improve the Tampa Bay community. She energetically led a host of charitable and community organizations, and in attempting to highlight Ann's causes, any tribute will inevitably fail to recognize all of her contributions.

A faithful servant of God, Ann was a longtime parishioner and member of the vestry of St. John's Episcopal Church. A supporter of the arts, Ann was active with The Tampa Philharmonic and The Museum Society at the University of Tampa. As a successful businesswoman, she served on the board of First Citizens Bank and Barnett Bank of Tampa and as Vice President of Murphey Capital. Ann worked on the Judicial Nominating Commission for the 13th Circuit and was on the board of governors of the Greater Tampa Chamber of Commerce. And Ann never just participated in any activities—she was a supreme doer and always a leader.

Throughout her years, she was president and Sustainer of the Year of The Junior League of Tampa, president of the Lowry Family Foundation and served on the board of directors for The H. Lee Moffitt Cancer Center & Research Institute. And in 1992, for all her hard work, the Tampa Civitan Club gave her the Citizen of the Year Award.

But above all these contributions, Ann will be best remembered for her work on behalf of children—in particular, her efforts to transform The Children's Home. Whether she was serving as the organization's president of the board of directors, chairwoman of the board of trustees, associate director or director of development, Ann was constantly working not only to improve the quality of care that The Children's Home provides, but also to spend as much time as she could with the children who depend on these services. For all her efforts, it was fitting that last year Voices for Children chose Ann as the first recipient of its Guardian Angel Award.

Through all her work, Ann was an unstoppable, passionate force for change. There were no bounds to her compassion and generosity. She was truly a blessing to the whole community.

On behalf of all of those who benefited so greatly from her tireless efforts, I would like to extend my deepest sympathies to Ann's loved ones. Ann shared so much with us. We can only try to follow in her footsteps and do our best to live up to her very high standards.

## HONORING MS. BETTY B. MICHALIGA

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Ms. Betty B. Michaliga, a resident of Virginia's 8th Congressional District

that I am proud to represent. Ms. Michaliga has contributed greatly to our high quality of life in Northern Virginia. Specifically, she has distinguished herself with exceptionally meritorious achievements in public service to this Nation by serving the United States Army for over thirty-four years.

In 1971, Ms. Michaliga began her superior career as a United States Army Civil Service employee in the Headquarters, United States Army Corps of Engineers. Because of her demonstrated abilities, she moved in 1983 to the Army Secretariat in the Office of the Deputy Assistant Secretary of the Army (Installations and Housing), Assistant Secretary of the Army (Installations and Environment). Currently Ms. Michaliga is a Program Analyst responsible for developing and monitoring the legislative process and Congressional reporting requirements for Army installations.

Throughout her career, Ms. Michaliga has provided outstanding advice, and sound professional judgment on significant issues that affected both the Army and the Congress. Her actions and counsel were invaluable to Army leaders as they considered the impact of important issues, and her dedication to accomplishing the Army's mission has been extraordinary. Mr. Speaker, Ms. Michaliga has been a truly outstanding career civil servant and will be missed by the United States Army.

## THE PATENT ACT OF 2005

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. BERMAN. Mr. Speaker, today I join Representative SMITH (TX), BOUCHER, GOODLATTE, LOFGREN and SCHIFF in introducing the Patent Act of 2005 (PA Act). Introduction of this legislation follows the acknowledgment by multiple sources that the current patent system is flawed. The release of the Patent and Trademark Office's Twenty-First Century Strategic Plan, the Federal Trade Commission's report entitled ''To Promote Innovation: the Proper Balance of Competition and Patent Law and Policy,'' the National Research Council's compilation of articles ''A Patent System for the 21st Century'' and an economic analysis of patent law in a book titled Innovation and Its Discontents all speak to the challenges facing the patent system today. These accounts make a number of recommendations for increasing patent quality and ensuring that patent protection promotes, rather than inhibits, economic growth and scientific progress. Consistent with the goals and recommendations of those reports, the PA Act contains a number of provisions designed to improve patent quality, deter abusive practices by unscrupulous patent holders, and provide meaningful, low-cost alternatives to litigation for challenging the patent validity. Additionally, the PA Act begins to harmonize U.S. patent law with those of foreign countries.

I firmly believe that robust patent protection promotes innovation. However, I also believe that the patent system is strongest, and that incentives for innovation are greatest, when patents protect only those patents that are truly inventive. When functioning properly, the patent system should encourage and enable inventors to push the boundaries of knowledge and possibility. If the patent system allows questionable patents to issue and does not provide adequate safeguards against patent abuses, the system may stifle innovation and interfere with competitive market forces.

This bill represents our latest perspectives in an ongoing discussion about legislative solutions to patent quality concerns, patent litigation abuses and patent harmonization. We have considered the multitude of comments received on prior patent bills as well as the more recent subcommittee print. We acknowledge that the problems are difficult and, as yet, without agreed-upon solutions. It is clear, however, that introduction of this legislation will focus and advance the discussion. It is also clear that the problems with the patent system have been exacerbated by a decrease in patent quality and an increase in litigation abuses. With or without consensus, Congress must act soon to address these problems.

Thus, we introduce this bill in the beginning of this Congress with the intent of framing the debate and with every intention of passing legislation in the 109th Congress.

The bill contains a number of initiatives designed to improve patent quality, limit litigation abuses, and harmonize U.S. patent law with those of foreign countries, thereby ensuring that patents are positive forces in the marketplace. I will highlight a number of them below.

Section 3 alters the conditions for patentability. Currently, the U.S. grants patents to whomever is ''first to invent.'' The bill amends this standard so that the ''first inventor to file'' is entitled to the ownership of a patent. This distinction encourages inventors to file immediately, enabling the invention to enter the public realm more quickly. Additionally, this modification will bring U.S. patent laws into harmony with the patent law in many foreign countries.

Section 6 addresses the unfair incentives currently existing for patent holders who indiscriminately issue licensing letters. Patent holders frequently assert that another party is using a patented invention and for a fee, offer to grant a license for such use. Current law does little to dissuade patent holders from mailing such licensing letters. Frequently these letters are vague and fail to identify the patent being infringed and the manner of infringement. In fact, the law tacitly promotes this strategy since a recipient, upon notice of the letter, may be liable for treble damages as a willful infringer. Section 6 addresses this situation by ensuring that recipients of licensing letters will not be exposed to liability for willful infringement unless the letter specifically states the acts of infringement and identifies each particular claim and each product that the patent owners believes have been infringed.

Section 7 is designed to address the negative effect on innovation created by patent ''trolls.'' We have learned of countless situations in which patent holders, making no effort to commercialize their inventions, lurk in the shadows until another party has invested substantial resources in a business or product that may infringe on the unutilized invention. The patent troll then steps out of the shadows and demands that the alleged infringer pay a significant licensing fee to avoid an infringement suit. The alleged infringer often feels compelled to pay almost any price named by the patent troll because, under current law, a permanent injunction issues automatically upon a finding of infringement. Issuance of a permanent injunction would, in turn, cause the alleged infringer to lose the substantial investment made in the allegedly infringing business or product.

While we may question their motives, we do not question the right of patent trolls to sue for patent infringement, obtain damages, and seek a permanent injunction. However, the issuance of a permanent injunction should not be granted automatically upon a finding of infringement. Rather, when deciding whether to issue a permanent injunction, courts should weigh all the equities, including for example, the ''unclean hands'' of the patent trolls, the failure to commercialize the patented invention, the social utility of the infringing activity, and the loss of invested resources by the infringer. After weighing the equities, the court may still decide to issue a permanent injunction, but at least the court will have ensured that the injunction serves the public interest. Section 7 accomplishes this goal.

Section 8 allows the Director of the USPTO to establish regulations limiting the circumstances under which a patent applicant may file a continuation application. Unfortunately, current practice guiding continuation applications is prone to abuse. There are limited restrictions specifying the circumstances under which an applicant can broaden the claims described in the patent application and still retain the original filing date. This practice may enable the applicant to claim the priority rights to another's invention by appropriating that new invention as an expansion of the claims in the original application. By authorizing the Director to change current policy on continuation applications, the bill tasks the PTO with tackling current abuses in the application process.

Section 9 creates a post-grant opposition procedure. In certain limited circumstances, opposition allows parties to challenge a granted patent through an expeditious and less costly alternative to litigation. In addition, Section 9 provides a severely needed fix for the inter partes re-examination procedure, which provides third parties a limited opportunity to request that the PTO Director re-examine an issued patent. The current limitations on the inter partes re-examination process restricts its utility so drastically that it has been employed only a handful of times. Section 9 increases the utility of this re-examination process by relaxing its estoppel provisions. Further, it expands the scope of the re-examination procedure to include redress for all patent applications regardless of when filed.

Section 10 permits patent examiners, to consider certain materials within a limited time frame submitted by third parties regarding a pending patent application. Allowing such third party submissions will increase the likelihood that examiners are cognizant of the most relevant ''prior art,'' thereby constituting a front-end solution for strengthening patent quality.

Other provisions include an expansion of prior user rights, publication of all application at 18 months, limitation on the calculation of damages to the value of the invention, and changes to the duty of candor defense and elimination of the best mode requirement.

When considering these provisions together, we believe that this bill provides the comprehensive reform necessary for the patent system to achieve its primary goal of promoting innovation.

The Chairman of the Subcommittee on Courts, the Internet and Intellectual Property,

Mr. SMITH, deserves credit for bringing these issues to the forefront through numerous hearings on patent quality. In addition, I would especially like to thank Congressman BOUCHER with whom I have been working on patent reform for the past few years. Also deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that continue to contribute their time, thoughts, and drafting talents to this effort. I am pleased that, finally, at least a consensus has emerged among the various collaborators in support of the basic ''post grant opposition'' approach embodied in the legislation. This bill is the latest iteration of a process we started over four years ago.

Though we developed this bill in a highly collaborative and deliberative manner, I do not want to suggest that it is a ''perfect'' solution. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

As I have said previously, ''The bottom line in this: there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system.'' High patent quality is essential to continued innovation. Litigation abuses, especially those which thrive on low quality patents, impede the promotion of the progress of science and the useful arts. Thus, we must act during the 109th Congress to maintain the integrity of the patent system.

## PERSONAL EXPLANATION

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of June 7, I missed 3 rollcall votes.

It was my intention to vote: ''yes'' on rollcall No. 228, H. Con. Res. 44—Recognizing the historical significance of the Mexican holiday of Cinco de Mayo; ''yes'' on rollcall No. 229, 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.

## INTRODUCTION OF CANCER SCREENING ACT

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mrs. MALONEY. Mr. Speaker, today I am reintroducing the Cancer Screening Coverage Act, a bill that will ensure that a greater number of Americans are covered for breast, cervical, prostate, and colorectal cancer screening. This legislation will increase the access to cancer screening exams for patients of private insurance and the Federal Employees Health Benefits plan.

Cancer is the second leading cause of death among Americans. According to the American Cancer Society, more than 1,500 Americans die of cancer everyday. Cancer screening allows for the detection of cancer in its earliest form, when the cost of treatment is the least.

Many advances have been made, but the key to survival is early detection. It is estimated that the rate of survival would increase from 80 percent to 95 percent if all Americans participated in regular cancer screening. By providing increased access to screening procedures, the Cancer Screening Coverage Act would help save the lives of many Americans from this deadly disease.

## REGARDING JOYCE McMILLIN AND HER LEGACY TO THE TRI-CITIES COMMUNITY

### HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to pay tribute to Joyce McMillin, a constituent of mine who dedicated so much of her time and energy to honoring the brave men and women who have served our Nation in uniform. Honoring. our veterans was a priority for Joyce—as it should be for all Americans.

Along with her husband Tom, who himself is a veteran of the Korean War, Joyce made it one of her final missions in life to create a memorial to those who have fought to protect our Nation. It is because of her vision, hard work and perseverance that the Regional Veterans Memorial now stands in Kennewick's Columbia Park.

Creating the Regional Veterans Memorial was not an easy process. After coming up with the idea, Joyce and Tom had to sell their vision to the community, secure a location and raise the funds necessary to build it.

Tragically, Joyce lost her battle with cancer shortly before the Regional Veterans Memorial ribbon cutting ceremony, which she had organized. I recently had the opportunity to visit the Memorial, and it is an impressive and fitting monument to American soldiers—past and present. It is a special place for current and future generations to reflect on the sacrifices made by those who have served in our Armed Forces. This Memorial is truly Joyce McMillin's legacy to the Tri-Cities. Our community is a better place because of her.

I would like to conclude by noting how proud I am to live in a community that is so committed to our veterans. I commend the McMillin family, the Tri-Cities Memorial Committee and everyone who helped make the new Regional Veterans Memorial a reality.

## RECOGNIZING THE IMPORTANCE OF SUN SAFETY

SPEECH OF

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 7, 2005*

Ms. ESHOO. Madam Speaker, I'm proud to be an original cosponsor of H. Res. 196, which encourages the importance of sun safety and supports the designation of June 5th to June 11th as Sun Safety Week.

Skin cancer is the most commonly occurring cancer in the U.S. and 90 percent of all skin cancers can be attributed to the sun. This year it's estimated that there will be 1.3 million skin cancer cases in the U.S., exceeding the number of breast, lung, prostate and colon cancers combined.

More alarming is that 50 percent of lifetime exposure to UV light occurs during childhood and adolescence, and it can take less than 1O minutes for a child's skin to burn. Failing to take appropriate steps such as using sunscreen, wearing protective clothing, and limiting sun exposure can have serious and deadly consequences, especially for children. Practicing sun safe behaviors during childhood is the first step in reducing the chances of getting skin cancer later in life.

A new survey released on Monday by the nonprofit Sun Safety Alliance shows a 12-point decline in the percentage of Americans who report using sunscreen when outdoors, from 72 percent to 60 percent.

H. Res. 169 recognizes that skin cancer is highly preventable and urges parents to practice good sun safety for their children, which will dramatically reduce its risk.

I urge the entire House to vote yes on this important Resolution.

## RECOGNIZING LIVE OAK HIGH SCHOOL ORCHESTRA

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize the Live Oak High School orchestra for its award of Best Student Orchestra in the 11th annual High School Music Theatre HONORS awards in San Jose.

This year, over 25 Bay Area High Schools competed in 10 unique categories. Judges from the American Musical Theatre were sent to each school to watch and evaluate performances. Judges were instructed to evaluate the quality of each production and performance, while keeping in mind each school's budget and available resources. This annual competition awarded four students who reside within California's 16th district.

The Live Oak High School Orchestra is conducted by Greg Bergantz. Live Oak High School won the Best Student Orchestra award for its performance in ''Fiddler on the Roof''.

The High School Music Theatre HONORS awards promote artistic creativity in a way that is vital to a youth's development. The performances that these youth stage are extremely labor intensive, and promote discipline, team work, and dedication. High School Performing Arts program's are generally underfunded and have been greatly reduced in recent years. I recognize the hard work, time, and energy that these students and teachers put into these productions.

I am proud to stand here today and recognize the Live Oak High School orchestra for its accomplishments. I urge all students to continue to take interest in the performing arts.

## BIGGER THAN SOCIAL SECURITY CRISIS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. KUCINICH. Mr. Speaker, I wish to bring the following article to the attention of my colleagues. This article discusses how the savings from creating a truly competitive market for prescription drugs, as is proposed by the Free Market Drug Act, could be used to eliminate any projected shortfall in Social Security. The American people demand that we focus our attention on the very real crisis that the soaring price of prescription drugs presents to their daily lives.

[From the Center for Economic and Policy Research, Apr., 2005]

BIGGER THAN THE SOCIAL SECURITY CRISIS: WASTEFUL SPENDING ON PRESCRIPTION DRUGS

(By Dean Baker)

EXECUTIVE SUMMARY

President Bush started a national debate on the future of Social Security when he announced his plan for private accounts shortly after the November election. In order to promote his plan, he has argued that Social Security faces a serious long-term funding gap.

It is easy to show that the projected funding gap for Social Security is relatively minor. The Social Security trustees estimate that the gap over the program's 75-year planning period is equal to 0.6 percent of GDP over this period. The non-partisan Congressional Budget Office (CBO) estimates this gap at 0.4 percent of GDP. By comparison, the increase in annual defense spending since 2000 has been equal to 1.0 percent of GDP, more than 1.5 times the size of the shortfall projected by the Social Security trustees and 2.5 times as large as the shortfall projected by CBO.

Given the size of the projected Social Security shortfall it is reasonable to argue that attention should be focused on bigger problems. One glaring example is the soaring price of prescription drugs, which is imposing huge costs on both the private and public sectors. This paper examines the relationship between the potential savings from creating a free market in prescription drugs and the size of the Social Security shortfall.

Specifically, it calculates the savings that the federal government could accrue in Medicare if drug research was publicly financed and then the resulting patents were placed in the public domain, as proposed in the Free Market Drug Act (FMDA). This would allow prescription drugs to be sold in a competitive market, like other products. By eliminating government imposed patent monopolies, drug prices would decline by approximately 70 percent.

This paper calculates that the savings to the federal government from having drugs sold in a competitive market could reach $110 billion annually by 2014. By the end of the period (in 2080) the annual savings would be equal to 1.2 percent of GDP. The cumulative savings over the 75-year planning horizon would be $3.3 trillion (in discounted 2005 dollars); this is slightly larger than the $3.2 trillion Social Security shortfall projected by the CBO. In other words, if the federal government's savings on prescription drugs from the FMDA were attributed to the Social Security trust fund, it would be more than enough to make Social Security fully solvent over its 75-year planning period.

The enormous potential savings from developing a free market in prescription drugs should be a powerful argument for moving in this direction in any case, but the possibility of using the savings to eliminate the projected Social Security shortfall could make the policy even more attractive. Of course, the savings to the private sector from having drugs sold in a free market would be even larger than the savings to the federal government.

However, the most important benefit is that the FMDA would eliminate the incentives that government patent monopolies create to conceal or misrepresent research findings, as was recently exposed with drugs like Vioxx and Celebrex. If research is no longer financed by government patent monopolies, the perverse incentives they create will be eliminated. This will lead to better health care, in addition to much lower drug prices.

## THE HIPAA RECREATIONAL INJURY TECHNICAL CORRECTION ACT

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. BURGESS. Mr. Speaker, I am pleased to join my colleagues Congressman BLUNT and Congressman STRICKLAND in introducing legislation that would prohibit insurers from denying payment to health plan participants for injuries sustained while engaged in certain recreational activities like horseback riding or motorcycling.

In January 2001, the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration, issued a rule in accordance to the Health Insurance and Portability and Accountability Act of 1996 (HIPAA) that was designed to guard against discrimination in coverage in the group health market. These rules prohibited health plans from denying coverage to people who engage in recreational activities like horseback riding and motorcycling. However a loophole was created that allowed insurers to deny payment for services based upon the source of the injury.

The rule states that: "While a person cannot be excluded from a plan for engaging in certain recreational activities, benefits for a particular injury can, in some cases, be excluded based on the source of the injury." A plan could, for example, include a general exclusion for injuries sustained while doing a specified list of recreational activities, even though treatment for those injuries, a broken arm for instance, would have been covered under the plan if the individual had tripped and fallen.

This loophole creates a situation that is especially unfair to people who ride motorcycles, horses, snowmobiles, or any other form of motorized recreation. Millions of Americans enjoy these activities safely every year within the framework of state laws and utilizing proper safety precautions. Should something extraordinary occur resulting in an injury, these individuals deserve the same consideration when it comes to their medical expenses as every other American. They should not be denied payment for health services for the mere fact that the injury occurred on horseback or on a motorcycle.

The legislation that we are introducing today will remove any ambiguity when it comes to participation in certain recreational activities or modes of transportation should an injury occur. I want to thank Mr. BLUNT and Mr. STRICKLAND for joining me on this legislation. I look forward to working with them along with the multitude of groups that have made this legislation such a high priority, especially the American Motorcyclist Association and the Motorcycle Industry Council. I urge all of our colleagues to join us as cosponsors and stand with America's riders.

## IN RECOGNITION OF MRS. DORETHA WARD KENT ON THE OCCASION OF HER RETIREMENT FROM WILSON COUNTY SCHOOLS

### HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor an outstanding American citizen, Mrs. Doretha Ward Kent, on the occasion of her much deserved retirement. For 25 years, Doretha Kent faithfully and diligently served in various capacities with the Wilson County School System and as a community volunteer.

Mrs. Kent was one of three daughters born to William and Dora Ward of Stantonsburg, North Carolina. She attended Springfield High School and then further pursued her education at Wilson County Technical Community College where she received an Associate Degree in Computer Technology.

Mr. Speaker, Mrs. Kent dedicated 20 long years of her life as a Teacher's Assistant at Wells Elementary School where she nurtured and helped to develop the young minds of thousands of students. She spent five years as a Media Assistant at Beddingfield High School highlighting the positive activities of students. Mr. Speaker, I am certain that both educational institutions will truly miss the valuable services that Doretha Kent provided over the years.

In addition to being a dedicated public servant Mrs. Kent founded NC Love in Action, a medical assistance program aimed at helping disadvantaged citizens of Wilson County. She is a member of Mt. Zion FWB Church and serves on the Usher Board and Finance Committee.

My relationship with Doretha Kent is one of personal friend and fellow community leader. We have worked together for so long in our effort to improve the quality of life for all of our citizens. I am honored to sponsor this tribute on this occasion.

Mr. Speaker, I ask my colleagues to join with me in honoring this great woman of uncompromising moral integrity and devotion to God and community. Her service to her community, the State of North Carolina, and the United States of America are greatly appreciated.

## PERSONAL EXPLANATION

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Tuesday, June 7, 2005, I was unavoidably absent due to a previous commitment. Had I been present and voting, I would have voted as follows: on rollcall No. 228: ''yes'' on Final Passage of H. Con. Res 44; on rollcall No. 229: ''yes'' on Final Passage of H. Res. 282.

## WITHDRAW FROM IRAQ

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. FRANK of Massachusetts. Mr. Speaker, one the ablest Members of the current Congress, JIM MCGOVERN, has joined with one of the ablest Members in the history of the Congress, George McGovern to address the troubling issue of Iraq, and they make an eloquent case—with which I completely agree—that ''the United States must now begin an orderly withdrawal of our forces from this mistaken foreign venture.''

Mr. Speaker, it is our custom in introducing relevant material of this sort into this RECORD to put some gloss on the material entered. In this case, I feel absolutely no need to do this, because the authors—former Senator George McGovern and Congressman JIM MCGOVERN—do a superb job of explaining why we should pull out of Iraq. I will note that I join them not only in their basic argument, but in their note that as ''earlier opponents of the U.S. invasion of Iraq . . . we hoped that our concerns would be proven wrong.'' None of us take any joy in the fact that this has worked out so much worse than the Administration had predicted, but we must draw the consequences from this mistake and not continue with a seriously flawed policy which drains us financially, costs the lives of our military, and makes the situation in the Middle East worse rather than better in so many ways.

Mr. Speaker, I ask that the essay by George McGovern and JIM MCGOVERN from the Monday, June 6 Boston Globe be printed here.

[From the Boston Globe, June 6, 2005]

WITHDRAW FROM IRAQ

(By George McGovern and Jim McGovern)

We were early opponents of the U.S. invasion of Iraq. Nonetheless, once American forces were committed, we hoped that our concerns would be proven wrong. That has not been the case.

The United States must now begin an orderly withdrawal of our forces from this mistaken foreign venture.

The justification for the war was based on false or falsified information. What had been initially characterized by the Bush administration as an uncomplicated military operation has turned into a violent quagmire. Our leaders underestimated not only the insurgency, but also the deep-rooted ethnic divisions in Iraqi society.

There are no clear answers from the administration or the Congress on how long our forces will need to stay in Iraq, what the anticipated costs in human life and treasure will be, or even what would constitute success.

Instead, many of our policymakers seem resigned to an open-ended occupation. Former Defense Undersecretary Paul Wolfowitz has told Congress that we will be there for at least another 10 years. It is common to hear even some who voted against the war say, ''now that we're there, we have no choice but to stay.''

We very much disagree. Calls to maintain the status quo echo the same rationale used to keep us in Vietnam. To those who contend that we would weaken our credibility if we withdraw, we believe that the Nation's standing would greatly improve if we demonstrate the judgment to terminate an unwise course.

Our continuing presence in Iraq feeds the insurgency and gives the insurgents a certain legitimacy in the eyes of much of the world. We know from our own history that armies of occupation are seldom welcome.

There have been elections in Iraq, and yet it remains unclear whether the different political, ethnic, and religious factions want to work together.

One thing, however, is clear: Washington cannot determine Iraq's destiny. It doesn't matter how many times Condoleezza Rice or Donald Rumsfeld visit. It doesn't matter how many soldiers we deploy. The myriad factions in Iraq themselves must display the political will to demand a system of government that respects the diversity that exists in their country.

There are no easy answers in Iraq. But we are convinced that the United States should now set a dramatically different course—one that anticipates U.S. military withdrawal sooner rather than later. We should begin the discussions now as to how we can bring our troops home.

The United States should accelerate and pay for the training of Iraqi security forces with the help of Egypt, Jordan, and other Arab allies. We can begin drawing down American forces to coincide with the number of trained Iraqi forces. By that measure, we should bring 30,000 of our troops home now.

President Bush should consult with the current Iraqi government and other Arab nations about the necessity for an Arab-led security force to complement the Iraqis in the short term. Again, the United States should finance this effort.

We should also work with the United Nations to solicit ideas and assistance from the international community on how we can best disengage.

There are no guarantees that militarily withdrawing from Iraq would contribute to stability or would not result in chaos. On the other hand, we do know that under our occupation the violence will continue. We also know that our occupation is one of the chief reasons for hatred of the United States, not only in the Arab world but elsewhere.

Wars are easy to get into, but hard as hell to get out of. After two years in Iraq and the loss of more than 1,600 American soldiers, it is simply not enough to embrace the status quo.

We are not suggesting a ''cut-and-run'' strategy. The United States must continue to finance security, training, and reconstruction.

But the combination of stubbornness and saving face is not an adequate rationale for continuing this war. This is not a liberal or conservative issue. It is time for lawmakers in Washington—and for concerned citizens across the Nation—to demand that this sad chapter in our history come to an end and not be repeated in some other hapless country.

The path of endless war will bankrupt our treasury, devour our soldiers, and degrade the moral and spiritual values of the Nation. It is past time to change course.

## TRIBUTE TO CAPTAIN STEVEN C. MILLER, USN

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Captain Steven C. Miller, United States Navy, for his twenty-six years of active duty service to our country. He is the Commanding Officer of the Naval Surface Warfare Center in Corona, California and will retire on June 17, 2005.

Captain Miller graduated from the United States Naval Academy in 1979. After being commissioned as an officer he embarked on an extraordinary active duty career as a Surface Warfare Officer. He has deployed throughout the world in support of America's global naval presence and power projection. Captain Miller has served as a Surface Warfare Officer on destroyers, frigates and cruisers. He was the Executive Officer of the USS *Ticonderoga* (CG 47) when she went to war in support of Operation Desert Shield and Desert Storm in 1990 and 1991. Captain Miller was hand picked to be the first Commanding Officer of the USS *Stethem* (DDG 63) when she entered service in 1995. Under his leadership, the crew of the *Stethem* earned the coveted Battle ''E'' award for combat readiness in the first year of the ship's service.

Besides being a true warrior at sea, Captain Miller has had a distinguished career ashore. He has served in the office of the Chief of Naval Operations as the Executive Secretary for Joint Chiefs of Staff Affairs and as the Flag Secretary for the Commander Naval Surface Force, U.S. Atlantic Fleet. Following his command tour on the USS *Stethem*, Captain Miller shaped the future of the Navy's surface combat force while working on the program start of the DD(X). This new destroyer program will lead the Navy into the twenty-first century. Captain Miller has earned a Master's Degree in National Security Strategy at the Naval War College and qualified as a U.S. Navy Acquisition Professional.

I first met Captain Miller when he assumed command of the Naval Surface Warfare Center in my district. NSWC, Corona provides independent assessment and testing and evaluation to the fleet on weapons systems and operations and provides quality control for the tools our Navy uses to fight the Global War on Terrorism. I have come to know him as a strong leader who accomplishes the mission and takes care of his people.

Captain Steve Miller has done much to preserve our way of life. Our country, our Navy and my community have benefited from his selfless service. He is a fantastic example for today's young people who want to serve their country and for those who dream of attending one of our service academies. He has earned my many thanks. I wish him well in his retirement from the Navy and all his future endeavors.

## NEED FOR NATIONAL HEALTHCARE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. KUCINICH. Mr. Speaker, on Saturday, May 21, I had the honor of chairing a citizens hearing on the need for national health care which took place in Aliquippa, Pennsylvania. I heard testimony from citizens from a wide variety of backgrounds including labor, elected officials, seniors, youth, and physicians and health care workers. What I heard powerfully demonstrates the need for fundamental changes in how America takes care of its people. The hearing clearly showed that the time is long overdue to bring our health care system up to the same standards that other industrialized countries have enjoyed for years. I wish to share some of the testimony I received with my colleagues.

Carol McMann, a retiree and an active member of the Steelworkers Organization of Active Retirees (SOAR) Chapter 2020:

''I am disappointed and frustrated about the way our health care system is going in the United States. A lot of people do not want national health care, but when you get in my situation it would be appreciated!''

''When LTV Steel liquidated and took my health insurance in the year 2002, it totally left me out in the cold.''

''I had two choices for health care and the expensive one was the one that I had to take because I needed a prescription drug program. I had to purchase individual health care from Highmark Blue Shield/Blue Cross. If I chose an HMO and was accepted, then I had a year that I would not be covered for pre-existing conditions.''

''This individual policy costs me $411.95 a month with a $1,000 deductible. It increases each year in September. Who knows what the total will be in two more years! My husband and I figured out our total cost for health care each year, including prescription drugs, and it came out to more than $10,000. It takes all of my social security just to pay the premium alone. I am a homemaker!''

''At the end of the month, we have to watch because if our fixed income is gone, we must use our savings again and again. We fear it may be gone in the future. To wind this down, we no longer vacation, go on shopping sprees, buy our sons much, or enjoy life as before. It has depressed us at times and causes us to feel as though my husband worked for absolutely no reason! He served in the Army and also the Reserves. Our health care just meant everything to us in our retirement. Just everything!

''We feel this administration and other elected leaders will not fix this problem. Everyone in this country now is just expected to take care of themselves.''

Mike Sabat, an unemployed Anchor Hocking worker whose son Mikey suffers from autism:

''Whatever happened to the American dream of hard work at a good job with medical benefits? Now we have to ask employers what kind of medical insurance they offer, how much it costs, and then deal with an endless assortment of HMOs, PPOs, and managed care and third-party administrators. And don't forget the eye care, dental, orthotics, and mental health coverage. It seems like we have been working all our lives just for our medical benefits!''

''I am laid-off again at the present time, however, a union contract saved my medical insurance for four months.''

''In a country so rich, no one should have to go without food, water, clothing, shelter, quality education, and especially health care!''

''People should not be in debt, as I am, over their medical insurance or bills!''

''Those commercials about insurance fraud kill me. I think when you have insurance and you go to the doctor or hospital thinking you are covered then you get a large bill, that's the real insurance fraud!''

Ian Thompson, a recent graduate of Penn State University who will soon be losing his health coverage:

''Simply put, to say that the current health care system is failing to meet the needs of America's young adults is at best a gross understatement. While young people between the ages of 19 to 29 account for a mere 15 percent of the U.S. population, they are disproportionately represented among the roughly 45 million Americans who currently lack health insurance, accounting for roughly 30 percent according to recent census figures. These findings have shown that young people account for the highest percentage of uninsured Americans.''

''Nineteen to 29 year olds represent one of the biggest and fastest growing segments of the population living day to day without health insurance, yet individuals in this age group rarely appear in the national debate on health insurance.''

''It probably comes as no surprise that one of the largest barriers for young adults in seeking health insurance coverage is cost. In many instances, the price of coverage simply rises faster than incomes, making it especially difficult for younger people to obtain coverage.

''For many younger people, the consequences of going without health insurance don't seem as immediate as cutting back on grocery bills, losing car insurance, or missing a rent or mortgage payment. So they decide to take a chance—a calculated risk that they won't face a serious and costly health crisis—and forgo health coverage for months and often years at a time. Sadly, for many this proves to be a devastating gamble. When catastrophes hit the uninsured, as they can and do to individuals in every age group, many are left completely buried in massive amounts of debt, unable to afford even basic medical necessities.

''With the numbers of uninsured Americans steadily increasing, today's young people face the sad prospect of being sicker and less econeconomicallyductive over the course of their lives. Amid a soft job market and ever increasing insurance costs, many experts fear that more and more young adults will forgo medical care altogether. Research has in fact shown that it is a common practice among uninsured young people to go to a doctor less often and later into an illness, often ending up with so many other countless uninsured Americans in hospital emergency rooms for conditions that easily could have been treated at an earlier time.

Those who argue that younger adults are an age group that does not have the same health needs as other segments of the population simply have not been paying attention to the facts. Younger adults have the highest number of annual visits to emergency rooms each year (usually from injuries). They account for a third of new HIV diagnoses. And nearly four million pregnancies occur in women in their 20s every year. The results of a lack of insurance for young people are truly shocking and should act as a wake-up call to the consciences of Americans from across the political spectrum. The Institute of Medicine estimates that 18,000 young adults die each year because they lack health insurance to cover their problems. Additionally, uninsured adults are 25 percent more likely to die prematurely than those with private health insurance coverage.

''There is something inherently perverted and fundamentally flawed with a health care system that prides itself as being the best and most advanced in the world while at the same time allowing 18,000 young people to die each and every year from illnesses and diseases that in many cases could be avoided with simple preventive treatment.

''The time is long overdue to change our outrageously costly and grossly inefficient health care system to one that meets the basic needs of the American public in terms of gaining universal, efficient, available, and affordable access to the highest quality health care. H.R. 676, the U.S. National Health Insurance Act goes a long way towards accomplishing this very goal. This legislation would improve and expand upon what older Americans already receive through the very successful Medicare program to include all U.S. residents. To say it is needed is an understatement. The current for-profit system of health care must be replaced with one that puts the interests of people first.''

## HONORING THE LIFE ACHIEVEMENTS OF JUANA BORDAS

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Juana Bordas, a leader in Denver's Hispanic community and a great Coloradan. At a time when immigration is so hotly debated and in such divisive ways, the story of Juana Bordas is inspiring.

Juana Bordas was born in El Salvador, but emigrated to the United States from Nicaragua when she was just three years old. Her parents and her seven siblings made a difficult journey over many miles in the hull of a banana boat!

From these humble beginnings, Juana has gone on to become one of the most respected women in Colorado, not only as a member of the Colorado Women's Hall of Fame, but also the National Hispana Leadership Institute. From this place of stature, she speaks eloquently of the importance of embracing one's history—particularly for Latina women and their mothers. Juana said that it was difficult as a child to be poor and dark-skinned. She acknowledges that there were times as a child that she was embarrassed to know that her mother only achieved a fifth grade education, mothered eight children and worked in the cafeteria of Juana's elementary school. She says that the shame she once felt for her mother's history has now become a great source of pride. The tremendous courage and sacrifice her mother exhibited have been the foundation for her children to lead a better life. Juana calls this ''servant leadership.'' She makes the point that instead of looking at her mother's experience as subservient, it really embodies the qualities of a true leader: hard work, driving purpose, courage and dedication to a cause greater than one's own self-interest. Those qualities should be admired, embraced and emulated as young Latinas strive to achieve their goals. From my vantage point, the example of Juana's mother—and Juana's own life—are truly inspiring.

In the early 1970s Juana Bordas started the MiCasa Resource Center for Women in Denver which continues to this day to help low-income Latinas and youth with job training and life skills. As President of a multicultural consulting firm, Mestiza Leadership International, she travels the country developing diversity in the workforce. She has said that, "my mission is to help with the birth of a multi-cultural nation." She notes how Latinos in other countries are heads of government and industry, and believes that there is no reason why it should be different here in the United States. Juana served with the Denver Election Commission to register more voters and to put her beliefs into practical effect. Today, Latino leaders are emerging in public office as never before. Thoughtful and hard-working people like Juana Bordas have helped to pave this path of progress.

Juana Bordas reminds of us of something that should be important to every American. Each of us owes an enormous debt to the strength and courage of families who sacrificed for their children in order to realize the American dream. Our country was founded by such people, and that continues to be our greatest strength. As a successful business woman, Juana Bordas has given an immeasurable amount back to our community in time, skill, wisdom, and by simply being a role model. It is with great admiration that I ask my colleagues to join me in honoring Juana Bordas, a great American success story and a woman worth knowing and learning from. I wish her continued success in the future.

## BUSH AND THE G–8 AGENDA

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. RANGEL. Mr. Speaker, the current state of the African continent has been an ongoing issue of concern for policy makers in this country and elsewhere. As the rest of the world is reaping the rewards of development, Africa seems to be sinking deeper into a health and poverty crisis.

In pursuit of a solution, British Prime Minister Tony Blair met with President Bush at the White House yesterday to discuss next month's Group of Eight (G–8) summit. Specifically, the two men discussed Prime Minister Blair's ambitious plan to bring a historic combination of debt relief, trade concessions, and aid to the African continent.

A major component of the plan would entail a large increase of aid payments to Africa to around $25 billion annually, before increasing to $50 billion annually within three to five years. This would be in-line with the UN's goal to have industrialized nations allocate 0.7 percent of their GDP to development assistance. While Mr. Blair's exciting proposal should be applauded, agreement as to how it will be achieved is still awaited.

Mr. Blair and British Finance Minister Gordon Brown argue that the aid should be funded through a mechanism they call the "International Finance Facility" (IFF). The IFF would raise aid funds by issuing bonds on world capital markets. The IFF bonds would be backed by a promise from the G7 economic powers to repay them after 2015.

The Bush Administration has not been supportive of the IFF, which it views as incompatible with U.S. Congressional budgetary rules. However, while aspects of the IFF proposal may be problematic, the necessity for increased aid to Africa is not in question. At current assistance rates, Sub Saharan Africa will unquestionably fall short of the Millennium Development Goals to cut poverty on the continent in half by 2015. As such, Blair's call for further aid to the continent is merited.

To its credit, the Bush Administration has substantially increased aid to Sub-Saharan Africa, which amounted to around $3.2 billion in 2004. Though this ranks the U.S. among the world leaders in total African assistance, we still trail much of the industrialized world in the amount of aid we give as a percentage of GDP. In addition, large amounts of the Bush Administration's; aid pledges to Africa have been slow in coming. For example, the $4 billion committed to the region under the Millennium Challenge Account has yet to actually be delivered in earnest. Indeed, a June 8th Op-Ed in New York Times entitled "Crumbs for Africa" describes just how much more we can do.

On Tuesday, the Bush Administration announced that the U.S. will provide $674 million in additional famine assistance to Africa this year from funds already appropriated by Congress. While this is to be commended, Prime Minister Blair is pushing for a broad, long-term effort to help Africa's economy get on its feet, not just emergency food aid. He also wants G–8 countries to commit new money for Africa rather than reallocating funds already earmarked for foreign assistance. It is my hope that the Administration will work with its G–8 partners in the coming weeks to arrive at a more substantial and comprehensive aid package for Africa.

While the issue of increased aid will be difficult, the related goal of debt relief is very attainable, as long as all parties involved dedicate themselves to that outcome. Both Prime Minister Blair and Finance Minister Brown have voiced optimism about the prospects for reaching G–8 agreement on the issue. The U.S. and other G–8 members already agree in principle on 100 percent debt relief for Africa's poorest nations, but the exact formula for how the debt will be cancelled is still being resolved.

The U.S. is calling for a simple write-off of the debt, while Britain and others have called for the debt to be paid off, so as to replenish the resources of the International Development Banks. Among other things, Blair advocates selling a portion of International Monetary Fund (IMF) gold reserves to help pay off the debt. Whatever the mechanism, Africa needs debt relief as soon as possible. Many African countries are crippled by debt burdens that in some cases consume nearly 40 percent of their annual budgets. It is thus imperative that negotiations on this issue continue.

President Bush now has a golden opportunity to join with Prime Minister Blair and other members of the G–8 in helping to establish a new era for Africa. Such an opportunity is unprecedented in Africa's post colonial history. To turn back now would be more than shameful.

The United States has already spent nearly $200 billion on the war in Iraq—a country of 26 million people. Prime Minister Blair is calling on us to now spend a few billion dollars more to help save an entire continent encompassing over 700 million people. That is what I call making our money count, and the legacy of such an effort will yield immeasurable benefits for Africa, and the world as a whole.

Again, I thank Mr. Blair for his bold and ambitious vision, and I pray that our country will be able to stand with him in making it a reality.

[From the New York Times, June 8, 2005]

CRUMBS FOR AFRICA

President Bush kept a remarkably straight face yesterday when he strode to the microphones with Britain's prime minister, Tony Blair, and told the world that the United States would now get around to spending $674 million in emergency aid that Congress had already approved for needy countries. That's it. Not a penny more to buy treated mosquito nets to help save the thousands of children in Sierra Leone who die every year of preventable malaria. Nothing more to train and pay teachers so 11-year-old girls in Kenya may go to school. And not a cent more to help Ghana develop the programs it needs to get legions of young boys off the streets.

Mr. Blair, who will be the host when the G–8, the club of eight leading economic powers, holds its annual meeting next month, is trying to line up pledges to double overall aid for Africa over the next 10 years. That extra $25 billion a year would do all those things, and much more, to raise the continent from dire poverty. Before getting to Washington, Mr. Blair had done very well, securing pledges of large increases from European Union members.

According to a poll, most Americans believe that the United States spends 24 percent of its budget on aid to poor countries; it actually spends well under a quarter of 1 percent. As Jeffrey Sachs, the Columbia University economist in charge of the United Nations' Millennium Project, put it so well, the notion that there is a flood of American aid going to Africa "is one of our great national myths."

The United States currently gives just 0.16 percent of its national income to help poor countries, despite signing a United Nations declaration three years ago in which rich countries agreed to increase their aid to 0.7 percent by 2015. Since then, Britain, France and Germany have all announced plans for how to get to 0.7 percent; America has not. The piddling amount Mr. Bush announced yesterday is not even 0.007 percent.

What is 0.7 percent of the American economy? About $80 billion. That is about the amount the Senate just approved for additional military spending, mostly in Iraq. It's not remotely close to the $140 billion corporate tax cut last year.

This should not be the image Mr. Bush wants to project around a world that is intently watching American actions on this issue. At a time when rich countries are mounting a noble and worthy effort to make poverty history, the Bush administration is showing itself to be completely out of touch by offering such a miserly drop in the bucket. It's no surprise that Mr. Bush's offer was greeted with scorn in television broadcasts and newspaper headlines around the world. "Bush Opposes U.K. Africa Debt Plan," blared the headline on the AllAfrica news service, based in Johannesburg. "Blair's Gambit: Shame Bush Into Paying" chimed in The Sydney Morning Herald in Australia.

The American people have a great heart. President Bush needs to stop concealing it.

## A TRIBUTE TO MIKE PFANKUCH

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CUNNINGHAM. Mr. Speaker, I rise today in recognizing the outstanding achievements of Mike Pfankuch, the outgoing president of the Carlsbad Hi-Noon Rotary Club. In this 2004–2005 service, Mike has contributed enormously and made a tremendous difference to the Rotary Club and the citizens of Carlsbad.

Mike's accomplishments are many and varied. Under his guidance, the Rotary Club has completed and dedicated its three-year Centennial Project, the Carlsbad Hosp Grove Picnic Area. The project included a cleanup of the grove, the planting of 1,000 trees and the donation of picnic tables and benches, a very welcome amenity to the city.

In addition, the Second Annual Hi-Noon Rotary golf tournament fundraiser was successfully completed and the funds dedicated to providing scholarships to local high school students, a Rotaract Club has been established, and the Annual Oktoberfest fundraiser sponsored in conjunction with the Carlsbad Evening Rotary Club completed a record year. The 26,000 of proceeds was donated to the Women's Resource Center, the Boys and Girls Club of Carlsbad and Community Youth Services. The Oktoberfest was a project originally initiated by the Hi-Noon Rotary Club.

Mike's leadership is also making a difference to people in need of a helping hand. He initiated a program to provide financial aid to the Store Front, a San Diego organization dedicated to helping homeless children get a fresh start in life. During Mike's tenure a number of other projects were completed which enhanced public safety, provided volunteers and supplies to do maintenance and repair work for the elderly and needy in the community, to distribute food, clothing and toys to needy families in conjunction with he Carlsbad Christmas Bureau, and sponsored a Christmas party and dinner for elementary school children of very low income families.

During Mike's tenure, in an effort to promote literacy, a Dictionary Distribution program was initiated and the Carlsbad Hi-Noon Rotarians distributed English and Spanish dictionaries to needy elementary school children.

On the international front, Mike also provided extraordinary leadership by establishing a Model UN Program, exposing high school students to world affairs, led the way to provide sponsors for exchange students from foreign countries, initiated and obtained an AIDS Education Program grant, initiated an aid program for the victims of the tsunami in Southeast Asia, and provided the leadership necessary to provide financial assistance for dental care and a dental clinic for the needy children of Honduras. In addition, during his tenure a partnership project was established with a Rotary Club in Ensenada, Mexico to provide water, electricity, plumbing and painting, a project that will benefit approximately 1,000 people.

Mr. Speaker, I hope you will join me in recognizing the many fine achievements of Mike Pfankuch. Without question, his leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

## HONORING THE VOLUNTEERS OF THE BATTLESHIP NEW JERSEY

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the volunteers of the USS *New Jersey*, which is located in my district in Camden, New Jersey. The ship has been open to the public since 2000 and is our Nation's most decorated battleship, having heroically served in three major conflicts: World War II, Korea, and Vietnam.

The volunteers of the USS *New Jersey* are responsible for many things on the ship, including restoration and maintenance, giving tours, clerical work, and educating the community about the ship and its history. Volunteers work 7 days a week, rain or shine, and have logged over 300,000 hours of volunteer time. In 2000, they won the Governor's Volunteerism Award for their extraordinary work.

Below are the names of the dedicated volunteers of the USS *New Jersey*:

Mike Aaron, Edward Adams, Harry Aharon, Edwina Alber, John Alberta, Ricardo Alciniega, Craig Allen, Adam M. Allibone, April Allstaedt, Bob Allstaedt, Joshua Allstaedt, Ryan Allstaedt, Tyler Allstaedt, Anthony Altadonna, David M. Ambrosio, Frank C. Annaloro, Theresa E. Annaloro, Ricardo Arciniega, Carl A. Arzillo, Gus W. Augustin, William Bacon, John P. Bader, William J. Baehr, Christina Baessler, Arlene Baker, Cameron M. Balaban, Charles B. Ball, Sam Ballinger, Thomas Banit, Elaine Barnes, Clifford Barr, Albert Beatty, Don R. Beck, John C. Becker, Harry P. Becky, Pat A. Becky, Frances Bender, Paul A. Benner, Sam Bennett, Bill Berman, Art Beyer, Jim Bibbo, Bob Bieber, Ed Bilger, Randy K. Binter, Bill Bittner, Richard J. Blash, William Blazer, Michael K. Boggess, Peter Bomm, Abel Boney, David Boone, Steven A. Borkowski, Cathy Bosley, Charles Bosley, Tom E. Boughton.

Mike R. Bowser, Joe Boyle, Fred Branyan, Norm Branyan, Frank J. Brennan, Robert Bretz, Ralph A. Bringhurst, Steven A. Bromhead, Eric A. Brown, Kimberly A. Brown, Rob Brown, Robert Brown, William V. Brown, Jr., Harry V. Bryant, Dave Buchanan, David R. Burgess, Margaret D. Burgess, Charles Burns, Walt Burshtin, Dan Bush, Brian L. Callahan, Peggy F. Caltabiano, Joseph Campbell, Jeffery L. Cantor, Earl M. Cargen, Jose Caringal, Paul Carman, Robert W. Carmint, Jr., Mark B. Carney, Eugene V. Carr, Lauren Carter, Carol Cassel, Robert Cassel, Fred Cassentino, Edwin Cassidy, Jr., Richard A. Castro, Robert Catando, Michael Cauto, Tony Cellucia, Stuart L. Chalkley, Edward Cheeseman, Kurt E. Cheesman, William Chew, Frank Chiacchio, Merwyn B. Claaria, Edward R. Clark, Jeff Cochrane, Ronald B. Cohen, Anita Collings, Joseph Collins, Russell Collins, Gary Conover, Ken Conte, Ted Cooper, George A. Corbeels, Larry A. Cote, Arthur Covello, Utta Covello, Joseph R. Cramer, Robert Creamer, Pat Crespo, Virgil R. Crider, Gary Crispin, John D. Croghan, Stewart Cross, David W. Cunningham, Michael Cutrera, Wayne Dahl, Bob A. Daniels, Tony Dawson, Bob Day, David Deaner, Patrick C. Dechirico, Gennaro DeFrancesco.

Skip Deglavina, Michael Del Pidio, Robert Delconte, Dominador DelRosario, Tony Deluca, Frank DeRoberts, Peter DeStefano, Klaus Dewedoff, Hugo Di Bona, John A. Diblasio, Phil Diciano, Jerry T. Dickinson, Charles Dieterich, David J. Dimarzio, Frances E. Doak, Anne Dobbs, Welford L. Dolbow, Roger Doll, William J. Domzalski, Joe Donnelly, Jerry M. Donovan, John M. Dorosky, Gail Dougherty, Paul Dougherty, Sara Dougherty, Bob Downs, Joseph F. Drebes, Bill Dreisbach, Joseph Duffin, Joseph J. Dugan, Esther Duke, James J. Duross, Linda Duross, James J. Dziemian, Joseph V. Dzurenda, Don Ebert, Robert L. Eboch, Jr., Dick Edwards, Erik C. Efsen, Jen E. Efsen, Walter Eife, Chris D. Eme, Lawrence J. Engel, Harry E. Engleman, Nicholas Erisman, Mayer Falk, Joseph Falker, Vincent Falso, Louis J. Fantacone, Peter Fantacone, Paul A. Farber, Dan Farrell, Dave Farren, Joe A. Fassano, Albert Faulkner, Paul D. Fazekas, Thomas J. Fee, Joseph Fillmyer, Kara Fillmyer, Conor Finnegan, William Finnegan, Jr., Allen P. Fisher, George A. Foglia, Frank Foord, George Fore, Reita Forsythe, Elenor Forsythe, Wayne G. Fox, Harry Frank, Ron Frantz, Michael D. Frazer, Woody Freeman, Bruce Frey, Bj Frullo.

Millicent Frye, Bill Fuentes, Gene F. Furmanski, Robert Furmanski, Charles Gallagher, Ted Gallagher, Philip Galluccio, Rolland Garber, George Gasper, Christine Gaudet, Steve Gava, Douglas G. Gehring, Bernie Gelman, Philip J. Gentile, George Gershefski, Hoot Gibson, Frank Gilbert, Matt Gilbert, John J. Gildea, Albert Giumetti, Michael Glauberman, John P. Goheen, Art Gordon, Jack P. Gordon, Bob Gramigna, Lee H. Gray, Dane J. Greene, Peter Greene, Charles Gronek, Joe Groppenbacher, James Grossi, Rachael Grossman, John Grunwald, Scott Gunt, Edward Grygo, Edward A. Haas, Bruce Haegly, William H. Hague, Kathleen Haines, Patricia A. Haines, Arthur Hall, Paul Halter, Sandy Halo, Charles Hamilton, Edward J. Hamilton, Jim Hamilton, William H. Hamilton, Dick Hammond, Ivan B. Hancock, William P. Hansche, Paul D. Hanson, Tom R. Hanson, Paul Hanstein, Kenneth Hardcassel, Fred Harron, Walter Haswell, Ken J. Hattrick, Walter Hause, John C. Heacock, Chris F. Heller, Ebe Helm, William Helmetag, Tom Helvig, Greg Henderson, Kevin Henry, Elmer Heppard, Charles A. Higgins, William H. Higgins, Art T. Hilkert, Arthur Hill, John B. Hinds, John Hoban, Martin J. Hoffman, Stan Hojnacki.

Eugene F. Holben, Gary Holden, Gary A. Hollenbaugh, Carl R. Holmstrom, George Holston, William Holstrom, Robert Homan, Fred Honigman, Joseph A. Hopkins, John R. Horan, Robert Houck, Ursula Houser, Glenn E. Hughes, Jerold Humphreys, George Hunt, Carl S. Hyde, Spud Ignatius, Thomas J. Jaskel, Philip S. Jaworskj, William R. Jensen, David M. Jimick, Charlie Johnson, R. Kevin Johnson, James E. Jones, Robert Jones, Harry L. Josephsen, Willaim Jubb, Ruben E. Kafenbaum, Roland Kane, Cheryl L. Kaplan, Ted J. Katz, Dennis Kauffmann, Ed Keenan, William Kehler, Glen W. Kelley, Richard Kellum, John F. Kelly.

John R. Kelty, Brian Kerrigan, Karen Kersch, Kenneth E. Kersch, Ruth Keser, Al Kidder, Edith Kinesky, Bill Kinsky, Chet W. Klabe, Robert W. Koch, Arnold B. Kohler, Martin Kokoska, Matthew Kokoska, Edward Kolbe, Ed Komczyk, Christian M. Kraft, Walter Krilov, Robert L. Krukowski, Raymond A. Kuehner,

Joe Kulesa, Sam Kuncevich, Paul M. Kupiec, Ben G. Kyler, Bob LaVine, Lydia LaVine, Frank Laber, Nan L. Lacorte, Howard Lafianza, Jim Lafianzia, Raymond J. Lavanture, Jack W. Ledeboer, Skip Leeson, Bill Leibfrid, Elizabeth Lerch, Fred Lesser, Aaron D. Levitsky, Dennis Levitt, William Lewis, William Linder, Bruce T. Lindstrom, Nancy Lobel, Bob C. Locke, Janet Locke, Joseph Lodovico, Art Lohan, Bruce R. Lomonaco, Charles W. Long, George Lopresti, Juergen E. Lorenz, Milton H. Lowe, William G. Lutz, Alfred J. Lynch, Dale Lynch, George R. Macculloch, Joseph W. Macmillan Chris. W. Macready, James T. Maher, John Makara, Chet K. Malik, James Malloy, Vincent Mancini, Larry G. Margulis, Patrick Marion, Craig W. Martin, Marji Martin, Edward Martino, Tony Martorana, Richard F. Maska, Norman G. Mathews, Calvin B. Mattson, Warren Mattson, Richard L. Mauger, Dave May, Pat McBride.

Gerald McCloskey, John McClernan, Todd McConnell, Tom McCorkell, Robert G. McCord, Doug McCray, Hugh McElroy, Leslie McGeoch, John F. McGranahan, Gene McLaughlin, Jean McLaughlin, Dennis McMichael, Jack McNally, Jacki McPhee, Paul M. McPike, Allan McVey, Michael Meaney, Richard W. Meanor, Duane Meller, David A. Mellish, Bernadette Menna, Matthew L. Merry, Frank V. Mevoli, Edward Miller, Donald A. Miller, Gary H. Miller, James Miller, John L. Miller, William R. Miller, John (Jack) Mills, John Mills, Barney M. Milstein, Joe Moloney, Susan Monsour, Calvin Moon, Martin C. Mooney, James R. Moore, David Morales, Joe Moran, Robert F. Moritz, Frank Morrone, Harvey D. Morton, Daniel Muckel, Dave Mull, David I. Mullan, Joseph A. Mullan, Marta A. Mullan, Jack F. Muller, Lewis Murchison, Timothy M. Murphy, Thomas A. Muskett Jr., Larry S. Natelson, Deandre Nelson, Christopher Newcombe, Max R. Newhart, Paul Niessner, Ernest Ng, Don Noonan, Ronald Noreen, Frank J. Obermeier, Frank S. O'Keefe, Charles T. Olinda, Kenneth J. Olivier, Walter E. Olkowski, Charles O'Neill, Frank O'Neill, Joan O'Rourke, Frances Orzechowski, Larry Otreba, Richard R. Palazzo, Peg Palmer, George H. Parks Iii, Robert D. Patrick, Aj J. Patten.

John M. Pavek, Keith Pavulak, Adam Paz, Bruce Penny, John J. Percy, Joe Perno, Dave J. Perone, John Perry, Richard P. Pietrow, Charles Pine, Albert Piong, Walt Piotrowski, Tony Pizzi, Ernest G. Posner, Bruce Powell, Earl Preis, Jeannette R. Priestley, Louis Priestley, Larry Pyle, Pat Quinn, John Quinesso, Roy F. Radil, Jim Ramentol, Frank Randolph, Dave M. Ratcliffe, Susan Ratcliffe, Howard Reed, Marie D. Reimel, Michael Renish, Camilo M. Reyes, Walter G. Ribeiro, Mark H. Richardson, Norma L. Rightler, Chris G. Robinson, Adam Roch, Alexander Rodriguez, Glenn T. Roggio, Kevin Rooney, Andrew C. Roppoli, Michael Rosado, Ed Rosenheim, Marie Rossi, Ted Roth, James Rothman, Norman C. Roton, John Rowey, Ronald Ruban Sr., Joseph K. Rubino, Jon Rudolph, Harry Ruhle, Maria Rumil, John Ryan, Lois A. Ryan, Aldo Saggese, Mary A. Samson, Eric Saperstein, John F. Saracen, Kristine Sawaya, James D. Scamuffa, William Sahacht, Henry Schafer, David Schmidt, Raymond Schnapp, Alfred C. Schneider, Barbara B. Schneider, Wayne H. Schofield, Alfred Schuler, Ralph Schwank, Don T. Schwendt, Howard B. Scott, George Seaman, Allan Segal, Jason Seiberlich, William M. Seiberlich.

Walter Seitz, Kevin Sekula, Sharon Seybold, Rochelle Shakti, Robert Shea, Joseph Shields, Joel Shusterman, Alfred R. Signor, Frederick G. Siler, Harry Silvers, Richard L. Silvers, Dolores Silvestri, Adam Simkins, Brian Simmons, Joanne M. Simmons, Harry J. Simonini, Bill Smart, David Smith, Mary Smith, Ronald Smitherman, Daniel Soldano, Lon Somora, Dick Sowers, Ted J. Speer, Kelly S. Spina, Charles V. Spinetta, Claire Spinetta, Neil E. St. Clair, Jr., Richard J. Stafanick, Carmine Staino, James Standiford, Joseph Stalter, Jeri Stephens, David Stephnowski, Charles Stewart, Ed Stewart, John Stickney, John Stolarik, William Stokes, Brian Stoner, Brian Stower, Bill Stroup, Dennis Strasser Sr., Robert E. Straub, Lee Sturgell, Sharlene S. Sullivan, William Sullivan, Jack E. Surline, Wayne J. Surline, Fred Sutherland, Alex Svincov, Claire M. Svitak, Richard E. Svitak, John M. Sweeney, Leona L. Sweeney, Martin Swiiecicki, Stephen S. Swift, Paul T. Syers Jr., Stan Szumel, Stanley Szumel, Irv Tannenbaum, Gabriel Tatarian, Jim J. Taylor, Ken Temme, Robert Teti, Terry A. Thayer, Dudley Thomas, Paul A. Thomas, Charles F. Thompson, Mary Thompson, Richard G. Thrash Jr., Vera H. Tierno, Michael J. Timothy.

Paul J. Tine, Robert Titus, Cal S. Tobias, Theresa Tonte, George Townsend, Jesse Trace, Christopher M. Troche, Ed Troche, Don Trouland, Don Trucano, John H. Truman, Thomas Underwood, Walt Urban, Richard Valenzuela, Charles F. Vaughan, William Vaughan, Victor Vergara, Bill Vets, Elaine M. Vets, Paul Viens, Howard A. Villalobos, Richard Vojir, Anson J. Wager Jr., Barry Wagner, Don M. Walker, Martin Waltemyer, Rob Walters, Dennis Walton, Larry Ward, Frank Watson, Bruce J. Weaver, Ashlyne M. Webb, David R. Webb, James Webb, Thomas Weber, Richard Wedman, Charles Weiss, Dick Weiss, Robert Werner, Roy West, Robert Westcott, David Wetherspoon, Robert M. Whomsley, Kenneth Wiegand, Mary Wiegand, Thomas H. Wilkie, Bill Will, Bruce A. Williams, Carl A. Williams, Roger Willig, Michael D. Wills, James Wilson, Wayne A. Wilson, Dan J. Windfelder, John J. Windfelder, Joseph Wojciechowski, Gary Wolf, Carl Woodcock, Bob Wright, Steven Wright, Bryan H. Young, John Yurkow, Larry Zack, Art Ziemer, Barbara Zimmerman, Michael Zimmerman, Richard Zimmermann, and Charles A. Zingrone.

## A TRIBUTE TO SEAN SWARNER

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Sean Swarner, a fellow climber and an enormously courageous young man.

When he was just 13 years old, Sean was diagnosed with Hodgkin's disease and was given a mere three months to live. With his family's support, prayer, and resolute determination, he beat the disease. Just one year later, doctors found a golf-ball sized tumor in his right lung. The diagnosis was Askin's sarcoma. This time, doctors gave him just two wees. Again, he beat back the disease with his tremendous resolve. Still, the cancer left him with just one functioning lung.

Sean Swarner is now 30 years old. He is the only person known to have survived both Hodgkin's disease and Askin's sarcoma. Given his unique life experience, Sean has a sense of purpose unusually focused for a young man. Sean decided to climb Mount Everest in part to prove that people facing cancer can survive and go on to accomplish things most people never even think to try. When setting out to plan his trip, he said "most of the outfitters told me that there's no way they would take a one-lung, two-time cancer survivor lunatic up the highest mountain in the world." Once he was actually on the mountain he says, "the sherpas were kind of scared too because in Nepal there is no such thing as a cancer survivor."

Sean Swarner is the only known cancer survivor to reach the summit of Mt. Everest. He has also climbed Aconcagua in Argentina, Mt. Elbrus in Russia and Mt. Kilimanjaro in Africa. He hopes to complete the "adventure grand slam" which means summiting the highest peak on each of the seven continents and visiting the North and South Poles.

Sean visits young people with cancer after each of his climbs and during his training. While this is tremendously rewarding because it lifts their spirits, it is also very difficult because he is so familiar with what the kids are going through. Still, his example gives them a role model who has conquered what they are going through and hopefully gives them inspiration to believe that they too can conquer the mountains before them.

Sean Swarner's courage and kindness are qualities to which we should all aspire. I ask my colleagues to join me in paying tribute to Sean Swarner—a great climber, Coloradan and human being. I wish him continued success on his future climbs.

## NEW YORK'S CARIBBEAN COMMUNITY—CONCERNS AND OPPORTUNITIES

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. RANGEL. Mr. Speaker, on Friday, June 3rd I had the pleasure to attend an event sponsored by Bronx Borough President Adolfo Carrion Jr., NY CaribNews, and the Bronx Overall Economic Development Corporation. The event was entitled Caribbean NYC: The Future is Today, and it brought together hundreds of individuals to discuss issues of importance to New York's ever-growing Caribbean community.

Issues such as immigration policy, entrepreneurship, and Caribbean natural disaster relief, were discussed at the event and served to remind those in attendance of the ties that bind the Caribbean population of New York, and the opportunities that we have yet to exploit.

Without question, the New York City area holds the largest Caribbean population in the United States. The metro area boasts approximately 1.5 million Spanish Caribbean residents, including nearly 900,000 Puerto Ricans, and 600,000 Dominicans. According to the CUNY Albany, the Dominican population alone grew over 70 percent from 1990–2000. The New York area also encompasses more than 800,000 residents from the English-speaking Caribbean, a population which grew over 40

percent in the last decade. In New York City itself, three of the top five immigrant groups are from the Caribbean: Dominican Republic (Ist), Jamaica (3rd), Guyana (4th).

Though Caribbean New Yorkers may speak with different accents and languages, and have cultural practices unique to each, they all share a desire to succeed in this country. Their unbreakable work ethnic and entrepreneurial spirit has provided a cornerstone for our city's growth and success for more than half a century.

This entrepreneurial spirit can be found throughout our city. One example is the story of Lowell Hawthorne, and the ''Golden Krust'' food franchise. The company, which specializes in making Jamaican patties, started 15 years ago in a small bakery in the Bronx, and has since expanded into a chain of 80 franchises throughout the New York area. The company now has plans to expand across the East Coast, before going nationwide. If Golden Krust stays with their plan the Jamaican pattie may one day become as omnipresent in America as the hamburger, pizza, or taco. The entrepreneurial spirit of this community will only grow, as they become increasingly integrated into the socio-economic fabric of our city.

Another factor which binds the Caribbean community is their common concern for their home nations. The Caribbean continues to face many critical issues related to natural disasters, economic development, and HIV/AIDS. The U.S. Government has sought to assist in addressing this issue, but more is needed.

Several hurricanes and tropical storms hit nations across the Caribbean in the 2004 hurricane season causing billions of dollars in damage, and killing thousands.

I was joined by other members of the Congressional Black Caucus in urging the Bush Administration and Congress to maximize their Caribbean Hurricane relief effort. These disasters caused long-term damage to the agricultural and tourism sectors of the region, so it will continue to require our assistance moving forward. In addition, recent reports by U.S. government sources have predicted that the 2005 Hurricane season will likely be worse than 2004, so the U.S. must stand ready to adequately assist our neighbors in what promises to be a trying hurricane season.

We must also closely examine how our policies might hinder the region's recovery. One such hindrance is the Bush Administration's proposed Western Hemisphere Travel Initiative. The initiative, which will require all travelers to and from the Caribbean, and Bermuda to have a passport to enter or re-enter the United States, is being imposed on the Caribbean before other regions in the Hemisphere.

With a large percenage of U.S. visitors to the Caribbean not utilizing a passport when they travel, it can be expected that the new requirements will have a negative impact on Caribbean tourism, as many U.S. tourists may choose vacation options that entail less hassle.

In addition, the U.S. must continue to increase non-emergency assistance. Though U.S. assistance to the Caribbean has increased in recent years, it still lags behind the amounts given to the Caribbean during the 1980's. The Cold War is over, but the Caribbean still faces many threats to its development and security.

The growing impact of narco-trafficking is increasingly evident, and will continue unless the U.S. continues to help the Caribbean in its development objectives. Equally important is the ability of the Carribbean to keep its borders secure in the post 9–11 environment. With these countries burdened by slow economic development, and annual crises arising from natural disasters, they will be increasingly hard pressed to invest in the border security measures which hold implications for them and United States.

The United States must also continue to help the Caribbean wage the war against HIV/AIDS, as the epidemic in the region continues to grow. Infection rates are among the highest outside of sub-Saharan Africa, and an estimated 430,000 people in the region are living with HIV. Many experts have predicted that this will significantly retard the economic and political growth of the region if it continues on its present course. Overall U.S. HIV assistance to the Caribbean is estimated at $53 million for 2005, but this is largely due to the two Caribbean nations that are covered by the President's Emergency Plan for AIDS Relief (PEPFAR).

As such, more countries in the region, besides Haiti and Guyana, should be placed under the PEPFAR program. There has been activity in Congress to bring about this result, but legislation has yet be approved.

Again, I thank the organizers of the Caribbean NYC event; it not only illuminated the great strides that have been taken by the Caribbean Community in New York, but also the need for the U.S. to remain committed to assisting the Caribbean region—a region near to our shores and to our hearts.

## HONORING AN INNOVATIVE COMPANY—HEMCON

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. WU. Mr. Speaker, I rise today to honor an innovative company in my Congressional district—HemCon.

Today, HemCon is being recognized by the U.S. Army Research, Development and Engineering Command for developing one of the 2004 ''Top 10 Greatest Inventions.'' This is a prestigious accolade, and HemCon is deserving of this award.

Hemcon has developed a revolutionary bandage that has the potential to change medicine as we know it. More importantly, it has the potential to save countless lives. According to military physicians, 90 percent of soldiers killed in war die before they reach a medical facility, most often because of significant blood loss. Yet it is this exact situation that the military considers the main preventable cause of death in military action.

The HemCon bandage is revolutionary in that it can stop severe hemorrhaging based on the use of a natural product called chitosan, a substance found in the shells of shrimp, crab, and other crustaceans. This chitosan material has the ability to bond with red blood cells and form a clot that stops bleeding. In October 2002, based on the strength of this product, the HemCon Bandage was ushered through the FDA and it is the second fastest approval of a medical device granted by the Agency. It was approved in only 48 hours.

Today, the use of the HemCon Bandage is considered standard treatment for severe hemorrhaging, and it is being used by the military to save the lives of our brave men and women in Afghanistan and Iraq. It is also being used by first responders in emergency medical situations to control blood loss.

Jonathan Swift wrote, ''Discovery consists of seeing what everybody has seen and thinking what nobody else has thought.'' Dr. Kenton Gregory and Dr. Bill Wiesmann are a testament to this statement. Through their research, they have taken a natural product that had been overlooked for too long and used it in a revolutionary new way. Because of their efforts, lives have already been saved.

I applaud, Dr. Gregory, Dr. Wiesmann, and the staff of HemCon for their work, and I congratulate them for this very deserving award.

## CONGRATULATING THE 2005 NCAA MEN'S DIVISION I NATIONAL LACROSSE CHAMPIONS

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CARDIN. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating the 2005 NCAA Men's Division I National Lacrosse Champions, the Johns Hopkins University Bluejays.

Johns Hopkins University is the cradle of college lacrosse. Their faculty, fans, alumni, students, coaches and players have waited since 1987 to regain their position as the premier lacrosse program in the country. For three out of the last four years, the Hopkins Bluejays have made it to the final four, but the championship has remained just out of reach.

Under the leadership of Coach Dave Pietramala, seniors on the team played all four years never losing a game on Homewood Field at Hopkins, and this year had a perfect season, 16–0.

Coach Pietramala also has the distinction of being the only coach to have won a national championship as a player and a coach. Coach Pietramala was a four time All-American defensive player on Hopkins' 1987 championship team.

Six members of the team are my constituents: Joe Benson, Benson Erwin, Kyle Harrison, Kevin Huntley, Nolan Matthews and Matt Pinto. All deserve congratulations for their contributions to the team. Kevin Huntley and Nolan Matthews, sons of former Hopkins' All-Americans and Joe Benson, brother of a Hopkins All-American will be returning to Homewood Field to carry on the winning tradition. Also returning will be Jesse Schwartzman, who was awarded most valuable player of the NCAA tournament when in the championship game his skill as goal keeper kept Hopkins in the game and eliminated threats by the Duke Blue Devils.

This year's graduates Kyle Harrison and Benson Erwin are best friends, great players and outstanding role models. This year, after being named a Tewaaraton Award finalist for the past two years, Kyle, a three time All-American, won the Award given to the most outstanding male varsity collegiate lacrosse player in the nation. Benson was the unsung hero of the team. His work ethic and reliability

made him the man to turn to when hope seemed lost in the final seconds of the semifinal game. A young man of few words, Benson leads by example.

I ask my colleagues to join me in congratulating the Johns Hopkins University Men's 2005 Lacrosse Team for their outstanding achievements as players and students. I ask you to join in saying congratulations and "Go Blue."

## PERSONAL EXPLANATION

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. HYDE. Mr. Speaker, on the evening of June 7, 2005, I was absent for several votes and regret missing them. Had I been present, I would have voted: Vote No. 228, Historical significance of Mexican holiday Cinco de Mayo, "yea;" Vote No. 229, Manifestation of anti-Semitism by UN member states, "yea."

## HONORING PARTICIPANTS OF NATIONAL HISTORY DAY

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the participants of the 2005 National History Day who will be in Washington DC June 16–19th. Specifically I would like to congratulate Filip Maksimovic, Alex Grossman, Mary Kate Quinn, Andrew Hastie, Megan Duffy, Natasha Steinmann, Connie Ge, Anika Megan McEwan, and all students from Colorado who competed in Colorado History Day and qualified to compete on the national level.

Students from grade 6 through 12 have been participating in National History Day for the past 25 years. In Colorado 4000 students produced dramatic performances, museum-style exhibits, multimedia documentaries or research papers all focusing on a central theme of Communication in History: The Key to Understanding. The program encourages students to take advantage of primary historical resources available to them. 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.

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 at the University of Maryland, College Park. The projects from students in the 2nd Congressional District ranged from "Communication in Irish Step Dance," to "Communication through Hobo Code Signs during the Great Depression." These students represent excellence in their study of history and will be able to continue to utilize the skills gained through their experience with National History Day into the future.

Mr. Speaker, I ask my colleagues to join me in commending Filip Maksimovic, Alex Grossman, Mary Kate Quinn, Andrew Hastie, Megan Duffy, Natasha Steinmann, Connie Ge, and Anika Megan McEwan for their achievements at the Colorado History Day and wish them good luck as they compete in the 2005 National History Day.

## TRIBUTE TO ROCHE ON THE OCCASION OF THEIR 100TH ANNIVERSARY

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CLYBURN. Mr. Speaker, I rise today in honor of the 100th Anniversary of Roche, a true trailblazer in healthcare. Roche is a specialty care company employing over 10,000 people in the U.S. and 60,000 globally. I am pleased that Florence, South Carolina is home to Roche Carolina, Inc., which employs over 270 people, all of whom are dedicated to improving the quality of healthcare for millions of people,

For a century now, Roche has invested in advanced research and manufacturing techniques that have yielded breakthroughs in healthcare, Founded in Switzerland in 1896, Roche's roots in America are deep and strong, dating back to the opening of its New York office: in 1905. From its start in Manhattan, Roche has extended its reach to nine sites across the United States in South Carolina, New Jersey, Indiana, California and Colorado.

In Florence, the employees of Roche Carolina work in one of the most advanced pharmaceutical manfanufacturing facilities in the world. They produce a potent oral antiviral that is a promising weapon against the threat of pandemic influenza. In addition, it manufactures a novel oral medication for cancer patients—allowing them to be treated at home and greatly improving their quality of life. These are just two examples of their revolutionary therapies used to treat millions of people every day.

I also would like to applaud Roche Carolina for being such an active corporate citizen. In Florence, Roche Carolina has established a High Performance Partnership with Lester Elementary School through which their workers offer math tutoring to 4th grade students. Further, Roche Carolina has endowed a chemistry scholarship and initiated a student exchange program at Francis Marion University. These efforts help build the Florence community in ways that will resonate for years to come, and they set an example for us all.

I commend the people of Roche Carolina in Florence and Roche employees worldwide for their outstanding achievements, and wish them the very best on this special 100th Anniversary.

## HONORING DEBORAH JIN AND LINDA CORDELL

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize two women, Deborah Jin and Linda Cordell, from Boulder, Colorado, who were recently elected to the National Academy of Sciences.

Deborah Jin, a physicist at the National Institute of Standards and Technology and an associate adjunct professor in the Physics Department at the University of Colorado, is one of the youngest women elected to the National Academy of Sciences.

She came to Boulder as a postdoctoral student in 1995. In 2003 she won what is commonly called the "genius grant," a $500,000 MacArthur Fellowship for her work with ultracold atoms. One of the three criteria for receiving this award is that the candidate show exceptional creativity. Dr. Jin's career is a testament to her creativity. In 2004, she and her team won an international race to create a fermionic condensate made from a tiny cluster of super-cold potassium atoms which is used to better understand super conductors.

Linda Cordell is the director of the University of Colorado Museum and a professor of archaeology at CU. Her research interests include the archaeology of Pueblo people in the southwest, specifically the agricultural and settlement strategies of ancestral Pueblo peoples of New Mexico. She also studies how large villages supported themselves in times of unpredictable precipitation.

Members of the National Academy of Sciences make up the most accomplished scientists in our country and election to the academy is one of the highest honors for any scientist. At a time when we are seeing fewer young people, particularly women, entering into the science disciplines, these scientists are taking their creativity and skill to inspire our youth.

Mr. Speaker, I ask my colleagues to join me in commending Deborah Jin and Linda Cordell for their achievements in science and offer congratulations on their new post as members of the National Academy of Sciences.

## JERUSALEM DAY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. TOWNS. Mr. Speaker. I rise today to join the Jewish people in Jerusalem and throughout the world in celebration of Yom Yerushalyim, Jerusalem Day.

On June 7, 1967 the 28th of Iyar 5727, the Israel Defense Forces in the heat of the Six-Day War, unified the city of Jerusalem under Jewish control. At approximately 10 a.m. on that day, the earth shattering proclamation "The Temple Mount is ours, It is in our hands" reverberated in the hearts of Jews across the globe. The dream of once again being able to visit the Kotel, The Western Wall, and other previously inaccessible holy sites of Jerusalem, had become a reality. In the subsequent years to follow, Jewish people from

every nation on earth would make pilgrimages to the holy city of Jerusalem to visit its revered sites and offer their heartfelt prayers.

Every stone in Jerusalem is saturated with Jewish history, every street has some story and saga of biblical times and modem times. Even though Jerusalem is a city laden with rich archeological artifacts, and remnants of ancient times, it has become a thriving city that has preserved its historic nature and adapted to modem life. Beautiful shopping malls, fresh food markets and restaurants are commonplace in Jerusalem, which emphasize the cultural advancements Israel has made in such a short period of time.

Perhaps one of the most moving aspects of modem day Jerusalem is its abundance of Yeshivas, Kollels and the prominence of Jewish religious life. It is truly inspiring to see Jews, young and old immersed in the deep study of Jewish texts. Many Hasidic sects and other Orthodox institutions based in my district have satellite branches in Jerusalem and quite a few of my young constituents study Judaism in Jerusalem and return to the United States invigorated from their experiences.

Mr. Speaker, I am honored to recognize this very jubilant day and reaffirm my unflinching support for the City of Jerusalem and the State of Israel.

## IN HONOR OF THE CALIFORNIA STRAWBERRY COMMISSION

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. FARR. Mr. Speaker, I rise today to honor an extraordinary organization based in my community: the California Strawberry Commission. Since 1994, the Commission's California Strawberry Scholarship Program has awarded numerous students with scholarships to show the industry's appreciation to the farm workers whose jobs are a vital part of the strawberry industry's success.

Students receiving a scholarship from the Commission are entering their first year in colleges and universities throughout the nation. To qualify, applicants must have at least one parent who has been employed as a strawberry farm worker for the past two consecutive seasons. The California Strawberry Scholarship Program has awarded over $183,000 to 264 children of strawberry farm workers, giving these students the opportunity to achieve their full potential. This year alone, they have awarded $32,500 to 34 high school seniors. Each student has tremendous potential and these scholarships give them the opportunity to excel as first-year students in colleges and universities throughout the nation.

In addition to the Strawberry Scholarship Program, in 1995 the Strawberry Commission implemented the California Strawberry Growers' Scholarship Fund. The California Strawberry Growers' Scholarship Fund is funded by California strawberry farmers and allied industry members to help children of strawberry farm workers to continue their college education. To date, the Fund has awarded over $349,000 to 165 students. This year 65 continuing college students were awarded a total of $68,000 by the California Strawberry Growers' Scholarship Fund.

Through the hard work of California's strawberry farm workers, generous contributions from strawberry industry leaders, and the commitment of the California Strawberry Commission, a new generation of students is able to achieve its dreams. Mr. Speaker, it is truly an honor to recognize the California Strawberry Commission today.

## HONORING THE MEMORY OF MR. SPALDING WATHEN

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Spalding Wathen of Fresno, California. Mr. Wathen served his country and his community with remarkable distinction. He is survived by his wife Della Ann Wathen and five daughters, Judy, Shelley, Leslie, Terry and Cindy. On this day, we mourn his passing, but also celebrate his life.

Born in Fresno on March 1, 1925, Mr. Wathen attended Roosevelt High School. Upon graduation he joined the military and served as a Navy pilot in World War II. After the war, Mr. Wathen returned to California where he continued his education at the University of California, Berkeley and received a Bachelor of Science in civil engineering. Mr. Wathen was a member of the Chi Epsilon and Tau Beta Pi Engineering Scholastic Fraternities and graduated at the top of his class.

Upon returning to Fresno, Mr. Wathen received his contractor and real estate broker licenses. His life is a fitting example of the motto: ''Hard work pays off.'' Mr. Wathen was Chief Executive Officer of Wathen Brothers, Headliner Homes and Mansionette Homes. His businesses are well known and respected for their committed effort to combine fine workmanship with affordable housing.

Mr. Wathen's business endeavors and civic mindedness brought him into contact with many community groups who recognized and applauded his efforts. He served as the President of the Builders Industry Association four times and was inducted into the West Coast Builders Association Hall of Fame in 1996. Mr. Wathen was also one of a select number of builders who were granted the Oscar Spano Award for Lifetime Achievement.

Within the community, Mr. Wathen will be remembered as a true visionary and a strong employer of local citizens. While Mr. Wathen had a keen eye for business ventures, he was also a community advocate who dedicated himself to giving back to the community that had allowed him to succeed. His numerous donations include the Fresno State University Tennis Center, the 33 acres of land upon which St. Agnes Medical Center was built, and the 10-acre site for the new Holy Spirit Catholic Church. Mr. Wathen was also a founding member of the Board of Directors for the Bank of Fresno.

The passing of Spalding Wathen has left a community in mourning. We have lost a passionate businessperson, a true leader and a committed advocate. His memory will live on, however, in the many lives he touched along the way.

## PUBLIC SAFETY TAX CUT ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Public Safety Tax Cut Act. This legislation will achieve two important public policy goals. First, it will effectively overturn a ruling of the Internal Revenue Service which has declared as taxable income the waiving of fees by local governments who provide service for public safety volunteers.

Many local governments use volunteer firefighters and auxiliary police either in place of, or as a supplement to, their public safety professionals. Often as an incentive to would-be volunteers, the local entities might waive all or a portion of the fees typically charged for city services such as the provision of drinking water, sewerage charges, or debris pick up. Local entities make these decisions for the purpose of encouraging folks to volunteer, and seldom do these benefits come anywhere near the level of a true compensation for the many hours of training and service required of the volunteers. This, of course, not even to mention the fact that these volunteers could very possibly be called into a situation where they may have to put their lives on the line.

Rather than encouraging this type of volunteerism, which is so crucial, particularly to America's rural communities, the IRS has decided that the provision of the benefits described above amount to taxable income. Not only does this adversely affect the financial position of the volunteer by foisting new taxes about him or her, it has in fact led local entities to stop providing these benefits, thus taking away a key tool they have used to recruit volunteers. That is why the IRS ruling in this instance has a substantial deleterious impact on the spirit of American volunteerism. How far could this go? For example, would consistent application mean that a local Salvation Army volunteer be taxed for the value of a complimentary ticket to that organization's annual county dinner? This is obviously bad policy.

This legislation would rectify this situation by specifically exempting these types of benefits from federal taxation.

Next, this legislation would also provide paid professional police and fire officers with a $1,000 per year tax credit. These professional public safety officers put their lives on the line each and every day, and I think we all agree that there is no way to properly compensate them for the fabulous services they provide. In America we have a tradition of local law enforcement and public safety provision. So, while it is not the role of our federal government to increase the salaries of these, it certainly is within our authority to increase their take-home pay by reducing the amount of money that we take from their pockets via federal taxation, and that is something this bill specifically does as well.

President George Bush has called on Americans to volunteer their time and energy to enhancing public safety. Shouldn't Congress do its part by reducing taxes that discourage public safety volunteerism? Shouldn't Congress also show its appreciation to police officers and firefighters by reducing their taxes? I believe the answer to both of these questions is

a resounding "yes" and therefore I am proud to introduce the Public Safety Tax Cut Act. I request that my fellow Members join in support of this key legislation.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

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:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today with grave concerns in regard to the deficiencies of this National Defense Authorization Act. It is truly unfortunate that the brave men and women of our Armed Forces are fighting around the world while the Department of Defense is in the current state it is in. Leadership must be accountable for the actions of the Armed Forces; the unfortunate events taking place in Iraq have caused our Nation irreparable harm.

I am most outraged by the fact that there will be no consideration of the Taylor amendment on TRICARE for reservists, the Salazar amendment on ending the Military Families Tax, and the Marshall amendment on ending the Disabled Veterans Tax. These amendments are three key provisions in the GI Bill of Rights for the 21st Century, which House Democrats unveiled in March. It seems blatant, that the Rules Committee would not allow the full body to consider these vital amendments which could have greatly strengthened this Defense Authorization.

H.R. 1815 authorizes $441.6 billion, slightly less than the President's request and the total provided for by the budget resolution for FY 2005. The total is $21 billion, 5 percent more than the current regular authorized and appropriated level. This does not even include the $75.9 billion in FY 2005 emergency supplemental defense funds appropriated last month for operations in Iraq. In addition, this measure also authorizes an additional $49.1 billion in expectation of another supplemental budget request for the war in Iraq later this year. This brings the bill's authorization total to $490.7 billion.

This measure continues the spending by providing $79.1 billion for weapons procurement, a full $1.1 billion more than the president's request; $69.5 billion for research and development, another $113 million more than the request; $124.3 billion for operations and maintenance, $2.6 billion less than the president's request; $108.8 billion for personnel, slightly less than requested; $12.2 billion for military construction and family housing; and $17 billion for weapons-related and environmental-cleanup activities of the Energy Department.

If Congress provides the full amount in the FY 2006 budget resolution—including the $50 billion in emergency spending for operations in Iraq and Afghanistan—defense spending in FY 2006 will total about 55 percent of the entire federal discretionary budget. The percentage could rise even higher if more than $50 billion is provided for operations in Iraq later this year. If the administration's request is approved, overall defense spending, in real terms, would be more than 20 percent higher than the average Cold war budget.

The sad truth is that when compared to other nations around the world, you quickly realize that our military spending is not about defense needs as much as it is about overkill. The nearly $500 billion expected to be provided for defense this year—assuming another supplemental—is only slightly less than the $527 billion estimated by the Center for Arms Control and Nonproliferation as currently being spent by other nations combined, including China ($56 billion), France ($40 billion), Great Britain ($49 billion) and Japan ($45 billion). Furthermore, when comparing U.S. defense spending to those countries determined by the Defense Department as most likely to threaten the United States, the difference is even greater. Such rogue states, including Iran (which spent $3.5 billion), North Korea ($5.5 billion), Syria ($1.6 billion), Cuba ($1.2 billion) and Sudan ($500 million). Clearly, we are not only the world's leader in military spending, but now we are determined to lap the field many times over.

It's just disgraceful that many so-called advocates of fiscal responsibility talk about discretionary spending for federal programs when they represent only a tiny sliver of spending compared to our military spending. While we continue to allocate funds for this costly war, our federal debt continues to soar and that debt continues to be owned by foreign nations. We are now borrowing $1 trillion every 20 months and the federal debt will soon exceed $8 trillion. The Japanese own more than $800 billion of that debt, the People's Republic of China more than $250 billion and all our foreign debt continues to explode.

It is truly unfortunate that this Defense Authorization continues this Administration's policy of having misplaced priorities. Instead of directing more money for proper planning in Iraq, or for greater protection equipment for our troops, or maybe for greater pay raises for our troops; this Authorization provides $7.9 billion for ballistic-missile defense programs—$100 million more than the administration's request. Missile defense systems are not new, in fact they have been discussed for decades. The truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than pipe dreams. Why in good conscience, in this time of budget constraints and increased need, would we allocate even more money for failed programs? There are more responsible ways to budget this money. Money from the Defense Authorization should go to our men and women in the Armed Forces who actually defend our Nation instead of into programs that just waste needed funds.

I am heartened by a few provisions of this legislation. This Authorization provides an average 3.1 percent pay increase for military personnel in FY 2006, equal to the President's request, and extends certain special pay and bonuses for reserve personnel. Our men and women in the Armed Forces deserve these pay increases, in fact they deserve much more for the sacrifice they are making for our Nation abroad. The bill provides added funds for increased protection for U.S. troops in Iraq, including funding for up-armored Humvees, tactical wheeled-vehicle recapitalization and modernization programs, night-vision devices, and improvised explosive device (IED) jammers. The war in Iraq gets more dangerous by the day and the Pentagon won't even give this Congress a timeline for our exit. As always, this leaves our brave men and women of the Armed Forces and their families in the lurch. We as a Congress owe it to them to give them more answers, instead of only providing more questions. Unfortunately, while this Authorization gives a little comfort to our Armed Forces abroad, it really falls far short of what we owe to our Nation's bravest.

## A TRIBUTE TO GERALDINE BAKER

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to honor Geraldine Baker for her academic accomplishments and contributions to the field of education.

Geraldine "Gerry" Baker was born in the Bedford-Stuyvesant section of Brooklyn, New York, and is one of the twin daughters of Marie G. and the late Henry W. Baker. Ms. Baker was raised in the Concord Baptist Church of Christ in Brooklyn. Here she was greatly influenced by the Reverend Dr. Gardner C. Taylor's ministry of activism and leadership and studied classical music under the tutelage of the late John T. Lucas, organist. Following the tradition of great Black families, Ms. Baker's parents inspired her life-long pursuit of excellence.

Ms. Baker is a distinguished alumna of the New York City Public School System. At an early age she exhibited leadership skills when she was elected class president at Eastern District High School. She was later selected to participate in a pilot program under the auspices of the Carnegie High School Language program, and won a National Defense Foreign Language Fellowship in Chinese for the summer program at Columbia University. She then pursued a Bachelor of Arts in anthropology and linguistics at CUNY Richmond College.

Ms. Baker culminated her education at Pace University, where she received a Master of Science in Education Administration and Supervision and was accepted into the Phi Delta Kappa organization. She has also participated in Harvard University's Graduate School of Education in the Principals' Center for Critical Issues of Urban Education, completed a three-year Partnership for the Prevention of Violence Training Program at the Harvard School of Public Health, and studied at NOVA Southeastern University.

Ms. Baker is now a senior staff member at the Edward R. Murrow High School Special Education Department. Her teaching career has spanned the spectrum of the education profession from teaching the gifted and talented to the emotionally, neurologically and physically challenged. In addition, she has been certified by the New York State Department of Education, as an Impartial Hearing Officer, to adjudicate cases on special education problems. In her spare time, Ms. Baker taught at CUNY La Guardia Community College in a specially funded program to provide academic

and career curricula for developmentally delayed adults. She has also begun working with Dr. Michael Carrera, pioneer child advocate and sexuality expert, who inspired her to serve as a member of the Murrow HIV/AIDS health Resource team.

While Ms. Baker continues to be a source of inspiration and support to fellow professionals, paraprofessionals, interns and parents, she is committed to pursuing excellence in academic performance for her students and other teenagers outside of the Murrow community. She also addresses health, safety, moral issues and personal growth of those in her learning community and interacts with community service and agencies to advocate for students and their families.

As an educator, Ms. Baker has avowed a personal commission to touch the lives of all her students by encouraging their ability to fulfill their hopes and dreams in the pursuit of personal, academic and social excellence. In fact, she secured donations from the private sector to establish the novel "Angel Network" in order to provide disadvantaged young women with contemporary, designer outfits and accessories, at no cost, for their proms, graduations and various other affairs.

Above all, her mission, established during childhood, to inspire young persons to follow in her footsteps, remains strong and for these reasons we honor her today.

## IN HONOR OF DR. MARTHA HERZOG

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. FARR. Mr. Speaker, I rise today to honor Dr. Martha Herzog, who retired on June 3, 2005 from her position as Vice-Chancellor of Evaluation and Standards at the Defense Language Institute, Foreign Language Center here in the 17th district of California which I represent. Within the executive branch of our government there are many employees who, through their actions and their leadership, have an enduring impact on the federal government, their organization and their fellow employees. One such person of outstanding talent and lasting achievement throughout her career is Dr. Martha Herzog.

Before beginning her 31 years as a federal employee, Dr. Herzog received her PhD in English from The University of Texas at Austin. She taught writing at that great institution and performed similar duties at the Austin Community College and the San Antonio campus of Webster University before beginning her career in 1974 as a Training Instructor in San Antonio, Texas at the Defense Language Institute, English Language Center. In 1977 she was promoted and transferred to the Defense Language Institute Foreign Language Center at the Presidio of Monterey, California. She initially assumed a position in the DLIFLC Testing Division and subsequent promotions led to her serving as the Dean of the School of Romance languages, the Dean of the School of Central European Languages and finally, the Dean of the DLIFLC Korean School. She also served as the Assistant Provost for Curriculum and Instruction. In 1998 she was promoted to her current position as Vice-Chancellor for Evaluation and Standards.

As an educator and a leader, she has been able to motivate those who served under her as well as those she served with. She was instrumental in creating greater awareness of different learning styles for each student and encouraging more professional training for the instructional staff as well as always providing an attentive ear to her subordinates. Perhaps one of her more enduring accomplishments was her work on creating the Faculty Personnel System at DLIFLC. Her efforts along with those of others, has enabled the establishment of a rank in person, merit-based pay system that rewards those teachers who make the greatest contributions to the DLIFLC mission.

In her capacity as the head of the DLIFLC test development and program evaluation, she revised the testing materials to meet the pressing needs of our military for quality linguists who must know a second or third language to carry out their duties. For the past ten years she has served on and headed the NATO Bureau for International Language Coordination working group for testing and assessment, involving over 30,000 military linguists each year. During this time she provided great leadership to that committee in revising the language descriptors for the NATO STANG 6001. Additionally, she designed and taught a two-week language-testing seminar for newly admitted nations to NATO. Furthermore, throughout her career, she has been an active contributor to her field's professional publications. She has written several articles and provided many papers to the American Council for Teaching Foreign Language, the Teachers of English to Speakers of Other Languages and the Defense Exchange Committee on Language Efforts. She also has given extensive and long-time service to the U.S. government's Interagency Language Roundtable.

Mr. Speaker, I wish to highlight Dr. Herzog's dedicated service to our country throughout the years. As she retires from active government service she shows all who know her a model of accomplishment and service. In all her service, she has given the very best of mature leadership, innovation, and concrete results. I join my colleagues in wishing her the best in her retirement.

## HONORING THE MEMORY OF MR. FRED MARTELLA

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Fred Martella of Hanford, California. He is survived by his daughters, Loretta Montgomery, Barbara Caviezel and Celine Henning; his brother Art Martella; and his sisters Virginia Ribeiro, Dorothy Vierra and Violet Vierra. Mr. Martella's passing marks the end of a golden era.

Mr. Martella is remembered by all in the Hanford community as a kind, giving and persistently optimistic citizen. He met each challenge in life with a unique energy and spirit.

Mr. Martella's commitment to his family dates back to 1933 when he quit high school to dedicate his time to milking cows on the family farm. Undaunted by not having received a high school diploma, he successfully ran the farm and dairy, a testament to the adage that hard work and perseverance pay off.

As the years passed, Mr. Martella became well-known in the community through his volunteer activities, civic engagements, and random acts of kindness. He was a member of the Knights of Columbus, Elks Lodge, Sons of Italy, California Holstein Association, and Kings County Citizens for a Healthy Environment.

Despite managing the farm and dairy and participating in numerous organizations, Mr. Martella miraculously found time to help others. When it came to his attention that St. Rose-McCarthy School did not have computers, he helped collect $80,000 in donations for the school. He also assisted students of the Future Farmers of America association by finding buyers for Holstein heifers and cleaning up the grounds at the Kings County Fair. Mr. Martella's record of community service goes on forever, and the community honored him many times for his efforts.

Mr. Martella was Dairyman of the Year twice, Distinguished Citizen of the Year in 1993 and received countless other 4–H and Future Farmers of America Awards. Yet, in the face of all of these awards, he remained a humble servant of the community.

Fred Martella had a zest for life and an infectious smile and sense of humor. He serves as a prime example of how we should all live our lives. Although he will be greatly missed, his memory will live on among the many people whose lives he touched.

## POLICE SECURITY PROTECTION ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. PAUL. Mr. Speaker, I am pleased to help America's law enforcement officers by introducing the Police Security Protection Act. This legislation provides police officers a tax credit for the purchase of armored vests.

Professional law enforcement officers put their lives on the line each and every day. Reducing the tax liability of law enforcement officers so they can afford armored vests is one of the best ways Congress can help and encourage these brave men and women. After all, an armored vest could literally make the difference between life or death for a police officer, I hope my colleagues will join me in helping our nation's law enforcement officers by cosponsoring the Police Security Protection Act.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

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:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today unfortunately with the news that the Rules Committee rejected several major Democratic amendments that could have greatly strengthened the National Defense Authorization Act. It is sad to see that so many relevant and necessary amendments to this Defense Authorization were not ruled in order. Among the most relevant amendment were those submitted by my distinguished colleagues including Mr. WAXMAN's amendment on government contracting, Mr. SKELTON's amendment on women in combat, Mr. TIERNEY's amendment on the Truman Commission, Mr. MARKEY's amendment on torture, Mr. SALAZAR's amendment on Survivors Benefit Plans, Mr. TAYLOR's amendment on TRICARE, Mr. MARSHALL's amendment on concurrent receipt and Mr. SPRATT's amendment on nonproliferation. It is truly unfortunate that such pertinent amendments were not ruled in order and debated by this entire body. When the amendment process is compromised like it has been here then the legislative process suffers and unfortunately that means our Armed Forces will suffer as a result of this Defense Authorization.

I am most outraged by the fact that there will be no consideration of the Taylor amendment on TRICARE for reservists, the Salazar amendment on ending the Military Families Tax, and the Marshall amendment on ending the Disabled Veterans Tax. These amendments are three key provisions in the GI Bill of Rights for the 21st Century, which House Democrats unveiled in March. It seems blatant, that the Rules Committee would not allow the full body to consider these vital amendments which could have greatly strengthened this Defense Authorization.

My colleague Mr. TAYLOR's amendment would have provided full TRICARE to all members of the Guard and Reserve and their families. Currently, the Guard and Reserve are covered by TRICARE only when they are mobilized for active duty. Under the Taylor amendment, all members of the Guard and Reserve could buy into TRICARE for an affordable monthly premium. The Taylor amendment was in fact adopted by the Armed Services Committee by a vote of 32 to 30. However, after the mark-up, Chairman HUNTER stripped the amendment from the bill based on a violation of the Budget Act, instead of allowing Representative TAYLOR to make a slight modification to his amendment which would have addressed the violation. It is the slightly modified version that Representative TAYLOR had sought the Rules Committee to make in order and which the Rules Committee has egregiously rejected for consideration. It is a travesty indeed because this amendment could have done so much good for so many Guardsmen and Reservists. The simple fact is that more than 433,000 of our National Guard and Reserves have been called up over the past two and one-half years. Reserve Components make up almost 50 percent of our forces in Iraq. It is time that we as a body recognize their service to our Nation by providing TRICARE for Reserve Component personnel on a permanent basis. It is disgraceful that this Congress will not demonstrate the level of commitment for its citizen-soldiers that they so richly deserve.

I am also greatly disturbed by the fact that there will be no consideration of Mr. SPRATT's amendment on nuclear nonproliferation. The amendment offered by Mr. SPRATT would have provided an additional $80 million for nuclear nonproliferation activities. These vital activities would have been paid for by a modest decrease to future silo construction of ground-based missile defense. Clearly, this Administration and this Congress would rather waste money on futile missile defense systems that have proven not to work instead of safeguarding against the proliferation of nuclear weapons which pose a threat to our entire Nation and indeed the world. I can not even fathom how so many officials elected by the people can have such misplaced priorities. I can only pray that clearer judgment will prevail one day soon before we have to face the consequences of these misplaced priorities.

Mr. SALAZAR's amendment would have ended the Military Families Tax. Currently, the Survivor Benefit Plan (SBP) penalizes survivors, mostly widows of those killed as a result of combat. These widows lose their survivor benefits if they receive Dependency and Indemnity Compensation (DIC) benefits because their spouse has died of a service-connected injury. The Salazar amendment would have ended this offset requirement—the Military Families Tax—for the 53,000 spouses who continue to pay this unfair tax, which affects families that have made the greatest sacrifice for our country. Again, I find it disgraceful that this Congress will not have the opportunity to aid those military families that are penalized under the Military Families Tax and who have made the ultimate sacrifice to our Nation.

Mr. MARSHALL's amendment would have completely ended the Disabled Veterans' Tax for about 400,000 military retirees who were left behind under the partial repeal which the GOP-controlled Congress reluctantly enacted in 2003 and would speed up the end of the Disabled Veterans' Tax for the remaining disabled military retirees. For almost two years Democrats have been working to end the Disabled Veterans' Tax, and we have only been partially successful because the Republican leadership has put up roadblock after roadblock to eliminating this most unfair tax. Now, the Republican leadership and the Rules Committee have completed a hat trick of disgrace by rejecting the Marshall amendment for consideration which would have completely ended the Disabled Veterans Tax for all disabled military retirees.

I can only hope in the future that such significant legislation as this will involve the debate and full consideration of all necessary and relevant amendments. The men and women of our Armed Forces and indeed the American people as a whole deserve as much.

## A TRIBUTE TO JOHN I. SOUTHERLAND

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to honor John I. Southerland for his loyal service to the community.

John I. Southerland was born in Sanford, N.C. to the late Annie Bell Southerland. He graduated from W.B. Wicker High School in 1959, then relocated to New Jersey and later to Brooklyn, N.Y. He is married to Eva Thomas Southerland and they are the proud parents of Jonathan Southerland, Stephanie Southerland-Raimer and Nydia Southerland.

In 1968, Mr. Southerland joined the New York City Police Department. During his 27 years with the department, he earned numerous commendations and certificates. He received the Certificate of Merit for 27 years of service and a Certificate of Attendance, which is given to staff members who had not been late or absent for five more years. After retiring from the Police Department in 1995, he pursued his interest in fire safety. He then received a certificate and worked as a fire safety officer in the World Trade Center until September 11. Also during the 1990's, Mr. Southerland was installed as a Deacon, by the late Rev. Dr. Paul C. Hayes, at Mercy Seat Baptist Church of Brooklyn.

In 2001, Mr. Southerland turned his attention to community advocacy. He is a member of the Executive Board of the Community Action Project (CAP), a community organization located in East Flatbush. As a board member, he has met with local politicians to lobby against fraudulent immigration services and rampant illegal truck traffic. Currently, he and the board strive to sustain the area's economic growth through better coordination of city services, specifically sanitation and police. He is also attending Queens College to broaden his understanding of political activism to better serve his community.

Mr. Southerland is an active member of local DC 37. He was chosen as a delegate to go to Albany to meet with state representative to discuss issues pertaining to the union and its members.

He continues to show commitment to the community by visiting the sick and helping senior citizens. He is always willing to share a smile and words of encouragement with everyone he meets. As a result, Mr. Speaker, today we acknowledge John I. Southerland, an asset to the community.

## IN RECOGNITION OF NATIONAL CHAMPION KELLER HIGH SCHOOL GIRL'S SOFTBALL TEAM

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to honor the teamwork and spirit of the State and National Champion Keller High School girls' softball team. These young women have established themselves as true champions among the citizens of Keller, Texas.

The Keller High Lady Indians Girls softball team recently won the State Championship in Austin, Texas, and was crowned National Champion by the USA Today National Fastpitch Coaches Association.

The Lady Indians have exhibited their commitment to each other and their common goals this past season by completing their District 5–5A schedule undefeated. Among their successes were four victories at the prestigious Tournament of Champions in Arizona. Throughout the season these outstanding women have shown the success that comes

from working as a team to achieve a great goal. Under the leadership of head coach Moe Fritz and assistant coach Lesley Weaver, the team—Aly Presswood, Amber Tramp, Kirsten Shortridge, Becca Byers, Brittany Cusumano, Kori Pickowitz, Michele Huffman, Kylie King, Erin McInally, Adria Park, Kati Pickowitz, Tiffanie Boone, Alisha Rams, Erin Hinojosa, Hayley Siebman, Sara LaSala, Maria Levasseur—has demonstrated the essence of the American spirit.

It is with great honor that I stand here today to recognize this group of individuals who have made their community so proud. It is this dedication and perseverance that is personified by these women that makes us certain that the future is bright for our nation and for our communities.

## RECOGNIZING AMBASSADOR RASTISLAV KACER

### HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. CLEAVER. Mr. Speaker, I rise today in honor of Rastislav Kacer, the Ambassador of the Slovak Republic to the United States and welcome him to the Fifth Congressional District of Missouri. Ambassador Kacer has the distinct honor of representing one of America's closest allies. This new democracy dates back to 1993 when Slovakia peacefully seceded from Czechoslovakia in what has become known as the ''Velvet Divorce.'' Since the beginning of the war in Iraq, the Slovak Republic has fought by our side, joining the United States under flags of red, white and blue.

Ambassador Kacer's legacy is entrenched in his efforts to promote the Slovak Republic's stature in the world and at home. He served as Director General of the Division of International Organizations and Security Policy at the Slovak Ministry of Foreign Affairs. As State Secretary with the Ministry of Defense, he was instrumental in obtaining full membership for the Slovak Republic in NATO and the European Union. He was appointed Ambassador of the Slovak Republic to the United States in July 2003 and on September 8, 2003 was named Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to the United States of America.

During his first visit to the Fifth Congressional District of Missouri, the Ambassador will participate in the 20th Anniversary of the Sugar Creek Slavic Festival promoting our country's rich Slavic heritage. This is a wonderful opportunity to experience the rich traditions and cultural customs of the beautiful mountainous region now known as the Slovak Republic. The festival will feature ethnic dancing, including the polka, folk singing, and Slovakian music.

The Ambassador's agenda includes meetings with civic, business and community leaders, fostering new partnerships and renewing old initiatives. They will explore trade and cultural exchange between the heartland of the United States and the geographic heart of Europe, the Slovak Republic.

Mr. Speaker, please join with me in expressing our appreciation to Ambassador Rastislav Kacer and the Slovak Republic. This new democratic republic has gained worldwide stature through membership in NATO and continues to grow in world recognition as they preserve their identity through culture and heritage. In Sugar Creek, and all around Missouri's Fifth Congressional District, Slovakian immigrants celebrate their roots with new generations, linking America's heartland to the heart of Europe. By preserving our past, we will foster an understanding for the future. I ask my colleagues to join me today in paying tribute to the Slovak Republic and its Ambassador, Rastislav Kacer.

## TRIBUTE TO MR. STEVE PACZOLT OF LA GRANGE, IL

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. LIPINSKI. Mr. Speaker, I rise to pay tribute to an outstanding community leader in my district, Mr. Steve Paczolt, who recently completed 12 years of service with the Park District of La Grange's Board of Commissioners.

A lifelong resident of La Grange, Mr. Paczolt has helped guide the tremendous growth and improvements the Park District has enjoyed, including the community's recent approval for the construction of a new indoor recreation facility. Steve's community involvement and service goes well beyond his dedication to providing recreation opportunities for his fellow residents. He has served as leader in innumerable other organizations, including: the Rich Port YMCA Board; the H-Foundation, which raises funds for brain cancer research; the Arts and Business Council of Chicago; the Illinois Association of Park Districts; Stage Left Theater Board; the Theatre Building of Chicago Board; the Western Springs Police Department as an Auxiliary Officer; the La Grange Business Association; and West Suburban Chamber of Commerce.

Steve has also found the time to build a thriving insurance and financial services business in the community. He specializes in insuring theatrical productions and musical concerts. He has worked with some of the biggest names in show business, yet he still treats every one of his customers like a superstar. He has also served his profession as an active member of the Independent Insurance Agents of Illinois, including serving on the Education and Government Affairs and Federal Legislative committees.

Mr. Speaker, I ask my colleagues to join me in a salute to Steve Paczolt for his great service on the Park District of La Grange Board, as well as for his lifetime of dedication and service to the community of La Grange. I give him my best wishes for many more years of giving back to his community.

## TRIBUTE TO KARL WALKES

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to honor Karl Walkes for his contributions to the public school system and noble service in the community.

Karl Walkes was born in Brooklyn, New York. He is the fourth of Fitz and Eileen's seven children. He grew up in the Brownsville section of Brooklyn and attended the New York City public schools. After graduating from the Brooklyn High School of Automotive Trades, Mr. Walkes was introduced to Zeke Clement, a charismatic community leader and legendary basketball coach. Through the effort of Mr. Clement, he was awarded an athletic scholarship to Virginia Union University in Richmond, Virginia where he pursued a teaching career in elementary education.

At Virginia Union University, Mr. Walkes was greatly impressed with the accessibility of the University President, Rev. Dr. Samuel D. Proctor. He watched Dr. Proctor assist students in resolving difficult problems. Most notably, conversations with Dr. Proctor and Mr. Clement inspired him to devote his adult life to helping community youth to embrace their intellect, in order to obtain the unlimited resources that are available to them.

After receiving a Bachelors Degree and completing a tour of duty in the United States Army, Mr. Walkes began a teaching career in Brooklyn at the historic Weeksville Elementary School (P.S. 243). He continued his education by completing the Master's Degree course of study programs in Elementary Education at Brooklyn College and the Administration Supervision program at The City College of New York. He worked at the historic Weeksville Elementary School for more than 32 years, serving as teacher, Dean and Assistant Principal. He has often remarked, ''I knew retirement was near when the offspring of past students began registering for kindergarten and completing the sixth grade.''

After retirement from the Board of Education in 1995, Mr. Walkes joined the community-based Jackie Robinson Center, JRC, after-school program full-time under the leadership of Mr. Zeke Clement. The Jackie Robinson Center, JRC, for Physical Culture, which focuses on the improvement of student academic skills, sought to encourage participation in academic, sports and cultural activities. At the JRC, Mr. Walkes functioned as the program's sports and cultural director.

His memberships and affiliation over the years include: Brooklyn USA Athletic Association Inc., Council of School Supervisors and Administrators, CSA, Retired School Supervisors and Administrators, RSSA, Alpha Phi Alpha Fraternity, Committee to Honor, NAACP, Tournament of Champions, Trustee of Community School Board District No. 16 and the St. John's Flashes.

He has received awards from: Community School District No. 16 ''Teacher of the Year''; Boy Scouts of America; Jackie Robinson Center for Physical Culture; Brooklyn USA Athletic Association Inc; National Old Timers Clubs Inc.; and Parents of the Weeksville School.

Mr. Walkes is married to Verniece Shiver Walkes. They have one son, Kevin, and presently reside in East Flatbush. He is grateful for Rev. Dr. Samuel D. Proctor and Mr. Zeke Clement who taught him through example that we must work diligently with our youth, for they are the most valuable resource that we have. Mr. Speaker, we in turn acknowledge his commitment and contributions today.

## HONORING CAPTAIN WILLIAM MICHAEL CARD

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. FARR. Mr. Speaker, I rise today to honor Captain William Michael Card for his 32-year career in civil service with the Capitola Police Department.

Captain Card is retiring as Police Captain to accept the Chief of Police in position in Sheridan, Wyoming. Captain Card moved to Santa Cruz with his family in 1957, and attended various local schools, eventually graduating from San Lorenzo Valley High School and continuing his education at Cabrillo Community College and the Monterey College of Law.

Captain Card's successful career was underlined by his commitment to open communication with employees, citizens and the media. Additionally, his foresight aided in the development of a positive police service image by implementing a community oriented policing philosophy. As Police Captain, Card developed and managed several community programs and activities. He has a successful management record of improving employee productivity, morale and organizational efficiency. He was elected as Capitola's Police Officer of the Year in 1986 after receiving many commendations from staff and citizens.

Aside from his duties with the Police Department, Captain Card worked as a consultant to Cyrun Corporation, aiding them in the development of a complete software system for policing agencies. He was also a Research Associate of the BOTEC Analysis Corporation where he managed a six-month study on crime and drug importation in Puerto Rico.

Mr. Speaker, I join the Capitola Police Department in thanking Captain William Michael Card for his years of dedicated civil service and wishing him the best of luck in his further endeavors.

## PERSONAL EXPLANATION

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. HONDA. Mr. Speaker, on Tuesday, June 7, I was unavoidably detained and missed rollcall votes on that day.

Had I been present I would have voted the following: "yea" on rollcall vote number 228 H. Con. Res 44—Recognizing the historical significance of the Mexican holiday of Cinco de Mayo; "yea" on rollcall vote number 229 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.

## AMERICA'S GLOBAL IMAGE HAS CONSEQUENCES FOR US AT HOME

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. DELAHUNT. Mr. Speaker, at a national summit last month hosted by the Travel Business Roundtable and U.S. Chamber of Commerce, hundreds of travel and tourism executives gathered in Washington to discuss the impact of America's deteriorating global image on the U.S. economy. As a Representative of coastal Massachusetts, where declining international travel and tourism is a local economic development issue—and as a member of the International Relations Committee, which grapples with our foreign policy, as well as the Judiciary Committee, which oversees our visa protocols—I was asked to address the summit. I sought to convey that the perception of America around the world has lasting consequences for us at home, and was pleased to see these themes highlighted in a June 1st column by Tom Friedman of the New York Times. His admonitions, like those of scores of business leaders at the summit, are serious and disturbing—and I commend the Friedman column to my congressional colleagues.

[From the New York Times, June 1, 2005]

AMERICA'S DNA

(By Thomas L. Friedman)

A few years ago my youngest daughter participated in the National History Day program for eighth graders. The question that year was "turning points" in history, and schoolchildren across the land were invited to submit a research project that illuminated any turning point in history. My daughter's project was "How Sputnik Led to the Internet" It traced how we reacted to the Russian launch of Sputnik by better networking our scientific research centers and how those early, crude networks spread and eventually were woven into the Internet. The subtext was how our reaction to one turning point unintentionally triggered another decades later.

I worry that 20 years from now some eighth grader will be doing her National History Day project on how America's reaction to 9/11 unintentionally led to an erosion of core elements of American identity. What sparks such dark thoughts on a trip from London to New Delhi?

In part it is the awful barriers that now surround the U.S. Embassy in London on Grosvenor Square. "They have these cages all around the embassy now, and these huge concrete blocks, and the whole message is: 'Go away!'" said Kate Jones, a British literary agent who often walks by there. "That is how people think of America now, and it's a really sad thing because that is not your country."

In part it was a conversation with friends in London, one a professor at Oxford, another an investment banker, both of whom spoke about the hassles, fingerprinting, paperwork and costs that they, pro-American professionals, now must go through to get a visa to the U.S.

In part it was a recent chat with the folks at Intel about the obstacles they met trying to get visas for Muslim youths from Pakistan and South Africa who were finalists for this year's Intel science contest. And in part it was a conversation with M.I.T. scientists about the new restrictions on Pentagon research contracts—in terms of the nationalities of the researchers who could be involved and the secrecy required—that were constricting their ability to do cutting-edge work in some areas and forcing intellectual capital offshore. The advisory committee of the World Wide Web recently shifted its semiannual meeting from Boston to Montreal so as not to put members through the hassle of getting visas to the U.S.

The other day I went to see the play "Billy Elliot" in London. During intermission, a man approached me and asked, "Are you Mr. Friedman?" When I said yes, he introduced himself—Emad Tinawi, a Syrian-American working for Booz Allen. He told me that while he disagreed with some things I wrote, there was one column he still keeps. "It was the one called, "Where Birds Don't Fly,"' he said.

I remembered writing that headline, but I couldn't remember the column. Then he reminded me: It was about the new post–9/11 U.S. Consulate in Istanbul, which looks exactly like a maximum-security prison, so much so that a captured Turkish terrorist said that while his pals considered bombing it, they concluded that the place was so secure that even birds couldn't fly there. Mr. Tinawi and I then swapped impressions about the corrosive impact such security restrictions were having on foreigners' perceptions of America.

In New Delhi, the Indian writer Gurcharan Das remarked to me that with each visit to the U.S. lately, he has been forced by border officials to explain why he is coming to America. They "make you feel so unwanted now," said Mr. Das. America was a country "that was always reinventing itself," he added, because it was a country that always welcomed "all kinds of oddballs" and had "this wonderful spirit of openness." American openness has always been an inspiration for the whole world, he concluded. "If you go dark, the world goes dark."

Bottom line: We urgently need a national commission to look at all the little changes we have made in response to 9/11—from visa policies to research funding, to the way we've sealed off our federal buildings, to legal rulings around prisoners of war—and ask this question: While no single change is decisive, could it all add up in a way so that 20 years from now we will discover that some of America's cultural and legal essence—our DNA as a nation—has become badly deformed or mutated?

This would be a tragedy for us and for the world. Because, as I've argued, where birds don't fly, people don't mix, ideas don't get sparked, friendships don't get forged, stereotypes don't get broken, and freedom doesn't ring.

## TRIBUTE TO REGINALD H. BOWMAN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to honor Reginald H. Bowman for his outstanding community service and activism.

Reginald H. Bowman is a well-known community activist with more than 30 years in the Ocean Hill-Brownsville neighborhood. Known as a "Street Comer" activist who has been on the front line in every movement, since the late Rev. Milton Galamison boycotted the NYC public schools. He has led numerous civic demonstrations with grassroots activists on various civil rights issues, including schools, jails, housing, transportation, and economic development.

Mr. Bowman is a product of the New York City Public Schools and the Upward Bound Program created by the civil rights leaders, such as Dr. C.T. Vivian and Dr. Bernard Lafayette. He also attended the New York City University System under the SEEK Program. Since moving to the Brownsville community, he has served with distinction on Community Board 16 and co-founded the Business and Community Coalition to Save Brownsville.

Mr. Bowman is also an II-year member of Community School Board 23, most notably as its President from 1999 to the present. Under Mr. Bowman's leadership, the School District launched a comprehensive strategy of sixteen directives, entitled "Creating a National Model of Urban Education." These initiatives improved academic performance in the district, led to the removal of all but one school from the SURR list, the building of Teachers High School, the creation of the P.S. 156/Gifted Middle School Project, and the removal of Community School District 23 from the Chancellor's Districts in Need of Improvement list.

He is also presently the Chairman of the Council of Presidents of Brooklyn East and the 1st Vice President of the City-wide Council of the New York City Housing Authority. His innovative approach to strategic planning and framing issues in context for effective civic action, led to paving the road in the Brooklyn East public housing community, for access to cable television, the Task Force Initiatives framework, and more access to Section 3 Jobs. These initiatives also help to frame the speedy response to resident issues and are helping to reposition and put a human face on the Public Housing residents of New York City.

Currently, Mr. Bowman is on the staff of U.S. Congressman MAJOR R. OWENS. He has also served as an inspirational founder and leader of a variety of groups and organizations. As a result, he is regarded as an "authentic grassroots community activist and a servant of the community." In addition, Mr. Bowman has been married to Jenny Ortiz-Bowman for 23 years and is the proud father of six children and grandfather of four. Therefore, Mr. Speaker, Reginald Bowman's accomplishments and commitment to his community are more than worthy of our recognition today.

## CONGRATULATIONS TO MAY YING LY

### HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Ms. MATSUI. Mr. Speaker, I rise today to congratulate May Ying Ly, Executive Director of the Hmong Women's Heritage Association in Sacramento, California. Ms. Ly was recently selected from a field nearly 700 nominees to receive one of just 10 Robert Wood Johnson Community Health Leadership Program awards. As part of the award, she will receive funding to continue her work helping Hmong refugees from Laos access health care and adapt to life in this country.

Ms. Ly's story is one of courage and dedication to her community. After she and her family escaped the communist regime in Laos, they first lived in poverty in a Thai refugee camp, and later worked to bridge the vast cultural divide that confronts Hmong refugees as they attempt to adjust to life in the United States.

Breaking with the traditional, domestic role assigned to Hmong women, Ms. Ly attended college and then worked as a Human Services Specialist for Sacramento County. Seeking a broader platform to help her community, she founded the Hmong Women's Heritage Association; providing Hmong families with culturally appropriate health and social services—including health plan enrollment assistance. Further through collaboration with several media organizations, Ms. Ly drew attention to the physical and mental health problems affecting traumatized Hmong newcomers.

Given the patriarchal structure of Hmong society, she has often faced stiff resistance to her activities from within her own community. The Hmong traditionally believe that all family problems should be handled within the family and clan; however, most family and clan members lack the appropriate prevention and intervention skills necessary to intervene in some chronic and critical cases.

In order to reach Hmong refugees while still respecting traditional values, Ms. Ly established a "clan advisory council," training its members to understand the mediation principles of this country and merging those with traditional advice and interventions of Hmong elders to assist families with crises.

With the funds from this award, Ms. Ly will continue to provide mental health services, send her staff to college and graduate school, and to expand the activities of her advisory council of Hmong clan leaders.

Mr. Speaker, I am proud to recognize May Ying for this award, and commend her for her courage and ingenuity as she helps Hmong refugees and immigrants access the health care they desperately need.

## INTRODUCTION OF THE "REPAIRING YOUNG WOMEN'S LIVES AROUND THE WORLD ACT"

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mrs. MALONEY. Mr. Speaker, today, I, along with Representatives CROWLEY and RUSH, am reintroducing the "Repairing Young Women's Lives Around the World Act," which would ensure that the entire $34 million U.S. contribution to UNFPA would be dedicated to the prevention, repair and treatment of obstetric fistula.

Obstetric fistula is a devastating condition that results when young adolescent girls are left to deliver their babies unassisted or with limited medical intervention. After several days of painful labor, the baby is delivered stillborn and the young mother's insides are literally ripped apart leaving tears or fistulas in her rectum and bladder. Without medical treatment, these young girls are relegated to a life of shame and misery as they are no longer able to control their bodily functions and are left unable to have another child. They are almost always abandoned by their husbands and shunned by their families. About two million women suffer this condition worldwide.

The good news is that fistula is preventable and treatable. A preventive Caesarean section costs a mere $60. Surgery to repair fistula has a 90 percent success rate even after a woman has had the condition for several years. Once cured, a woman can reclaim her life.

Since its launch in 2003, the UNFPA-led Campaign to End Fistula has grown remarkably to include more than thirty countries. The Campaign works to prevent fistula from occurring, treat women who are affected, and support women after surgery. It is imperative that we in Congress support these efforts to eradicate the devastating condition of obstetric fistula.

## A TRIBUTE TO LYNN MARTIN BROWN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. TOWNS. Mr. Speaker, I rise today to honor Lynn Martin Brown for pivotal work in the community.

A native New Yorker, Lynn Brown has spent much of her professional life serving underprivileged communities. She has worked tirelessly at Healthfirst to secure jobs and comprehensive health insurance for many children and adults who would have otherwise gone without.

Recently, Ms. Brown helped sponsor several basketball tournaments for underprivileged youth, providing equipment and uniforms. She worked in Brooklyn correctional facilities to provide health insurance to families of inmates. She created a much-appreciated Mother's/Father's Day Family Photography Event at Interfaith Medical Center, and continues to use her creativity to brighten the lives of others.

Lynn Brown is the recipient of many awards, and serves on numerous community boards. In 2004, she was awarded "Woman of the Year" by Senator John L. Sampson Esq., for her outstanding humanitarian efforts, and exemplary service to the community and city at large. She is a board member for the Five Towns YMCA, enforcing the mission: to put Christian principles into practice through programs that build healthy spirits, mind and body for all.

Ms. Brown is a member of a women's group: Sister to Sister-In-Law, a group where women help other women by assisting them in literacy instruction, legal and childcare referrals. She was also honored by the Caribbean American Chamber of Commerce as a Visionary 2004. Ms. Brown is also a member of the Women's Caucus for Congressman Edolphus Towns.

As a member of Berean Missionary Baptist Church, Ms. Brown assists in special events and annual fundraisers. She works tirelessly in the community and remains an advocate for her own children. Lynn Brown is a mother of two girls Aurelia and Kayse, and is even raising her niece Navasia. She has also found the time to continue her education at the College of New Rochelle, where she is majoring in Human Psychology.

Ms. Brown's life's work is to analyze and understand humanity in order to build strong families and communities, and inspire confidence in children. As a result, Mr. Speaker, we proudly recognize her today.

## A TRIBUTE TO JANE ZUCKERMAN

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. WAXMAN. Mr. Speaker, I rise today to recognize the extraordinary contributions of Jane Zuckerman, the Executive Director of Temple Israel of Hollywood. Jane is being honored for her 18 years of dedicated service to our community at Temple Israel's Annual Gala on June 11, 2005.

Jane began her impressive career at Temple Israel in 1986 when she served as the Temple's Director of Early Childhood Education. During her tenure, the student population grew from 40 to 115 children with the addition of extended hours for working parents. Jane brought the now popular Parent and Me, TOT Shabbat and Toddler Seder Program to the Temple.

In 1997, Jane was appointed the Temple's Executive Director. She blended her love of children with her keen fiscal management and marketing abilities in her new position. A congregant once said, ''Every time I come into the building, Jane is there like a lovely hostess, creating a certain atmosphere of friendliness and welcome.''

In her role as chief administrative officer of the Temple, she is responsible for the day-to-day management of its fiscal and administrative affairs as well as the physical plant and security. Jane also spearheads the marketing, membership and fundraising activities of the Temple.

In fall 2004, Jane served as co-chair of the National Association of Temple Administrator's annual convention and has been a guest speaker and presenter on the subject of synagogue management at the University of Judaism and the Women's Rabbinic Network's annual meeting.

Our community owes Jane a debt of gratitude for her tremendous dedication to Temple Israel of Hollywood. Her achievements and record of accomplishments are truly outstanding. I ask my colleagues to join me and Temple Israel of Hollywood in extending our appreciation for her contributions.

## A TRIBUTE TO SHERRY FREDMAN

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 8, 2005*

Mr. WAXMAN. Mr. Speaker, I rise today to recognize the extraordinary contributions of Sherry Fredman, the Nursery School Principal at Temple Israel of Hollywood. Sherry is being honored for her ten years of dedicated service to our community at Temple Israel's Annual Gala on June 11, 2005.

Sherry began her impressive career at Temple Israel in 1995 when she was recruited to teach at the Temple Israel Day School. Two years later, Sherry became the Day School's Resource Coordinator. In this capacity, she served as the administrative designee and After School Enrichment Coordinator. Sherry developed and created Temple Israel's summer ''Camp Simcha'' which she directed in its initial years to great success. In her many-faceted role in the Day School, Sherry incorporated enrichment and remediation within the general studies of the curricula at the school.

Sherry's love of children and enthusiasm for her community has translated into a significant growth of the school in many exciting ways. She has a strong background and expertise in early childhood development as well as strong marketing and administrative talents.

She has expanded the number of classrooms during her tenure and has incorporated a successful afternoon track at the school. Under her direction, the Saturday morning TOT Shabbat service has grown to standing room only for the grandparents, parents and children who eagerly participate. Sherry has also expanded the parenting education center. Next year, enrollment in the school is expected to grow to 156 students with 100 more on the waiting list.

Sherry is a member of the National Association for the Education of Young Children (NAEYC) as well as a board member and recording secretary of the Association for Early Jewish Education (AEJE) and the Early Childhood Director's Organization.

Our community owes Sherry a debt of gratitude for her tremendous dedication to Temple Israel of Hollywood and particularly its children. Her achievements and record of accomplishments are truly outstanding. I ask my colleagues to join me and Temple Israel of Hollywood in extending our appreciation for her contributions.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, June 8, 2005 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### JUNE 9

9:30 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to consider S. 582, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and the nominations of Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers, and Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing and Urban Development, and Federal Housing Commissioner.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine protecting America's pensions plans from fraud.
SD–430

Veterans' Affairs
To hold hearings to examine pending health care related legislation.
SR–418

Joint Economic Committee
To hold hearings to examine the current economic outlook.
2118 RHOB

10:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador, and Henrietta Holsman Fore, of Nevada, to be Under Secretary of State for Management.
SD–419

11 a.m.
Commerce, Science, and Transportation
To hold hearings to examine general aviation (GA) security, the Transportation Security Administration's proposed plan to reopen Ronald Reagan Washington National Airport to GA operations, and to examine the security procedures followed during the recent air incursion that caused the emergency evacuation of the White House and the U.S. Capitol buildings.
SR–253

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission, Reuben Jeffery III, of the District of Columbia, to be Commissioner and Chairman of the Commodity Futures Trading Commission.
SR–328A

Appropriations
Business meeting to markup H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and to consider 302 (b) subcommittee allocations of budget outlays and new budget authority allocated to the committee in H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.
SD–106

Health, Education, Labor, and Pensions
Bioterrorism and Public Health Preparedness Subcommittee
To hold hearings to examine bringing promising medical countermeasures to bioshield.
SD–430

2:30 p.m.
Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings to examine the Western Hemisphere initiative, regarding safety and convenience in cross-border travel.
SH–216

3 p.m.
Conferees
Meeting of conferees on H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.
2167 RHOB

### JUNE 14

10 a.m.
Appropriations
Homeland Security Subcommittee
Business meeting to markup H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006.
S–128, Capitol

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Strategy Targeting Organized Piracy (STOP!) initiative, established to stop trade in pirated and counterfeit goods, focusing on activities undertaken by STOP! to date, its effectiveness in coordinating federal government efforts to combat intellectual property theft at home and abroad, and the federal government's ability to recruit, train and retain the workforce necessary to implement STOP!, also the Administration's long-term strategic plan for STOP! and ways the initiative assists small business protect its intellectual property rights.
SD–562

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.
SD–366

Banking, Housing, and Urban Affairs
Securities and Investment Subcommittee
To hold hearings to examine the role of financial markets in social security.
SD–538

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the benefits and future developments in agriculture and food biotechnology.
SR–328A

Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine accountability and results in Federal budgeting, focusing on the specific metrics and tools used by the Office of Management and Budget to determine the effectiveness of Federal programs, the advantages and disadvantages of using these metrics, and how information provided by these metrics is being used to increase effectiveness and accountability in Federal budgeting.
SD–562

2:30 p.m.
Appropriations
Energy and Water, and Related Agencies Subcommittee
Business meeting to markup H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006.
SD–138

Judiciary
Intellectual Property Subcommittee
To hold hearings to examine injunctions and damages relating to patent law reform.
SD–226

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

### JUNE 15

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine youth suicide prevention.
SR–485

Judiciary
To hold hearings to examine issues relating to detainees.
SD–226

Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine coral reef ballast water.
SR–253

9:50 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.
SD–430

10 a.m.
Budget
To hold hearings to examine current financial condition and potential risks relating to solvency of the Pension Benefit Guaranty Corporation.
SD–608

Homeland Security and Governmental Affairs
To hold hearings to examine if the Federal government is doing enough to secure chemical facilities.
SD–562

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, to be Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, to be Associate Judge of the District of Columbia Court of Appeals.
SD–562

Intelligence
Closed briefing regarding intelligence matters.
SH–219

3 p.m.
Aging
To hold hearings to examine the impact of soaring energy costs on the elderly.
SH–216

JUNE 16

9:30 a.m.
Foreign Relations
To hold hearings to examine stabilization and reconstruction regarding building peace in a hostile environment.
SD–419

Indian Affairs
To hold an oversight hearing to examine Indian education.
SR–485

Homeland Security and Governmental Affairs
Investigations Subcommittee
To resume hearings to examine tax delinquency problems with Federal contractors.
SD–562

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine meeting the housing and service needs of seniors.
SD–538

Commerce, Science, and Transportation
To hold hearings to examine Federal legislative solutions to data breach and identity theft.
SR–253

2 p.m.
Appropriations
Business meeting to markup H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology, and Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce, Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation, and Edmund S. Hawley, of California, to be Assistant Secretary of Homeland Security for Transportation Security Administration.
SR–253

3 p.m.
Intelligence
To hold hearings to examine the nomination of Janice B. Gardner, of Virginia, to be Assistant Secretary of the Treasury for Intelligence and Analysis.
SDG–50

JUNE 21

Time to be announced
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
Business meeting to markup proposed legislation making appropriations for the Department of Agriculture.
Room to be announced

Appropriations
Legislative Branch Subcommittee
Business meeting to markup proposed legislation making appropriations for the Legislative Branch.
Room to be announced

10 a.m.
Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Coast Guard's revised deepwater implementation plan.
SR–253

2:30 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine issues relating to American history.
SD–430

JUNE 22

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine the In Re Tribal Lobbying Matters, Et Al.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine telecom mergers.
SR–253

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine financial stability of airlines.
SR–253

JUNE 23

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine Family Medical Leave Act.
SD–430

2 p.m.
Appropriations
Business meeting to markup proposed legislation making appropriations for the Department of Agriculture, and proposed legislation making appropriations for the Legislative Branch.
SD–106

JUNE 28

10 a.m.
Commerce, Science, and Transportation
Global Climate Change and Impacts Subcommittee
To hold hearings to examine coastal impacts.
SR–253

JUNE 29

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum-DTV.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine national weather service-severe weather.
SR–253

JUNE 30

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine e-health initiatives.
SR–253

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

## POSTPONEMENTS

JUNE 14

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine Native American Graves Protection and Repatriation Act.
SR–485

# *Daily Digest*

## HIGHLIGHTS

**Senate confirmed the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.**

**The House passed H.R. 2744, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2006.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S6175–S6242***

**Measures Introduced:** Twelve bills and two resolutions were introduced, as follows: S. 1194–1205, and S. Res. 163–164. **Page S6225**

**Measures Passed:**

***National Hispanic Media Week:*** Senate agreed to S. Res. 163, designating June 5 through June 11, 2005, as "National Hispanic Media Week", in honor of the Hispanic Media of America. **Pages S6240–41**

***Printing Authority:*** Senate agreed to S. Res. 164, authorizing the printing with illustrations of a document entitled "Committee on Appropriations, United States Senate, 138th Anniversary, 1867–2005." **Page S6241**

**Nomination Considered:** Senate resumed consideration of the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

During consideration of this measure today, Senate also took the following action:

By 67 yeas to 32 nays (Vote No. 132), 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. **Pages S6218–19**

A unanimous-consent agreement was reached providing that at 4 p.m. on Thursday, June 9, 2005, Senate vote on confirmation of the nomination. **Page S6241**

A unanimous-consent-time agreement was reached providing for further consideration of the nomination at 9:30 a.m. on Thursday, June 9, 2005. **Page S6241**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 56 yeas 43 nays (Vote No. EX. 131), Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S6176–S6218, S6242**

Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

Gretchen C. F. Shappert, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Anthony Jerome Jenkins, of Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

Stephen Joseph Murphy, III, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

Paul D. Clement, of Virginia, to be Solicitor General of the United States.

Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security.

Regina B. Schofield, of Virginia, to be an Assistant Attorney General. **Page S6242**

**Nominations Received:** Senate received the following nominations:

John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida.

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years.

26 Air Force nominations in the rank of general.

1 Army nomination in the rank of general. **Pages S6241–42**

**Messages From the House:** **Page S6223**

**Measures Referred:** Page S6223
**Executive Communications:** Pages S6223–25
**Additional Cosponsors:** Pages S6225–27
**Statements on Introduced Bills/Resolutions:** Pages S6228–38
**Additional Statements:** Pages S6222–23
**Amendments Submitted:** Pages S6238–39
**Notices of Hearings/Meetings:** Page S6239
**Authority for Committees to Meet:** Pages S6239–40
**Privilege of the Floor:** Page S6240

**Record Votes:** Two record votes were taken today. (Total—132) Pages S6218, S6219

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 6:46 p.m. until 9:30 a.m., on Thursday, June 9, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6241.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## MANUFACTURING COMPETITIVENESS

*Committee on Commerce, Science, and Transportation:* Subcommittee on Technology, Innovation, and Competitiveness concluded a hearing 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, after receiving testimony from Albert A. Frink, Assistant Secretary of Commerce for Manufacturing and Services of the International Trade Administration; G. Wayne Clough, Georgia Institute of Technology, Atlanta; Sebastian Murray, FPI Thermoplastic Technologies, Morristown, New Jersey; and Thomas R. Howell, Dewey Ballantine, LLP, Washington, D.C.

## DISASTER PROTECTION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Disaster Prevention and Prediction concluded a hearing 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, after receiving testimony from Hratch G. Semerjian, Acting Director, National Institute of Standards and Technology, Technology Administration, and Conrad Lautenbacher, Jr., Under Secretary for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, both of the Department of Commerce; and Arden L. Bement, Jr., Director, National Science Foundation.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following bills:

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, with an amendment;

S. 864, to amend the Atomic Energy Act of 1954 to modify provisions relating to nuclear safety and security, with an amendment in the nature of a substitute;

S. 865, to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions, with an amendment in the nature of a substitute;

S. 858, to reauthorize Nuclear Regulatory Commission user fees, with an amendment in the nature of a substitute;

S. 1017, to reauthorize grants for 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".

## LAND CONSERVATION TAX POLICY

*Committee on Finance:* Committee held a hearing to examine proposals to reform the tax code relating to land conservation, focusing on legal requirements for deductions for conservation easements, and governance, accountability, and transparency reforms, receiving testimony from Jonathan Selib, Tax Counsel, and Dean Zerbe, Tax Counsel and Senior Counsel to the Chairman, both of the Committee on Finance; Earl E. Devaney, Inspector General, Department of the Interior; Steven T. Miller, Commissioner, Tax Exempt and Government Entities Division, Internal Revenue Service, Department of the Treasury; Burnet R. Maybank, III, South Carolina Department of Revenue, Columbia; Steven J. McCormick, Nature

Conservancy, Arlington, Virginia; Rand Wentworth, Land Trust Alliance, Washington, D.C.; and Timothy Lindstrom, Jackson Hole Land Trust, Jackson, Wyoming.

Hearing recessed subject to the call.

**NOMINATIONS**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Pamela E. Bridgewater, of Virginia, to be Ambassador to the Republic of Ghana, Donald E. Booth, of Virginia, to be Ambassador to the Republic of Liberia, Terence Patrick McCulley, of Oregon, to be Ambassador to the Republic of Mali, and Roger Dwayne Pierce, of Virginia, to be Ambassador to the Republic of Cape Verde, after the nominees testified and answered questions in their own behalf.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

**EMBRYONIC STEM CELL RESEARCH**

*Special Committee on Aging:* Committee concluded a hearing to examine exploring the promise of embryonic stem cell research, focusing on Alzheimer's Disease, Huntington's Disease, diabetes, and Parkinson's Disease, after receiving testimony from Lawrence S. Goldstein, University of California, San Diego School of Medicine; Douglas A. Doerfler, MaxCyte, Inc., Gaithersburg, Maryland, on behalf of the Biotechnology Industry Organization; John D. Gearhart, Johns Hopkins University Department of Medicine Institute for Cell Engineering, Baltimore, Maryland; Su-Chun Zhang, University of Wisconsin-Madison Waisman Mental Retardation Center; and Chris Dudley, Portland, Oregon.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 36 public bills, H.R. 2791–2826; 1 private bill, H.R. 2827; and 5 resolutions, H. Con. Res. 174–175; and H. Res. 307–309 were introduced. **Pages H4295–96**

**Additional Cosponsors:** **Pages H4296–97**

**Reports Filed:** Reports were filed today as follows:

H.R. 481, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, amended (H. Rept. 109–107);

H.R. 774, to adjust the boundary of Rocky Mountain National Park in the State of Colorado (H. Rept. 109–108);

H.R. 853, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States (H. Rept. 109–109);

H.R. 873, to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands (H. Rept. 109–110);

H.R. 1084, to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862 (H. Rept. 109–111);

H.R. 1428, to authorize appropriations for the National Fish and Wildlife Foundation, amended (H. Rept. 109–112);

H.R. 2362, to reauthorize and amend the National Geologic Mapping Act of 1992 (H. Rept. 109–113); and

H.R. 432, to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park (H. Rept. 109–114). **Pages H4294–95**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today. **Page H4191**

**Chaplain:** The prayer was offered today by Rev. Nelson Quinones, Pastor, St. John Lutheran Church in Allentown, Pennsylvania. **Page H4191**

**Suspensions:** The House agreed to suspend the rules and pass the following measure:

***Supporting the designation of a week as National Military Families Week:*** H. Con. Res. 159, amended, recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week. **Pages H4194–97**

**Withdrawing approval of the U.S. from the Agreement establishing the WTO—Rule for Consideration:** The House agreed to H. Res. 304, the rule providing for the consideration of H.J. Res. 27, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, by a voice vote. **Pages H4197–S4201**

**Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2006:** The House passed H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 408 yeas to 18 nays, Roll No. 238. **Pages H4201–73**

Agreed by unanimous consent to limit the amendments made in order and the time limit for debate on such amendments. **Pages H4251–52**

Agreed to:

Bonilla amendment that increases funding for the Watershed Rehabilitation Program and Rural Cooperative Development Grants; **Pages H4223–24**

Butterfield amendment that increases funding for Outreach for Socially Disadvantaged Farmers; **Page H4224**

Baca amendment (No. 4 printed in the Congressional Record of June 7), offered by Representative Hinojosa, that increases funding for education grants programs for Hispanic-serving Institutions; **Pages H4244–25**

Bonilla amendment that increases the amount available in section 735 of the bill; **Page H4237**

DeLauro amendment that strikes language in section 757 of the bill; **Page H4237**

Schwarz of Michigan amendment (No. 9 printed in Congressional Record of June 7) that expresses the sense of Congress that the Secretary of Agriculture should use the transfer authority provided by the Plant Protection Act to implement the strategic plan developed by the Animal and Plant Health Inspection Service for the eradication of Emerald Ash Borer in Michigan, Ohio, and Indiana; **Pages H4244–45**

Weiner amendment that increases funding for the salaries and expenses of the Animal and Plant Health Inspection Service (by a recorded vote of 226 ayes to 201 noes, Roll No. 230); **Pages H4225–26, H4259–60**

Sweeney amendment that prohibits the use of funds to pay the salaries and expenses of personnel to inspect horses under the Federal Meat Inspection Act or under guidelines issued under the Federal Agriculture Improvement and Reform Act of 1996 (agreed to limit the time for debate on the amendment) (by a recorded vote of 269 ayes to 158 noes, Roll No. 233); and **Pages H4247–51, H4261–62**

Brown of Ohio amendment that prohibits the use of funds to purchase chickens under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, after December 31, 2005, unless the Secretary takes into account whether such purchases are in compliance with the standards of the Richard B. Russell National School Lunch Act. **Page H4269**

Rejected:

Rehberg amendment (No. 8 printed in the Congressional Record of June 7) that sought to strike a provision relating to the delay in country of origin labeling for meat and meat products (agreed to limit the time for debate on the amendment) (by a recorded vote of 187 ayes to 240 noes, Roll No. 231); **Pages H4238–43, H4260**

Hinchey amendment that sought to prohibit the use of funds to grant a waiver of financial conflict of interest requirement for any voting member of an advisory committee or panel of the FDA; or to make a certification under title 18, United States Code, for any such voting member (agreed to limit the time for debate on the amendment) (by a recorded vote of 218 ayes to 210 noes, Roll No. 232); **Pages H4243–47, H4260–61**

Blumenauer amendment (No. 5 printed in the Congressional Record of June 7) that sought to prohibit the use of funds to pay the salaries and expenses of personnel who make loans in excess of 17 cents per pound for raw sugar cane or 21.6 cents per pound for refined beet sugar (by a recorded vote of 146 ayes to 280 noes, Roll No. 234); **Pages H4252–57, H4262**

Chabot amendment (No. 6 printed in the Congressional Record of June 7) that sought to prohibit the use of funds to carry out section 203 of the Agriculture Trade Act of 1978, or to pay the salaries and expenses of personnel who carry out a market program under such section (by a recorded vote of 66 ayes to 356 noes, Roll No. 235); **Pages H4257–59, H4262–63**

Hefley amendment that sought to cut overall spending in the bill by 1 percent (by a recorded vote of 80 ayes to 335 noes, Roll No. 236); and **Pages H4264–65, H4271–72**

Garrett of New Jersey amendment that sought to prohibit the use of funds under the heading ''Food and Nutrition Service-Food Stamp Program'' in contravention of the Immigration and Nationality Act (by a recorded vote of 169 ayes to 258 noes, Roll No. 237). **Pages H4265–66, H4272–73**

Withdrawn:

Platts amendment that was offered and subsequently withdrawn that sought to increase funding for the salaries and expenses for the Animal and Plant Health Inspection Service; **Pages H4226–27**

Moran of Kansas amendment that was offered and subsequently withdrawn that sought to add a new

section to the bill regarding funding to carry out the Plant Protection Act; and **Pages H4237–38**

Tiahrt amendment that was offered and subsequently withdrawn that sought to prohibit the use of funds to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. **Pages H4268–69**

Point of Order sustained against:

Provision beginning with the colon on page 54 line 4 through the word ''overseas'' on line 9; **Page H4233**

Section 749 of the bill; **Page H4237**

Section 760 of the bill; **Page H4237**

Hinchey amendment that sought to insert a section at the end of the bill regarding Postmarket Studies; **Pages H4264–65**

Stupak amendment that sought to prohibit the use of funds to keep in effect an exemption for a clinical trial that concerns a serious or life-threatening disease or condition and is not included in the registry of such trials in the Public Health Service Act; and prohibits the use of funds to approve an application under the Federal Food, Drug, and Cosmetic Act that is for a drug for a serious or life-threatening disease or condition and is supported by a clinical trial that has received an exemption under the Act and is not included in the clinical trial registry of the Public Health Service Act; **Pages H4263–64**

Kucinich amendment that sought to prohibit the use of funds for the FDA for the approval or process of approval under the Federal Food, Drug, and Cosmetic Act of an application for an animal drug for creating transgenic salmon or any other transgenic fish; **Page H4265**

Stupak amendment that sought to prohibit the use of funds by the FDA to conduct any investigation of, or take any employment action against, an officer or employee of the FDA pursuant to the officer or employee providing information that concerns the FDA; **Pages H4266–68**

Kucinich amendment that sought to require the Department of Agriculture to test, at the request of a producer or processor, ruminants, ruminant products and by-products for the presence of bovine spongiform encephalopathy; and prohibit the use of funds to pay the salaries and expenses of personnel of the Department to enforce any regulatory prohibition on such testing; and **Pages H4269–70**

Weiner amendment that sought to allow grants to be made to states for distribution to active agricultural producers. **Pages H4270–71**

H. Res. 303, the rule providing for consideration of the bill was agreed to by voice vote. **Pages H4201–08**

**Committee Resignation:** Read a letter from Representative Smith of Washington wherein he resigned from the Committee on the Judiciary, effective immediately. **Page H4208**

**Committee Election:** The House agreed to H. Res. 307 electing Representative Wasserman Schultz to the Committee on the Judiciary and Representative Moore of Kansas to the Committee on Science. **Page H4208**

**Mexico-U.S. Interparliamentary Group—Appointment:** The Chair announced the Speaker's appointment of the following Members to the Mexico-United States Interparliamentary Group, in addition to Chairman Kolbe and vice-Chairman Harris (FL), appointed on April 14, 2005: Representatives Dreier, Berman, Barton (TX), Manzullo, Weller, Reyes, and McCaul (TX). **Pages H4273–74**

**Quorum Calls—Votes:** One yea-and-nay vote and eight recorded votes developed during the proceedings of today and appear on pages H4259–60, H4260, H4260–61, H4261–62, H4262, H4262–63, H4271–72, H4272–73 and H4273. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 11:03 p.m.

# *Committee Meetings*

## INTERNATIONAL SOLID WASTE IMPORTATION AND MANAGEMENT ACT OF 2005

*Committee on Energy and Commerce:* Subcommittee on Environment and Hazardous Materials approved for full Committee action, as amended, H.R. 2491, International Solid Waste Importation and Management Act of 2005.

## FOREIGN DEBT ASSISTANCE

*Committee on Financial Services:* Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled ''Debt and Development: How to Provide Efficient, Effective Assistance to the World's Poorest Countries?'' Testimony was heard from public witnesses.

## NATION'S ELECTRICITY SYSTEM RELIABILITY

*Committee on Government Reform:* Subcommittee on Energy and Resources held a hearing entitled ''Ensuring the Reliability of the Nation's Electricity System.'' Testimony was heard from Pat Wood, III, Chairman, Federal Energy Regulatory Commission, Department of Energy; and public witnesses.

## DOD BUSINESS SYSTEMS MODERNIZATION

*Committee on Government Reform:* Subcommittee on Government Management, Finance, and Accountability held a hearing entitled ''Business Systems Modernization at the Department of Defense.'' Testimony was heard from Gregory D. Kutz, Director, Financial Management and Assurance, GAO; and the following officials of the Department of Defense: Thomas Modly, Deputy Under Secretary, Financial Management, Office of the Under Secretary of Defense (Comptroller); and Paul A. Brinkley, Special Assistant to the Under Secretary (Acquisition Technology and Logistics) for Business Transformation.

## COAST GUARD HOMELAND SECURITY

*Committee on Homeland Security:* Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled ''The Homeland Security Missions of the Post-9/11 Coast Guard.'' Testimony was heard from ADM Thomas H. Collins, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security.

## 529 FAIRNESS ACT OF 2005

*Committee on House Administration:* Ordered reported, as amended, H.R. 1316, 527 Fairness Act of 2005.

## HENRY J. HYDE UNITED NATIONS REFORM ACT; FOREIGN RELATIONS AUTHORIZATION ACT

*Committee on International Relations:* Ordered reported H.R. 2745, Henry J. Hyde United Nations Reform Act of 2005;

Began markup of H.R. 2601, Foreign Relations Authorization Act, Fiscal Years 2006 and 2007.

Will continue tomorrow.

## OVERSIGHT—USA PATRIOT ACT AUTHORIZATION

*Committee on the Judiciary:* Held an oversight hearing on Reauthorization of the USA PATRIOT Act. Testimony was heard from James B. Comey, Deputy Attorney General, Department of Justice.

## OVERSIGHT—OCEAN SYSTEMS REVIEW

*Committee on Resources:* Subcommittee on Fisheries and Oceans held an oversight hearing on the Scientific Review of Ocean Systems. Testimony was heard from Stephen Murawski, Director, Scientific Programs, Chief Science Advisor, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

## BUSINESS ACTIONS REDUCING GREENHOUSE GAS EMISSIONS

*Committee on Science:* Held a hearing on Business Actions Reducing Greenhouse Gas Emissions. Testimony was heard from public witnesses.

## OVERSIGHT—WATER INFRASTRUCTURE PROJECTS

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held an oversight hearing on Financing Water Infrastructure Projects, Part 1. Testimony was heard from public witnesses.

Hearings continue June 14.

## TAX REFORM

*Committee on Ways and Means:* Held a hearing on Tax Reform. Testimony was heard from public witnesses.

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## COMMITTEE MEETINGS FOR THURSDAY, JUNE 9, 2005

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine the nominations of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission, Reuben Jeffery, III, of the District of Columbia, to be Commissioner and Chairman of the Commodity Futures Trading Commission, 2 p.m., SR–328A.

*Committee on Appropriations:* business meeting to mark up H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and to consider 302(b) subcommittee allocations of budget outlays and new budget authority allocated to the committee in H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, 2 p.m., SD–106.

*Committee on Banking, Housing, and Urban Affairs:* business meeting to consider S. 582, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and the nominations of Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers, and Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing and Urban Development, and Federal Housing Commissioner, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine general aviation (GA) security, the Transportation Security Administration's proposed plan to reopen Ronald Reagan Washington National Airport to GA operations, and to examine the security procedures followed during the recent air incursion that caused

the emergency evacuation of the White House and the U.S. Capitol buildings, 11 a.m., SR–253.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador, and Henrietta Holsman Fore, of Nevada, to be Under Secretary of State for Management, 10:30 a.m., SD–419.

*Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs,* to hold hearings to examine the Western Hemisphere initiative, regarding safety and convenience in cross-border travel, 2:30 p.m., SH–216.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine protecting America's pensions plans from fraud, 10 a.m., SD–430.

*Subcommittee on Bioterrorism and Public Health Preparedness,* to hold hearings to examine bringing promising medical countermeasures to bioshield, 2 p.m., SD–430.

*Committee on the Judiciary:* business meeting to consider pending calendar business, 9:30 a.m., SD–226.

*Committee on Veterans' Affairs:* to hold hearings to examine pending health care related legislation, 10 a.m., SR–418.

## House

*Committee on Appropriations,* Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, to mark up Fiscal Year 2006 appropriations, 9:30 a.m., 2358 Rayburn.

*Committee on the Budget,* hearing on PBGC's Unfunded Pension Liabilities: Will Taxpayers Have To Pay The Bill? 9:30 a.m., 210 Cannon.

*Committee on Education and the Workforce,* Subcommittee on Education Reform, hearing entitled ''The Role of Non-Profit Organizations in State and Local High School Reform Efforts,'' 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled ''Issues before the U.S.-China Joint Commission on Commerce and Trade,'' 1 p.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled ''Patient Safety and Quality Initiatives,'' 2 p.m., 2322 Rayburn.

*Committee on Financial Services,* Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Financial Services Regulatory Relief: The Regulators' Views,'' 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* hearing entitled ''Assessing the Department of Homeland Security's Mission Effectiveness: Is it Enough to Meet the Terrorist Threat?'' 10 a.m., 2154 Rayburn.

*Committee on Homeland Security,* Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled ''The Promise of Registered Traveler,'' 11 a.m., 2325 Rayburn.

*Committee on House Administration,* hearing on the Emergency Preparedness of the House and the Evacuation of May 11, 2005, 9:30 a.m., 1310 Longworth.

*Committee on International Relations,* to continue markup of H.R. 2601, Foreign Relations Authorization Act, Fiscal Years 2006 and 2007; and to mark up 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.

Subcommittee on International Terrorism and Nonproliferation, hearing entitled ''Proliferation Security Initiative: An Early Assessment,'' 2 p.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on Courts, the Internet, and Intellectual Property, hearing on the Patent Act of 2005, 9 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the following: H.R. 764, To require the Attorney General to establish a Federal register of cases of child abuse or neglect; H.R. 95, Dru Sjodin National Sex Offender Public Database Act of 2005; H.R. 1355, Child Predator's Act of 2005; H.R. 1505, Jessica Lunsford Act; H.R. 2423, Sex Offender Registration and Notification Act; H.R. 244, Save Our Children: Stop the Violent Predators Against Children DNA Act of 2005; and the DNA Enhancement and Child Protection Act of 2005, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on ''Protection of our Nation's Children from Sexual Predators and Violent Criminals: What Needs to Be Done?'' 4 p.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing on ''The Olympic Family—Functional or Dysfunctional?'' 11:30 a.m., 2141 Rayburn.

*Committee on Resources,* Subcommittee on National Parks, hearing on the following bills: H.R. 562, To authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933; H.R. 1096, To establish the Thomas Edison National Park in the State of New Jersey as the successor to the Thomas Edison Historic Site; and H.R. 1515, To adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historic Park and Preserve in the State of Louisiana, 10 a.m., 1334 Longworth.

*Committee on Transportation and Infrastructure,* Subcommittee on Railroads, oversight hearing on Amtrak Food and Beverage Operations, 9:30 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Disability Assistance and Memorial Affairs, to mark up H.R. 1220, Veterans' Compensation Cost-of-Living Adjustment Act of 2005, 10:30 a.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Human Resources, hearing on Federal Foster Care Financing, 10 a.m., B–318 Rayburn.

Subcommittee on Social Security, to continue hearings on Protecting and Strengthening Social Security, 1 p.m., B–318 Rayburn.

## Joint Meetings

*Conference:* meeting of conferees on H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, 3 p.m., 2167 RHOB.

*Joint Economic Committee:* to hold hearings to examine the current economic outlook, 10 a.m., 2118 RHOB.

*Next Meeting of the* SENATE

9:30 a.m., Thursday, June 9

Senate Chamber

**Program for Thursday:** Senate will continue 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 confirmation of the nomination to occur at 4 p.m; following which, pursuant to the order of May 24, 2005, Senate will consider the nominations of David W. McKeague, of Michigan, and Richard A. Griffin, of Michigan, each to be a United States Circuit Judge for the Sixth Circuit, with votes on confirmation of the nominations to occur thereon.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 9

House Chamber

**Program for Thursday:** Consideration of H.J. Res. 27, Withdrawing the approval of the United States from the Agreement establishing the World Trade Organization. Begin consideration of H.R. 2475, Intelligence Authorization Act for Fiscal Year 2006 (subject to a rule)

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